

20
17

ORDINARY BUSINESS PAPER

CAMPBELLTOWN CITY COUNCIL



13 JUNE

COMMON ABBREVIATIONS

ACF	Animal Care Facility
AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BASIX	Building Sustainability Index Scheme
BC	Building Certificate
BCA	Building Code of Australia
BPB	Buildings Professionals Board
CLEP	Campbelltown Local Environmental Plan
CBD	Central Business District
CPTED	Crime Prevention Through Environmental Design
CSG	Coal Seam Gas
DA	Development Application
DCP	Development Control Plan
DDA	Disability Discrimination Act 1992
DoPE	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FA	NSW Food Authority
FPL	Flood Planning Level
FFTF	Fit for the Future
FSR	Floor Space Ratio
GRCCC	Georges River Combined Councils Committee
GSC	Greater Sydney Commission
HIS	Heritage Impact Statement
IDO	Interim Development Order
IPR	Integrated Planning and Reporting
JRPP	Joint Regional Planning Panel
KPoM	Koala Plan of Management
LEC	Land and Environment Court
LEC Act	<i>Land and Environment Court Act 1979</i>
LEP	Local Environmental Plan
LEP 2002	Local Environmental Plan 2002
LGA	Local Government Area
LG Act	<i>Local Government Act 1993</i>
LTFP	Long Term Financial Plan
MACROC	Macarthur Regional Organisation of Councils
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
PPR	Planning Proposal Request
REF	Review of Environmental Factors
REP	Regional Environment Plan
RFS	NSW Rural Fire Service
RL	Reduced Levels
RMS	Roads and Maritime Services (incorporating previous Roads and Traffic Authority)
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
SSD	State Significant Development
STP	Sewerage Treatment Plant
TCP	Traffic Control Plan
TMP	Traffic Management Plan
TNSW	Transport for NSW
VMP	Vegetation Management Plan
VPA	Voluntary Planning Agreement
SECTION 149 CERTIFICATE - Certificate as to zoning and planning restrictions on properties	
SECTION 603 CERTIFICATE - Certificate as to Rates and Charges outstanding on a property	
SECTION 73 CERTIFICATE - Certificate from Sydney Water regarding Subdivision	



6 June 2017

You are hereby notified that the next Ordinary Council Meeting will be held at the Civic Centre, Campbelltown on Tuesday 13 June 2017 at 6.30pm.

Lindy Deitz
General Manager

Agenda Summary

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1. ACKNOWLEDGEMENT OF LAND

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

2. APOLOGIES

Nil at time of print.

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held 23 May 2017

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held 23 May 2017, 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 23 May 2017 are presented to Council for confirmation.

Attachments

1. Minutes of the Ordinary Meeting of Council held 23 May 2017 (contained within this report)

Minutes Summary

Ordinary Council Meeting held at 6.30pm on Tuesday, 23 May 2017 .

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Minutes of the Ordinary Meeting of the Campbelltown City Council held on 23 May 2017

Present

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

1. ACKNOWLEDGEMENT OF LAND

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

Council Prayer

The Council Prayer was presented by the General Manager.

2. APOLOGIES

Nil

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held 9 May 2017

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

That the Minutes of the Ordinary Meeting held 9 May 2017 copies of which have been circulated to each Councillor, be taken as read and confirmed.

111 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

Councillor Gilholme - Item 8.8 - Rezoning of Goodsell Street, Minto - Councillor Gilholme advised that he resides within the vicinity and that he will leave the Chamber and not take part in debate nor vote on the matter.

Councillor Hunt - Item 8.8 - Rezoning of Goodsell Street, Minto - Councillor Hunt advised that she resides within the vicinity and that she will leave the Chamber and not take part in debate nor vote on the matter.

Councillor Morrison - Item 8.8 - Rezoning of Goodsell Street, Minto - Councillor Morrison advised that one of the owners is known to him and that he will leave the Chamber and not take part in debate nor vote on the matter.

Other Disclosures

Nil

5. MAYORAL MINUTE

Nil

6. PETITIONS

Nil

7. CORRESPONDENCE

Nil

8. REPORTS FROM OFFICERS

8.1 Renewal of South Area Alcohol Free Zones

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

1. That a notice be placed in a local paper inviting submissions from any person or group in response to Council's intention to re-establish Alcohol Free Zones over the streets and footpaths detailed in attachment 1 to this report for the proposed Alcohol Free Zones of:
 - (a) Airds
 - (b) Ambarvale
 - (c) Bradbury
 - (d) Campbelltown CBD South
 - (e) Campbelltown CBD North
 - (f) Campbelltown East 1
 - (g) Campbelltown East 2
 - (h) Glen Alpine
 - (i) Leumeah
 - (j) Menangle Park
 - (k) Rosemeadow 1
 - (l) Rosemeadow 2
 - (m) Ruse
 - (n) St Helens Park 1
 - (o) St Helens Park 2
2. That all submissions received during the exhibition period be reported to Council.
3. That should no submissions be received during the exhibition period, advice be given that Council intends to re-establish Alcohol Free Zones over the areas specified in Recommendation 1 above to:
 - (a) The Anti Discrimination Board
 - (b) The Officer in charge of the Police Station nearest the zones
 - (c) The liquor licensees and secretaries of registered clubs whose premises border on or adjoin or are adjacent to the proposed zones
 - (d) Any known group that might be affected by the creation of the proposed zones.
4. That should no submissions be received a further report be provided to Council on the re-establishment of the Alcohol Free Zones specified in Recommendation 1 at the completion of the period for comment by the organisations/groups listed in Recommendation 3.

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

8.2 Demolition of existing structures and construction of a boarding house containing 12 boarding rooms at 20 Albert Street, Ingleburn

Meeting Note: Mr Hansen addressed the meeting.

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

That the proposed development be approved subject to the recommended conditions of consent outlined in attachment 1.

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

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

Voting against the Resolution were Councillors G Brticevic, M Oates, B Gilholme, W Morrison and B Thompson.

8.3 Quarterly Legal Status Report - 1 January to 31 March 2017

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

That the information be noted.

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

8.4 Review of Second Hand Clothing Bins Policy

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

1. That the revised Second Hand Clothing Bins Policy as attached to this report be adopted.
2. That the Policy review date be set at 30 June 2019.

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

8.5 Review of Access to the Roads and Maritime Services Driver and Vehicle Information System (DRIVES) Policy

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

1. That the revised Access to the Roads and Maritime Services Driver and Vehicle Information System (DRIVES) Policy as attached to this report be adopted.
2. That the Access to the Roads and Maritime Services Driver and Vehicle Information System (DRIVES) Policy review date be set at 30 June 2019.

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

8.6 Review of the Management of Feral and Infant Companion Animals Policy

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

1. That the revised Management of Feral and Infant Companion Animals Policy as attached to this report be adopted.
2. That the Management of Feral and Infant Companion Animals Policy review date be set at 30 June 2019.

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

8.7 Submission from Mirvac for the inclusion of land at Menangle within the Greater Macarthur Priority Growth Area boundary

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

1. That Council communicate to the Department of Planning and Environment its strong opposition to the inclusion of the subject land at Menangle within the boundaries of the Greater Macarthur Priority Growth Area, in the absence of any comprehensive accessibility and employment land strategies.
2. That Council advise Wollondilly Shire Council of its current position.

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

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

Voting against the Resolution were Councillors B Thompson and T Rowell.

8.8 Rezoning Goodsell Street, Minto

Having declared an interest in regard to Item 8.8, Councillors Gilholme, Hunt and Morrison left the Chamber at 7:03pm and did not take part in debate nor vote on this item.

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

1. That council support the Planning Proposal Request (application number 1761/2016/E-LEPA) to rezone land in the following schedule:

- Lot 100 DP 706378 (No.227-229 Eagleview Road)
- Lot 10 DP 719990 (No.25 Goodsell Street)
- Lot 1 DP 719990 (No.223 Eagleview Road)
- Lot 2 DP 719990 (No.225 Eagleview Road)
- Lot 4 DP 539244 (No.221 Eagleview Road)
- Lot 11 DP 719990 (No.27 Goodsell Street)

from its existing E4 Environmental Living Zone - 4000sqm and two hectare/one hectare lot average to R2 Low Density Residential, in accordance with the draft Planning Proposal detailed in recommendation 2 below.

2. That Council endorse and forward the draft Planning Proposal (refer to attachment 6) to the Department of Planning and Environment for a Gateway Determination.
3. That Council advise the applicant and all directly affected property owners of its decision.

A Division was recorded in regard to the Resolution for Item 8.8 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, D Lound, R Manoto, M Chivers, P Lake, B Thompson, G Greiss, R George and T Rowell.

Voting against the Resolution were Councillor B Moroney.

At the conclusion of the discussion regarding Item 8.8, Councillors Gilholme, Hunt and Morrison returned to the Chamber for the remainder of the meeting.

8.9 Request for Exclusive Use of The Gordon Fetterplace Aquatic Centre

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

1. That Council approve exclusive use of The Gordon Fetterplace Aquatic Centre for swimming carnivals which are listed below in date order:
 - i) Club carnival as requested by Campbelltown Amateur Swim Club on 11 June 2017.
 - ii) Club Carnival as requested by Campbelltown Amateur Swim Club on 30 July 2017.
 - iii) Club carnival as requested by Campbelltown AUSSI Masters Swim Club on 10 February 2018.
 - iv) Regional carnival for primary and high as requested by Sydney South West School Sports Association on 12 and 13 March 2018.
2. That Council notify affected Swim School program customers upon enrolment.
3. That the swimming carnival dates be advertised by way of:
 - (i) A large notice displayed in a prominent position at the entrance of each Council Leisure Centre.
 - (ii) Provision of leaflets at each Leisure Centres' reception desks.
 - (iii) Notification by Council's website and Leisure social media pages including Facebook.

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

8.10 Reports and Letters Requested

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

1. That the information be noted.
2. That any reports requested prior to September 2016 and have not been completed be reviewed by the Director City Governance and a report be presented back to Council.

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

8.11 Additional Proposed Road Names for use in the East Leppington precinct

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

1. That Council approves the proposed road names as listed in the attachment to this report for use in the East Leppington Precinct of the South West Growth Centre.
2. That Council advertise its proposal to use these road names in local newspapers for a period of one month and notifies the authorities prescribed by the Roads Regulation 2008.
3. That, should no objections to the proposal to use these road names be received during the exhibition period, Council publish notice of these new road names in the NSW Government Gazette.

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

9. QUESTIONS WITH NOTICE

Nil

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION

11.1 Requests for Delegated decisions of Council

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

1. That a report be presented to Council detailing a procedures for:
 - a. Councillors to request that a delegated decision be called up to a meeting of Council.
 - b. Councillors rights and responsibilities to review decisions undertaken under delegated authority and the process to call the decisions to be reviewed.
 - c. Councillors rights and responsibilities regarding access to administrative information.
 - d. Councillors rights and responsibilities regarding the ability to communicate with staff.

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

11.2 Wheelchair Accessible Picnic Tables

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

That a report be presented to Council outlining the feasibility of including wheelchair accessible picnic tables in any newly constructed parks and any parks undergoing refurbishment.

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

11.3 Commuter Car Parking Leumeah

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

That a report be presented outlining the feasibility and costs involved in formalising the unused roadside space in Pembroke Road, opposite the Leumeah Hotel, to provide angled commuter car parking places.

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

11.4 Steora Smart Benches

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

1. That a report be presented to Council outlining the feasibility of trialling Steora Smart Benches or any similar type product in our recreation areas such as skate parks and dog parks.
2. That Council encourages any Councillor who has the opportunity to investigate and interact with the technology (or any other that can be used for the benefits of our community) to do so at their own cost and responsibilities and report back to Council on their findings.

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

12. URGENT GENERAL BUSINESS

Nil

13. PRESENTATIONS BY COUNCILLORS

1. Councillor Oates advised that she recently attended the Coral-Balmoral Remembrance Service at Ingleburn RSL, this was a significant battle during the Vietnam war and a number of Australian soldiers fought in this battle.
2. Councillor Manoto advised that he recently attended the soccer game at Campbelltown Sports Stadium, between the Western Sydney Wanderers and Shanghai Football Club. It was a great honour to watch the game at our very own local stadium and was a wonderful opportunity for the members of our community. Councillor Manoto congratulated the Mayor for his work to secure these games at Campbelltown and thanked Council staff for their efforts and dedication to promote our facilities and secure such games for the benefit of our community.
3. Councillor Chivers advised that she recently represented the Mayor at Campbellfield Public School as part of their 2017 reading project for students. This program is a two pronged program, to improve literacy and to encourage students to attend school on time. Councillor Chivers read Room on the Broom to the children and noted that it was a lovely morning enjoyed by all.
4. Councillor Lake advised that he recently represented the Mayor and met with Senator Payne when she recently visited Koorunga Reserve, Raby to announce a Federal Grant of \$300,000 to improve lighting at a number of sporting fields across the Local Government Area. It should be noted that this grant was provided as a result of hard work behind the scenes undertaken by Russell Matheson to secure this funding. The Mayor advised that Council will write a letter of thanks to Senator Payne and to Russell Matheson.
5. Councillor Moroney advised that he recently represented the Mayor at Airs High School at their Annual Flag Ceremony. This ceremony celebrates the cultural diversity with the school.
6. Councillor Thompson reiterated what Councillor Manoto stated with regards to Campbelltown Sports Stadium noting that it is great to see that our facilities are hosting such important games.
7. Councillor Brticevic advised that Senator Payne has visited Campbelltown twice on recent occasions. Senator Payne visited Mawson Park to announce the delivery of \$195,770 in Coalition funding for CCTV granted to Campbelltown City Council. This grant which will enable the expansion of the CCTV network throughout the CBD precinct of Campbelltown to keep our community safe from local crime and anti-social behaviour.

Confidentiality Recommendation

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

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

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

The Ordinary Meeting of Council was adjourned at 7.47pm and reconvened as a meeting of the Confidential Committee at 7.48pm.

14. CONFIDENTIAL REPORTS FROM OFFICERS

14.1 Directors of Companies

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

That the information be noted.

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

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

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

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

At the conclusion of the meeting of the Confidential Committee the Open Council Meeting was reconvened at 7.49pm

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

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

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

There being no further business the meeting closed at 7.50pm.

Confirmed by Council on

..... General Manager Chairperson

4. DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

Other Disclosures

5. MAYORAL MINUTE

6. PETITIONS

7. CORRESPONDENCE

Nil

8. REPORTS FROM OFFICERS

8.1 Campbelltown Koshigaya Sister City Relationship

Reporting Officer

Acting Media & Marketing Officer
General Manager

Community Strategic Plan

Objective	Strategy
4. A Safe, Healthy and Connected Community	4.3 The provision of activities that foster a sense of community spirit

Officer's Recommendation

1. That Council endorse a delegation visit to Koshigaya in August 2017.
2. That Council covers the airfares and accommodation costs of the Mayor and Council's international relations staff person, associated with this visit, in accordance with Council's policy on international travel.

Purpose

To provide information to Council about an upcoming delegation visit to Koshigaya, Japan.

History

Campbelltown and Koshigaya have maintained a sister city agreement since 1984. The Sister City arrangement has seen a range of exchange programs and activities take place, including visiting delegations, sporting and school exchanges, business connections and public projects in both cities, such as the naming of Koshigaya Park, Campbelltown and the donation of many cultural gifts, including the Tea House at Campbelltown Arts Centre.

The Sister City relationship gives residents of both cities a global perspective on cultural connections through the values of friendship, respect and harmony.

Report

The Koshigaya City Office have recently undergone a number of changes in staffing that have seen the retirement of many key staff who have played an important role in the Campbelltown Koshigaya Sister City relationship. This includes the Koshigaya Deputy Mayor, Shigeo Muto who held a role that was comparable to that of our General Manager. Similarly, Campbelltown Council have also seen the recent retirement of a number of staff and long standing Councillors who have played key roles in maintaining and continuing the relationship.

The Japanese culture places high importance on their history and protocol, and regular delegation visits between the two cities, including the Mayor and relevant staff of both cities have been undertaken to strengthen our commitment to the relationship and discuss ongoing projects and relations between our cities. Regular contact with the Koshigaya City Office is maintained by Council's international relations staff person, as well as regular correspondence between Campbelltown's General Manager and the Mayor, Koshigaya City Office staff, executive and Council. These regular interactions are important to the ongoing success and strength being a sister city and build on the relationship developed over the last 30 years.

The Koshigaya City Executive Office have invited the Mayor, the General Manager along with Council's International Relations staff person on a delegation visit proposed for August 2017. The purpose of the invitation is to meet the new executive of the Koshigaya City Office and to tour Koshigaya's latest innovative initiatives. The visit will include three days in Koshigaya and aims to strengthen the relationship between our two cities and foster ongoing relationships between staff and the executive members of both Councils. In keeping with Council's policy on international travel, it is proposed that Council will pay the airfare and accommodation costs of the Mayor and Councils International Relations Officer. Other members of the delegation will be at their own cost.

These visits are an important part of maintaining this highly successful relationship and act to identify and strengthen opportunities to learn from, and work with our international counterparts. The last delegation to Koshigaya took place in 2014, in recognition of the 30 year anniversary of the Sister City relationship.

Attachments

Nil

8.2 Demolition of existing structures, removal of three trees and construction of attached dwelling at 42 Carinda Street, Ingleburn

Reporting Officer

Director City Development
City Development

Community Strategic Plan

Objective	Strategy
2. A Strong Local Economy	2.1 Encouragement of balanced development within the city

Officer's Recommendations

1. That Council permit the requested variation to Clause 4.1C of Campbelltown Local Environmental Plan 2015 which relates to the minimum allotment size required for a dwelling.
2. That development application 3750/2016/DA-M for the demolition of existing structures, removal of three trees and construction of three attached dwellings at 42 Carinda Street, Ingleburn, be approved, subject to the conditions detailed in attachment 1 of this report.
3. That subject to recommendation 1 and 2, approval of the development application be recorded in Council's quarterly report to the Department of Planning and Environment pursuant to Circular PS 08-003.
4. That a housekeeping amendment to the Campbelltown Local Environmental Plan 2015 be commenced, to provide a savings provision for Clause 4.1C(2) to allow for the development of the existing narrow lots within the R2 Low Density Residential land use zone of Ingleburn as referred to in the map at attachment 10.
5. That an amendment to the Campbelltown Local Environmental Plan 2015 be considered to facilitate the development of existing narrow lots within the R2 land use zone for the purpose of attached dwellings, consistent with previous planning controls that were in place prior to the commencement of the Campbelltown Local Environmental Plan 2015.

History

The development application was lodged with Council on 15 November 2016 for the demolition of existing structures, removal of three trees and construction of an attached dwelling comprising three dwellings at 42 Carinda Street, Ingleburn.

Purpose

To assist Council in its determination of the subject application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

This development application is required to be reported to Council pursuant to Department of Planning Circular PS 08-014 dated 14 November 2008 as it is seeking a variation of greater than 10 percent to a development standard contained in Campbelltown Local Environmental Plan 2015.

A variation is sought from the minimum 1000sqm qualifying lot size for attached dwellings in the R2 Low Density Residential land use zone, pursuant to the provisions of Clause 4.1C(2) of the Campbelltown Local Environmental Plan 2015.

Property Description	Lots 3, 4 and 5 Section L DP 1703 42 Carinda Street, Ingleburn NSW 2565
Application No	3750/2016/DA-M
Applicant	Macarthur Architectural Drafting Service
Owners	Mr Pablo Gustavo Bassutti Mrs Jessica Liana Bassutti
Statutory Provisions	State Environmental Planning Policy Building Sustainability Index: BASIX) 2004 Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015
Non-Statutory Provisions	Campbelltown 2025 - Looking Forward
Date Received	15 November 2016

Report

The development application was lodged with Council on 15 November 2016 for the demolition of existing structures, removal of three trees and construction of an attached dwelling comprising three dwellings at 42 Carinda Street, Ingleburn.

The Site and Surrounds

The site comprises three existing allotments, legally described as Lots 3, 4 and 5 in Section L in DP 1703. Each allotment maintains an individual area of 224.8sqm (total site area 674.4sqm) and a frontage of 6.705 metres to Carinda Street (total site frontage 20.115m). The site is located on the eastern side of Carinda Street, with access gained from Carinda Street. Current improvements on the site include a single storey fibro dwelling, detached carport along the site's north-eastern boundary and a metal shed within the south-eastern corner of the site. There are also three trees within the site's frontage to Carinda Street.

The site is situated within the established residential area of the suburb of Ingleburn. Surrounding development comprises a mix of low and medium density residential development, including dwellings, attached dwellings, dual occupancies and multi dwelling housing.

The Proposal

The development application proposes the demolition of the existing structures and removal of three trees within the site's Carinda Street frontage and the construction of an attached dwelling comprising three double storey dwellings.

Each dwelling maintains downstairs kitchen and living/dining area, laundry and toilet and attached single garage, with upstairs comprising four bedrooms with ensuite to main and a separate bathroom. The central dwelling also has a study nook area downstairs.

1. Non-statutory provisions

1.1 Vision

Campbelltown 2025 - Looking Forward is a statement of broad town planning intent for the longer term future of the City of Campbelltown that:

- responds to what Council understands people want the City of Campbelltown to look, feel and function like
- recognises likely future government policies and social and economic trends
- sets down the foundations for a new town plan that will help achieve that future.

The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are a result of Council's consideration of extensive community consultation and public input. Relevant strategic directions include:

- Growing the Regional City
- Building a distinctive Campbelltown sense of place.

Relevant desired outcomes of the strategic directions include:

- development and land use that matches environmental capacity and capability
- a working desire to create a range of sustainable and high quality lifestyle opportunities across a framework of liveable neighbourhoods
- an impression of architecture that engages its environmental context in a sustainable way.

The development has been assessed having regard to Campbelltown 2025 – Looking Forward. The development achieves the desired outcomes of the relevant strategic directions. The three lots are existing and are readily able to facilitate the proposed development. The development is contributing to the provision of affordable housing to meet the needs of the growing local population. The development presents a design that is consistent with existing residential development along Carinda Street and within the broader Ingleburn locality.

2. Statutory Provisions

2.1 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP) requires a BASIX Certificate to accompany development applications for dwellings.

A BASIX Certificate detailing the BASIX commitments applicable to the development have been provided for each dwelling:

- Certificate number: 765400S, Issued: 8 November 2016
- Certificate number: 765416S_02, Issued: 10 November 2016
- Certificate number: 765428S, Issued: 8 November 2016

The commitments have been detailed on the development plans and a condition of development consent has been recommended to ensure the implementation of these commitments prior to the issue of an occupation certificate.

2.2 Campbelltown Local Environmental Plan 2015

The subject site is zoned R2 Low Density Residential under the provisions of Campbelltown Local Environmental Plan 2015 (CLEP). The development comprises three attached dwellings.

An attached dwelling is defined in the CLEP 2015 as:

means a building containing three or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

Development for the purpose of an attached dwelling is permissible with consent in the R2 land use zone.

Following is a discussion of the relevant provisions of the CLEP.

Clause 2.7 Demolition requires development consent

Clause 2.7 provides that the demolition of a building or work may be carried out only with development consent. Consent is sought of the demolition of an existing dwelling, carport and shed as part of this development application.

Clause 4.1C Minimum qualifying site area and lot size for certain residential and child care centre development in residential zones

Clause 4.1C(2) relevantly provides that development consent may be granted to development for the purpose of an attached dwelling in the R2 Low Density Residential zone, if the area of the lot is equal to or greater than 1,000sqm.

The development is proposed across three existing lots, with a combined area of 674.4sqm; a deficit in qualifying site area of 325.6sqm.

A variation to this development standard has been sought in accordance with the provisions of Clause 4.6, discussed below.

Clause 4.3 Height of Buildings

Pursuant to the provisions of Clause 4.3 a maximum building height of 9 metres is applicable to the site. The development maintains a maximum building height of 7.259 metres, in compliance with this clause.

Clause 4.3A Height restrictions for certain residential accommodation

Clause 4.3A relevantly provides that an attached dwelling must not be higher than 2 storeys. The attached dwelling does not exceed 2 storeys in height.

Clause 4.4 Floor Space Ratio

Pursuant to the provisions of Clause 4.4 a maximum floor space ratio (FSR) of 0.6:1 is applicable to the site. As the three lots are existing; the FSR has been calculated individually for each lot:

Dwelling No.	GFA (sqm)	Site Area (sqm)	FSR	GFA Exceedance (sqm)
1	137.3	224.8	0.61:1	2.42
2	144	224.8	0.64:1	9.12
3	139	224.8	0.61:1	4.12

Table 1: FSR Calculations

A variation to the FSR development standard has been sought in accordance with the provisions of Clause 4.6 (Exceptions to development standards).

Clause 4.6 Exceptions to development standards

Clause 4.6 relevantly provides that development consent may, subject to this clause, be granted for development even though the development would contravene a development standard. The development contravenes the following development standards:

- Clause 4.1C(2) The site maintains a total area of 674.4sqm; 325.6sqm less than the required qualifying site area of 1,000sqm for an attached dwelling in the R2 zone. This equates to a 32.56 per cent variation deficit from the 1,000sqm qualifying lot size.

- Clause 4.4(2) Each of the attached dwellings has a minor variation from the maximum 0.6:1 FSR:
 - Dwelling 1 maintains a total gross floor area of 137.3sqm which equates to a 1.79% FSR exceedance
 - Dwelling 2 maintains a total gross floor area of 144sqm which equates to a 6.76 per cent FSR exceedance
 - Dwelling 3 maintains a total gross floor area of 139sqm which equates to a 3.05 per cent FSR exceedance.

The applicant has submitted a formal Clause 4.6 variation request for the abovementioned contraventions of the development standards, refer to attachment 9.

Clause 4.6		Campbelltown Local Environmental Plan 2015	
Subclause	Requirement	Response	Complies
(3)	<p>Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p>	<p>The applicant has provided a written request to vary the minimum qualifying lot size for attached dwellings in Clause 4.1C(2) and to vary from the FSR applicable in Cl. 4.4(2).</p> <p>Compliance with the abovementioned development standards is considered unreasonable in the circumstances of the case. The three lots are existing and are readily capable of facilitating the attached dwelling development. The FSR variations are considered to be minor.</p>	Yes
(4)	<p>Development consent must not be granted for development that contravenes a development standard unless:</p> <p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p>	<p>Council is satisfied that the applicant's written request has adequately addressed subclause (3).</p>	Yes

Clause 4.6		Campbelltown Local Environmental Plan 2015	
Subclause	Requirement	Response	Complies
	(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	The objectives of both Clauses 4.1C and 4.4 are maintained and the development is generally consistent with the requirements of the DCP. The proposed development is therefore in the public interest.	Yes
	(b) the concurrence of the Secretary has been obtained.	Council has delegation	-

Table 2: Clause 4.6 Assessment

Clause 5.9 Preservation of trees or vegetation

Clause 5.9 relevantly provides that a person must not remove any tree or other vegetation to which the Campbelltown (Sustainable City) Development Control Plan 2015 (Sustainable City DCP) applies without development consent.

Confirmation has been sought from Council's Senior Environmental Officer who confirmed that the three trees marked for removal are not eucalypts and are therefore not vegetation prescribed by the Sustainable City DCP. Regardless, development consent has been sought as part of this application for the removal of the three trees.

Clause 5.10 Heritage conservation

The structures to be demolished are not heritage items and therefore the heritage conservation provisions of the CLEP are not applicable.

Clause 7.10 Essential services

Clause 7.10 provides that development consent must not be granted to development unless Council is satisfied that services that are essential for the development are available or that adequate arrangements have been made to make them available when required.

The site is readily serviced by water, electricity, sewer and telecommunication services. The development demonstrates the ability to cater for stormwater drainage and vehicular access from Carinda Street.

2.3 Campbelltown (Sustainable City) Development Control Plan 2015

Campbelltown (Sustainable City) Development Control Plan (the Sustainable City DCP) is the relevant development control plan for the site and development type.

The development has been assessed against the relevant provisions of Part 2 (Requirements Applying to all Types of Development) and Part 3 (Low and Medium Density Residential Development and Ancillary Residential Structures) of the Sustainable City DCP.

Volume 1 Part 2 – Requirements applying to all types of development

General design requirements with regard to possible environmental impacts of the development are outlined in Part 2 of the Sustainable City DCP.

		Campbelltown (Sustainable City) Development Control Plan 2015	
Control	Requirement	Proposed	Complies
2.4.1 Rain Water Tanks	In addition to satisfying BASIX, residential development is encouraged to provide a rain water tank for new buildings.	A BASIX Certificate has been provided for each of the dwellings which detail the BASIX commitments for the attached dwelling development.	Yes
	Above ground water tanks shall be located behind the primary or secondary building line.	A rainwater tank has been provided for each dwelling. The rainwater tanks have been located within the rear setback for each dwelling, behind the primary building line.	Yes
2.4.3 Natural Ventilation	The design of new buildings shall be encouraged to maximise opportunities for cross flow ventilation, where practical, thus minimising the need for air conditioning.	The design of the dwellings, where practical, encourages cross flow ventilation, with the placement of windows and sliding doors.	Yes
2.4.5 BASIX	BASIX Certificate is required	A BASIX Certificate has been provided for each of the dwellings.	Yes
2.5 Landscaping	Landscape Concept Plan is required	A Landscape Plan has been provided. The landscape design enhances the visual character of the development and adds character to the streetscape.	Yes
2.7 Erosion and Sediment Control	An Erosion and Sediment Control Plan (ESCP) shall be prepared and submitted with a development application proposing construction and/or activities involving the disturbance of the land surface.	Erosion and Sediment Control details have been provided on the Site Plan. A condition of consent has been recommended requiring the installation of erosion and sediment control measures prior to the commencement of works.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Control	Requirement	Proposed	Complies
2.9 Demolition	<p>A development application involving demolition shall be considered having regard to the following information:</p> <ul style="list-style-type: none"> • a detailed work plan prepared by a suitably qualified person, in accordance with AS2601-2001- The Demolition of Structures (as amended); • details of the licensed demolition contractor engaged to carry out the work (including name, address and building licence number); • a hazardous materials report that lists details of methods to prevent air, noise and water pollution and the escape of hazardous substances into the public domain; • details of any asbestos or other hazardous substances to be removed from the site and/or damaged during demolition; and • a dilapidation report where any demolition work is to be undertaken within the zone of influence of any other structure. 	Demonstration of compliance with these provisions prior to any demolition commencing is recommended as a standard condition of development consent.	Yes
2.10.3 Stormwater Drainage	A stormwater Drainage Concept Plan shall be prepared by a suitably qualified person, and submitted with all development applications, involving construction (except for internal alterations/fitouts), demonstrating to Council how the stormwater will be collected and discharged from the site.	A Stormwater Plan has been submitted demonstrating that the development is able to drain via gravity to Carinda Street.	Yes
2.15 Waste Management	A detailed WMP is required to address waste management during the construction and on-going phases of the development	A Waste Management Plan has been provided.	Yes

Table 3: Sustainable City DCP Part 2 Assessment

Volume 2 Part 3 – Low and Medium Density Residential Development and Ancillary Residential Structures

		Campbelltown (Sustainable City) Development Control Plan 2015	
Control	Requirement	Proposed	Complies
3.4.1 Building Form and Character	Building design (including facade treatment, massing, roof design and entrance features), setbacks and landscaping shall complement the scale of development, and the desired future character of the residential neighbourhoods.	Several of the properties along Carinda Street have undergone redevelopment/are in the process of being redeveloped and the character of the street is currently a mix of older single storey dwellings and newer dwellings and medium density development. The dwellings are of a design and scale that does not offend the current streetscape, whilst also responding to the future desired character of the neighbourhood.	Yes
	On-site parking areas shall be designed and sited to reduce the visual prominence of garage doors and external parking spaces as viewed from the street or other public place.	Each dwelling has been provided with a single car garage and hardstand car parking space. The garage doors maintain the minimum 6 metre front setback and have been sited and designed to integrate with the dwelling so as to reduce visual prominence.	Yes
	Garage doors facing a public street shall not be wider than 50% of the width of the building's facade fronting the street.	The garage doors are greater than 50% of the width of the building's façade. Given that the lots are existing narrow lots on which attached dwellings are permissible, a variation from this requirement is considered appropriate and is consistent with similar recent approvals granted in the area.	No – but justified
	No bathroom, ensuite, toilet or laundry windows shall face the primary street of an allotment.	No bathroom, ensuite, toilet or laundry windows face Carinda Street.	Yes
3.4.1.2 Building Height	The height of development shall not result in any significant loss of amenity (including loss of solar access and visual and acoustic privacy) to adjacent properties and public places.	The development maintains a maximum building height of 7.259m. First floor bedroom windows on the side boundaries of the dwellings maintain minimum 1.5 metre sill heights, to reduce visual and acoustic privacy impacts on adjacent properties. Shadow diagrams submitted with the application demonstrate that the development achieves adequate solar access for adjacent properties.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Control	Requirement	Proposed	Complies
3.4.2 Car Parking and Access	The minimum dimensions of any required parking space shall be 2.5 metres x 5.5 metres. If the car parking space adjoins a vertical edge which is 100mm or higher, the minimum width of the car parking space shall be 2.7 metres.	Each dwelling is provided with a car parking space in front of the garage, each space maintains the dimensions of 5.5m x 3.2m.	Yes
	The minimum internal dimension of an enclosed garage shall be 3 metres x 6 metres.	Each of the garages maintains a minimum internal dimension of 3m x 6m.	Yes
	Transitional grades shall comply with AS2890.1 (as amended) Parking Facilities - Off-Street Car Parking.	The driveways have been designed to comply with the transitional grades in AS2890.1.	Yes
	The minimum width of the driveway at the street kerb shall be 2.5 metres where the driveway provides access for one dwelling.	Each driveway maintains a width in excess of 2.5m at the street kerb.	Yes
	Driveways shall be designed and located perpendicular to the road.	Driveways have all been designed perpendicular to the road.	Yes
3.4.3.2 Visual Privacy	No window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private open space (POS) of another dwelling located within 6 metres of the proposed window or balcony unless appropriately screened.	The living room windows along the side boundaries on the ground floor of the dwellings are appropriately screened by the 1.8m high boundary fence. The adjoining properties, i.e. 40 & 48 Carinda Street comprise single storey dwellings. In order to address privacy impacts on the existing adjoining development as well as having appropriate regard to any future development on the adjoining lots; the bedroom windows on the first floor side boundaries of the development maintain a minimum sill height of 1.5m.	Yes
3.4.4 Solar Access	Living areas shall generally have a northerly orientation.	The living areas, where possible, generally have a northerly orientation.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Control	Requirement	Proposed	Complies
	A minimum 20sqm fixed area of the required private open space shall receive three hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, when measured at ground level.	A minimum 20sqm fixed area of POS for each dwelling receives at least 3 hours solar access.	Yes
	Development shall have appropriate regard to the impact on solar access to useable private open space and living areas, solar collectors and clothes drying areas of adjoining residential development.	Shadow diagrams have been provided which demonstrate that the proposed development does not adversely impact the POS areas of adjoining residential development.	Yes
	Building siting shall take into consideration the range of factors that impact on solar access including slope of land, vegetation and existing building and other structures.	The dwellings have been sited having regard to the topography of the site and existing vegetation. The three trees identified for removal are not significant.	Yes
3.5.1 Fencing	Residential fencing along the rear and side boundaries shall be: <ul style="list-style-type: none"> located behind the primary street building line; a maximum 2.1 metres in height (excluding retaining walls); and a maximum 1.8 metres in height, if adjoining a secondary street. 	A condition of consent has been recommended identifying acceptable fencing materials and heights.	Yes
3.6.5.1 Site Requirements for Attached Dwellings – Zone R2	Each lot of land for each attached dwelling shall have a minimum width of 7.5 metres measured along the side boundaries at a distance of 5.5 metres from the primary street boundary unless each individual allotment is in existence prior to the commencement date of the CLEP.	Each of the existing lots maintains a minimum width of 6.705 metres measured along the side boundaries at a distance of 5.5 metres. Each of the individual lots was in existence prior to the commencement date of the CLEP.	Yes
	With any development application involving the construction of a building wall on a boundary, the creation of an easement for access and maintenance on the adjoining land may be required.	A condition of consent has been recommended to address the provision of easements.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Control	Requirement	Proposed	Complies
3.6.5.2 Setbacks for Attached Dwellings – Zone R2	<p>Attached dwellings shall be setback a minimum of:</p> <ul style="list-style-type: none"> • 5.5 metres from the primary street boundary; • 6.0 metres from the primary street boundary for the garage or the undercover parking space; • 0.9 metres from any side boundary for the ground level; • 1.5 metres from any side boundary for all levels above the ground level; and • 5 metres from the rear boundary for any part of the building that is up to 4.5 metres in height from ground level (existing); and • 10 metres from the rear boundary for any part of the building that is higher than 4.5 metres from ground level (existing). 	<p>The development maintains the following setbacks:</p> <p>Primary street (all lots) – 6.8m</p> <p>Garage (all lots) – 6m</p> <p>Rear (all lots) – 10m</p> <p>Side (Lot 3) – 900mm from garage</p> <p>Side (Lot 4) – zero lot, partial setback of dwelling 1.344m</p> <p>Side (Lot 5) – 903mm from garage</p> <p>Upper levels are setback less than 1.5m from side boundary, a variation from this requirement is considered acceptable as the narrow lots are existing and the encroachment does not result in any unacceptable amenity impacts.</p>	Yes, justified where non-compliant
3.6.5.3 The Size of Indoor Living Areas for Attached Dwellings – Zone R2	The indoor living areas (i.e family room and lounges) within each dwelling contained within attached dwellings shall have a minimum of one unfragmented area that is not less than (4x5)sqm in case of four or more bedroom dwelling.	Each dwelling provides a living area on the ground floor in excess of 4m x 5m.	Yes
3.6.5.4 Rear Access for Attached Dwellings – Zone R2	Where there is no access to a rear lane or rear street directly available from the back of attached dwellings, each dwelling shall be provided with a separate and direct access from the backyard to the front yard that does not pass through any habitable area of the dwelling.	Separate direct access from the backyard to the front has been provided for each dwelling. For the central dwelling, access is facilitated through the garage; the remaining two dwellings have access along the side setbacks.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Control	Requirement	Proposed	Complies
3.6.5.5 Car Parking Rates for Attached Dwellings – Zone R2	Each dwelling that is part of attached dwellings shall be provided with a minimum of one (1) single garage.	Each dwelling is provided with a single car garage.	Yes
	Despite Clause 3.6.5.5 a) above, where an individual allotment is in existence before the date of gazettal of the CLEP and has a width less than 7.5 metres, standard garages shall not be permitted on the primary street frontage.	Whilst the allotments each maintain a minimum width that is under 7.5m, the design of the garages and dwellings ensures that the garages do not dominate the streetscape. A variation to this requirement is considered acceptable.	No – but justified by architectural merit
3.6.5.6 Private Open Space for Attached Dwellings – Zone R2	<p>Each dwelling shall be provided with an area of private open space that:</p> <ul style="list-style-type: none"> • is located behind the primary street building setback; • has a minimum area of 60sqm; • has a minimum width of 3 metres; • includes a minimum levelled area of (5x5)sqm; • has a minimum unfragmented area of 40sqm; • has an internal living room directly accessible to the outdoor private open space areas; and • satisfies solar access requirements contained in section 3.4.4. 	Each dwelling is provided with an area of POS within the rear setback that has a minimum area of 60sqm and a minimum width of 3m. the POS of each dwelling maintains a levelled area with minimum dimensions 5m x 5m and an unfragmented area of 40sqm. The POS area for each dwelling is accessed via sliding doors from the indoor living rooms. Each POS area also achieves the relevant solar access requirements.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Control	Requirement	Proposed	Complies
3.6.5.7 Presentation to Public Streets for Attached Dwellings – Zone R2	Attached dwelling housing shall satisfy the following architectural requirements:		
	<ul style="list-style-type: none"> a distinctive architectural outcome that unifies the range of building elements and diversity within the development and which also harmonises with surrounding development; incorporation of variations in roof heights and wall planes to avoid long unbroken ridge lines; 	Each of the building elements work to unify the three dwellings. The design is consistent with existing redevelopment along Carinda Street whilst also not offending the existing established streetscape.	Yes
	<ul style="list-style-type: none"> incorporation of facade shifts and articulation, varied materials and colours in order to avoid duplication of the same building elements; and provision of windows and active spaces in the building ends, to provide additional security and visual interest. architectural features (such as balconies, openings, columns, porches, colours, materials etc.) and articulation in walls are to be incorporated into the front facade of each dwelling. 	<p>The design of the development incorporates variations in roof form, with articulation in the ridge lines.</p> <p>The colours and materials utilised provide articulation to the façade. The dwellings each incorporate a front porch. The porches provide visual relief and balance the façade of each dwelling to ensure that the garage doors do not dominate the streetscape.</p>	Yes
3.6.5.8 Landscaping and Deep Soil Planting for Attached Dwellings – Zone R2	A development application for an attached dwelling shall include a detailed landscape plan prepared by a suitably qualified person.	A landscape plan has been provided.	Yes

Table 4: Sustainable City DCP Part 3 Assessment

3. Impacts on the natural and built environment

Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* requires Council to assess the development's potential impacts on the natural and built environment, as well as potential social and economic impacts.

The key matters for consideration when considering the development's potential impact on the natural and built environment is as follows:

- vegetation removal
- demolition and construction
- solar access
- built form.

3.1 Vegetation Removal

The development involves the removal of three trees within the site's front setback to Carinda Street. Council's Senior Environmental Officer has advised that none of the trees identified for removal appear to be eucalypts and requested that the landscape plan utilise a high degree of locally indigenous species. The landscape plan utilises native species, consistent with the provisions of the Sustainable City DCP.

There is also a street tree along the site's Carinda Street frontage, a condition of consent has been recommended to ensure that should this tree be damaged during the construction phase; a replacement tree is planted prior to the issue of an occupation certificate.

3.2 Demolition and Construction

The demolition and construction phases of the development have the potential to generate short term environmental impacts through the generation of dust, noise and vibration. Conditions of consent have been recommended to manage the demolition works, including the installation of erosion and sediment control measures prior to works commencing on site.

3.3 Solar Access

The shadow diagrams submitted with the development application demonstrate that due to the orientation of the lots and the design of the dwellings, the development does not have any unreasonable impacts on the solar amenity of the adjacent lots or on the useable private open space of the development.

3.4 Built Form

The design of the dwellings provides visual articulation through variations in roof form, the use of porches on the front facade and variations in the use of colours and materials. The dwelling design is consistent with existing redeveloped lots along Carinda Street, whilst also not offending the existing established streetscape. The streetscape is currently in the process of transitioning to a more contemporary urban area through the gradual redevelopment of sites.

Considering the Sustainable City DCP provisions applicable to built form, the garage doors are greater than 50 per cent of the width of the building's facade. Given that the lots are existing narrow lots on which attached dwellings are permissible, a variation from this requirement is considered appropriate.

4. Social, economic and environmental impacts

Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to assess the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Having regard to social and economic impacts generated by the development, the attached dwellings are contributing to the provision of affordable housing within the Ingleburn locality, to meet the housing needs of the local community. The demolition and construction phases of the development will have minor flow on economic benefits for the locality, through the generation on employment.

5. Site Suitability

Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to assess the suitability of the site for the proposed development.

The attached dwellings are permissible with consent in the R2 land use zone and are consistent with the objectives of the zone. The site comprises three existing allotments which are readily capable of accommodating the development and is considered suitable for the development.

The development is similar in nature, scale and appearance to those that have been approved and constructed nearby over several years.

6. Submissions

Section 79C(1)(d) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to consider submissions made to the proposal. The application was notified to surrounding property owners from 23 November 2016 to 7 December 2016. During this period Council received one written submission in response to the development.

The issues of objection raised during the notification period and Council's response to these issues, are discussed below.

Theme	Objection Detail	Response
Removal of the existing dwelling	I would appreciate 2 days' notice of the event and necessary information about the contractor and a contact number in the event of problems i.e. dust would be main concern	Conditions of consent have been recommended for demolition works and erosion and sediment control measures to mitigate dust nuisance during the demolition phase of the development.
Privacy	That privacy be given due respect	Privacy has been addressed by the design of the development with all first floor bedroom windows on the side boundaries maintaining a sill height of 1.5 metres; minimising the potential for overlooking of adjoining properties.

Theme	Objection Detail	Response
Height	To consider the loss of view and sunlight	The development maintains a maximum building height of 7.259 metres, which complies with the maximum 9 metre building height applicable to the site. Shadow diagrams have been provided which satisfy the solar access requirements in the Sustainable City DCP.

Table 5: Submission Discussion

7. The Public Interest

Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to consider the public interest when dealing with a development application. The development is providing affordable housing stock to meet the housing needs of the local community. The demolition and construction phase of the development will generate positive economic benefits through the generation of employment. The development is considered to be in the public interest.

8. Conclusion

The development application for the demolition of existing structures, removal of three trees and construction of an attached dwelling comprising three dwellings at 42 Carinda Street, Ingleburn has been assessed against the relevant matters for consideration within the relevant environmental planning legislation and Council's development controls.

The development's impacts on the natural and built environment are considered to be minimal, subject to management of potential issues during the demolition and construction phases, including noise and dust. Further, the dwelling design is consistent with existing redeveloped lots along Carinda Street, whilst also not offending the existing established streetscape.

The development is similar in nature, scale and appearance to those that have been approved and constructed nearby over several years and the site is therefore considered suitable for the development.

With due reference to the matters for consideration under Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and the issues raised throughout the report, it is considered that the proposed development is generally consistent with the relevant planning legislation and policies and is therefore recommended for approval subject to the conditions detailed in attachment 1.

Attachments

1. Recommended Conditions of Consent (contained within this report)
2. Locality Plan (contained within this report)
3. Site Plan (contained within this report)
4. Elevations (contained within this report)
5. Streetscape Plan (contained within this report)
6. Landscape Plan (contained within this report)
7. Stormwater Plan (contained within this report)
8. Floor Plans (distributed under separate cover) (distributed under separate cover - confidential in accordance with Section 10A(2)(h)) of the *Local Government Act 1993*)
9. Variation Request (contained within this report)
10. Cl. 4.1C Affected Precinct (contained within this report)

ATTACHMENT 1
3750/2016/DA-M
Recommended Conditions of Consent

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

1. Approved Development

The development shall be carried out in accordance with the approved plans and documents listed in the table below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

Plan/ Document No.	Issue	Prepared by			Date
Demolition Plan / 4001-5	E	Macarthur Services	Architectural	Drafting	21/04/2017
Ground Floor Plan / 4001-5	E	Macarthur Services	Architectural	Drafting	21/04/2017
First Floor Plan / 4001-5	E	Macarthur Services	Architectural	Drafting	21/04/2017
Elevation / 4001-5	E	Macarthur Services	Architectural	Drafting	21/04/2017
Elevation / 4001-5	E	Macarthur Services	Architectural	Drafting	21/04/2017
Section / 4001-5	E	Macarthur Services	Architectural	Drafting	21/04/2017
Site Plan / 4001-5	E	Macarthur Services	Architectural	Drafting	21/04/2017
Landscape Plan / 4001-5	E	Macarthur Services	Architectural	Drafting	21/04/2017
BASIX Certificate / 765400S	-	Macarthur Services	Architectural	Drafting	8/11/2016
BASIX Certificate / 765416S_02	-	Macarthur Services	Architectural	Drafting	10/11/2016
BASIX Certificate / 765428S	-	Macarthur Services	Architectural	Drafting	8/11/2016

2. Landscaping

The area marked red on the endorsed Landscape Plan is to be constructed as hardstand to facilitate the movement of bins from the bin storage area for collection.

3. Building Code of Australia

All building work must be carried out in accordance with the provisions of the *Building Code of Australia*. In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

4. Contract of Insurance (residential building work)

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This clause does not apply:

- a. To the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of that regulation, or
- b. To the erection of a temporary building.

5. Notification of Home Building Act 1989 Requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor, and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notification of the updated information.

6. Landscaping

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/ contractor for landscaping works. The landscape design shall incorporate a significant portion of native, low water demand plants consistent with BASIX requirements.

7. External Finishes

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted with this application. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

8. Fencing

A 1.8 metre high fence shall be erected on the site's side and rear boundaries behind the front building alignment and between each required courtyard at the sole cost of the developer. 'Colorbond' style metal fences that face a public space are not permitted.

9. Switchboards/Utilities/Air Conditioning Units

Switchboards, air conditioning units, garbage storage areas and storage for other utilities shall not be attached to the front elevations of the building or side elevations that can be seen from a public place.

10. Rubbish/Recycling Bin Storage

The rubbish and recycling bins shall not be stored within vehicle parking, vehicle manoeuvring areas or landscaped areas.

The bin(s) shall only be stored in accordance with the approved plans.

11. Driveway

The gradients of driveways and manoeuvring areas shall be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2 (as amended).

The finishes of the paving surfaces are to be non-slip.

12. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements detailed in the Campbelltown City Engineering Design Guide for Development (as amended).

13. Rain Water Tank(s)

Rain water tanks shall be installed on site for the collection and storage of stormwater for irrigation and reuse purposes (eg the flushing of toilets), in accordance with the approved plans.

14. Construction Certificate

Prior to the commencement of any works that require a construction certificate:

- a. the applicant shall obtain a construction certificate for the particular works;
- b. the applicant shall appoint a principal certifying authority; and
- c. the private certifying authority shall notify Council of their appointment no less than two days prior to the commencement of any works.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate by either Campbelltown City Council or an accredited certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

15. Demolition of Existing Dwelling

Prior to Council or an accredited certifier issuing a construction certificate, the existing dwelling on the property shall be demolished and all materials removed from the site.

16. Utility Servicing Provisions

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain a letter from both the relevant electricity authority and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.

Note: The applicant should also contact the relevant water servicing authority to determine whether the development will affect the authorities water or sewer infrastructure.

17. Waste Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, the relevant provisions of Council's *Waste Management Plan* is to be completed to the satisfaction of Council.

18. Geotechnical Report

Prior to Council or an accredited certifier issuing a construction certificate, a geotechnical report prepared by a NATA registered lab shall be submitted which indicates that the land will not be subject to subsidence, slip, slope failure or erosion where excavation and/or filling exceeds 900mm in depth or identified as filled land.

19. Retaining Walls

Retaining walls greater than 1000 mm high or retaining more than 600 mm of cut or fill proposed to be located within one metre of a boundary are to be designed by a Structural Engineer and must have subsoil drainage connected to the site stormwater system. Design plans prepared by an appropriately qualified and practising structural engineer must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.

All components of any retaining walls, including subsoil drainage and backfill, must be located entirely within the property boundary. The subsoil drainage lines of the retaining walls must be shown on the stormwater drainage concept plan.

20. Soil and Water Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, a detailed soil and water management plan shall be submitted for approval.

21. Classification of Residential Lots (Development with dwelling construction)

Prior to the principal certifying authority issuing a construction certificate for any dwellings approved under this consent, all proposed residential lots are to be individually classified in accordance with guidelines contained in the Australian Standard for Residential Slabs and Footings - AS2870.1996 (as amended).

All slabs and footings shall be designed in accordance with the relevant site classifications and recommendations resulting from a geotechnical investigation of the site. The designing structural engineer shall certify that the design of all slabs and footings is in accordance with the geotechnical investigation and soil classification for the site.

22. Stormwater Management Plan (Development)

Prior to the issue of a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted to the Principle Certifying Authority. The design must be prepared to comply with Campbelltown Councils Engineering Design Guide for Development (as amended) to make provision for the following:

- a) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of Carinda Street.
- b) The concept of draining roof stormwater underneath the slab of a dwelling is not accepted. In this regard stormwater from roof areas of house 2 that cannot be drained to the kerb and gutter of Carinda Street without passing under the slab of the dwelling must be drained via an interallotment drain through the backyard of house 3

and thence along the side setback of house 3 to the kerb and gutter of Carinda Street.

- c) Charged lines are only permitted to drain roof water directly to the rainwater tank no other charged or pump-out stormwater drainage systems are permitted.
- d) A grated clean out pit must be provided at a minimum one metre off the nadir of each charged drainage system. A sealed screw cap must be provided on the charged line inlet to the clean out pit to allow periodic cleaning of the charged line. A 5 mm diameter drip hole must be provided in the screw cap to drain the charged line. The clean out pit(s) must be drained to the site stormwater drainage system and be located so that any surcharge during maintenance will not affect buildings on the site.
- e) The roof drainage system must be fitted with measures to prevent leaves entering the charged lines.
- f) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
- g) The rear of the garage in lot 4 Sec L DP 1703 is a trapped low point. As there is no overland flow path available from this area the design of the stormwater system draining it must meet the following criteria:
 - i) Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe.
 - ii) The maximum water level in the sag pit of this area must not be less than 300mm below the floor level or damp course of the habitable rooms of the building.
 - iii) The rear yards must be graded so that overland flow cannot enter the trapped low point and is directed to the designed flow path in the side boundary set back to the building in lot 5 Section L DP 1703.
- h) An overland flowpath must be provided within the setback to the southwestern boundary of lot 5 Section L DP 1703 between the rear of the dwelling and Carinda Street frontage. The rear yards of the three lots, excepting the area between the buildings of houses 1 and 2, must be graded so that overland flow and bypass flows from the site drainage system are directed to the overland flowpath.
- i) A minimum 150mm step up must be provided between all external finished surfaces and adjacent internal floor areas, except where a reduced step is permitted under Section 3.1.2.3 (b) of Volume 2 of the National Construction Code for Class 1 buildings.
- j) A trench drain must be provided at the Carinda Street boundary of the site for the full width of each of the vehicle crossings in accordance with Regulation 19 of the Roads Regulations 2008.
- k) All plumbing within the site must be designed, carried out, and tested in accordance with Australian Standard AS/NZS 3500.3-2015 Plumbing and Drainage – Stormwater Drainage and Campbelltown Councils Engineering Design Guide for Development.
- l) All retaining walls on site must be provided with subsoil drainage connected to the site stormwater system. All subsoil drainage lines must be shown on the stormwater design plan.
- m) An inspection opening or stormwater pit must be installed inside each property, adjacent to the boundary, for all stormwater outlets.

- n) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
- o) Only a single point of discharge is permitted to the kerb and gutter, per frontage of each lot.

The design must be prepared and certified by a qualified Civil Engineer and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

23. Work on Public Land

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written approval from Council for any proposed work on public land. Inspection of this work shall be undertaken by Council at the applicants expense and a compliance certificate, approving the works, shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

24. Section 94A Developer Contribution - Community Facilities and Services

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the *Campbelltown City Council Section 94A Development Contributions Plan*.

For the purposes of calculating the required S94A contribution, where the value of the total development cost exceeds \$100,000, the applicant is required to include with the application for the respective certificate, a report setting out a cost estimate of the proposed development in accordance with the following:

- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the *Consumer Price Index - All Groups* (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or
- where the value of the proposed development is \$500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the *Consumer Price Index All Group Index Number for Sydney* have been incorporated in the updated QS Report.

Copies of the Cost Summary Report - Template 1 and the Quantity Surveyors Estimate Report - Template 2 are located under "Developer Contributions" on Council's web site (www.campbelltown.nsw.gov.au) or can be collected from Council's Planning and Environment Division during normal business hours.

On calculation of the applicable contributions, all amounts payable will be confirmed by Council in writing.

Payment of Section 94A Developer Contributions will only be accepted by way of Cash, Credit Card or Bank Cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

Note: This condition is only applicable where the total development value exceeds \$100,000.

25. Telecommunications Infrastructure

- a. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and
- b. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

26. Sydney Water

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the Principal Certifying Authority prior to Council or an accredited certifier issuing a construction certificate.

The Sydney Water Tap In service can be accessed at www.sydneywater.com.au.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any works on site.

27. Demolition Works

Demolition works shall be carried out in accordance with the following:

- a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
- c. The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.
- d. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works
- e. Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The

applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works.

28. Erosion and Sediment Control

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

29. Vehicular Access during Construction

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto any public road system. Single sized aggregate, 40mm or larger placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

30. Fencing

An appropriate fence preventing public access to the site shall be erected for the duration of construction works.

31. Erection of Construction Sign

Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours
- b. Stating that unauthorised entry to the work site is prohibited
- c. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent)
- d. Stating the approved construction hours in which all works can occur
- e. Showing the name, address and telephone number of the principal certifying authority for the work.

Any such sign/s is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

32. Toilet on Construction Site

Prior to the commencement of any works on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part thereof. Each toilet provided must be a standard flushing toilet and be connected to:

- a. A public sewer, or
- b. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or
- c. If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.

33. Trade Waste

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

34. Public Property

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including kerbs, gutters, footpaths, and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

35. Hoarding / Fence

Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with *Work Cover* requirements.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

A separate land use application under Section 68 of the Local Government Act 1993 shall be submitted to and approved by Council prior to the erection of any hoarding on public land.

36. Geotechnical Reference

Prior to the commencement of any works, a certificate prepared by the designing structural engineer certifying that the design is in accordance with the geotechnical investigation of the site shall be submitted to the PCA. The designing structural engineer shall also nominate a site classification in accordance with *AS2870 – Residential Slabs and Footings*.

37. Sydney Water

Prior to works commencing, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the Principal Certifying Authority prior to works commencing.

The Sydney Water Tap In service can be accessed at www.sydneywater.com.au

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

38. Construction Work Hours

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 5.00pm
Sunday and public holidays	No Work.

39. Erosion and Sediment Control

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*, the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

40. Fill Compaction Requirements

Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98% standard compaction.

Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m² (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer.

41. Dust Nuisance

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*. Construction areas shall be treated/ regularly watered to the satisfaction of the principal certifying authority.

42. Termite Control

The building shall be protected from subterranean termites in accordance with *Australian Standard 3660.1*.

43. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times in accordance with AS 1742.3. Council may at any time and without prior notification make safe any such works Council considers to be unsafe, and recover all reasonable costs incurred from the applicant.

44. Work Zones

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic / pedestrian control measures, including relevant fees, shall be borne by the applicant.

45. Compliance with Council Specification

All design and construction work shall be in accordance with:

- a. Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended);
- b. Council's Campbelltown Engineering Design Guide for Development (as amended);
- c. Soils and Construction (2004) (Bluebook); and
- d. Relevant Australian Standards and State Government publications.

46. Footpath Kerb and Gutter

The applicant shall re-construct all damaged bays of concrete path paving and kerb and gutter, adjacent to the site, in Carinda Street. Areas not concreted shall be re-graded, topsoiled and turfed. All works shall be in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown City Council Engineering Design Guide for Development (as amended)*.

47. Residential Driveway and Layback Crossing

The applicant shall provide a reinforced concrete driveway and layback crossing for each lot to Council's *Residential Vehicle Crossing Specification* to the dwelling.

A separate application for this work, which will be subject to a crossing inspection fee(s), fixing of levels and inspections by Council, must be lodged with Council. Conduits must be provided to service authority requirements.

48. Redundant Laybacks

All redundant layback/s shall be reinstated to conventional kerb and gutter to Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended)*.

49. Completion of Construction Works

Unless otherwise specified in this consent, all construction works associated with the approved development shall be completed within 12 months of the date of the notice of the intention to commence construction works under Section 81A of the Act.

In the event that construction works are not continually ongoing, the applicant shall appropriately screen the construction site from public view with architectural devices and landscaping to Council's written satisfaction.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of An occupation certificate by either Campbelltown City Council or an accredited principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

50. Section 73 Certificate

Prior to the principal certifying authority issuing an occupation certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator.

For help either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.

51. Easements

The Principal Certifying Authority must ensure that appropriate easements have been registered in the land title registry of the NSW Government Land and Property Information service to protect the interests of each of the three lots. Amongst other considerations the Principal Certifying Authority must require the following easements:

- i. An easement for overhang where a roof structure of the building on one lot encroaches into another lot and,
- ii. And easement to drain water over the interallotment drain.

The easement instruments must have the same wording and meaning as an easement for overhang and an easement to drain water respectively, provided in Schedule 8 of the Conveyancing Act 1919.

Registration of the easement instruments must be effected prior to the issue of an occupation certificate.

52. Inter-allotment Drainage

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall demonstrate on the works as executed plans that inter-allotment drainage and the associated easements have been provided as required by this Consent. Inter-allotment drainage systems shall be designed and constructed in accordance with the requirements detailed in Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the Campbelltown Council's Engineering Design Guide for Development (as amended).

53. Final Inspection – Works as Executed Plans

Prior to the principal certifying authority issuing an occupation certificate the applicant shall submit to Council two copies of a work as executed plan, certified by a qualified surveyor, which is in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the requirements detailed in the Campbelltown City Engineering Design Guide for Development (as amended).

54. Restoration of Public Roads

Prior to the principal certifying authority issuing an occupation certificate, any restoration of the public road pavement required as a result of the development, shall be carried out by Council and all costs shall be paid by the applicant.

55. Public Utilities

Prior to the principal certifying authority issuing an occupation certificate, any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

56. Termite Protection

Prior to the principal certifying authority issuing an occupation certificate, certification from a licensed pest controller shall be submitted certifying that the termite treatment has been installed in accordance with AS3660.1.

57. BASIX

Prior to the principal certifying authority issuing an occupation certificate, completion of all requirements listed in the relevant BASIX Certificate for the subject development shall be completed/installed.

58. Council Fees and Charges

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall obtain written confirmation from Council that all applicable Council fees and charges associated with the development have been paid in full. Written confirmation will be provided to the applicant following Council's final inspection and satisfactory clearance of the public area adjacent the site.

59. Street Tree

Prior to the principal certifying authority issuing an occupation certificate, should the existing street tree along the site's Carinda Street frontage be damaged, written confirmation shall be provided from Council that the street tree has been replanted in an appropriate location so as not to impede sightlines or services and utilities within the road reserve. Written approval from Council's Specialist Support Tree Manager must be obtained to confirm the street tree species is appropriate.

60. Completion of External Works Onsite

Prior to the principal certifying authority issuing an occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the principal certifying authority.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment

Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, you are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside three metres of the building envelope unless you have obtained prior written consent from Council. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

A tree is defined as a perennial plant with self supporting stems that are more than three metres or has a trunk diameter more than 150mm measured one metre above ground level, and excludes any tree declared under the Noxious Weeds Act (NSW).

Advice 3. Smoke Alarms

From 1 May 2006 all NSW residents must have at least one working smoke alarm installed on each level of their home. This includes owner occupier, rental properties, relocatable homes and any other residential building where people sleep.

The installation of smoke alarms is required to be carried out in accordance with AS 3786. The licensed electrical contractor is required to submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786.

Advice 4. Retaining Walls

A separate development application shall be submitted and approved for any retaining walls that exceed 0.9 metres in height.

Advice 5. Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

Advice 6. Inspections – Civil Works

Where Council is nominated as the principal certifying authority for civil works, the following stages of construction shall be inspected by Council.

- a. EROSION AND SEDIMENT CONTROL –
 - i. Direction/confirmation of required measures.
 - ii. After installation and prior to commencement of earthworks.
 - iii. As necessary until completion of work.
- b. STORMWATER PIPES – Laid, jointed and prior to backfill.
- c. VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.
- d. FINAL INSPECTION – All outstanding work.

Advice 7. Inspection within Public Areas

All works within public areas are required to be inspected at all stages of construction and approved by Council prior to the principal certifying authority releasing the Occupation Certificate.

Advice 8. Adjustment to Public Utilities

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

Advice 9. Salinity

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within *Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended)*.

Advice 10. Asbestos Warning

Should asbestos or asbestos products be encountered during construction or demolition works you are advised to seek advice and information prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by Work Cover NSW), be engaged to manage the proper disposal and handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au
www.nsw.gov.au/fibro
www.adfa.org.au
www.workcover.nsw.gov.au

Alternatively, call Work Cover Asbestos and Demolition Team on 8260 5885.

Advice 11. Rain Water Tank

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. NSW Health recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

Advice 12. Dial before you Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that

must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Advice 13. Telecommunications Act 1997 (Commonwealth)

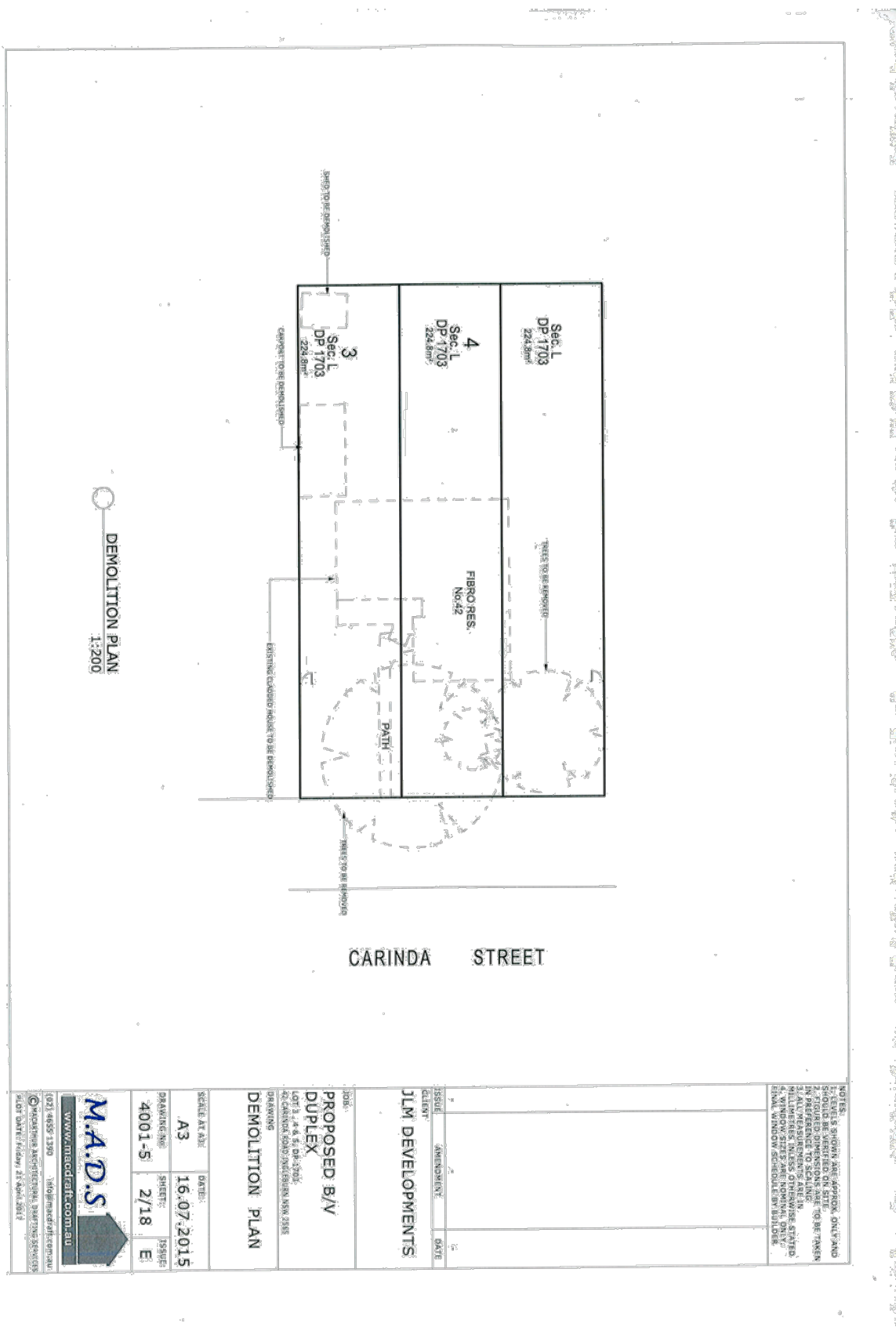
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

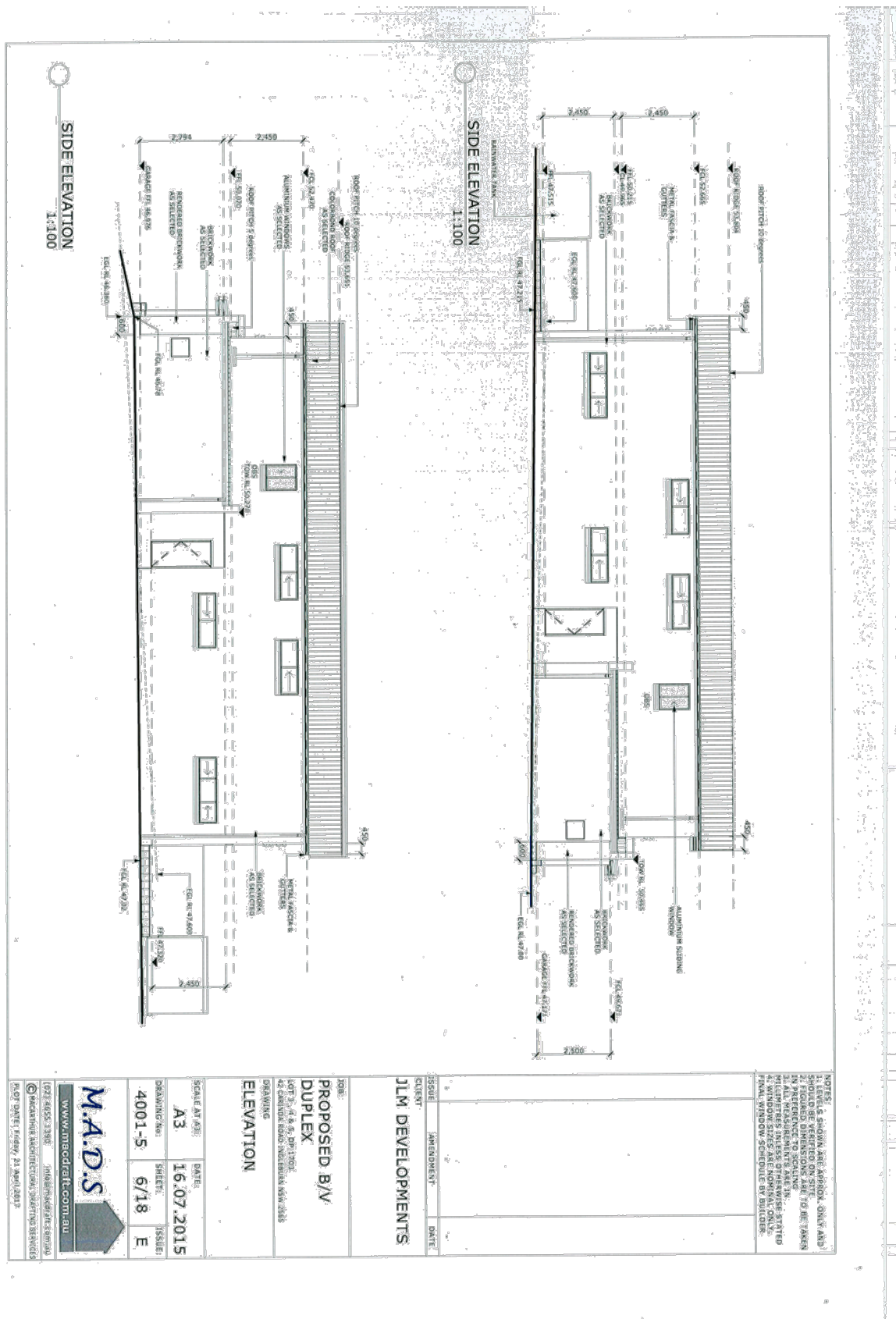
Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

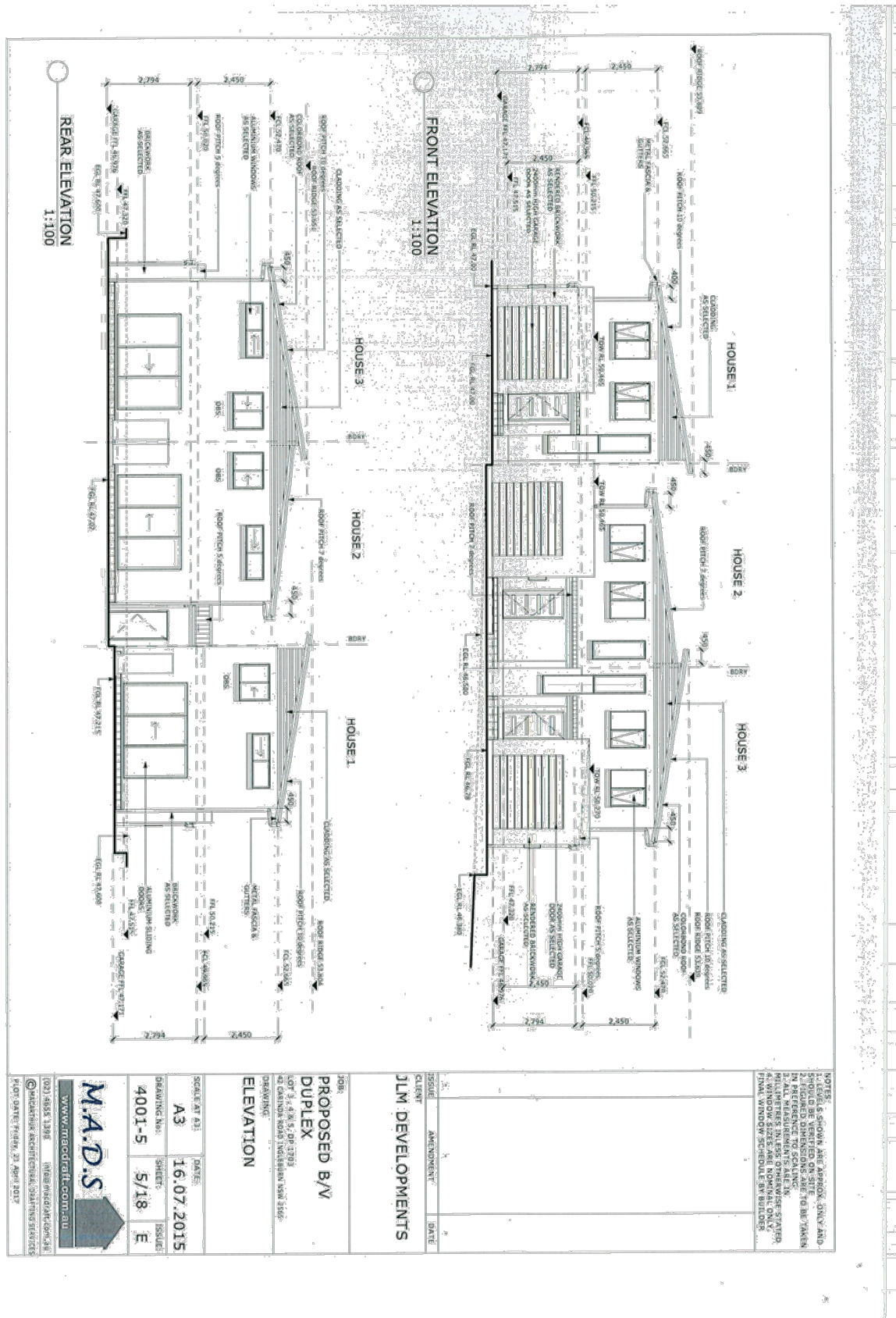
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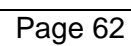
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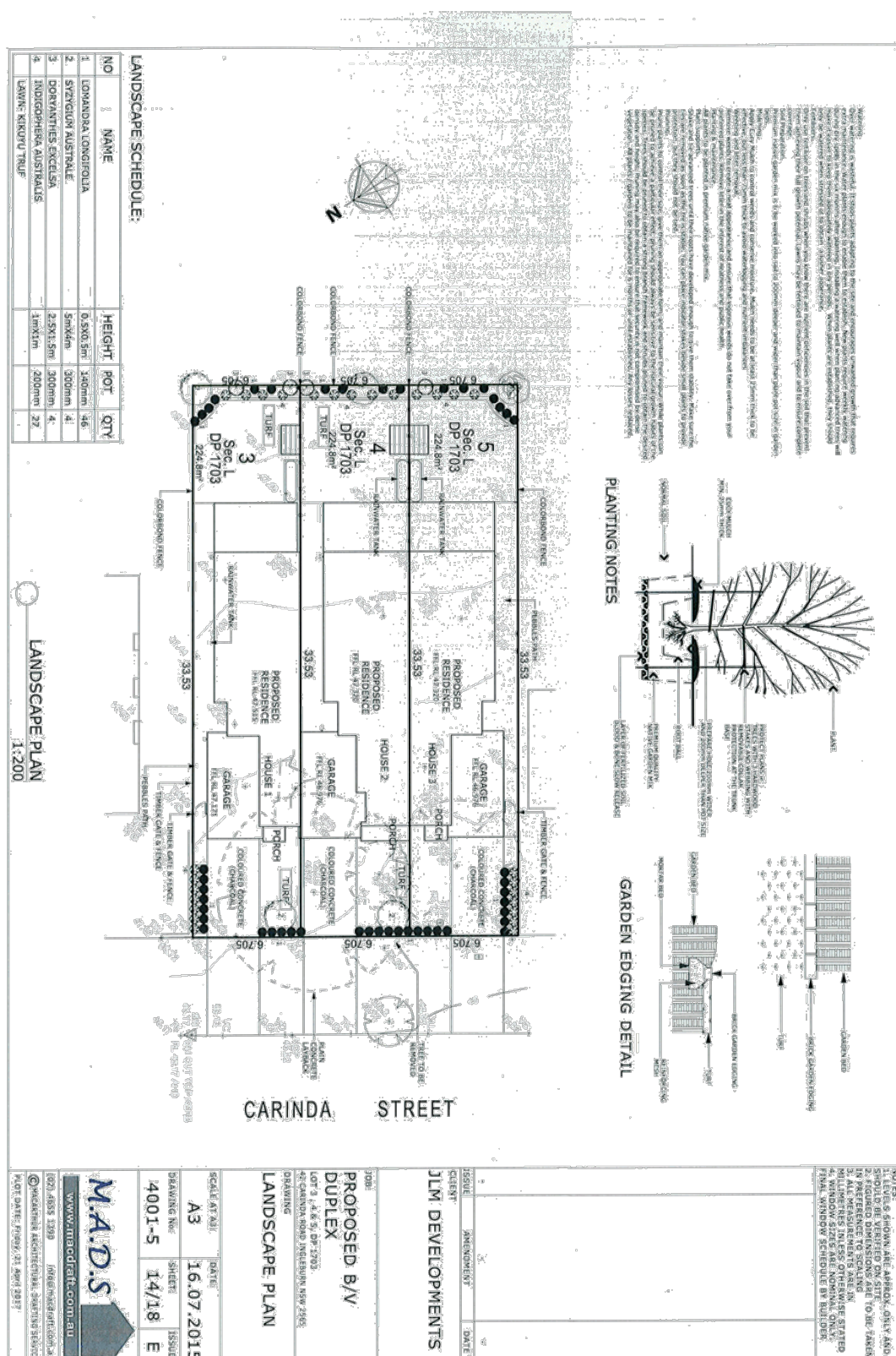


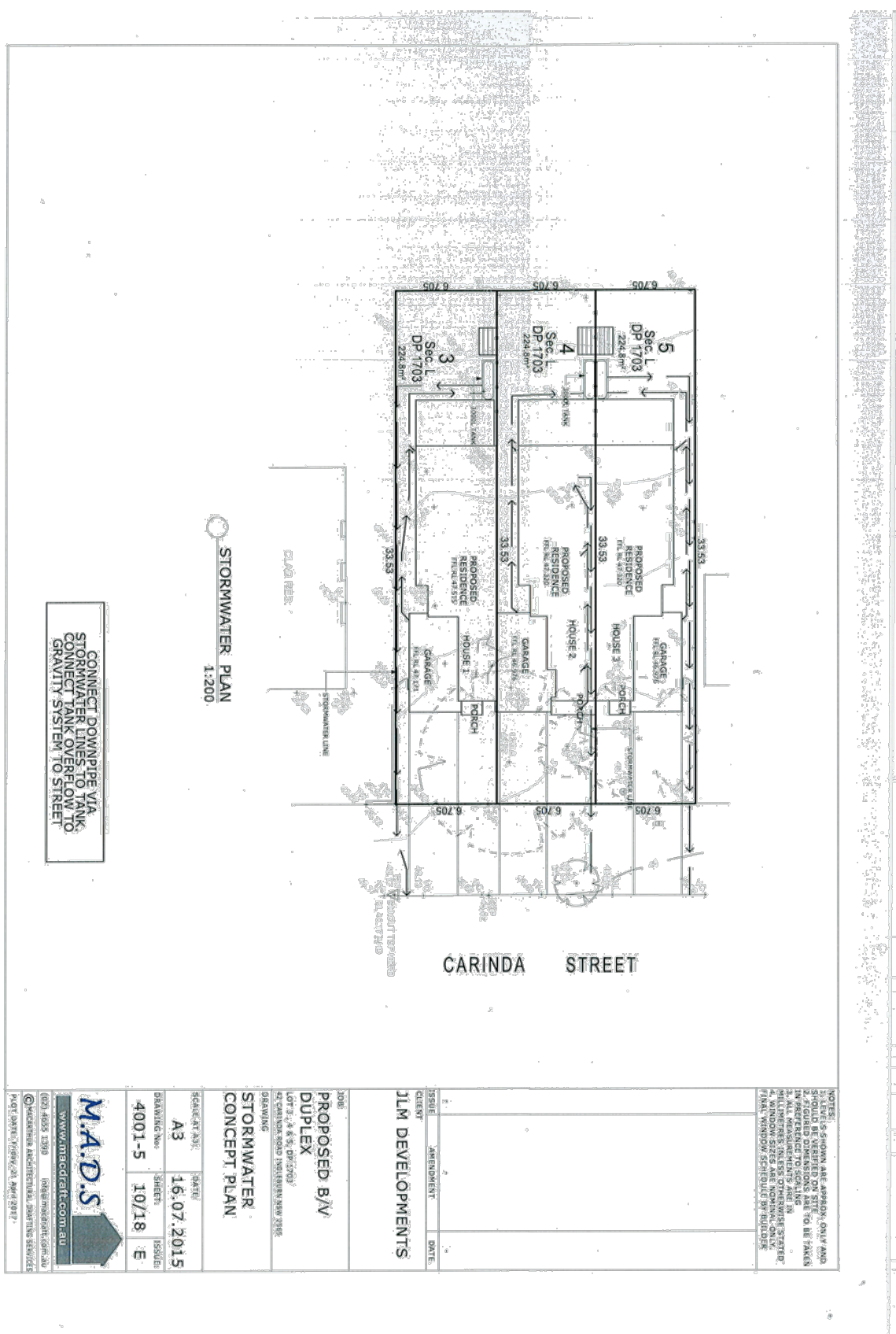












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16th March 2017

Campbelltown City Council
PO Box 57
Campbelltown NSW 2560

To Rennie Rounds,

RE: 42 CARINDA STREET INGLEBURN DA3750/2016

We wish to request a variation to councils LEP FSR requirement for the above application addressing Clause 4.6. Exceptions to development standards. Dwelling 1 FSR 0.61:1 (2.42sqm over), Dwelling 2 FSR 0.64:1 (9.12sqm over) & Dwelling 3 FSR 0.61:1 (4.12sqm over). We would also like to request a variation from clause 4.1C(2). Minimum lot area for attached dwellings in R2 zone 1000sqm.

4.6 Exceptions to Development Standards

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Response. Allowing flexibility will achieve a better outcome in the design and end result for the occupants of this home

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Response. The FSR requirement is not expressly excluded from this clause. Minimum lot area is not expressly excluded from this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Response. A variation is sought to the FSR development standard for Floor Space Ratio. The proposed exceedances are considered minor. The proposed dwellings have been designed to be comfortable in size for the occupants including good circulation and storage areas. The minor increase in area will not create bulk and scale issues nor impact on the amenity of neighbouring properties.

A variation is sought to the minimum lot area required in a R2 zone for attached dwellings. The lots are existing and can readily facilitate the proposed development. Council have acknowledged the implications of the clause on limiting the development potential of the existing lots. The development is able to achieve the requirements of the DCP for attached housing, with a minor variation from the allowable FSR.

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(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

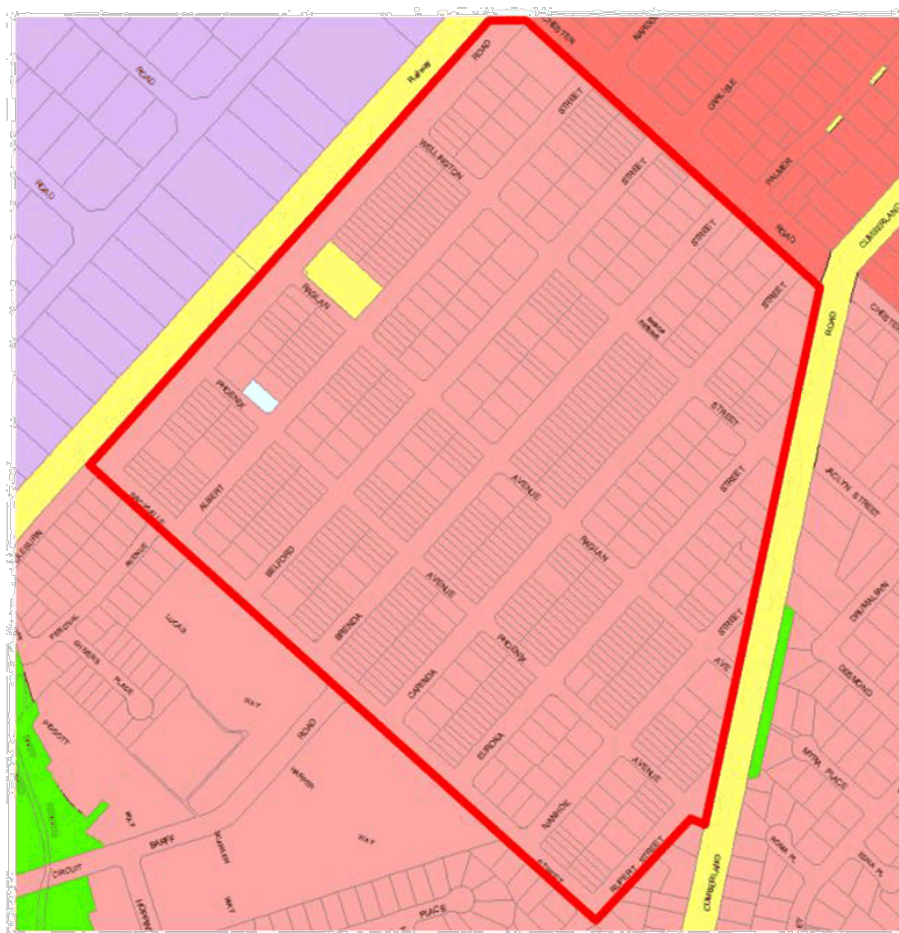
Response. The proposed dwellings are consistent with the development in the surrounding area on similar narrow allotments. The proposed use is aligned with Council's, and the wider community's, objectives and demands for creating appropriately located accommodation. The development provides an efficient land use, and makes orderly and efficient usage of existing infrastructure within the locality. Moreover, there are no significant adverse impacts on the 'public goods' such as air quality, noise, views and amenity. The development is able to achieve the requirements of the DCP for attached housing, with a minor variation from the allowable FSR

We believe these variations will not have a detrimental effect to the surrounding area and the proposal meets all the aims and objectives relevant to the DCP controls above. Positively the proposal improves the aesthetics and housing stock of the area. We look forward to a positive response

R. McGrath
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8.3 Pet Adoption Program

Reporting Officer

Manager City Standards and Compliance
City Development

Community Strategic Plan

Objective	Strategy
5. Responsible Leadership	5.2 The smooth running of Council's operations

Officer's Recommendation

That a discount of 50 per cent of the sale fee to assist rehoming of impounded cats and dogs that have proven difficult to rehome be applied at the discretion of the Animal Control Coordinator.

Purpose

To outline a cost estimate and implications of operating a free pet adoption program.

History

A recommendation was made at the Planning and Environment Committee Meeting held 8 December 2015 as follows:

1. That Council trial a free pet adoption program for all pets adopted from Campbelltown City Council pound in February 2016 to encourage the adoption of animals resulting from unwanted Christmas presents.
2. That the offer is to be advertised to Campbelltown City Council residents and a report to be presented about the outcome of the trial.

Following the above Committee Recommendation, a Directors Report (attachment 1) containing information regarding dog impounding, euthanasia and sales was presented to the Ordinary Meeting held 15 December, 2015 and Council resolved:

1. That a full report be presented to Council outlining the cost of a pet giveaway and the likely implications for sales from the Animal Care Facility in the balance of the year.
2. That the report include information about the potential for pets freely given from the Animal Care Facility to be abandoned by virtue of the fact that they were acquired at no cost.
3. That a decision on proceeding with a pet give away be deferred until the information sought in part 1 and 2 is available.

Report

In responding to Council's resolution of 15 December, 2015 ACF statistical information has been reviewed from the 2015-2016 year.

1. Estimated cost of a Free Pet Adoption Program

Information obtained from the Companion Animal Register for the 2015-2016 calendar year indicates that a total of 79 dogs and 164 cats were euthanased as adoptable animals that were unable to be rehomed (excluding animals euthanased for specific reasons such as illness, at owners request, temperament etc). The rates of euthanasing adoptable animals continues to reduce as a result of the close collaboration between Councils Animal Care Facility staff and approved rescue groups.

On the basis of 2015-2016 statistics, it is considered reasonable to expect that approximately 250 animals could potentially be offered annually under a free adoption program as animals suitable for adoption that were unable to be rehomed.

An estimate of costs likely to be incurred by Council per animal and the estimated total annual cost of implementing a free pet adoption program is summarised as follows:

Estimated costs incurred by Council per animal in offering animals for sale		
Animal Desexing	dogs \$150-\$210 (depending on gender)	average \$180
	cats \$80-\$150 (depending on gender)	average \$115
Animal Registration	\$26 per animal (for desexed animal purchased from a pound facility)	
Microchipping	\$10 per animal (for microchip only)	
Animal sustenance	dogs - \$24 per day	7 day minimum = \$168
	cats - \$12 per day	7 day minimum = 84

Total estimated cost per dog:	Desexing	\$180
	Registration	\$26
	Microchipping	\$10
	Sustenance	\$168
	Total per dog	\$384

Total estimated cost per cat:	Desexing	\$115
	Registration	\$26
	Microchipping	\$10
	Sustenance	\$84
	Total per cat	\$235

Estimated total annual cost of Free Pet Adoption Program assuming 243 animal adoptions (based on 2015/2016 figures)		
dogs	\$384 x 79	\$30,336
cats	\$235 x 164	\$38,540
Total		\$68,876

2. Free Pet Adoption Program Implications

As part of preparing this report, contact was made with animal impounding facilities at Hawkesbury, Sutherland and Blacktown. The only facility that offered discounted adoption fees was Blacktown City Council and this is at the discretion of the facility coordinator. This is generally done in cases of financial hardship and often the person adopting the animal is required to pay the registration fee, as a minimum. In such cases, animals are adopted with Council absorbing direct costs for desexing, microchipping and vaccination. The Facility Coordinator advised in the case of dogs they are seldom returned even though the animal is acquired at no or minimal cost. In the case of cats, the Facility Coordinator advises that even though cats are offered at minimal (cost of registration only) or no cost, people remain reluctant to take advantage of the offer, preferring to purchase a kitten rather than adopting an adult cat.

Notwithstanding the above, points to consider when forming an opinion on the potential implications of such a program would include:

- **Financial** – loss of sales revenue (currently \$350 per dog and \$230 per cat) to offset Council's ongoing direct, non-recoverable costs associated with the provision of animal sustenance, registration, desexing, vaccination, microchipping, vet checks, etc.
- **Ethical** - Council has an obligation to both the individual animal and more broadly, the community, to undertake to the best of its ability, care for and responsibly rehome animals in its care. In this regard, it is considered a reasonable expectation that any person looking to adopt an animal should have the immediate and long term financial capacity to provide the appropriate care for the animal, as well as the genuine understanding that the adoption is a life choice, and with that comes the additional long term responsibilities.

As such, payment of a reasonable adoption fee demonstrates a level of commitment and ongoing capacity to care for an animal, whereas giving animals away at little to no cost, increases the chance for impulse, opportunistic (ie profiteer), or less considered adoption decisions to be made.

- **Animal sales** – Those people with the means of assisting the Council in offsetting the financial cost of caring for animals, through the payment of normal fees at the time of adoption, may make a conscious decision to postpone the adoption of an animal until the commencement of a free adoption period. This would have an impact on sales revenue.

The waiving of sales/adoption fees may give rise to a community expectation that other services/fees such as animal surrender fees or release fees, would also be waived for animals during that period, or for those animals that were adopted during the free adoption period. Council receives in excess of \$160,000 annually from animal sales, contributing significantly to Council's capacity to maintain very low euthanasia rates.

- **Animal abandonment** - If an animal can be acquired from the Animal Care Facility at no cost, there may be an expectation that animals could also be returned or surrendered at no cost.

A fee is currently applied for the surrender of animals, and there is concern that there may be a heightened potential for irresponsible owners to dump or abandon unwanted animals, adopted during the free adoption period, due to the owner either not wanting to pay a surrender fee (ie not wanting to pay any fees) or not being able to afford the surrender fee.

There is also a potential that some of those who may adopt a pet for free during a free adoption period, will do so on impulse or without due recognition of the actual ongoing financial costs and level of personal commitment that comes with responsible pet ownership.

There is concern that where there has been no financial investment up front by a pet owner, this could increase the potential for pet abandonment where the novelty of acquiring a new pet wears off, and/or where the realisation of the costs and commitment associated with owning an animal (cleaning, feeding, vet care, housing etc) become apparent.

It should be noted that the experience of Blacktown, is that it did not necessarily see an increase in animal abandonment as a result of its discounted and discretionary fee system.

Council currently releases animals that are difficult to rehome to approved rescue groups free of charge to assist Council with its rehoming efforts, and this has contributed significantly to reduced euthanasia rates over recent years. The approved rescue groups are entrusted and bound by agreement with Council to ensure animals are rehomed responsibly and desexed and registered prior to the animals being adopted and on sold to new owners.

In consideration of the implications and costs of implementing a free pet adoption program and the underlying objective to minimise euthanasia rates, Council could consider as an alternative to a free adoption program, the implementation of a discretionary discounted sale/adoption fee. This discounted sale fee would apply to animals that are due to be euthanised and those that have been difficult to rehome (for example for reasons of health, age or condition).

A discounted sale fee could be applied at the discretion of the Animal Control Coordinator (similar to the Blacktown example) and this for example, could take the form of a discount of 50 per cent of the applicable animal sale fee. It is anticipated that this could have a budgetary impact in the order of \$10,000 per annum. This amount is based on 2015-2016 euthanasia statistics (less any euthanasia and ongoing sustenance cost savings) and the discount being applied successfully in 25 per cent of cases, where adoptable animals would have otherwise been euthanased where they weren't rehomed.

Council has received a number of representations from community members requesting that it introduce a reduced adoption fee in the interest of improving rehoming rates. The discounted fee could be actively promoted on Council's website to attract potential purchasers.

Accordingly, the discretion to apply a discounted sale fee for animals that have proven difficult to rehome is recommended. It should be noted that provision for a reduced rehoming assistance adoption fee (\$178 for dogs and \$117 for cats) has been provided for in the 2017-2018 Annual Fees and Charges in anticipation of the introduction of this animal welfare initiative.

Attachments

1. Directors Report to Ordinary Meeting held 15 December 2015 (contained within this report)

FURTHER INFORMATION FOR CONSIDERATION IN DEALING WITH THE PLANNING AND ENVIRONMENT COMMITTEE ITEM 5.2 - PET ADOPTION PROGRAM

Attachments

Nil

Report

This report responds to a request at the Planning and Environment Committee meeting held on 8 December 2015, for further information to be provided for consideration in dealing with item 5.2 of the Planning and Environment Committee – Pet Adoption Program.

The recommendation of the Committee for Item 5.2 was:

1. That Council trial a free pet adoption program for all pets adopted from Campbelltown City Council pound in February 2016 to encourage the adoption of animals resulting from unwanted Christmas presents.
2. That the offer is to be advertised to Campbelltown City Council residents and a report be presented about the outcome of the trial.

The questions raised sought advice on:

1. The number of dogs that are impounded or surrendered to Council during January and February (see Table 1)
2. The total number of dogs impounded (see Table 1)
3. The number of dogs that are euthanased annually (and within the months of January and February) (see Table 1)
4. The number of dogs sold by Council annually (see Table 1)
5. The cost to Council to sell a dog (see Table 2)

Prior to 2012, Council's statistics for euthanasing dogs were significantly high, with approximately 40 per cent of all dogs impounded being destroyed.

In the second half of 2012, Council began working with rescue organisations to assist in reducing the number of euthanased dogs. Table 1 below identifies the number of dogs impounded and euthanased in 2011 (before the implementation of working with approved rescue organisations) with a comparison of statistics over the following three years that identifies a significant reduction in dog euthanasia rates through the engagement of rescue organisations. In addition, the second part of the table provides a monthly breakdown of each area, from October through to March, for the years 2013-2014 and 2014-2015.

Table 1 also includes figures for dogs that were surrendered to the Animal Care Facility by their owners to be euthanased. Reasons for owners to surrender their dog for euthanasia include illness, being elderly or assessed as having severe behaviour issues. The cost to take a pet to a vet for this purpose can be as high as \$216.00. This is compared to Council's fee of \$80.00 for the same service for residents of the Campbelltown Local Government Area (LGA).

A fee for \$200.00 has recently been implemented for the surrender of dogs from outside of the Campbelltown LGA.

Table 1 – Answer to questions 1 to 4

Animal Care Facility (ACF) Dog Statistics												
	Impounded Or Surrendered		Released to rescue organisation		Sold	Euthanased (at owner's request)	Euthanased (includes declared dangerous/restricted dogs)					
2011	2346		0		284	427	747					
The ACF implemented working with rescue organisations in the third quarter of 2012.												
2013	1827		182		330	236	288					
2014	1744		252		324	137	163					
2015 (to end of September)	1249		193		176	79	84					
Dog Statistics for the individual months of October – March (2013-2014 and 2014-2015)												
Year	2013-2014						2014-2015					
Month	Oct	Nov	Dec	Jan	Feb	Mar	Oct	Nov	Dec	Jan	Feb	Mar
Impounded Or Surrendered	149	163	133	172	133	193	146	139	120	130	103	140
Released to rescue organisation	15	24	36	20	16	25	20	23	15	19	16	28
Sold	9	23	16	32	21	28	24	36	25	46	25	30
Euthanased (at owner's request)	21	15	16	12	11	24	11	12	12	6	5	9
Euthanased (includes declared dangerous/ restricted dogs)	14	12	22	13	20	19	11	6	12	5	7	8

Euthanasing of Dogs

As per Council's agreement with Macarthur Vet Group, the vet attends the Animal Care Facility (ACF) every Thursday to carry out euthanasing services. A standard fee of \$120.00 per visit is charged. On average the vet may euthanase anywhere from 3-10 dogs, at a cost of \$11.20 per dog or \$8.20 per dog with weight of less than 5kg. All dogs are then disposed of through an agreement with Sydney University Teaching Hospital.

Sale Price of Dogs

Council offers dogs for sale at a fixed price of \$334.00, which includes a vet-check, vaccination (variable depending on the age of the dog and necessary treatment), de-sexing, micro-chipping and registration. As can be seen within Table 2 below, depending on the veterinary services provided, it can cost the Council anywhere from \$30.00 upwards. Table 2 provides a breakdown of costs for the selling of each dog type. It is noted that the costs shown in the table may be higher in some circumstances subject to additional work required by the attending veterinarian.

Table 2 – Answer to question 5

Costs for selling a dog*	Female				Male
	In Heat		Not In Heat		-
	Small	Large	Small	Large	All Sizes
De-Sexing	\$212.70	\$254.00	\$177.20	\$212.60	\$147.80
General Health Check and Vaccination	\$42.50				
Heartworm	\$34.30				
Micro-chipping	\$47.00				
Registration	\$26.00				
Total	\$362.50	\$403.80	\$327.00	\$362.40	\$297.60
*Other costs may be associated with selling a dog - individual costs may vary					

When considering the above costs and the price of dogs offered for sale when compared to other pound facilities providing the same services, it is considered that the fees charged by the Council are competitive and reasonable.

Details of the price for the sale of dogs at other pound facilities are listed in Table 3 below:

Table 3

Price of Dogs for Sale at other pound facilities – with same service	
Renbury Farm	\$325.00
Sutherland Council	\$333.00
Blacktown City Council	\$340.00 + (starting price – Tender process for dog under 4 years)
Hawkesbury Council	\$349.50
Wollondilly Council	\$280.00

The introduction of the assistance of rescue organisation in rehoming unwanted dogs together with implementing changes in the way Council advertises and promotes dogs for sale has seen a significant improvement in finding homes for dogs.

Officer's Recommendation

That the information be noted.

8.4 Review of Code of Meeting Practice

Reporting Officer

Manager Governance and Risk
City Governance

Community Strategic Plan

Objective	Strategy
5. Responsible Leadership	5.3 The transparent provision of information to the community to encourage participation in decision making

Officer's Recommendation

1. That the Draft Code of Meeting Practice be placed on public exhibition for a period of not less than 28 days.
2. That following the exhibition period a further report be presented to Council.

Purpose

To review Council's Code of Meeting Practice to ensure it is consistent with Council's meeting structure and practice the *Local Government Act 1993*.

Report

Council has a Code of Meeting Practice that was last reviewed and adopted on 7 October 2014.

The purpose of the Code of Meeting Practice is to set out the manner in which meetings of Campbelltown City Council are to be convened and conducted.

The objectives of the Code are to:

- set standards for the calling, conduct and recording of Council, so the public is aware of business to be conducted at all Council and the results of the Council's determination of those matters
- provide clear rules and procedures for the orderly conduct of Council
- provide practices to ensure that decisions made at Council have legal effect and are in scope within their powers
- to be an effective aid to good governance and ensure maximum transparency and openness of all Council and Committee meetings.

Section 360(2) of the Act provides that a Council may adopt a Code of Meeting Practice that incorporates the relevant legislation supplemented with further provisions that are not inconsistent with that legislation.

Sound meeting procedures contribute to good decision making and increase Council's transparency and accountability to its community. While legislation sets out certain procedures that must be followed in Council meetings, the Code of Meeting Practice sets out the standards for decision making and behaviour expected by the community.

Council's Code of Meeting Practice has been reviewed in accordance with Council's Records Management Policy. The review incorporated a briefing to Council on 4 April 2017.

In reviewing the Code of Meeting Practice, reference has been made to the provisions of the *Local Government Act 1993*, Local Government (General) Regulation 2005, the Office of Local Government Meeting Practice Note No 16 and consultation undertaken with Council's legal representatives.

The emphasis of the review was not only to ensure that the code complied with legislative requirements, but to provide Council with clear procedures to ensure that meetings are run effectively and aligned with current practice and meeting structure.

It is recommended that Council endorse the revised Draft Code of Meeting Practice, and that in accordance with the *Local Government Act 1993*, the Draft Code of Meeting Practice be placed on public exhibition for a period of 28 days, during which submissions may be made up until 42 days after the date on which the revised code is placed on public exhibition.

After considering all submissions received, Council may decide:

- a. to amend those provisions of its draft code that supplement the regulations made for the purposes of Section 360
- b. to adopt the draft code as its Code of Meeting Practice.

Attachments

1. Draft Code of Meeting Practice May 2017 (contained within this report)



Campbelltown City Council

Code of Meeting Practice



Adopted by Council: **TBC**

Introduction

The Code of Meeting Practice describes how meetings of Council ~~and Standing Committees~~ are convened and conducted.

This Code of Meeting Practice has been prepared in accordance with the provisions of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005*. The Office of Local Government's Meeting Practice Note 16 has also been taken into account in preparing this code.

The section and clauses referred to in brackets under each heading of the code, refer to sections of the Act and clauses of the Regulation. Council protocol refers to those practices which are specific to Campbelltown City Council.

The aim of this code is to help you understand how our meetings are conducted. It can also be used as a reference document for ~~committees and sub~~ committees associated with Council.

The formal review date for this code is **30 June 2019**, however Council may decide to review and adopt an amended Code prior to that date due to changing circumstances as they arise.

Preliminary information

Objectives

The objectives of this Code of Meeting Practice are to:

1. set standards for the calling, conduct and recording of Council, so the public is aware of business to be conducted at all Council and the results of the Council's determination of those matters
2. provide clear rules and procedures for the orderly conduct of Council
3. ~~to incorporate procedures to complement the *Local Government (General) Regulation 2005* Part 9 – Committees, their members and functions –~~
3. provide practices to ensure that decisions made at Council have legal effect and are in scope within their powers
4. **to be an effective aid to good governance** and ensure maximum transparency and openness of all Council ~~and Committee~~ meetings.

Principles

In adopting a Code of Meeting Practice Campbelltown City Council commits itself to the following principles:

- To ensure good and open public decision-making processes are followed to increase Council's transparency and accountability to its community. Councillors are accountable to the community for the decisions they make. These decisions should be based on sound and adequate information and carried out with fairness, impartiality, objectivity and consideration of all the issues.
- Open decision-making helps achieve this, as well as preventing misunderstanding and unfounded criticisms from the public. Councillors should be prepared to state their views publicly on both controversial and routine issues. Informed voting by electors is best achieved when they can observe the speeches, debate and voting patterns of their Councillors.
- To promote open decision-making, affording Councillors the ability to state their views when required as long as they act with good intentions and behave with respect to all other Councillors, staff and community members.
- Open decision-making is an important part of Local Government and should be the rule rather than the exception. The ability of the public and media to attend and watch Council - seeing the deliberations and decisions of elected representatives - is essential for Councillor accountability. This is recognised by the legislation, which encourages open decision-making at Council meetings.
- Good governance. Well run meetings reflect an effective partnership and relationship between the governing body of Council and Council administration.

Definitions

Act means the *Local Government Act 1993*.

Amendment in relation to an original motion, means a motion moving an amendment to that motion.

Chairperson means:

a) for a meeting of the Council – the Mayor;

b) for a meeting of a Committee of the Council – the person presiding at the meeting

Committee in relation to the Council, means a Committee appointed or elected by the Council when it has resolved itself into a Committee of the Whole.

Foreshadowed Amendment - a proposed amendment foreshadowed by a Councillor during debate on the first amendment.

Foreshadowed Motion - a motion foreshadowed by a Councillor during discussion on an original motion that is predominately the opposite to that proposed in the motion or where it is proposed to alter the motion more drastically than that permissible in an amendment.

Motion - a proposal put forward by a Councillor or a Committee member calling for a specific action to be taken or a decision to be made on a particular matter before the meeting.

Ordinary day refers to the reckoning of time as set out in section 36 of the Interpretation Act 1987, which excludes a Saturday, a Sunday, a public holiday or a bank holiday being included in the calculation or the period of a day or a number of days in relation to notice being given under the provisions of the Code.

Record - a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by an Administrator or an employee of the Council and, in particular, includes the minutes of meetings of the Council or of a Committee of the Council.

Reg Local Government (General) Regulation 2005

Relative relative, in relation to a person, means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or the person's spouse or de facto partner;
- (b) the spouse or de facto partner of the person or of a person referred to in paragraph

Variation to a Motion is where a Councillor seeks to vary a motion by obtaining the consent of the mover of the motion and the consent of Council to have the proposed variation included in the motion.

Application of the Code

This Code has been adopted as required by section 360 (2) of the Act. This Code incorporates relevant provisions of the Regulation and the Act and established Council protocol. Where there is any inconsistency between the Code and the Act or the Regulation, the provisions of the Act prevail.

Conduct of Meetings of Council

- 1 The Regulations of the Local Government Act may make provisions with respect to the conduct of meetings of Councils and Committees of Councils of which all members are Councillors.
- 2 A Council may adopt a Code of Meeting Practice which incorporates the Regulations made for the purpose of this section and supplement those Regulations with provisions that are not inconsistent with them.
- 3 A Council and a Committee of the Council of which all the members are Councillors must conduct its meetings in accordance with the Code of Meeting Practice adopted by it.
(Section 360)

Preparation, Public Notice and Exhibition of Draft Code

- 1 Before adopting a Code of Meeting Practice, a Council must prepare a draft Code.
- 2 The Council must give public notice of the draft Code after it is prepared.

- 3 The period of public exhibition must not be less than 28 days.
 - 4 The public notice must also specify a period of not less than 42 days after the date on which the draft Code is placed on public exhibition during which submissions may be made by the public.
 - 5 The Council must publicly exhibit the draft Code in accordance with its notice.
- (Section 361)

Adoption of the Code

- 1 After considering all submissions received by it concerning the draft Code, the Council may decide:
 - a to amend those provisions of its draft Code that supplement the Regulations made for the purposes of this section of the Code; or
 - b to adopt the draft Code as its Code of Meeting Practice.
 - 2 If the Council decides to amend its draft Code, it may publicly exhibit the amended draft in accordance with this section of the Code or, if the Council is of the opinion that the amendments (arising from the public submissions only) are not substantial, it may adopt the amended draft Code, without public exhibition, as its Code of Meeting Practice.
- (Section 362)

Public Availability of the Code

- 1 The Code of Meeting Practice adopted under this section by a Council must be available for public inspection free of charge at the office of the Council during ordinary office hours.
 - 2 Copies of the Code will be available free of charge. Note - The Code is published on Council's website
- (Section 364)

Part One - Before the meeting

1.1 Holding meetings

1.1.1 When and where are ordinary Council meetings held?

The Council is required to meet at least 10 times each year, each time in a different month.

(Section 365)

1. Ordinary Council meetings are held on the second and fourth Tuesday of each month in the Council Chambers starting at 6.30pm and conclude by 10.30pm with a possible 30 minute extension by resolution. ~~on Tuesdays on a four weekly cycle in the Council Chambers starting at 7.00pm.~~ Council may vary meeting dates and times at its discretion so long as it provides sufficient notice and it meets at least ten times each year, each time in a different month.
2. Meetings are held in the Council Chamber, Level 3, at the Council's Civic Centre, 93 Queen Street, Campbelltown unless otherwise advertised.
3. Council meetings may be held in different locations from time to time if circumstances deem it necessary provided that the venue:
 - a. is accessible for people with disabilities

- b. is adequate in size
- c. has adequate facilities for the convenience and comfort of Councillors, staff and members of the public.

(Council protocol)

1.1.2 When are standing committee meetings held?

~~Standing committee meetings are held on Tuesdays on a four weekly cycle, the week before the Council ordinary meeting, in the Council Chambers and Committee Room 3 starting at the following times:~~

~~| | |
|--------------------------|--------|
| Community Services | 5.30pm |
| Corporate Services | 5.30pm |
| City Works | 7.30pm |
| Planning and Environment | 7.30pm |~~

~~(Council protocol)~~

1.1.2 Extraordinary meetings

Extraordinary meetings are additional meetings to those in the adopted Council meeting cycle. The date and time for extraordinary meetings of Council will be determined as and when required.

(Council protocol)

1.1.3 When can Councillors call for an extraordinary meeting to be held?

If the Mayor receives a request in writing signed by at least two Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event, within 14 days after receipt of the request.

(Section 366)

1.2 Notice of meetings

1.2.1 What notice has to be given to the public of ordinary Council meetings?

1. A Council must give notice to the public of the times and places of its meetings.
2. A Council must have available for the public at its offices and at each meeting, copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.
3. In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public:
 - a. the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item)
 - b. the requirements of subsection 1.2.1 (2) with respect to the availability of business papers do not apply to the business papers for that item of business.
4. The copies are to be available to the public as nearly as possible to the time they are available to Councillors.
5. The copies are to be available free of charge.
6. A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.

(Section 9)

The notice must be published in a local newspaper prior to each Ordinary meeting, indicating the date, time and place of the meetings.

(Council protocol)

1.2.2 What notice has to be given to Councillors of ordinary Council meetings?

The General Manager of a Council must send to each Councillor, at least three days before each meeting of the Council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.

(Section 367(1))

1.2.3 What notice has to be given of extraordinary Council?

Notice of less than three days may be given of an extra-ordinary meeting called in an emergency.

(Section 367(2))

1.3 Agendas and business papers

1.3.1 What must be in a meeting agenda?

1. The General Manager must ensure that the agenda for a meeting of the Council states:
 - a. all matters to be dealt with arising out of the proceedings of former meetings of the Council
 - b. if the Mayor is the chairperson—any matter or topic that the chairperson proposes, at the time when the agenda is prepared,
 - c. subject to subclause 1.3.1(2), any business of which due notice has been given.
2. The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.
3. The General Manager must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting.
4. The General Manager must ensure that the details of any item of business to which section 9(2A) of the Act applies are included in a business paper for the meeting concerned.
5. Nothing in this clause limits the powers of the chairperson under clause 243.
(Council protocol - refer to Regulation Clause 240)

1.3.2 Timeframe for including notice of motions and rescission motions in to the business paper

The deadline for inclusion of notice of motions and rescission motions in the business paper is ~~9.00am on the Friday~~ **9.00am on the Tuesday, one week** prior to the meeting, however rescission motions must be submitted before the item which is the subject of the rescission motion has been acted on.

(Council protocol)

1.4 Order of business

- 1.4.1 At a meeting of Council (other than an extra-ordinary or special meeting), the general order of business is as fixed by the Council's Code of Meeting Practice and by resolution of Council.

(Regulation Clause 239)

At a meeting of Council, the general order of business will be:

1. Acknowledgement of the Traditional Owners of the Land
Council Prayer
2. Attendance and Apologies
3. Confirmation of Minutes
4. Declarations of Interest
 - Pecuniary Interest
 - Non Pecuniary Interest - Significant Interests
 - Non Pecuniary Interest - Less than Significant Interests
 - Other Disclosures
5. Mayoral Minute
6. Petitions
7. Correspondence
~~Reports from Committees~~
~~Planning and Environment~~
~~City Works~~
~~Community Services~~
~~Corporate Governance~~
8. Reports from Officers
9. Questions with Notice
10. Rescission Motion
11. Notice of Motion
12. Urgent General Business
13. Presentations by Councillors
14. Confidential Reports from Officers.

(Council protocol)

- 1.4.2 The order of business fixed under subclause (1.4.1) may be altered if a motion to that effect is carried. Such a motion can be moved without notice.

- 1.4.3 Despite Regulation Clause 250, only the mover of a motion to alter the order of business referred to in subclause (1.4.2) may speak to the motion before it is put.

(Regulation Clause 239)

Part Two – At the meeting

2.1 Coming together

2.1.1 Presence at meetings

A Councillor cannot participate in a meeting of the Council unless personally present at the meeting.

(Regulation Clause 235)

A Councillor who is present at a meeting of a Council but who fails to vote on a motion put to the meeting, is taken to have voted against the motion.

(Regulation Clause 251(1))

If a Councillor is anywhere in the room where the Council meeting is being held ~~and they have voting rights~~, they are considered to be present for the purposes of voting. If the Councillor does not wish to vote on a particular matter they must leave the room. If they remain in the room but do not vote on the matter, they will be recorded as having voted in the negative.

~~Councillors who are non-members will be recorded as 'Also in Attendance' if they attend the meetings.~~

(Council protocol)

2.1.2 Attendance of the General Manager at meetings

1. The General Manager is entitled to attend, but not vote at, a meeting of Council of which all members are Councillors.
2. The General Manager is entitled to attend a meeting of any other committee of the Council and may, if a member of the committee, exercise a vote.
3. However, the General Manager may be excluded from a Council meeting or a committee while the Council or committee deals with a matter relating to the standard of performance or the terms of employment of the General Manager.

(Section 376)

2.1.3 Who presides at meetings of the Council?

1. The Mayor, or at the request of, or in the absence of the Mayor, the Deputy Mayor presides at the meetings of the Council.
2. If the Mayor and the Deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at the meeting.

(Section 369)

An election of a chairperson is to be conducted in accordance with subclause 2.1.3(2) of the Act by the General Manager or his/her nominee and the vote shall be recorded in the minutes.

If at an election of a chairperson, two or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot/draw.

(Council protocol)

2.1.4 Chairperson to have precedence

When the chairperson rises during a Council meeting:

- a. any Councillor then speaking or seeking to speak must, if standing, immediately resume his/her seat
- b. every Councillor present must be silent to enable the chairperson to be heard without interruption.

(Regulation Clause 237)

2.2 Business at Council meetings

2.2.1 Giving notice of business - ordinary meetings

1. A Council must not transact business at a meeting of the Council:

- a. unless a Councillor has given notice of the business in writing within such time before the meeting as is fixed by the Council's code of meeting practice or (if the Council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the Council
- b. unless notice of the business has been sent to the Councillors in accordance with section 367 of the Act.

(Regulation Clause 241)

- 2. Subclause 2.2.1(1) does not apply to the consideration of business at a meeting if the business:
 - a. is already before, or directly relates to a matter that is already before, the Council
 - b. is the election of a chairperson to preside at the meeting as provided by Clause 236 (1)
 - c. is a matter or topic put to the meeting by the chairperson in accordance with Clause 243
- 3. Despite subclause 2.2.1(1), business may be transacted at a meeting of a Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
 - a. a motion is passed to have the business transacted at the meeting
 - b. the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice.

- 4. Despite Clause 250, only the mover of a motion referred to in subclause 2.2.1(3) can speak to the motion before it is put.

(Regulation Clause 241)

2.2.2 What business can be discussed at extraordinary Council meetings?

- 1. The General Manager must ensure that the agenda for an extraordinary meeting of the Council deal only with the matters stated in the notice of the meeting.
- 2. Despite subclause 2.2.2(1), business may be transacted at an extraordinary meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
 - a. a motion is passed to have the business transacted at the meeting
 - b. the business proposed to be brought forward is ruled by the chairperson to be of great urgency
 - c. the business notified in the agenda for the meeting has been disposed of.

- 3. Despite Clause (250), only the mover of a motion referred to in subclause 2.2.2(2) can speak to the motion before it is put.

(Regulation Clause 242)

2.2.3 Questions may be put to staff

- 1. A Councillor:
 - a. may, through the chairperson, put a question to another Councillor
 - b. may, through the General Manager, put a question to a Council employee.

2. However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question, and in particular, sufficient notice to enable reference to be made to other persons or to documents.
3. The Councillor must put every such question directly, succinctly and without argument.
4. The chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.

(Regulation Clause 249)

2.2.4 Questions with Notice

1. Questions with Notice must be lodged in writing with the General Manager or specified delegate no later than 9.00am ~~on the Friday~~ **on the Tuesday**, one week prior to the meeting of Council at which the Questions with Notice are to be considered.
2. Questions with Notice must directly relate to the business of Council and must comply with the *Local Government (General) Regulation 2005* which provides at Clause 249 that a 'Councillor must put every such question directly, succinctly and without argument'.
3. Questions should not contain:
 - a. statements of facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated
 - b. argument
 - c. inference
 - d. imputation.
4. The General Manager or specified delegate may exclude from the agenda any Question with Notice which may have the effect of exposing a Councillor, the council or a member of staff, to an action for defamation.
5. Where practicable, an answer to the questions contained in the business paper will be provided verbally at the Council meeting and documented in the minutes. Questions requiring a more detailed response will be provided at the next Ordinary meeting business paper.

(Council protocol)

2.2.5 Presentations by Councillors

1. Councillors may make a brief presentation regarding matters they believe to be of significant importance to Council or the community.
2. The total time allowed at any one meeting for presentations by any one Councillor shall be two minutes.
3. No debate shall be entered in to in regard to a matter presented in accordance with this clause.
4. No motions may be moved in relation to an item presented in accordance with this clause.
5. Presentations that do not strictly comply with this provision of this clause shall be ruled out of order by the Chairperson.

(Council protocol)

~~2.3 Pecuniary and non-pecuniary conflicts of interest~~ Moved to Part Nine

~~Detailed information regarding pecuniary and non-pecuniary conflicts of interests can be found in part 4 of Council's Code of Conduct.~~

2.4 Committee of the whole

2.4.1 What is the Committee of the Whole?

The Committee of the Whole is a Committee of Council comprised of all Councillors.

(Council protocol)

Council may resolve itself in to a Committee of the Whole to consider any matter before the Council.

(Section 373)

1. All the provisions of this Regulation relating to meetings of a Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provision limiting the number and duration of speeches.
2. The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager is responsible for reporting to the Council proceedings in committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
3. The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

(Regulation Clause 259)

2.5 Mayoral minutes

1. If the Mayor is the chairperson at a meeting of a Council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.
2. Such a minute, when put to the meeting, takes precedence over all substantive business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.
3. A recommendation made in a minute of the chairperson (being the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.

(Council protocol - refer to Regulation Clause 243)

2.6 Voting

2.6.1 Voting entitlements

1. Each Councillor is entitled to one vote.
2. However, the person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

(Section 370)

The chairperson, if they choose, is entitled to use their casting vote in the opposite manner to their original vote.

The above section applies equally to Council and Council committee meetings.

(Council protocol)

2.6.2 How is voting conducted?

1. A Councillor who is present at a meeting of Council when the vote is taken but who fails to vote on a motion put to the meeting, is taken to have voted against the motion.
2. If a Councillor who has voted against a motion put at the Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the minutes.
3. The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and at least two Councillors demand a division.
4. When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the minutes.
5. Voting at a Council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

(Council protocol - refer to Regulation Clause 251)

When a division is called for, the chairperson must request a show of hands of those Councillors voting for the motion and then those Councillors voting against the motion to ensure that the vote is recorded accurately.

(Council protocol)

2.6.3 Recording of voting on planning decisions

Council is required to maintain a register of planning decisions.

1. In this section, planning decision means a decision made in the exercise of a function of a Council under the *Environmental Planning and Assessment Act 1979*:
 - a. including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act
 - b. not including the making of an order under Division 2A of Part 6 of that Act.
2. The General Manager is required to keep a register containing, for each planning decision made at a meeting of the Council, the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.
3. For the purpose of maintaining the register, a division by a show of hands is required to be called whenever a motion for a planning decision is put at a meeting of the Council
4. Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
5. This section extends to a meeting that is closed to the public.

(Council protocol - refer to Section 375A)

2.7 Decisions of Council

2.7.1 What is a decision of Council?

An outcome supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

(Council protocol - refer to Section 371)

2.7.2 Do certain circumstances invalidate Council decisions?

Proceedings at a Council meeting are not invalidated because of:

- a. a vacancy in a civic office
- b. a failure to give notice of the meeting to any Councillor
- c. any defect in the election or appointment of a Councillor
- d. a failure of a Councillor to disclose a pecuniary interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council in accordance with section 451
- e. a failure to comply with the Code of Meeting Practice.

(Section 374)

2.8 Audio or visual recording of meetings

1. A person may not transmit or use an electronic recording device to record the proceedings of a meeting of a council
2. A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council for transmitting or having used an electronic recording device in contravention of this clause.
3. If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.

(Council protocol - refer to Regulation Clause 273)

Part Three – Quorum and Attendance

3.1 Quorum

3.1.1 What is a quorum?

A quorum for a meeting of the Council is a majority of the Councillors who currently hold office and who are not suspended from office.

(Section 368(1))

1. A meeting of the Council must be adjourned if a quorum is not present:
 - a. within half an hour after the time designated for the holding of the meeting
 - b. at any time during the meeting.

2. In either case, the meeting must be adjourned to a time, date and place fixed:
 - a. by the chairperson
 - b. in his or her absence - by the majority of the Councillors present
 - c. failing that, by the General Manager.
3. The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.
(Regulation Clause 233)

3.2 Adjourning meetings

3.2.1 What is an adjourned meeting?

1. A meeting may be adjourned if it cannot be held, for example a quorum is not present, and will be postponed to a new date or time. An adjourned meeting is a continuation of the same meeting, not a new meeting.
2. Council may resolve at any time to adjourn its meeting. Debate shall not be permitted on any motion for adjournment on a meeting of Council.
3. If a motion for adjournment is lost, the business of the meeting shall proceed, and a motion of adjournment cannot be moved within half an hour of the previous motion for adjournment being lost.

(Meeting Practice Note 4.3)

3.2.2 What notice should be given of an adjourned meeting?

If a meeting has been adjourned to a different date or time, each Councillor and the public should be notified of the new date or time as soon as practicable by way of a memo or email to Councillors, and advertising in the local papers (if practicable) and Council's website for the general public.

(Council protocol)

3.2.3 What business can be conducted at a meeting that has been adjourned?

As an adjourned meeting is a continuation of the same meeting, Council does not need to issue a new agenda and business papers. The agenda and business paper already issued would be the proper documents from which Council would work.

(Meeting Practice Note 4.3.3)

3.3 Leave of absence

3.3.1 Leave of absence

1. A Councillor must apply for a leave of absence to the Mayor, the General Manager or the Public Officer prior to the commencement of the meeting of Council.
2. A Councillor's application for leave of absence from Council meetings should, if practicable, identify the meetings from which the Councillor intends to be absent.
3. A Councillor who intends to attend a Council meeting despite having been granted leave of absence should, if practicable, give the General Manager at least two days notice of his or her intention to attend.

(Regulation Clause 235A)

4. For the purposes of subclause 3.3.1(1), a Councillor applying for a leave absence does not need to make the application in person and the Council may grant such leave in the absence of that Councillor.
5. If a Councillor attends a Council meeting despite having been granted leave of absence, the leave of absence is taken to have been rescinded in regards to any future Council meetings.
6. Subclause 3.3.1(5) does not prevent Council from granting further leaves of absence in respect of any future Council meeting.

(Section 234(2,3,4))

Part Four – Motions and amendments

4.1 Motions

A motion is a proposal put forward by a Councillor calling for a specific action to be taken or a decision to be made on a particular matter at the meeting.

(Council protocol)

4.1.1 Do motions need to be seconded?

A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to Clauses 243(2) and 250(5) of the *Local Government (General) Regulation*.

(Regulation Clause 246)

4.1.2 Limitation as to number of speeches

1. A Councillor who, during a debate at a Council meeting, moves an original motion has the right of general reply to all observations that are made by another Councillor in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
2. A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
3. A Councillor must not, without the consent of Council, speak more than once on a motion or an amendment, or for longer than five minutes at any one time. However, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five minutes to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
4. Despite subclauses 4.1.2(1) and (2), a Councillor may move that a motion or an amendment be now put:
 - a. if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it
 - b. if at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it.
5. The chairperson must immediately put to the vote, without debate, a motion moved under subclause 4.1.2(4). A seconder is not required for such a motion.

6. If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause 4.1.2(1).
7. If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.
(Regulation Clause 250)

4.1.3 Point of order

1. A Councillor may draw the attention of the chairperson to some irregularity in the meeting proceedings by raising a point of order.
2. A Councillor must stand, call a point of order and the current speaker must cease talking and be seated.
3. A point of order does not require a seconder and must be dealt with immediately.
4. The chairperson must suspend business before the meeting to allow the Councillor raising the point of order to state the meeting procedure/s they believe have been infringed.
5. The chairperson will subsequently either uphold the point of order or overrule it and the business before the meeting can then continue.
(Council protocol)

4.1.4 Motions of dissent

1. A Councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
2. If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
3. Despite Regulation Clause 250 (which refers to the limitations as to the number of speeches), only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.
(Regulation Clause 248)

4.1.5 Notice of motion - absence of mover

In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the Council:

- a. any other Councillor may move the motion at the meeting
- b. the chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.

(Regulation Clause 245)

4.1.6 Chairperson's duty with respect to motions

1. It is the duty of the chairperson at a Council meeting to receive and put to the meeting any lawful motion that is brought before the meeting.

2. The chairperson must rule out of order, any motion that he or she believes is unlawful or the implementation of which would be unlawful.
3. Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.

(Regulation Clause 238)

The chairperson is to ensure that motions and amendments are clearly stated for the benefit of all present and may request a Councillor to repeat the motion or amendment if unclear or inaudible.

(Council protocol)

4.1.7 Varying a motion/amendment

1. A Councillor may seek to vary a motion by:
 - a. obtaining the consent of the mover and seconder of the motion
 - b. proposing an amendment to the motion.
2. If a Councillor proposes a variation to a motion, the chairperson shall seek the consent of the mover and seconder of the motion to have the variation included in the motion. If there is no objection, the proposed variation is adopted into the motion and the mover and seconder's names remain unchanged. ~~Councillors that propose the variation/s will have their name/s and variation/s recorded in the minutes as a note/s.~~
3. If there is an objection, the proposed variation must be dealt with as an amendment and voted on accordingly.

(Council protocol)

4.2 Amendments

An amendment is a change to the motion before Council (the initial motion), and is moved while the initial motion is being debated.

(Council protocol)

4.2.1 Moving an amendment to a motion

A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to Regulation Clauses 243(2) and 250(5).

(Regulation Clause 246)

The amendment must be dealt with before voting on the main motion takes place. Debate is only allowed in relation to the amendment and not the main motion, which is suspended while the amendment is being considered.

(Meeting Practice Note 5.3.1)

4.2.2 How subsequent amendments may be moved

If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.

(Regulation Clause 247)

If during discussions one motion and one amendment are already before Council, any further amendments can only be foreshadowed and cannot be considered by the Council until the amendment has been determined.

(Council protocol)

4.2.3 Foreshadowed Motions and Foreshadowed Amendments

1. a. Foreshadowed Amendments - once an amendment has been moved and seconded, during debate, a Councillor member may foreshadow an amendment, without a seconder, proposed to be moved following consideration of the first amendment.

There is no limit to the number of foreshadowed amendments before Council at any one time. However, no discussion on foreshadowed amendments can take place until the previous amendment has been dealt with.

- b. Foreshadowed Motions (**predominately the opposite to that proposed in the motion or where it is proposed to alter the motion more drastically than that permissible in an amendment**) (~~a direct negative to the original motion~~) - a foreshadowed motion can be proposed by a Councillor, without a seconder, during debate on the original motion. The foreshadowed motion will only be considered if the original motion is lost or withdrawn and once moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
2. Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they were notified however foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

(Council protocol)

Part Five – Rescission motions

5.1 Rescinding or altering resolutions

1. A resolution passed by a Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under Section 360 and, if applicable, the Council's Code of Meeting Practice.
2. If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
3. If a motion has been negatived by a Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the Council's code of meeting practice.
4. A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the Council, must be signed by three Councillors if less than three months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.
5. If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within three months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.
6. A motion to which this section applies may be moved on the report of a committee of the Council and any such report must be recorded in the minutes of the meeting of the Council.
7. The provisions of this section concerning negatived motions do not apply to motions of adjournment.

(Section 372)

Rescission motions must be submitted in writing to the General Manager who will ensure, as soon as practicable, that all Councillors are advised that a rescission motion has been lodged.

A rescission motion will be ruled out of order if Council has already given effect to the original motion the rescission motion seeks to rescind.

(Council protocol)

Part Six – Closed parts of the meeting

6.1 Closure of meetings to the public

6.1.1 Attendance of media and public

There is nothing in the Act or Regulation to limit public attendance at closed parts of meetings if invited by the Council. However, the non-disclosure provisions of section 664 of the Act would apply to a person attending a closed part of a meeting.

Similarly, there does not appear to be any direct breach of the Model Code, although such invitations may affect a Council's appearance of impartiality and proper conduct in a matter. The better practice would be to invite only those people whose presence at the meeting is necessary for the provision of advice, such as Council's solicitor.

(Meeting Practice Note 7.3.5)

6.1.2 Exclusion of media and public

1. A Council or a committee of the council of which all the members are Councillors, may close to the public so much of its meeting as comprises:
 - a. the discussion of any of the matters listed in subclause 6.1.3(2)
 - b. the receipt or discussion of any of the information so listed.

(Section 10A(1))

6.1.3 Grounds to close a meeting or part of a meeting

1. The matters and information as referred to in Section 10A(1) are the following:
 - a. personnel matters concerning particular individuals (other than Councillors)
 - b. the personal hardship of any resident or ratepayer
 - c. information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
 - d. commercial information of a confidential nature that would, if disclosed:
 - i. prejudice the commercial position of the person who supplied it
 - ii. confer a commercial advantage on a competitor of the Council
 - iii. reveal a trade secret
 - e. information that would, if disclosed, prejudice the maintenance of law
 - f. matters affecting the security of the Council, Councillors, Council staff or Council property
 - g. advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
 - h. information concerning the nature and location of a place or an item of Aboriginal significance on community land
 - i. alleged contraventions of any code of conduct requirements applicable under section 440.

2. A Council or a committee of the council of which all the members are Councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
3. A Council may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.
4. **Speakers making representations regarding the closure of a meeting to the public are limited to five minutes and may be asked by the Chairperson to nominate speakers on their behalf.**

(Section 10A(2,3 and 4))

6.1.4 Confidential matters not to be disclosed

In particular, if part of a meeting of a Council is closed to the public in accordance with section 10A(1), a person must not, without the authority of the Council, disclose (otherwise than to the Council or a Councillor of the Council) information with respect to the discussion at, or the business of, the meeting.

(Section 664(1A))

6.1.5 Closing parts of meetings in urgent cases

Part of a meeting of a Council of which all the members are Councillors, may be closed to the public while the Council considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:

- a. it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 10A(2)
- b. the Council or committee, after considering any representations made under section 10A(4), resolves that further discussion of the matter:
 - i. should not be deferred (because of the urgency of the matter)
 - ii. should take place in a part of the meeting that is closed to the public.

(Section 10C)

6.1.6 Specifying reasons for closing part of a meeting

1. The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
2. The grounds must specify the following:
 - a. the relevant provision of section 10A(2)
 - b. the matter that is to be discussed during the closed part of the meeting
 - c. the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(Section 10D)

Part Seven – Order at meetings

7.1 Conduct at meetings

Council's Code of Conduct also provides standards for appropriate behaviour and sanctions for misbehaviour at meetings. Councillors should also be aware of the provisions of the Code of Conduct in regard to these matters.

7.2 Questions of order

1. The chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
2. A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
3. The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
4. The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

(Regulation Clause 255)

7.3 Acts of disorder

1. A Councillor commits an act of disorder if the Councillor, at a Council meeting:
 - a. contravenes the *Local Government Act 1993* or any regulation in force under the *Local Government Act 1993*
 - b. assaults or threatens to assault another Councillor or person present at the meeting
 - c. moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of Council or addresses or attempts to address Council on such a motion, amendment or matter
 - d. insults or makes personal reflections on or imputes improper motives to any other Councillor
 - e. says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring Council into contempt.
2. The chairperson may require a Councillor:
 - a. to apologise without reservation for an act of disorder referred to in subclause 7.3(1)(a) or (b)
 - b. to withdraw a motion or an amendment referred to in subclause 7.3(1)(c) and, where appropriate, to apologise without reservation
 - c. to retract and apologise for an act of disorder referred to in subclause 7.3(1)(d) or (e).
3. A Councillor may, as provided by section 10(2)(A) or (B) of the Act, be expelled from a Council meeting for having failed to comply with a requirement under subclause 7.3(2). The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

(Regulation Clause 256)

7.4 How disorder at a meeting may be dealt with

1. If disorder occurs at a Council meeting the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public, as well as disorder arising from the conduct of Councillors.
2. A member of the public may, as provided by section 10(2)(A) or (B) of the Act, be expelled from a Council meeting for engaging in or having engaged in disorderly conduct at the meeting.

(Regulation Clause 257)

7.5 Power to remove persons from meeting after expulsion resolution

If a Councillor or a member of the public fails to leave the place where a meeting of Council is being held:

- a. immediately after the Council has passed a resolution expelling the Councillor or member of the public from the meeting
- b. where the Council has authorised the person presiding at the meeting to exercise the power of expulsion, immediately after being directed by the person presiding to leave the meeting

a police officer, or any person authorised for the purpose by Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member from re-entering that place.

(Council protocol - refer to Regulation Clause 258)

~~Part Eight – Committees, their members and functions~~

~~8.1 Council may establish committees~~

- ~~1. Council may, by resolution, establish such committees as it considers necessary.~~
- ~~2. A committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.~~
- ~~3. The quorum for a meeting of a committee is to be~~
 - ~~a. such number of members as the Council decides~~
 - ~~b. if the Council has not decided a number, a majority of the members of the committee.~~

(Regulation Clause 260)

~~8.2 Functions of committees~~

~~Council must specify the functions of each of its committees when the committee is established, but may from time to time, amend those functions.~~

(Regulations Clause 261)

~~8.3 Notice of committee meetings~~

- ~~1. The General Manager of a Council must send to each Councillor, at least three days before each meeting of the committee, a notice specifying:~~
 - ~~a. the time and place at which and the date on which the meeting is to be held~~
 - ~~b. the business proposed to be transacted at the meeting.~~
- ~~2. However, notice of less than three days may be given of a committee meeting called in an emergency.~~

(Regulation Clause 262)

~~8.4 Non-member entitled to attend committee meetings~~

- ~~1. A Councillor who is not a member of a committee of a Council is entitled to attend, and to speak at, a meeting of the committee.~~
- ~~2. However, the Councillor is not entitled:~~
 - ~~a. to give notice of business for inclusion in the agenda for the meeting~~
 - ~~b. to move or second a motion at the meeting~~
 - ~~c. to vote at the meeting.~~

(Regulation Clause 263)

~~Non-members will be recorded in 'Also in Attendance' if they attend the meetings.~~

(Council protocol)

~~8.5 Procedures in Council committee meetings~~

~~Council committees will operate within the provisions as outlined in this Code of Meeting Practice.~~

(Council protocol)

~~8.6 Procedures in sub-committee meetings~~

~~Each committee of Council will operate within the sub-committee guidelines and this Code of Meeting Practice as set down by Council.~~

(Council protocol)

~~8.7 Chairperson and deputy chairperson of Council committees~~

- ~~1. The chairperson of each committee of the Council must be:~~
 - ~~a. the Mayor~~
 - ~~b. if the Mayor does not wish to be the chairperson of a committee – a member of the committee elected by the Council~~
 - ~~c. if the Council does not elect such a member – a member of the committee elected by the committee.~~

- ~~2. A Council may elect a member of a committee of the Council as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.~~
- ~~3. If neither the chairperson nor the deputy chairperson of a committee of a Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.~~
- ~~4. The chairperson is to preside at a meeting of a committee of a Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.~~

~~(Regulation Clause 267)~~

~~8.8 Absence from committee meetings~~

- ~~1. A member (other than the Mayor) ceases to be a member of a committee if the member:
 - ~~a. has been absent from three consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences~~
 - ~~b. has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.~~~~
- ~~2. Subclause 8.8(1) does not apply in respect of a committee that consists of all of the members of the Council.~~

~~(Regulation Clause 268)~~

~~8.9 Reports of committees~~

- ~~1. If in a report of a committee of the Council distinct recommendations are made, the decision of Council may be made separately on each recommendation.~~
- ~~2. The recommendations of a committee of the Council are, so far as adopted by the Council, they become resolutions of the Council.~~
- ~~3. If a committee of a Council passes a resolution, or makes a recommendation, during a meeting, or part of the meeting that is closed to the public, the chairperson must:
 - ~~a. make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended~~
 - ~~b. report the resolution or recommendation to the next meeting of the Council.~~~~

~~(Regulation Clause 269)~~

~~8.10 Chairperson's role in presenting the committees recommendations to Council~~

~~When the chairperson presents the reports of the standing committees, they will move all the recommendations of the standing committee with the exception of any item that they have personally declared an interest in. In this instance, another member of the standing committee should move the particular item in question.~~

~~(Council protocol)~~

~~8.11 Chairperson's role in advising community members of meeting procedure~~

~~The chairperson should at the beginning of each committee meeting advise members of the gallery that he/she will present the recommendations of the committee to the full Council meeting which is held the following Tuesday.~~

~~Members of the gallery should also be advised that the committee's recommendation may be endorsed or amended by the full Council, or it may be referred back to the committee for further consideration.~~

~~In items where there is significant interest by members of the gallery the chairperson should at the conclusion of debate on that particular item advise all those present of the committee's decision.~~

~~(Council protocol)~~

Part Eight – Public Addresses

8.1 Public Addresses

Community participation and contribution to the decision making of Council is encouraged to enhance the quality and inclusiveness of its decisions. Residents, ratepayers or other eligible representatives may apply to address the Council on matters listed on the Council meeting agenda in accordance with the following provisions.

8.2 Applications to address Council

8.2.1. An application to address the Council on matters included on the Council meeting agenda, must be made to Council no later than 12pm on the day of the Council meeting, unless the Chairperson determines that circumstances justify otherwise.

The application may be made by phone, letter, email or fax to the Manager, Governance and Risk.

8.2.2. An application must relate to a matter which is currently before Council for determination with the exclusion of the following -

- a. Notices of Rescission
- b. Questions with Notice
- c. All representations in respect of formal tenders and/or quotations.
- d. All staff related matters.

8.2.3. So as to improve transparency and accountability to the public, each speaker making an application to address the Council must provide the following details:

- a. Name
- b. The organisation or group that he or she is representing (if applicable)
- c. Eligibility in accordance with the criteria above
- d. Details of the issue addressed and the item number of the report in the Business Paper
- e. Whether opposing or supporting the issue or matter (if applicable)
- f. The interest of the speaker (for example, affected person, neighbour, applicant, applicant's spokesperson etc.).

8.3 Eligibility to address Council

8.3.1 Applicants seeking to address Council or a Committee of Council must meet one of the following eligibility criteria:

- a. a resident or owner of land within the City of Campbelltown Local Government Area
- b. a person or entity entitled to vote in the City of Campbelltown under the Local Government Act
- c. the representative of an entity owning land, conducting a business or providing a service in the Campbelltown Local Government Area
- d. a duly appointed person including the legal, financial or town planning representative of any person or entity listed above with a matter before Council
- e. a local community organisation representative
- f. any representative of a State or Federal Government Agency with a matter before Council.

8.4 Public Address procedures

- a. Addresses shall be limited to three speakers for and three speakers against the recommendation of any one item listed on the agenda unless the Council resolves that circumstances justify otherwise.
- b. An address shall not exceed five minutes in duration. At the expiration of four minutes, the speaker will be given a warning that one minute of time remains to conclude his or her address.
- c. Speakers shall observe proper meeting procedure and be subject to the same rules of decorum and order as the Councillors. In this regard personal allegations against Councillors, the Mayor, Council staff or any other persons shall not be made.
- d. The Chairperson may, at any time in the Chairperson's absolute discretion, withdraw the permission to speak of any member of the public if the Chairperson considers that the conduct of that member of the public disrupts the meeting or is inconsistent with the good order of the meeting or is in breach of Council's Code of Meeting Practice.
- e. Upon withdrawal by the Chairperson of the permission to speak of a member of the public the Chairperson may direct the member of the public to cease speaking and resume his or her position in the public gallery.
- f. The failure of a member of the public to comply with the Chairperson's direction shall constitute disorderly conduct.

(Council protocol)

Part Nine – Pecuniary and non-pecuniary conflicts of interest

Detailed information regarding pecuniary and non-pecuniary conflicts of interests can be found in part 4 of Council's Code of Conduct.

9.1 Pecuniary Interest

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided in section 443 of the Act.

[Act - section 442]

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of the Act (clause 55 of the Code).

[Act - section 442]

9.2 Persons who have a Pecuniary Interest

For the purposes of this Part, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- (a) the person; or
- (b) the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person; or
- (c) a company or other body of which the person, or a nominee, partner or employer of the person is, a member. [Act - section 443]

However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (1)(b) or (1)(c):

- (a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body; or
- (b) just because the person is a member of, or employed by, a council or a statutory body or is employed by the Crown; or
- (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body. [Act - section 443]

9.3 Disclosure and Participation in Meetings

A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.

[Act - section 451]

The Councillor or member must not be present at, or in sight of, the meeting of Council or the Committee:

- (a) at any time during which the matter is being considered or discussed by the Council or the Committee, or
- (b) at any time during which the Council or the Committee is voting on any question in relation to the matter.

[Act - section 451]

9.4 Disclosures to be Recorded

Disclosures must be recorded in the minutes] A disclosure made at a meeting of Council or a Council Committee must be recorded in the minutes of the meeting.

[Act – section 453]

9.5 Non-pecuniary interests

Non-pecuniary interests are private or personal interests a Councillor has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

9.6 Disclosing and Managing Non-Pecuniary Conflicts of Interest

Non-pecuniary conflicts of interest must be disclosed and managed in accordance with the relevant provisions of Council's Code of Conduct.

Part Ten – Minutes

10.1 What must be recorded in the minutes?

1. The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council.
2. The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting.

(Section 375)

The General Manager is required to keep a register containing, for each planning decision made at a meeting of the Council, the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.

(Section 375A(2))

The General Manager must ensure that the following matters are recorded in the Council's minutes:

- a. details of each motion moved at a Council meeting and of any amendments ~~and variations moved to it~~
- b. the names of the mover and seconder of the motion or amendment
- c. whether the motion or amendment is passed or lost.

(Regulation Clause 254)

A disclosure made at a meeting of a Council must be recorded in the minutes of the meeting.

(Section 453)

The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

(Regulation Clause 233(3))

If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.

(Regulation Clause 251(2))

If a Councillor who has voted for a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's vote is recorded in the Council's minutes.

(Council protocol)

The General Manager must ensure that details of Councillor attendance and apologies are recorded in Council's minutes.

The items detailed above should also be recorded.

(Council protocol)

10.2 Minutes for closed meetings

Any person is entitled to inspect the minutes containing resolutions or recommendations from the closed parts of meetings. While Council cannot keep its decisions confidential, it is possible to discuss matters in the minutes in such a way as to not reveal confidential details.

(Meeting Practice Note 7.3.2)

10.3 Inspection of the minutes of Council

An inspection of the minutes of a Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes.

The General Manager must ensure that the minutes of the Council and any minutes of a committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

(Regulation Clause 272)

8.5 Alternative Road Names - WSU Campbelltown Residential Project Stage 4

Reporting Officer

Geographical Information Officer
City Governance

Community Strategic Plan

Objective	Strategy
3. An Accessible City	3.1 The development and implementation of infrastructure plans to support efficient movement around the city

Officer's Recommendation

1. That Council publish notice of the new road names previously approved by Council at its meeting on 18 April 2017 for use in Stage 4 of the Western Sydney University Campbelltown Residential Project in the NSW Government Gazette, excluding the three proposed road names objected to by the Geographical Names Board of NSW.
2. That Council approve the proposed alternative road names in the attachment to this report for use within Stage 4 of the Western Sydney University Campbelltown Residential Project.
3. That Council publicly exhibit its proposal to use these alternative road names for a period of 28 days by placing advertisements in local newspapers and notifying the authorities prescribed by the Roads Regulation 2008.
4. That should no objections to the proposal to use the exhibited alternative road names be received during the exhibition period, Council publish notice of these new road names in the NSW Government Gazette.

Purpose

To seek Council's endorsement to publicly exhibit three alternative road names to be used within Stage 4 of the Western Sydney University (WSU) Campbelltown Residential Project area.

History

Council at its meeting held 18 April 2017, Item 8.15 - Proposed Road Names - Western Sydney University Campbelltown Residential Project Stage 4, resolved in part:

1. That Council approve the proposed road names in the attachment to this report for use within Stage 4 of the Western Sydney University Campbelltown Residential Project.

2. That Council publicly exhibit its proposal to use these road names for a period of 28 days by placing advertisements in local newspapers and notifying the authorities prescribed by the Roads Regulation 2008.
3. That should no objections to the proposal to use the exhibited road names be received during the exhibition period, Council publish notice of these new road names in the NSW Government Gazette.

Report

In accordance with Council's resolution, the proposed road names for Stage 4 of the WSU Campbelltown Residential Project were exhibited for public comment from 10 May 2017 to 9 June 2017. The authorities listed in Clause 7 of the Roads Regulation 2008 (the Regulation) were also notified of Council's proposal to use these road names.

No objections to these proposed road names were received from the public during the exhibition period. However, the Geographical Names Board of NSW (GNB), as one of the prescribed authorities under the Regulation, raised objections to three of the proposed road names on the grounds of potential duplication or confusion with existing road names under Principle 6.7.4 of the NSW Addressing User Manual. The three proposed road names objected to were: Lehane Street as the very similar road name Lehany has been pre-approved as for use in the Camden Local Government Area; Mullin Circuit as it was considered to sound too similar to Mull Place in St Andrews; and Rice Street which was considered to sound too similar to Brice Way in St Helens Park.

Clause 10 of the Regulation states that Council cannot proceed with a proposal to name or rename a road against an objection made by any of prescribed authorities except with the approval of the Minister. As this development has now progressed to the point where approved road names are urgently required, it is therefore considered that the best way to proceed with the naming of the streets in Stage 4 is to substitute these three proposed names with alternative road names drawn from the same theme.

It has been Council's protocol for some time to select specific themes in an effort to harmonise road names within suburbs and development areas. UrbanGrowth NSW, in partnership with WSU Campbelltown, commissioned CLOUSTON Associates with Susan Conroy Cultural Planning to develop an integrated landscape, public art and place making strategy for the WSU Campbelltown Residential Project. Research carried out as part of this place making strategy established that the site of this development has a long history that can be traced back to activities undertaken by the Dharawal people, through colonial and farming settlement, to the more recent use of the site as a university campus. From this research, the overarching theme proposed for the place making and public art program is Bringing Knowledge to Life: Public Art, Environment and Science. Underpinning this theme are four sub-themes drawn from the history, character, profile and evolution of uses of the site. These are: University Influences, Dharawal Roots, Productive Keepers Past and Present, and Natural Corridors. As the various stages of this estate are separated into distinct residential precincts by areas of open space, it is proposed to apply these separate place making sub-themes to the individual stages of this development.

Stage 4 of this residential development is located within the area covered by the Productive Keepers Past and Present place making sub-theme, close to the existing university campus. The proposed road names for Stage 4 have therefore been selected to acknowledge the history of education in the Campbelltown local area.

A list of the alternative road names is included in the attachment to this report and Council staff have liaised directly with the GNB to ensure that these proposed road names fully comply with the requirements of the NSW Addressing Policy and the NSW Addressing User Manual.

The road naming process

Division 2 of Part 2 of the Regulation outlines the procedure that Council must follow when naming public roads under its control. In accordance with these procedures, it is recommended that, subject to Council approval, the proposed road names are advertised in local newspapers to allow for public comment and that Australia Post, the Registrar General, the Surveyor General and the various emergency services are also notified of Council's intention to use these proposed road names within this development.

Should no objections be received in the period of 28 days following advertisement and notification of this proposal, it is also recommended that Council then completes the road naming process by publishing a notice of these new road names in the NSW Government Gazette. Should any objections be received during the exhibition period, a further report on this matter will be presented to the next available Council meeting.

Attachments

1. Alternative Road Names - WSU Campbelltown Residential Project Stage 4 - Attachment 1 (contained within this report)

List of proposed road names

Road Name	Origin
Bratt Street	Miss E Bratt was the first teacher at Campbelltown South Provisional School (now Kentlyn Public School) when it opened in November 1914. <i>Source: Marie Holmes, Campbelltown and Airds Historical Society</i>
Daintrees Circuit	Mrs Daintrees ran the Campbelltown District Church of England Grammar School for Girls in the 1920s. <i>Source: Carol Liston, Campbelltown the Bicentennial History</i>
Quondong Street	Quondong Cottage is the current name of the original St Patricks Primary School building in Old Menangle Road, Campbelltown. It is currently used as the Campbelltown Visitor Centre. <i>Source: Carol Liston, Campbelltown the Bicentennial History</i>

8.6 Revised Policy Payment of Expenses and Provisions of Facilities to the Mayor, Deputy Mayor and Councillors

Reporting Officer

Manager Governance and Risk
City Governance

Community Strategic Plan

Objective	Strategy
5. Responsible Leadership	5.3 The transparent provision of information to the community to encourage participation in decision making

Officer's Recommendation

1. That the draft Policy on the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors be endorsed in principle.
2. That Council advertise for 28 days a public notice of its intention to adopt the amended Policy on the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors.
3. That a further report be presented to Council at the conclusion of the exhibition period to consider any public submissions received and/or for final adoption of the policy.

Purpose

1. to review the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors Policy:
 - a. to ensure that it complies with the *Local Government Act 1993*, the Local Government (General) Regulation 2005 the guidelines and circulars issued by the Office of Local Government and recommendations from Independent Commission Against Corruption Publications and takes into account best practice and is benchmarked against similar sized councils
 - b. to ensure that there is clear accountability and transparency of expenses incurred and the provision of facilities provided to Councillors.
2. to seek Council's endorsement in principle of the revised Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors Policy for the purpose of public exhibition in accordance with the *Local Government Act 1993*.

History

This policy is made under sections 252-254 and in accordance with section 23A, of the *Local Government Act 1993* and section 403 of the *Local Government (General) Regulation 2005*. The Act requires that the Council must adopt a policy concerning the payment of expenses incurred, or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor and Councillors in relation to discharging the functions of civic office within the first 12 months of each new term of Council.

Before amending or adopting this policy, Council must give public notice of its intention, and allow at least 28 days for public submissions. Any public submissions received will be considered and appropriate changes made and reported to Council prior to the adoption of the policy.

Report

The draft policy on the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors has been revised in accordance with Council's Record Management Policy and the adopted procedure for Policy Development and Review. This policy was last reviewed and adopted by Council on 15 September 2015.

As part of the review investigations were undertaken to ensure all the requirements from the Act, the Regulations, and the Office of Local Government were incorporated and that the policy supports Council's adopted Code of Conduct. The revised policy has included best practice and is benchmarked against similar sized councils.


In accordance with advice received from the Department of Planning and Environment a fee has been included for payment to Councillors elected to the Sydney South West Planning Panel, replacing the Joint Regional Planning Panel in acknowledgement of their additional responsibilities and attendance at each meeting of the panel.

Detailed below are the significant changes to the policy that ensure compliance with all relevant authorities, Acts and Regulations:

- updated table identifying specific monetary limits/quantities of equipment and facilities available to Councillors during their term of office
- update of documented approval arrangements processes to ensure expenses are approved by the appropriate level of management and recorded to align with organisational structural changes
- reviewed and updated protocol for returning or purchasing facilities and equipment at the conclusion of the Councillors term of office
- Sydney South West Planning Panel attendance fee.

Attachments

1. Draft Revised Policy Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors (contained within this report)

 campbelltown city council	POLICY
Policy Title	Payment of Expenses and Provisions of Facilities to the Mayor, Deputy Mayor and Councillors
Related Documentation	Councils Code of Conduct ICAC Publication - No excuse for Misuse, Preventing the Misuse of Council Resources OLG Guidelines for Payment of Expenses and Provision of Facilities Model Code of Conduct for Local Councils in NSW 2013 OLG Circulars 11/27, 08/03, 08/24, 08/37, 07/22 and 06/57 Councils Internet and Email Usage Authorised Statement Related Policies, Authorised Statements, Procedures or forms to support this policy.
Relevant Legislation/ Corporate Plan	<i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2005</i>
Responsible Officer	Manager Governance and Risk

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

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Part 1 - Introduction

1. Purpose of the Policy

The purpose of this Policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors.

The Policy comprises four parts being:

- Part 1 - Introduction – defines key terms and describes the legislative and reporting requirements that describe the policy's purpose, objectives and scope
- Part 2 - Payment of Expenses – describes the general and specific provisions, circumstances and Council procedures related to the payment of allowable expenses
- Part 3 - Provision of Facilities – outlines the general and specific provisions, circumstances concerning Councillor use of Council facilities and resources
- Part 4 - Other Matters – provides guidance on issues related to Councillor acquisition and return of facilities and dispute resolution.

2. Objectives and Coverage of this Policy

The objectives of this Policy are to:

- a) Ensure there is consistency in the application of reimbursement of expenses and provisions of facilities to Councillors in an equitable and non-discriminatory manner.
- b) Assist Councillors to represent the interests of residents and ratepayers of Campbelltown and to facilitate communication between the community and the Council.
- c) Provide Councillors with a level of support which will serve to encourage residents to seek election to civic office.

In absence of clear financial limits being set within the Policy, reference should be made to the table at clause 14 for further guidance.

3. Making and Adoption of this Policy

The *Local Government Act 1993* requires Council to review and submit its policy to the Director General of the Office of Local Government within 28 days of adoption by the Council, even if it proposes to adopt an unchanged policy. Current policies must be submitted by the 30 November each year.

Before adopting or amending this policy, the Council must give public notice of its intention, and allow at least 28 days for public submissions. Any public submissions received will be considered and appropriate changes made prior to the adoption of the policy.

Even if changes that are considered not substantial are proposed, the required annual adoption of this policy must still be subject to the public notification process outlined above.

At any time, other than the required annual adoption of this policy and if the proposed amendment is not substantial the Council is not required to provide public notice. The term "not substantial" should be taken to mean minor changes to the wording of the policy, or changes to monetary provisions or rates that are less than 5 per cent. It also means minor changes to the standard of the provisions of equipment and facilities. Any new category of expenses, facilities and equipment included in the policy will require public notice.

4. Reporting Requirements

Council is required by Section 428 of the *Local Government Act 1993* to include in their annual report:

- A copy of this policy
- The total amount of money expended during the year on providing these facilities and payment of these expenses
- Additional information as required by the *Local Government (General) Regulation 2005*.

5. Legislative Provisions

Under Section 252(5) of the *Local Government Act 1993* this policy must comply with guidelines issued by the Office of Local Government for the Payment of Expenses and the Provision of Facilities to the Mayor and Councillors for Local Councils in NSW.

“A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.”

6. Other NSW Government Policy Provisions

This policy is consistent with the ~~Model Code of Conduct for Local Councils in NSW, Office of Local Government – March 2013~~ and the Campbelltown City Council Code of Conduct. The following parts of the Code are particularly relevant to s252 policies:

Use of Council resources:

- You must use Council resources ethically, effectively, efficiently and carefully in the course of your public or professional duties, and must not use them for private purposes (except where supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate
- You must be scrupulous in your use of Council property including intellectual property, official services and facilities and should not permit their misuse by any other person or body
- You must avoid any action or situation which could create the impression that Council property, official services or public facilities are being improperly used for your own or any other person or body's private benefit or gain
- You must not use Council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility
- You must not convert any property of the Council to your own use unless properly authorised.

7. Approval Arrangements

Various approval arrangements are indicated throughout this policy and vary from Full Council resolution approval to Mayor (or Deputy Mayor in the case of a claim for the Mayor) and General Manager's approval.

The Manager, **Governance and Risk** ~~Executive Services~~ will assist Councillors with respect to seeking reimbursement of expenses incurred in their role as a Councillor, coordinating travel and accommodation arrangements, attendance at civic events, training and education, and the provision of facilities under this policy.

All claims for reimbursement must be made within three months of the date of the receipt and on the appropriate "Claim for reimbursement of expenses by Mayor, Deputy Mayor and Councillors Form" (appendix A).

Any claim will be reconciled with the receipts and authorised as follows:

1. Authorised by the General Manager and Mayor (or Deputy Mayor where claim is made by the Mayor) for spouse and partner expenses, advance payments, travel, accommodation, childcare and carer fees.
2. Authorised by two of the following positions, if the particular expense category does not require General Manager and Mayor (or Deputy Mayor in the case of a claim by the Mayor) approval. The General Manager, Mayor, Director, **City Governance** ~~of Business Services, Manager of Executive Services~~ Executive Manager, Corporate Services and Governance and Manager, Governance and Risk.

Part 2 - Payment of Expenses

8. General Provisions

8.1 General Allowance

In accordance with the *Local Government Act 1993*, Council will not permit the payment of an allowance to any Councillor that may be considered a general expense or allowance.

8.2 Annual fees

Mayor

Council will determine annually the fee to be paid to the Mayor in accordance with Section 249 of the *Local Government Act 1993*. This fee will be in addition to the Councillor's fee. This fee will be paid to the Mayor monthly in arrears as provided by Section 250 of the Act.

In the event that the Mayor stands aside, is incapacitated or voluntarily ceases to perform the functions of the Mayor for any reason, the Council may, by resolution, pay an additional fee to the Deputy Mayor for that period (on a pro rata basis) while he/she carries out the duties and responsibilities on behalf of the Mayor. This fee will be in addition to the Councillor's fee and will be deducted from the Mayoral fee. This fee will be paid to Councillors monthly in arrears as provided by Section 250 of the Act.

Deputy Mayor and Councillors

Council will determine annually the fee to be paid to the Councillors in accordance with Section 248 of the *Local Government Act 1993*. This fee will be paid to Councillors monthly in arrears as provided by Section 250 of the Act.

Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.

8.3 Advanced payment of expenses

This Policy allows for any Councillor to request advance payment of anticipated expenses covered by this Policy likely to be incurred attending any service or facility.

However Councillors must completely reconcile all actual expenses against the cost of the advance within three months of incurring that expense.

8.4 Spouse and Partner expenses

Where the Councillor is accompanied by his or her spouse/partner, costs incurred for the spouse/partner (including travel, sustenance, registration and partner's program) will be borne by the Councillor. Council will not be responsible for any costs incurred by other members of a Councillor's family.

However where a Councillor is accompanied by his or her spouse/partner to the annual Local Government Association Conference Council will meet the cost of the official dinner for the spouse/partner. Any additional travel and accommodation expenses will be the personal responsibility of the Councillor.

Specific expenses for Mayors and Councillors**8.5 Seminars and Conferences**

Councillor attendance at conferences requiring overnight accommodation or air travel will be determined in open Council. The report to Council must detail the purpose of the trip, expected benefits, duration, itinerary, approximate costs.

The use of a Mayoral minute to obtain Council approval for travel is not appropriate as it is not consistent with the principles of openness and transparency.

Where approval at a meeting of Council is not possible, Councillor's attendance will be determined by the Mayor and the General Manager.

A request submitted by the Mayor will be determined by the Deputy Mayor and the General Manager.

Following the event a written report should be provided to Council on the aspects of the conference relevant to Council's business and/or the local community.

Attendance at seminars, training and skills development sessions and the like that do not require overnight travel may be approved by the General Manager.

Who may attend conferences and seminars

Any interested Councillor may attend conferences, seminars and similar functions nominated by the Council. The Mayor may nominate a substitute attendee in his or her stead for functions within the Council area, or general Sydney metropolitan area, on those occasions where the Mayor is unable to be present.

Conference costs

The Council will pay all normal registration costs charged by organisers, including the costs of related official luncheons, dinners and tours that are relevant to the interests of the Council or assist Councillors to discharge the functions of their civic office.

8.6 Travel arrangements and Expenses

Councillors using their private vehicles to attend meetings of the Council, Advisory Committees, Working Parties, Council briefings, Community Consultations or the like organised or authorised by the Council will be paid the kilometre rate set by the Local Government (State) Award but subject to any such payment not exceeding the amount noted below for when approval is given for a Councillor to use their private vehicle.

Councillors are to lodge claims for travelling expenses within a period of three months after which the expenses was incurred.

Where Councillors are attending any meeting conference, seminar or function outside the Local Government Area where practical, travel to and from the venue will be in a Council vehicle. Should travel in a Council vehicle be impractical, then the Councillor will make a request to the Mayor or General Manager (or the General Managers nominee) to authorise travel by flights, rail or in special circumstances private vehicle. All travel should be via the most direct route. Council will meet the cost of either the return first class travel by rail or return economy class airfare.

If approval is given for a Councillor to use their private motor vehicle to travel to a meeting, conference, seminar or function outside the Local Government Area a Councillor is able to receive the lesser of the cost of an economy airfare plus transfers to and from airports or the travel allowance based on the kilometre rate set by the Local Government (State) Award.

The Councillor is personally responsible for all traffic or parking infringements incurred while travelling in private or council vehicles on council business.

Councillors may be issued with Cab Charge vouchers for taxi fares that are incurred while attending conferences and other Council related functions. All unused Cab Charges shall be returned to the **Executive Manager, Corporate Services and/or Governance and Manager, Governance and Risk** ~~Executive Services~~ within 15 days of the function. The General Manager shall have the right to reject any unauthorised Cab Charges.

Interstate Travel

Council resolution approval is required prior to any interstate travel being undertaken by Councillors (excluding travel to ACT which may be authorised by Mayor and General Manager approval). The report to Council should include all details of the travel, including itinerary, expected costs and expected benefits.

Overseas Travel

Councillors wishing to undertake overseas travel must do so at their own cost.

Where the Mayor has been invited to officially represent Campbelltown overseas, a detailed report outlining the purpose of the trip, expected benefits, duration, itinerary and approximate costs, will be furnished to the Council as part of the Council Business Paper. Council must approve the international travel and payment of expenses relating to such travel.

If the visit is to be sponsored by private enterprise, ICAC guidelines and reporting structures should be followed and this should form part of the community reporting process. Retrospective reimbursement of overseas travel expenses is not allowed unless prior authorisation of the travel has been obtained.

After returning from overseas, a detailed report will be provided to a meeting of the Council on the aspects of the trip relevant to council business and/or the local community.

A detailed report should be given in the Annual Report for the year in which the visit took place, outlining how the objectives were met and what quantifiable benefits will flow to the community.

Loyalty points schemes

Councillors shall not be entitled to claim frequent flyer points relating to air travel authorised by this Policy. In circumstances where the Councillor has no option but to pay for air travel and frequent flyer points are accrued to his/her personal account, the Councillor will surrender the points to the airline upon reimbursement of the airfare by Council.

8.7 Accommodation

Council will meet the cost of accommodation for Councillors attending to Council business, inspections, meetings, conferences or functions outside the Council area which are authorised by the Council. Where approval at a meeting of Council is not possible, Councillor's attendance will be determined by the Mayor and the General Manager.

When travelling by motor vehicle to conferences or seminars Council will meet the accommodation and meal expenses of the Councillor for a maximum of two nights per trip when journeying to and from the conference or seminar venue. These expenses must be consistent with the Tax Determination 2014-2019 or any determinations or policies of the Australian Tax Office that supersede it.

8.8 Sustenance

Council will meet the cost of reasonable sustenance and incidental expenses for Councillors attending to Council business, inspections, meetings, conferences, seminars or functions which are authorised by the Council, Mayor or General Manager in accordance with Australian Taxation Office's (ATO) Tax Determination 2014/19.

8.9 Stationery and postage

Stationery, business cards, christmas cards, diary, filing cabinet and briefcase, together with postage expenses will be determined as outlined in clause 14 of this policy.

8.10 Subscriptions

Subject to the approval of the General Manager annual subscriptions of periodicals up to the value outlined in clause 14 of this policy.

8.11 Sydney South West Planning Panel (SSWPP) ~~Joint Regional Planning Committee (JRPP)~~ attendance fee

Council, in accordance with advice received from the Department of Planning and Environment NSW, determine a fee payable to each elected councillor ~~JRPP~~ Sydney South West Planning Panel member for attendance at SSWPP meetings in order to recognise that membership of the ~~regional~~ planning panel brings additional responsibilities.

8.12 Training and Educational expenses

Councillors will be provided with any necessary training/education in the use of equipment supplied by the Council or in sessions relating to the Councillors civic functions and responsibilities or a recommendation that has been made by an external Agency for specific training to occur for a Councillor(s) by the OLG, the NSW Ombudsman or a Conduct Reviewer, or compulsory training as required by legislation.

5. Subject to Council resolution or approval under delegated authority by the Mayor or General Manager, Council will meet the full cost of attendance of Councillors at any of these sessions in the same manner as applicable to a Councillor's attendance at Conferences.

8.13 Carer and other related expenses

Council will meet reasonable cost of care arrangements including child care expenses and the care of elderly, disabled and/or sick immediate family members of Councillors to allow them to attend Council, Committee and Sub Committee Meetings, Council Briefings and Working parties at a maximum rate as negotiated with the General Manager. Carer costs will be paid to cover the period 30 minutes prior to the scheduled commencement time of the meeting and one hour after the conclusion of the meeting. Limits on reimbursement will be determined as outlined in clause 14 of this policy.

Reimbursement of carer expenses to Councillors will only be made upon the production of appropriate receipts and tax invoices, and the completion of the required claim forms within three months of the carer expense being incurred.

8.14 Insurance expenses and obligations

Councillors will receive the benefit of insurance cover to the limit in Council's insurance policies for the following:

Personal injury – Personal injury or death whilst on Council business covering bodily injury caused by accidental, violent, external and visible means. Personal injury insurance also provides specified benefits for lost income and other expenses arising from permanent disablement, temporary total disability and temporary partial disability. The cover does not include medical expenses.

Professional indemnity – Applies in relation to claims arising out of the Councillor's (alleged) negligent performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty or function is in the opinion of council bona fide

and/or proper. This is subject to any limitations or conditions set out in the policy of insurance that is taken out at the direction of Council.

Public liability – Applies in relation to claims arising out of the Councillor's (alleged) negligent performance of civic duties or exercise of functions as Councillors. This is subject to any limitations or conditions set out in the policy of insurance that is taken out at the direction of Council.

Councillors and Officers liability – Applies to cover expenses incurred by Councillors in respect of claims made against them for any alleged wrongful acts arising out of their official capacities (but excludes cover for statutory penalties).

8.15 Legal expenses and obligations

Legal assistance will be provided to Councillors in the event of an inquiry, investigation or hearing, into the conduct of a Councillor by the:

- Independent Commission Against Corruption
- Office of the NSW Ombudsman
- Department of Premier and Cabinet's Office of Local Government
- NSW Police Force
- Director of Public Prosecutions
- Local Government Pecuniary Interest and Disciplinary Tribunal
- Council's Code of Conduct Reviewer.

Legal assistance will be provided to Councillors in respect to legal proceedings being taken by or against a Councillor in the Local, District or Supreme Courts, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor. This is provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's function under the *Local Government Act 1993* and the matter before the investigative or review body has proceeded past any initial assessment phase to formal investigation and review.

In the case of a conduct complaint made against a Councillor, legal costs should only be made available where a matter has been referred by the General Manager to a conduct reviewer to make formal enquiries into that matter in accordance with the procedures in the Code of Conduct. In the case of pecuniary interest or misbehaviour matter legal costs should only be made available where a formal investigation has been commenced by the Office of Local Government.

Council shall reimburse such Councillor, after the conclusion of the enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis.

Legal assistance will be provided subject to the following conditions:

- approval of the General Manager is sought and gained prior to legal expenses being incurred
- the outcome of the legal proceedings is favourable to the Councillor or where an investigatory or review body makes a finding that is not substantially unfavourable to the Councillor
- the amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis
- the Councillor's exercise of his or her function, was in the opinion of Council bona fide and/or proper; and as a Councillor
- the amount of legal expense reimbursement shall be paid at a rate equivalent to the average hourly partner rate charged by Council's Panel Solicitors.

Council will not meet the legal costs of legal proceedings instigated by a councillor under any circumstance, nor will Council meet the legal costs of a councillor seeking advice in respect that possible defamation, or in seeking a non-litigious remedy for possible defamation. Council will not assist in the legal costs for legal proceedings that do not involve a Councillor performing their role as a Councillor.

Part 3 - Provision of facilities

9. Mayor

Accommodation – A furnished office suite located on the Third Floor of the Administration Building including a facsimile machine and personal computer in the Mayor's office, fully serviced and maintained by Council. The ownership of this equipment is retained by Council.

Staff – A Personal Secretary on a shared basis with the General Manager. - Q? Do we update this in view of Michelle's position?

Meals – Meals and beverages in conjunction with Council and Committee Meetings and Inspections.

Refreshments – Food and beverages in conjunction with civic functions and hosting meetings involving community groups and representatives. Beverage service in the Councillors' Lounge.

Insignia of Office – Mayoral Chain, badge and name plate indicating office held. Mayoral Chain remains the property of the Council.

Technology Solutions

The Mayor will be provided a technology solutions package as approved by the General Manager comprising:

- mobile telephone,
- personal computer or laptop
- iPad or tablet.
- Multi-function device (combined printer, copier, scanner and facsimile)

The Mayor's technology solutions will be fully serviced and maintained by Council within business hours. Call and data expenses will be determined as outlined in clause 14 of this policy.

The Mayor may elect to purchase their own equipment. Council will reimburse a Councillor that elects to purchase their own equipment up to 80% of the value of the standard equipment approved by the General Manager.

Motor vehicle parking space – A permanent parking space in the basement of the Administration Building.

Council vehicle – A Council vehicle to the value as outlined in clause 14 of this policy and approved by the General Manager together with a fuel card for official and associated use or:

Where the Mayor elects to use a privately owned vehicle, that Council reimburse the cost of the vehicle registration, CTP, comprehensive insurance and general service costs to a maximum of \$3000 per year. Each claim should be supported by the provision of receipts and approved by the General Manager. A fuel card will also be provided for official and associated use. The Mayor accepts all liability associated with insurance claims.

10. Deputy Mayor and Councillors

Office space – The provision of a lounge area, and the use of Committee Rooms and ~~three~~ offices on the Third Floor of the Administration Building to be pre-booked and used by Councillors in the conduct of their duties of office.

Meals – Meals and beverages in conjunction with Council and Committee Meetings and Inspections.

Refreshments – Beverage service in the Councillors' Lounge.

Insignia of Office – Badge and name plates provided to Councillors and partner to be worn at civic functions.

Insignia of Office (Deputy Mayor) – Medallion, badge and name plate indicating office held. Medallion remains the property of the Council.

Technology Solutions

Councillors will be provided a technology solutions package as approved by the General Manager comprising:

- mobile telephone,
- personal computer or laptop
- iPad or tablet.
- Multi-function device (combined printer, copier, scanner and facsimile)

Councillor's technology solutions will be fully serviced and maintained by Council within business hours. Call and data expenses will be determined as outlined in clause 14 of this policy.

Councillors may elect to purchase their own equipment. Council will reimburse a Councillor that elects to purchase their own equipment up to 80% of the value of the standard equipment approved by the General Manager.

When conducting business through Council's email account or accessing the internet using Council allocated resources the Councillors will need to comply with Council's Code of Conduct and be aware of the Internet and Email Usage Authorised Statement.

Office equipment – The provision of a photocopier, telephone facilities and a personal computer in the work area adjacent to the Councillors' offices, fully serviced and available for the use of all Councillors.

Councillors may also request a four drawer filing cabinet be provided for their homes.

Council vehicle – If available, and subject to approval by the Mayor and General Manager, the use of a Council vehicle on authorised Council business.

11. Private use of Equipment and Facilities

Councillors should not generally obtain private benefit from the provision of equipment and facilities. However, it is acknowledged that incidental use of Council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment.

In the event that private benefit that is not of an incidental nature does occur, the Mayor (or if the Councillor in question is the Mayor, then the Deputy Mayor) and the General Manager may request the Councillor to reimburse Council for the determined cost of the private benefit.

Part 4 - Other Matters

12. Returning of Facilities and Equipment by Councillors

The ownership of all equipment and consumables provided to Councillors is retained by Council. On completion of the term of office, or at the cessation of civic duties, Councillors are required to return all equipment and unused consumables issued by the Council within 28 days or seek the approval of the General Manager to acquire the equipment/consumables at the current market value based on the current depreciation rate and depending on the condition of the equipment.

Any call and data allowance provided under this policy is only applicable up until the last month of term of office held by a Councillor.

13. Effectiveness of this Policy

This Policy, once adopted, is to remain in force until 30 November 2016 2020 unless it is reviewed beforehand by the Council in accordance with the provisions of Sections 253 and 254 of the *Local Government Act 1993*. The principles outlined in this policy will be audited on a three yearly basis with this audit frequency being increased to yearly if any unsatisfactory findings are identified in any audit review.

Part 5 Limits to specific expenses (all fees GST inclusive)

Limits on Expenditure Table

The monetary limits prescribed in this policy set out the maximum amount that is payable in respect of any facility or expense. Any additional cost incurred by a Councillor in excess of any limit set shall be considered a personal expense that is the responsibility of the Councillors. In the case of special circumstances where it is impractical for the strict terms of this Policy to be applied the General Manager may authorise a one-off variation to the Policy to meet those special circumstances. One of variations to the Policy should then be reported to Council. The provision of equipment will be reviewed by the General Manager to ensure access to current technology.

	Expenses/Facility	Maximum Amount to be claimed	Frequency per Councillor
	Stationery (including Business Cards)	\$600	Per year
	Postage expenses	\$50	Per year
	Christmas Cards (postage paid by Council)	300 units	Per year
	Diary	\$100	Per term
	4 Drawer Filing Cabinet *	\$400	Per term
	Briefcase*	\$200	Per term
	Cab charge expenses	\$500	Per year
	Carers expenses	\$4000	Per year
	2 Subscriptions to resource materials	\$1000	Per year
	PC/Laptop computer with MS Office and Antivirus *	\$1800	Per term
	iPad/tablet*	\$900 \$1100	Per term
	Data sim for iPad/tablet	\$30	Per month
	Multi-function device Fax/phone/printer/copier/scanner including consumables*	\$300 \$1000	Per term
	Mobile phone *	\$2500	Per term

	Mobile phone call / data costs	\$350	Per month
	Accessories for mobile phone/tablet e.g protective case, keyboard, stylus etc	\$800	Per term
	Internet service - ADSL/ NBN	\$70 \$100	Per month
	Printer consumables	\$500	Per year
	Seminars/conferences	\$150	Per day
	Joint Regional Planning Panel (JRPP) Sydney South West Planning Panel attendance fee	\$500	Per meeting
	Mayoral Vehicle	\$50 000	Per car
	Mayoral private vehicle reimbursable expense limit	\$3000	Per mayoral term

* supplied by Council

END OF POLICY STATEMENT

8.7 Revised Investment Policy

Reporting Officer

Executive Manager Corporate Services and Governance
City Governance

Community Strategic Plan

Objective	Strategy
5. Responsible Leadership	5.4 The sound management of public assets and funds

Officer's Recommendation

1. That the revised Investment Policy as attached to this report be adopted.
2. That the Investment Policy review date be set at 30 June 2018.

Purpose

To seek Council's endorsement of the revised Investment Policy.

History

The abovementioned policy was adopted by Council on and was reviewed on 22 March 2016. The policy is now due for review in accordance with the Record Management Policy.

Report

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

Council's external financial advisors, Spectra Financial Services were consulted and have advised that, in their view, the policy is consistent with the conservative approach required for the stewardship of Council's restricted and unrestricted reserve monies.

The Investment Policy has been reviewed and identified minor changes required incorporating the inclusion of a quarterly certificate of compliance to be provided by Council's financial advisor.

In ensuring diversification of risk, the policy also now includes the placement of up to 20% of portfolio funds with Treasury Corp Hourglass Fund which is an approved deposit under the Ministerial Investment Order.

It is recommended that the policy be adopted and a new review date identified.

Attachments

1. Revised Investment Policy (contained within this report)

 campbelltown city council	POLICY
Policy Title	Investment Policy
Related Documentation	Accounting Practices Statement
Relevant Legislation/ Corporate Plan	<i>Local Government Act 1993</i> <i>Local Government General Regulation 2005</i> Ministerial Investment Order Local Government Code of Accounting Practice and Financial Reporting Australian Accounting Standards Division of Local Government Circulars
Responsible Officer	Executive Manager Corporate Services and Governance

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

Objectives

To maximise earnings through a diversified portfolio invested in approved investments that recognise Council's planning and cash flow forecasts.

To minimise the risk of loss of principal through a policy based on high credit levels (counterparty risk) and diversification.

To seek to ensure earnings are positive over the life of the investment.

To minimise the risk of loss (both principal and interest) through clear management procedures and investment discretions.

To provide a planning framework for ongoing monitoring and review of Council's investments and its policy.

To consider investment management in the wider context of Treasury Risk Management.

Policy Statement

Interest on these investments represents a significant contribution to the total income of Council and it is essential that Council has clear policy guidelines as to how funds can be invested. While the *Local Government Act 1993* – Order (relating to investments by Councils) is quite explicit as to the types of institutions with which Council can invest, there are nevertheless variations in the financial ratings of these institutions and the types of investments that can be purchased, which are not explained. This policy aims to clearly state the institutions with which Council can invest the maximum proportion of funds that may be placed with individual organisations and the types of investments entered into.

Scope

This policy applies to Investment monies built up through:

- General unrestricted reserves created through rate income and other revenue sources exceeding (re)current expenditure, sale of properties and other assets
- Restricted reserves that accrue through contributions under Section 94 of the *EPA Act*
- Internally restricted reserves
- Restricted reserves accruing through special purpose grants, donations etc
- Loan proceeds drawn down awaiting expenditure
- Timing differences within the year between rate receipts and expenditures.

Definitions

Working Funds	Maturities up to 180 days
Contingent Reserves	Maturities 6 months to 24 months
Core Holdings	Maturities beyond 24 months.

Legislative Context

Council's power to invest is derived from Section 625 of the *Local Government Act 1993*, as amended by the *Statute Law (Miscellaneous Provisions) Act 2000* – which limits investments to only those that the Minister approves.

The Local Government Act

Section 625 (2) of the Act provides that:

“Money may be invested only in a form of investment notified by order of the Minister published in the Gazette”.

Investments previously authorised under the *Trustee Act* are no longer available to Council.

The current Ministerial order – 12 January 2011.

Principles

Authority for Investment

Investment of Council funds is limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government in accordance with the following guidelines:

Guidelines

- a) Authorised Investments
- i) Public funds or securities issued by or guaranteed by the Commonwealth, State of the Commonwealth or a Territory
 - ii) Debentures or securities issued by a Council (within the meaning of the *Local Government Act 1993* (NSW))
 - iii) Interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit taking institutions (as defined by the *Banking Act 1959 (Cwlth)*), but excluding subordinated debt obligations
 - iv) Bills of exchange which have maturity dates of not more than 200 days; and if purchased for value confers on the holder in due course the right of recourse against a bank which has been designated as an authorised deposit taking institution by the Australian Prudential Regulation Authority (APRA)
 - v) Deposits with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

- b) Council's Own Direct Investments
- Council's policy is to only invest with the four major tier one Australian trading banks and their subsidiaries, as well as other tier two publicly listed Australian banks, in term deposits and senior debt instruments in accordance with the Ministerial order.

Investments in other tier two Australian banks are not to exceed twelve months in duration, be limited to 5 per cent of the portfolio per institution to a maximum of 20 per cent of the portfolio for this group and each institution must have a short term Standard & Poor's rating of not less than A-1 or A-2.

Council may take the opportunity to allocate core funds in longer term investments such as floating rate notes and fixed rate bank bonds. This will depend on the interest rate outlook and be based on Council's cash flow forecast and the need to hold contingent reserves.

Short Term Rating (0-365 days) means the institution's capacity to repay debt in the short term.

Example of short term paper are:

- i) Commercial Bills
- ii) Certificate of Deposits
- iii) Term Deposits
- iv) Bill Lines and
- v) 11am Deposits etc.

The Short Term Rating Order (as defined by S&P Australian Ratings) is:

- A1+ extremely strong degree of safety regarding timely payment
- A1 a strong degree of safety
- A2 a satisfactory capacity for timely payment

Long Term Paper is usually Bonds, Government and Semi-Government Securities etc. The rating order is:

- AAA } an extremely strong capacity to repay debt
- AAA- }
- AA+ }
- to } a very strong capacity to repay debt
- AA- }

A+ }
 to } a strong capacity to repay debt
 A- }

BBB+ }
 to } an adequate capacity to repay debt
 BBB- }

Quotations on Investments

Not less than three quotations shall be obtained from authorised institutions whenever an investment is proposed. The best quote on the day will be successful after allowing for administrative and banking costs, as well as having regard to the limits set above.

General Policy Guidelines

Diversification

Diversification is used to spread risk through utilisation of maximum percentage investment limits to the following:

- Individual Institutions (varies per credit rating)
- Credit Rating Bands (eg, AAA v A) - these are Standard and Poors Long Term ratings (or Moody's or Fitch equivalents).

These limits are as per the following schedule:

Credit Rating of Institution (Standard & Poors)	Maximum % of Total Investments	Maximum % with one Institution	Maximum Term
AAA An extremely strong capacity to pay	100%	45%	5 yrs
AA+, AA, AA- A very strong capacity to pay	100%	45%	5 yrs
A+, A, A- A strong capacity to pay	60%	20%	1 yr
Standard & Poor's Short Term Rating A-1 strong capacity to pay A-2 satisfactory capacity to pay	20%	5%	1 yr
T Corp Hour Glass Cash Fund	20%	20%	At Call

Authorised Investments

Major trading banks (MTB's) refer only to ANZ Banking Group Ltd, Commonwealth Bank of Australia, National Australia Bank and Westpac Banking Corporation.

Wholly-owned bank subsidiaries of MTB's refer to Bankwest (CBA) and St George Bank (Westpac). Both bank subsidiaries carry the same short and long term credit ratings as their parent (A1+ / AA) but neither is guaranteed by their parent.

Other ADI's refer to those entities listed at any time on APRA's website, <http://www.apra.gov.au/adi/pages/adilist.aspx>. Listed Australian banking entities include Bank of Queensland, Suncorp Metway, Bendigo and Adelaide Bank and Macquarie Bank.

Maturities

Working funds representing Council's liquidity requirements are managed so as to minimise the use of expensive overdraft to meet Council's day to day trading needs. An amount of at least \$3m or 5% of the value of the total investment portfolio must be accessible within seven days.

Funds may be invested for a period up to five years. Investments exceeding a term of 12 months will only be placed with tier one institutions or wholly owned subsidiaries thereof, provided the institution is authorised under the current Ministerial Investment Order, and the subsidiary's rating from Standard and Poors, Moody's or Fitch is at least equivalent to it's parent tier one institution rating.

The maturity allocation of core funds, and whether fixed or floating rates, will be determined by the interest rate outlook and be apportioned based on Council's cash flow forecast in conjunction with Council's Financial Advisor, Spectra Financial Services.

Independent Financial Advice

New Investment instruments that are promoted by an appropriately rated Financial Institution must be the subject of a review by Council's independent financial advisor. Funds may not be placed in any new financial product before this review has been completed.

Review of Investment Portfolio Performance

Council is presented with a monthly report on the performance of each fund/product that makes up Council's Investment portfolio. In conjunction with Spectra Financial Services, the Investment Policy will be reviewed at least annually or as required in the event of legislative changes.

Council's investment advisor will provide a quarterly compliance certificate based on Council's portfolio at the end of each calendar quarter.

Benchmarks

Cash	Reserve Bank Cash Reference Rate
Direct Investments	Bloomberg 90 Day Bank Bill Index

Responsibility

Executive Manager Corporate Services & Governance, Finance & Tax Accountant, and other authorised signatories.

Effectiveness of this Policy

This policy will be reviewed annually in accordance with Regulations and Departmental Guidelines to ensure its continuing suitability and effectiveness. Records of reviews shall be maintained.

END OF POLICY STATEMENT

8.8 Quarterly Budget Review Statement as at 31 March 2017

Reporting Officer

Executive Manager Corporate Services and Governance
City Governance

Community Strategic Plan

Objective	Strategy
5. Responsible Leadership	5.4 The sound management of public assets and funds

Officer's Recommendation

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

Purpose

To advise Council that the quarterly financial review has been conducted on the original income and expenditure estimates presented in the 2016-2017 budget. The adjustments relating to the review of the original budget allocations are presented for Council's consideration.

Introduction

The current planning and reporting framework for NSW Local Government has a greater focus on financial sustainability. In an effort to achieve consistency in reporting between councils, the Office of Local Government introduced a set of minimum requirements and predefined templates to assist councils in meeting their legislative obligations. Collectively, these documents are known as the quarterly budget review statement (QBRS). The latest QBRS under the reporting framework is attached.

Report

In accordance with Clause 203 of the *Local Government (General) Regulations 2005*, the Responsible Accounting Officer is required to prepare a quarterly budget review of income and expenditure estimates and submit a report to Council. The QBRS must also include an opinion of the Responsible Accounting Officer concerning the financial position of Council. This report provides an overview of the results of the financial review for the quarter ended 31 March 2017.

In June 2016, Council adopted a balanced budget for 2016-2017. There is no proposed change to the budget result in this review.

The recommended movements relating to income and expenditure are summarised in the attachment and details of significant items greater than \$20,000 are listed in the body of this report for Council's consideration.

The following items are detailed with corresponding adjustments recommended following the completion of the quarterly financial review:

City Development Directorate- \$35,000 increase in expenditure

Additional funding is required to offset the costs of recruiting the executive managers in the Planning Division and also Council's contribution for the Gold Sponsorship of the 2017 Planning Institute of Australia. These costs were not anticipated when the original budget was prepared.

Development Assessment - \$135,200 increase in expenditure

During the restructure process of the Planning Division it has been necessary to utilise hired personnel to ensure ongoing operations are unaffected while there are current staff vacancies. This cost has been offset by salary savings and additional development income.

Building Certification - \$170,200 increase in income

There continues to be strong activity in the building industry resulting in additional income being generated in development applications and damage inspection fees.

Leisure Centres- \$150,000 decrease in expenditure, \$240,000 increase in income

As a result of the ongoing review of the operations of the various leisure centres there has been a saving in staffing costs. This saving has been utilised to fund the conversion of the Rosemeadow tennis courts. Also the growth in the learn to swim program has continued resulting in additional income. This saving has been utilised to fund the landscaping at the Eagle Vale Leisure Centre and the appointment of two temporary staff at the Campbelltown Sports Stadium.

Sport & Recreation Projects - \$250,000 increase in expenditure

The savings in the leisure centre operations has allowed for some projects to be undertaken in this financial year. This includes the conversion of the Rosemeadow tennis courts into a multi-purpose facility and landscaping works at the Eagle Vale Leisure centre to complement the refurbishment works that are occurring inside the centre.

Campbelltown Sports Stadium - \$140,000 increase in expenditure

Due to the increased focus on the utilisation and development of the Sports Stadium, it has become apparent that additional staff resourcing is required to meet the demands. Council has allocated an additional permanent staff resource in the 2017-2018 budget, and this adjustment is to allow for the employment of a temporary employee for a two year period. The funding for the position has been offset by additional income received through Leisure Services.

Minor Works - \$150,000 increase in expenditure

A public domain park lighting design has been developed for Mawson Park in order to help activate the park and support the proposed food festival within the park. The lighting proposal provides fairy lights within a number of the significant trees within the park along with feature lighting to others. Festoon lighting will be provided through the food stall area. Special effect lighting will be positioned over the play equipment, and the park entrance structure off Queen Street will also have lighting installed to enhance the structure and highlight the entrance. Funding will be provided from the Major Works budget and the Street Lighting Reserve.

Summary

As reported to Council in previous years, the financial objective has been to budget a surplus to improve Council's liquidity ratio. The liquidity ratio has improved to a satisfactory level and as such, a balanced budget is proposed for the 2016-2017 financial year.

As per the Responsible Accounting Officer's statement, the 2016-2017 results continue to support Council's sound financial position in the short to medium term. During 2017-2018, Council will further refine its financial strategy in line with the development of the 10 year Long Term Financial Plan, required by the Integrated Planning and Reporting Framework and determine the most appropriate and financially responsible action for future periods.

Attachments

1. Quarterly Budget Review Statement for the period 1 January 2017 to 31 March 2017 (contained within this report)

Campbelltown City Council

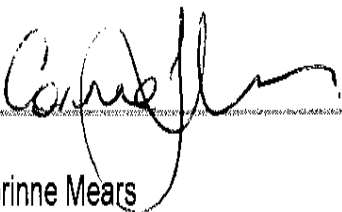
Quarterly Budget Review Statement
for the period 01/01/17 to 31/03/17

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005: as at 31 March 2017.

It is my opinion that the Quarterly Budget Review Statement for Campbelltown City Council for the quarter ended 31/03/17 indicates that Council's projected financial position at 30/6/17 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:


Corinne Mears
Responsible Accounting Officer

date: 17.5.17

Quarterly Budget Review Statement for the period 01/01/17 to 31/03/17

Income & Expenses Budget Review Statement

Budget review for the quarter ended 31 March 2017

Income & Expenses - Council Consolidated

	Original Budget 2016/17	Approved Changes				Revised Budget 2016/17	Variations for this Mar Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRs	Sep QBRs	Dec QBRs					
Income										
Rates and Annual Charges	97,889	-	155	449	511	99,004	-		99,004	99,889
User Charges and Fees	12,431	-	2	36	51	12,520	275	1	12,795	11,158
Interest and Investment Revenues	3,215	-	-	-	-	3,215	-		3,215	2,985
Other Revenues	6,381	-	(5)	-	88	6,465	-		6,465	4,840
Grants & Contributions - Operating	28,039	872	(476)	(483)	326	28,278	120	2	28,398	25,210
Grants & Contributions - Capital	1,279	3,609	359	-	-	5,247	-		5,247	32,447
Total Income from Continuing Operations	149,234	4,481	36	2	976	154,729	395		155,124	176,529
Expenses										
Employee Costs	62,537	190	(297)	(158)	(452)	61,820	(4)	3	61,816	48,916
Borrowing Costs	1,122	-	-	-	-	1,122	-		1,122	514
Materials & Contracts	26,501	4,414	(954)	(352)	273	29,882	(26)	4	29,856	17,706
Depreciation	22,664	-	-	-	-	22,664	-		22,664	15,337
Legal Costs	1,099	-	16	17	56	1,188	-		1,188	810
Consultants	1,378	1,217	(45)	222	248	3,020	58	5	3,077	1,215
Other Expenses	32,320	682	(105)	302	799	33,998	232	6	34,230	26,392
Total Expenses from Continuing Operations	147,621	6,503	(1,386)	31	924	153,693	260		153,953	110,891
Net Operating Result from All Operations	1,613	(2,022)	1,422	(29)	52	1,036	135		1,171	65,638
Net Operating Result before Capital Items	334	(5,631)	1,063	(29)	52	(4,211)	135		(4,076)	33,191

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/17 and should be read in conjunction with the total QBRs report

Quarterly Budget Review Statement

for the period 01/01/17 to 31/03/17

**Income & Expenses Budget Review Statement
Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

Notes	Details
1	Increase in user charges income due to increased activity in Development Applications and growth in the Leisure centre's Learn to Swim programs.
2	Increase in contribution income due to increased activity in Development Applications and a reduction in the anticipated grant income for the Arts Centre.
3	Variations in employee costs due to staff vacancies which in some case have been transferred to fund contract staff and other projects.
4	Various movements in materials and contracts including the transfer of funds from capital and transfer from contractor to fund salaries.
5	Additional funds required to employ consultants to provide Place Management training, and to fund consultants employed due to staff vacancies.
6	Various increases and decreases across a number of areas, the major items including the transfer of funds from salary savings to fund hired personnel, and provision of funding for recruitment costs.

Quarterly Budget Review Statement
for the period 01/01/17 to 31/03/17

Capital Budget Review Statement

Budget review for the quarter ended 31 March 2017

Capital Budget - Council Consolidated

	Original Budget 2016/17	Approved Changes				Revised Budget 2016/17	Variations for this Mar Qtr	Notes Projected Year End Result	Actual YTD figures
		Carry Forwards	Other by QBRs	Sep QBRs	Dec QBRs				
(£000's)									
Capital Expenditure									
New Assets									
- Plant & Equipment	-	-	-	-	-	-	-	-	-
- Land & Buildings	332	1,688	-	-	9	2,029	-	2,029	5,200
- Other	-	-	-	-	-	-	-	-	-
Renewal Assets (Replacement)									
- Plant & Equipment	2,904	-	(843)	-	-	2,061	-	2,061	2,293
- Office Equipment/Furniture & Fittings	243	604	602	35	14	1,498	4	1,502	474
- Land & Buildings	3,666	4,196	1,324	(13)	191	9,364	184	9,547	3,694
- Roads, Bridges, Footpaths	13,477	3,984	(658)	5	-	16,809	110	16,919	30,329
- Stormwater/Drainage	100	665	1,034	-	-	1,799	-	1,799	2,630
- Other Assets	280	-	-	-	-	280	-	280	206
Loan Repayments (Principal)	3,743	-	-	-	-	3,743	-	3,743	2,368
Total Capital Expenditure	24,745	11,137	1,459	27	214	37,582	298	37,880	47,194
Capital Funding									
Rates & Other Untied Funding	20,090	-	770	(64,973)	214	(43,899)	188	(43,711)	(51,487)
Capital Grants & Contributions	1,279	3,610	359	-	-	5,248	-	5,248	32,447
Reserves:									
- External Restrictions/Reserves	-	1,575	300	-	-	1,875	-	1,875	(1,699)
- Internal Restrictions/Reserves	2,102	5,952	94	-	-	8,148	110	8,258	1,042
New Loans	-	-	-	-	-	-	-	-	-
Receipts from Sale of Assets									
- Plant & Equipment	1,268	-	(140)	-	-	1,128	-	1,128	904
- Office Equipment/Furniture & Fittings	-	-	-	-	-	-	-	-	-
- Land & Buildings	-	-	76	65,000	-	65,076	-	65,076	65,983
- Roads, Bridges, Footpaths	-	-	-	-	-	-	-	-	-
- Other Assets	6	-	-	-	-	6	-	6	5
Total Capital Funding	24,745	11,137	1,459	27	214	37,582	298	37,880	47,194
Net Capital Funding - Surplus/(Deficit)	-	-	-	-	-	-	-	-	-

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/17 and should be read in conjunction with the total QBRs report

Quarterly Budget Review Statement
for the period 01/01/17 to 31/03/17

Capital Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details
1	Transfer of funds from operational budgets to fund the replacement of equipment at an Early Learning Centre.
2	Transfer of funds from operational budgets to fund the Rosemeadow tennis courts conversion and Eagle vale Leisure Centre works, and the transfer of capital funds to fund operational requirements.
3	Transfer of funds from the Street Lighting Reserve to part fund the lighting upgrades at Mawson Park.
4	Reconciliation of untied funds as a result of capital movements utilised to fund capital works.
5	Transfer of funds from the Street Lighting Reserve to part fund the lighting upgrades at Mawson Park.

Quarterly Budget Review Statement
for the period 01/01/17 to 31/03/17

Cash & Investments Budget Review Statement

Budget review for the quarter ended 31 March 2017

Cash & Investments - Council Consolidated

(\$000's)

	Opening Balance 2016/17	Movement in Reserves			Current Balance 2016/17	Projected Movement Mar Qtr	Notes Projected Year End Balance	Actual YTD figures
		Income/ Expenses	Transfers to/from	Works in Kind				
Externally Restricted ⁽¹⁾								
Special Rates	-	-	-	-	-	-	-	-
Stormwater Managemnt	746	-	-	-	746	-	746	746
Specific Purpose Grants	4,004	-	(878)	-	3,126	(1,000)	2,126	3,823
Specific Purpose Contributions	3,976	3	(8)	-	3,971	-	3,971	3,970
Developer Contributions - S94	11,572	6,641	(704)	(2,320)	15,189	-	15,189	13,284
Developer Contributions - Other	1,199	-	-	-	1,199	-	1,199	1,199
Domestic Waste Management	4,201	-	-	-	4,201	-	4,201	4,201
Self Insurance Workers Compensation Claims	3,870	-	-	-	3,870	-	3,870	3,870
Total Externally Restricted	29,568	6,644	(1,589)	(2,320)	32,302	(1,000)	31,302	31,092
(1) Funds that must be spent for a specific purpose								
Internally Restricted ⁽²⁾								
Property Development	13,960	-	64,858	-	78,818	-	78,818	78,818
Committed Works	5,454	-	(1,021)	-	4,433	-	4,433	4,433
Childcare	-	-	-	-	-	-	-	-
Self Insurance Workers Compensation Claims	1,510	-	-	-	1,510	-	1,510	1,510
Replacement of Plant and Vehicles	3,620	-	83	-	3,702	-	3,702	3,702
Committed Works funded by Loans	2,504	-	(117)	-	2,387	-	2,387	2,387
Employee Leave Entitlements	10,577	-	-	-	10,577	-	10,577	10,577
Environmental Sustainability	390	-	(53)	-	337	-	337	337
Asset Replacement	5,535	-	1,078	-	6,613	-	6,613	6,613
Infrastructure Replacement Fund	25,457	-	1,622	-	27,079	-	27,079	27,079
Olympic Ambassador	105	-	5	-	110	-	110	110
Insurance Claims - E excess	5,136	-	549	-	5,685	-	5,685	5,685
Local Government Elections	639	-	200	-	839	(600)	239	839
Other	130	-	-	-	130	-	130	130
Total Internally Restricted	75,017	-	67,205	-	142,222	(600)	141,622	142,222
(2) Funds that Council has earmarked for a specific purpose								
Unrestricted (ie. available after the above Restrictions)	14,132			2,320	27,175	-	27,175	28,385
Total Cash & Investments	118,717				201,700	(1,600)	200,100	201,700

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/17 and should be read in conjunction with the total QBRs report

Quarterly Budget Review Statement
for the period 01/01/17 to 31/03/17

Cash & Investments Budget Review Statement

Comment on Cash & Investments Position

The recommended variations and projected position will not impact on Council's management plan.

Investments

Investments have been invested in accordance with Council's Investment Policy.

Cash

The Cash at Bank figure included in the Cash & Investment Statement totals \$201,700,118.

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.
The date of completion of this bank reconciliation is 31/03/17

Reconciliation Status

The YTD Cash & Investment figure reconciles to the actual balances held as follows:

\$ 000's

Cash at Bank (as per bank statements)		3,982,765
Investments on Hand		200,192,902
less: Unpresented Cheques	(Timing Difference)	(40,953)
add: Undeposited Funds	(Timing Difference)	22,198
less: Identified Deposits (not yet accounted in Ledger)	(Require Actioning)	(2,457,223)
add: Identified Outflows (not yet accounted in Ledger)	(Require Actioning)	429
less: Unidentified Deposits (not yet actioned)	(Require Investigation)	-
add: Unidentified Outflows (not yet actioned)	(Require Investigation)	-
Reconciled Cash at Bank & Investments		201,700,118
Balance as per Review Statement:		201,700,118
Difference:		-

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details

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Quarterly Budget Review Statement
for the period 01/01/17 to 31/03/17

Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)

Budget review for the quarter ended 31 March 2017

(\$000's)	Current Projection		Original Budget	Actuals	
	Amounts	Indicator		Prior Periods	
	16/17	16/17	16/17	15/16	14/15

NSW Local Government Industry Key Performance Indicators (OLG):

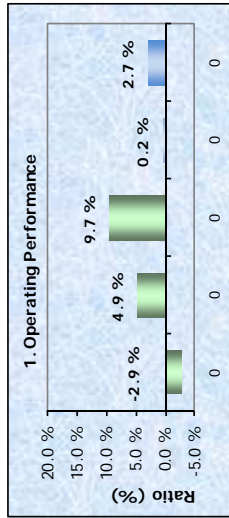
1. Operating Performance

Operating Revenue (excl. Capital)	4,076
Operating Revenue (excl. Capital Grants & Contributions)	149,877

9.7 %

4.9 %

0.2 %



This ratio measures Council's achievement of containing operating expenditure within operating revenue.

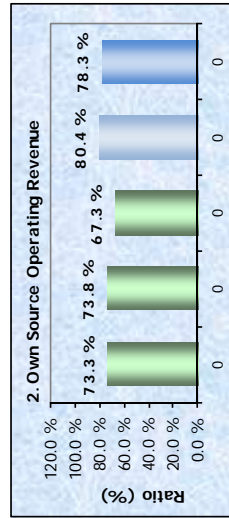
2. Own Source Operating Revenue

Operating Revenue (excl. ALL Grants & Contributions)	121,479
Total Operating Revenue (incl. Capital Grants & Cont)	155,124

67.3 %

73.8 %

80.4 %



This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.

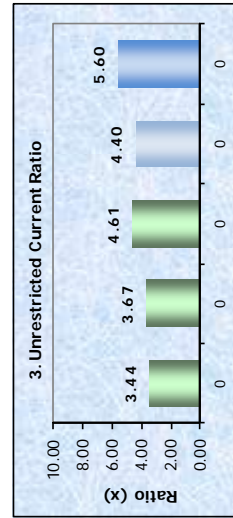
3. Unrestricted Current Ratio

Current Assets less all External Restrictions	140,000
Current Liabilities less Specific Purpose Liabilities	25,000

4.61

3.67

4.40



To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Quarterly Budget Review Statement for the period 01/01/17 to 31/03/17

Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)

Budget review for the quarter ended 31 March 2017

NSW Local Government Industry Key Performance Indicators (OLG):

4. Debt Service Cover Ratio				
Operating Result before Interest & Dep. exp (EBITDA)	19,710			
Principal Repayments + Borrowing Interest Costs	4,485			
		4.39	5.38	7.29 5.49

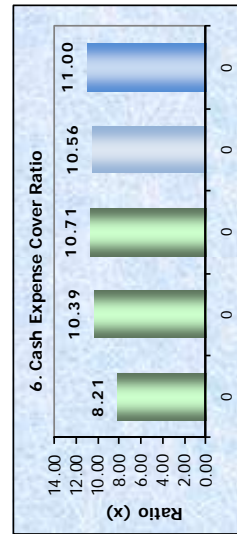
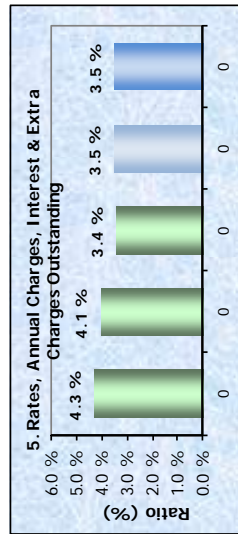
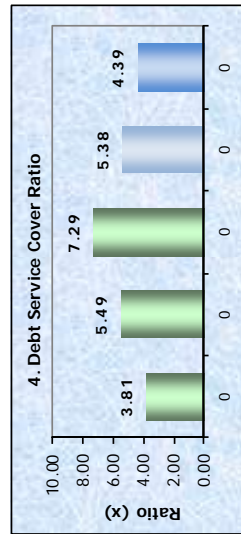
This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.

5. Rates, Annual Charges, Interest & Extra Charges Outstanding				
Rates, Annual & Extra Charges Outstanding	3,600			
Rates, Annual & Extra Charges Collectible	103,500			
		3.5 %	3.5 %	3.4 % 4.1 %

To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.

6. Cash Expense Cover Ratio				
Current Year's Cash & Cash Equivalents (incl. Term Deposits)	165,000			
Operating & financing activities Cash Flow payments	180,000			
		11.00	10.56	10.71 10.39

This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.



Quarterly Budget Review Statement
for the period 01/01/17 to 31/03/17

Contracts Budget Review Statement

Budget review for the quarter ended 31 March 2017

Part A - Contracts Listing - contracts entered into during the quarter

Contractor	Contract detail & purpose	Procurement Process Undertaken	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
EXPENDITURE \$50,000 - \$150,000						
Hope Diving Services (Australia) Pty Ltd	Pedestrian Bridge Repairs	Public Quotation	14/03/17	until completion	Y	
Perma-liner Industries Australia Pty Ltd	Stormwater Joint Sealing Program	Public Quotation	30/03/17	until completion	Y	
EXPENDITURE \$150,000 - \$300,000						

EXPENDITURE > \$300,000

Austekplay Pty Ltd	Q16/26 Playground Renewals - Various sites	LQP Quotation	14/02/17	Until completion	Y	1
Australasian Playgrounds Pty Ltd t/as A-Play						
Creative Recreation Solutions Pty Ltd						
Play By Design Pty Ltd	T16/32 Hot In Place Asphalt Recycling Program	Public Tender	13/02/17	Until completion	Y	
Hiway Stabilizers Australia Pty Ltd						

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/03/17 and should be read in conjunction with the total QBRS report

Quarterly Budget Review Statement

for the period 01/01/17 to 31/03/17

Contracts Budget Review Statement**Comments & Explanations relating to Contractors Listing****Notes Details**

-
- 1 Price is per location distributed amongst the panel.
-

Quarterly Budget Review Statement

for the period 01/01/17 to 31/03/17

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	1,215,340	Y
Legal Fees	809,865	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

Expenditure included in the above YTD figure but not budgeted includes:

Details

8.9 Minto Renewal Project (One Minto)

Reporting Officer

Executive Manager Strategic Property
City Governance

Community Strategic Plan

Objective	Strategy
5. Responsible Leadership	5.4 The sound management of public assets and funds

Officer's Recommendation

1. That the information be noted.
2. That Council acknowledges the commitment of NSW Land and Housing Corporation to the ongoing urban renewal of public housing estates within the Campbelltown Local Government Area.

Purpose

To provide a final report to Council on the outcomes including the financial return under the Development Management Agreement (DMA) for the Minto Renewal Project One Minto.

Overview

Council entered into the DMA for One Minto in 2006, based on net revenue projections to Council of \$11.1m. Due to additional development costs and sluggish market conditions in the early stages of the project, the net revenue was revised down to \$9m in 2014. Ultimately the project exceeded the revised expectations, delivering \$10.46m revenue.

In addition the project delivered approximately \$40m in new public assets to replace the existing infrastructure, which was near the end of its economic life. The project delivered 1248 dwellings including 875 private lots and 373 public dwellings (including 120 Seniors Living Units) with 70 per cent private dwelling ownership achieved.

Importantly, the project significantly transformed the former public housing estate within Minto. Numerous social benefits were delivered including new infrastructure, good quality community facilities, new parks, a revitalised shopping centre, employment opportunities, a reduction in crime and anti-social behaviour, and greater social integration of the community. A detailed list of the significant social benefits is outlined below.

History

Minto is one of five large public housing estates in the Campbelltown Local Government Area (LGA). Developed in the mid 1970s it experienced significant housing management issues and social problems. A feasibility study occurred to review options for the Minto public housing estate and based on this study, the then Minister for Housing announced the Minto Renewal Project in 2002.

Subsequent to the announcement, detailed investigations were undertaken regarding redevelopment options for the Council land and the Minto Public Housing Estate. Preparation occurred in respect of the Minto Renewal Project Concept Plan and Development Control Plan to apply to the development, and an application was made to rezone the project site.

At the Extraordinary Meeting of Council held 23 May 2006 it was resolved to enter into a Development Management Agreement (DMA) with the Department of Housing (DOH) and Landcom; to facilitate the redevelopment of the Minto Public Housing estate and under-utilised Council land. The DMA allowed for the progressive handover of Council lands, including roads and parks, to the DOH for redevelopment.

The DMA was executed on 19 December 2006.

Report

Background

Under the DMA Council contributed approximately 21 hectares of land, predominantly zoned open space, some vacant residential zoned land and roads. The DOH land holding was approximately 80 hectares.

The DMA provided the framework to facilitate the redevelopment, allowing Council and DOH to enter into a project delivery agreement with Landcom, the nominated project manager. Landcom had the necessary skills and expertise in undertaking projects of this scope and a Triple Bottom Line reporting system covering social, environmental sustainability and financial results.

Under the terms of the DMA Council's percentage return on its contribution of land holdings, exclusive of open space and roads (which were to be returned to Council), was 11.03 per cent. This percentage applied to all stages, apart from Stage 3B in the Piggott Precinct, which had an area of 6.3 hectares. The agreed percentage return on Council's land holding in this stage was 61.83 per cent, as Council owned the majority of land within this stage. These returns were to be calculated net of development expenditure and development management fees.

A development management fee was to be paid progressively to Landcom, out of net sale proceeds of each lot, on the date each lot sold. This fee was to cover the development expenditure associated with the estate major works costs, project costs and Landcom's costs, in delivering a project originally estimated to cost \$90m.

Council was also to receive benefits of a social and environmental nature, as well as significant infrastructure improvements, with upgraded and new roads, public facilities and well-designed parks and open space areas.

The Project

The Minto Renewal Project was a joint project between NSW Land and Housing, UrbanGrowth NSW (formerly Landcom) and Council. It was expected to be an eight stage, ten year project, comprising 1007 properties, over 90 hectares of land.

The Minto Renewal Project aimed to:

- create a safe, healthy, vibrant and sustainable community in accordance with the DOH Living Communities Program, by delivering an attractive community with mixed housing types, affordability and integration with surrounding neighbourhoods.
- facilitate improved social services, creating new opportunities for residents;
- transform Minto - by providing greater housing and socio-economic diversity, and by dramatically reducing the proportion of public housing from 100 per cent to 30 per cent. The Project delivered an improved ownership mixture, targeting 70 per cent private housing ownership;
- enhance the amenity and upgrade the housing, road layout, open space and public areas across the Minto Estate and adjoining land.

On completion the Minto Renewal Project has delivered 1248 dwellings including 875 private lots and 373 public dwellings (which include 120 Seniors Living Units) with the 70 per cent private and 30 per cent public ownership component outlined. This has renewed the area with modern design, new infrastructure and created a vibrant community. The final cost of the project delivered between 2007 and 2016 was approximately \$120m.

The One Minto project was a winner of the Urban Taskforce Award and the Affordable Development Category at the NSW UDIA Awards in 2010.

Lot/Dwelling Details

A total of 1121 Lots were developed which included a total of 1248 dwellings. The differential is primarily as a result of a number of townhouses and Seniors Living units in public ownership, being situated on single lots.

Precinct	Private Lots (Dwellings)	Public Lots (Dwellings)
Northern	422 (423)	117 (175)
Southern	449 (452)	133 (198)
Total Lots (Dwellings)	871 (875)	250 (373)
Percentage Ownership	78 per cent Private (70 per cent Private)	22 per cent Public (30 per cent Public)

Based on these calculations DOH achieved its project target of creating an estate with a 70 per cent private ownership and 30 per cent public ownership mix of dwellings.

Financial Return

Council's involvement under the DMA for the Minto Renewal Project is now complete, with 871 lots having been sold over the ten year period. The total yield to Council over the project term (between 2010 and 2017) was \$10.46m. The table below shows the revenue Council received from the various precincts, net of development management fees and GST.

Precinct	No of Lots Sold	Income from Sale Proceeds
Northern	422	\$ 3,282,151
Southern	449	\$ 7,098,160
GST Adjustment Credit		\$ 82,110
Total Council Revenue		\$10,462,421

Net of all development expenditure and development management fees the surplus from sales was \$38.4m. This was allocated to DOH and Council based on the percentage distributions in the DMA. Council's total revenue represents 27.24 per cent of net sale proceeds.

Final Revenue versus Forecasts

Regular Project Control Group and Management Committee meetings were held, with projected Financial Forecasts reviewed regularly. The original forecast in May 2006 identified a return of \$9.8m to Council, which was revised to \$11.1m on DMA execution.

Based on cost escalations, the revenue to Council in the August 2014 financial review was revised down to \$9m. All forecasts excluded any provision for remediation, as the DMA identified that if any remediation was required, the cost would be the responsibility of the original landowners.

Due to the intensive initial outlays to demolish existing improvements and undertake the agreed civil works, initial cost estimates increased. As a result the initial returns from the sale of lots in the northern stage were lower than those from the southern stages, as the northern precinct was released earlier. The lower returns primarily reflected the payback of the original capital investment and the impact of higher development management fees on the early sale proceeds.

As the staging and construction of community infrastructure progressed, the rates of sale and land values also increased. This reflected both an improvement in the property market and buyer perceptions of the redeveloped Minto.

In summary, the \$10.46m revenue received exceeds the reduced forecast of \$9m made in August 2014, but sits around 5 per cent below the \$11.1m forecast made in 2006. The revenue has been retained in the Future Infrastructure Fund Reserve.

Additional Assets

Council also received approximately \$40m in new public assets to replace the existing infrastructure, much of which had been in place since the 1970s and was nearing the end of its lifecycle. This included a new multi-purpose community centre, new parks, new local roads and storm water systems.

Council also received a payment of approximately \$1.2m from DOH to cover its costs of replacing part of Townson Avenue, which had not been included in the original project scope.

Remediation costs of \$1,368,007 were incurred by Council during the development period. These had been budgeted as a contingency, through Council's Development Reserve.

Social Benefits

The partnership through the DMA has delivered a benchmark project, which has significantly transformed the former public housing estate within Minto. The renewal project has delivered the following social benefits:

- an attractive residential community, with a mixture of housing types, tenures and affordability, whilst integrating the estate with surrounding neighbourhoods
- improved accessibility, by removing private access-ways and walkways
- new infrastructure, including a new local road, local storm water networks and a public cycleway.
- new \$2.6m multi-purpose community facility building (Ron Moore Community Centre)
- provision of new parks, such as the relocation and reconstruction of Townson Oval (Benham Reserve), Redfern Park, Valley Vista Reserve, Kynngmount Reserve
- revitalisation of the Minto Marketplace Shopping Centre
- reduction in crime and anti-social behaviour
- greater social integration of the community
- employment creation and retail spending associated with the redevelopment

Given the outcomes achieved with the One Minto redevelopment, Council acknowledges the commitment of NSW Land and Housing Corporation in the ongoing urban renewal of other public housing estates within the Campbelltown LGA.

Attachments

Nil

8.10 Local Government Remuneration Tribunal Determination 2017

Reporting Officer

Executive Manager Corporate Services and Governance
City Governance

Community Strategic Plan

Objective	Strategy
5. Responsible Leadership	5.4 The sound management of public assets and funds

Officer's Recommendation

1. That Council adopt the councillor and mayoral remuneration increase of 2.5 per cent effective 1 July 2017, as recommended by the Local Government Remuneration Tribunal.
2. That Council fix the remuneration fee for councillors at \$24,550 per annum representing an increase of 2.5 per cent for the 2017-2018 financial year effective 1 July 2017.
3. That Council fix the remuneration fee for the mayor at an additional \$65,230 per annum representing an increase of 2.5 per cent for the 2017-2018 financial year effective 1 July 2017.

Purpose

To advise Council that the Local Government Remuneration Tribunal has made a determination on the minimum and maximum fees payable to mayors and councillors for 2017-2018.

History

The Local Government Remuneration Tribunal was established to determine the categories for councils and the fees paid to mayors and councillors.

In accordance with Section 241 of the *Local Government Act 1993* (the Act), the Tribunal is required to make an annual determination on the fees payable to mayors and councillors to take effect from 1 July 2017. Sections 248 and 249 of the Act require councils to fix and pay an annual fee based on the Tribunal's determination.

Report

In accordance with Section 239 of the Act, the Tribunal is required to determine the categories of councils at least once every three years. The Tribunal found that there were certain councils that could warrant categorisation into another category based on additional criteria, noting that a number of metropolitan and non-metropolitan councils have experienced or are expected to experience significant development and population growth in the future. While the Tribunal acknowledges the additional responsibilities these councils may face, for the initial categorisation these councils have been categorised primarily on the basis of population. Councils will be monitored by the Tribunal to determine the appropriateness of the allocation of councils and the categorisation model for future determinations. Campbelltown City Council has been classified as a Metropolitan Medium council for the purpose of this determination.

The Tribunal is required to have regard to the Government's wages policy when determining the increase to the minimum and maximum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.

During the determination process, the Tribunal reviewed key economic indicators, including the Consumer Price Index and Wage Price Index, and found that the full increase of 2.5 per cent is warranted. Therefore, pursuant to Section 241 of the *Local Government Act 1993*, the annual fees to be paid to Metropolitan Medium Centre category councillors and mayors ranges from \$13,150 - \$24,550 per annum for councillors, and an additional \$27,940 - \$65,230 per annum for the position of mayor, effective 1 July 2017.

A link to the full Local Government Remuneration Tribunal Determination 2017 can be found at <http://www.remtribunals.nsw.gov.au/local-government/current-lgrrt-determinations>.

Attachments

Nil

8.11 Investments and Revenue Report - April 2017

Reporting Officer

Executive Manager Corporate Services and Governance
City Governance

Community Strategic Plan

Objective	Strategy
5. Responsible Leadership	5.4 The sound management of public assets and funds

Officer's Recommendation

That the information be noted.

Purpose

To provide a report outlining activity in Council's financial services portfolio for the month of April 2017.

Report

Investment Portfolio

Council's Investment Portfolio as at 30 April 2017 stood at approximately \$196m. Funds are currently being managed both by Council staff and Fund Managers and are in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005* and Council's Investment Policy.

All investments are placed with approved deposit taking institutions and no funds are placed with any unrated institutions. Any funds placed with institutions that have a BBB long term rating have maturity lengths in the short term of up to 12 months, effectively A-2 rated, in accordance with Council's investment policy.

The return on Council's investments is tracking above budget expectations with the supplemental income being received from the sale of Council land and continues to outperform the benchmark of the AusBond bank bill index.

The official cash rate has remained steady, with no movement since August 2016 at its present level of 1.50 per cent.

Regular liaison with Council's external financial advisor in assessing any new investment products offered assists in monitoring all of the risk factors to maximise Council's return on the investment portfolio.

Rates

Rates and Charges levied for the period ending 30 April 2017 totalled \$101,942,963 representing 100 per cent of the current budget estimate.

The rates and charges receipts collected to the end of April totalled \$82,054,225. In percentage terms 79.5 per cent of all rates and charges due to be paid have been collected, in comparative terms the amount collected in the same period last year was 79.4 per cent.

Debt recovery action during the month involved the issue of 208 Statements of Claim to ratepayers with two or more instalments outstanding and a combined balance exceeding \$500. Further recovery on accounts with previous action resulted in 22 Judgments and 27 Writs being served on defaulters that have not made suitable payment arrangements or failed on multiple occasions to maintain an agreed payment schedule.

Council staff continues to provide assistance to ratepayers experiencing difficulty in settling their accounts. This includes the monitoring of 444 ratepayers with a total arrears balance of \$716,172, who have made suitable payment arrangements.

Ratepayers who purchased property since the May instalment notices are issued with a Notice to new owner letter. During the month, 49 of these notices were sent to ratepayers advising them of the amount unpaid on their account and the amount levied in annual rates and charges.

Sundry Debtors

Debts outstanding to Council as at 30 April 2017 are \$1,528,853 reflecting an increase of \$707,902 since March 2017. During the month, 794 invoices were raised totalling \$1,188,044. The majority of these are paid within a 30 day period. Those that are not paid within the 30 day period are reflected in the ageing report in attachment 3. Debts exceeding 90 days of age totalled \$222,685 as at 30 April 2017.

Debt recovery action is undertaken in accordance with Council's Sundry Debtors Recovery Procedures Policy and commences with the issue of a tax invoice. A person or entity may be issued any number of invoices during the calendar month for any business, services or activities provided by Council. At the conclusion of each calendar month, a statement of transactions is provided with details of all invoices due and how payments or credit notes have been apportioned. Once an invoice is paid, it no longer appears on any subsequent statement.

All debts that age by 90 days or more are charged a statement administration fee of \$5.50 per statement. Debtors are contacted by telephone, email or in writing to make suitable arrangements for payment of the overdue debt. Where a suitable arrangement is not achieved or not maintained as agreed, a seven day letter is issued referencing referral to Council's debt recovery agents.

Matters referred to Council's recovery agent are conducted in accordance with relevant legislation and the *Civil Procedures Act 2001*. Formal legal recovery commences with a letter of demand (or letter of intent) providing debtors with at least 14 days to respond. In the event that no response is received, instructions are given to proceed to Statement of Claim allowing a further 28 days to pay or defend the action. Failing this, the matter will automatically proceed to judgment and continue through the *Civil Procedures Act 2001* process.

All costs associated with formal legal recovery are payable by the debtor and staff continue to make every effort to assist debtors to resolve their outstanding debt before escalating it through the local court.

During the month, 16 accounts were issued a letter of demand on Council's letterhead, advising that if the account was not settled or an appropriate arrangement was not made, the account will escalate to formal legal action through Council's agent.

Council's agents were instructed to issue three letters of demand and a Statement of Liquidated Claim was issued for one account relating to unpaid health licence inspection fees.

Council officers continue to provide assistance to debtors experiencing difficulties in paying their accounts. Debtors are encouraged to clear their outstanding debts through regular payments where possible, to avoid any further recovery action.

Attachments

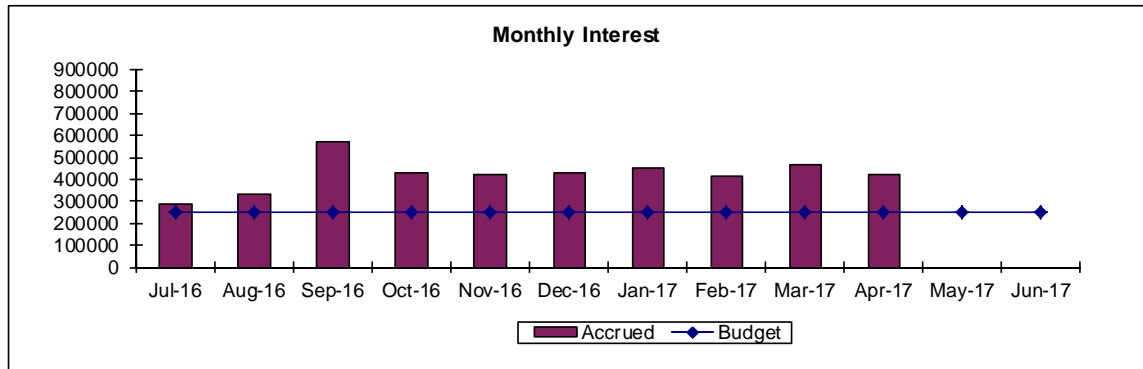
1. Investment portfolio performance for the month of April 2017 (contained within this report)
2. Monthly Rates Summary and Rates Statistics (contained within this report)
3. Debtors Summary and Ageing of Sundry Debts to 30 April 2017 (contained within this report)

CAMPBELLTOWN CITY COUNCIL INVESTMENT PORTFOLIO

April 2017

Benchmark AusBond Bank Bill Index
 Portfolio Balance \$196,126,995.21

Monthly Performance	Return (mth)	Return (pa)
AusBond Bank Bill Index	0.15%	1.78%
Portfolio - Direct Investments	0.23%	2.74%
Performance to Benchmark	+ 0.08%	+ 0.96%
Short Term Call Accounts	0.16%	1.95%
Managed Funds	0.17%	2.06%

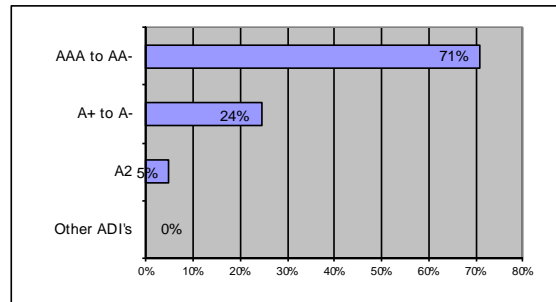


Year to Date Performance

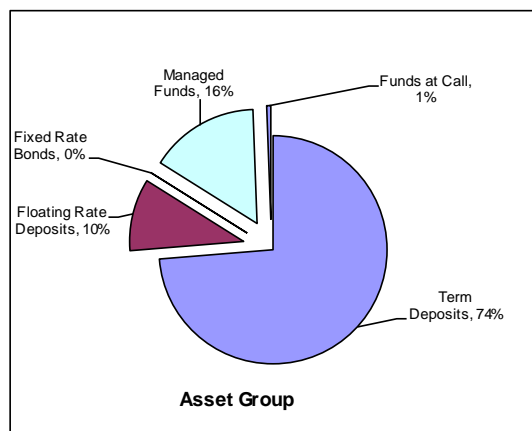
Credit Exposure (S&P Long Term Rating)

Rolling 12 Month Period
 2.87% Council Managed Funds
 1.87% Benchmark

Interest Budget to Actual
 Avg Original Budget to Period \$2,487,333
 Actual Accrued to Period \$4,224,730



Portfolio Diversity



			%
Funds at Call	\$ 1,146,025.16	AA-	1%
NSW Treasury	\$ 33,220,906.04	AA+	17%
National Australia Bank	\$ 45,095,187.79	AA-	23%
Westpac Bank	\$ 26,091,574.41	AA-	13%
Commonwealth Bank	\$ 25,075,359.25	AA-	13%
Bank Western Australia	\$ 8,468,037.00	AA-	4%
AMP Bank	\$ 5,000,000.00	A+	3%
Suncorp Metway	\$ 25,698,951.06	A+	13%
ING Bank	\$ 3,000,000.00	A	2%
Rural Bank	\$ 2,038,663.01	A-	1%
Bank of Queensland	\$ 12,115,876.69	A-	6%
MyState Bank	\$ 5,068,722.74	A2	3%
Credit Union Aust	\$ 4,107,692.06	A2	2%
	\$ 196,126,995.21		100%

RATES SUMMARY

STATEMENT OF ALL OUTSTANDING RATES AND EXTRA CHARGES

RATE - CHARGE	NET ARREARS 1/7/2016	NET LEVY FOR YEAR	PENSION REBATES	EXTRA CHARGES	TOTAL RECEIVABLE	CASH COLLECTED	NET AMOUNT DUE	POSTPONED RATES & INTEREST	GROSS AMOUNT DUE
RESIDENTIAL	2,170,990.65	57,660,321.64	1,422,602.21	744,149.76	59,152,859.84	46,175,772.04	12,977,087.80	308,466.26	13,285,553.57
BUSINESS	257,345.68	17,997,117.52		62,579.72	18,317,042.92	14,867,246.77	3,449,796.15		3,449,796.15
BUSINESS - IND	0.00	0.00		0.00	0.00		0.00		0.00
FARMLAND	0.00	569,012.08	783.42	2,093.98	570,322.64	519,447.24	50,875.40	173,861.46	224,736.86
MINING	0.00	24,186.96		0.00	24,186.96	24,186.96	0.00		0.00
SR - LOAN	67,957.99	113.44		606.61	68,678.04	7,926.77	60,751.27	18,250.21	0.00
SR - INFRASTRUCTURE	202,204.59	5,780,812.05		7,815.89	5,990,832.53	4,698,168.75	1,292,663.78	29,174.09	1,400,839.35
TOTAL	\$2,698,498.91	\$82,031,563.69	\$1,423,385.63	\$817,245.96	\$84,123,922.93	\$66,292,748.53	\$17,831,174.40	\$529,752.02	\$18,360,925.93
GARBAGE	658,148.44	18,951,046.47	830,315.40	30,911.70	18,809,791.21	14,684,827.05	4,124,964.16		4,124,964.16
STORMWATER	45,533.08	1,325,077.58		356.07	1,370,966.73	1,076,649.32	294,317.41		294,317.41
GRAND TOTAL	\$3,402,180.43	\$102,307,687.74	\$2,253,701.03	\$848,513.73	\$104,304,680.87	\$82,054,224.90	\$22,250,455.97	\$529,752.02	\$22,780,207.50

Total from Rates Financial Transaction Summary	21,923,774.56
Overpayments	-856,432.94
Difference	0.00

ANALYSIS OF RECOVERY ACTION

Rate accounts greater than 6 months less than 12 months in arrears	884,074.02
Rate accounts greater than 12 months less than 18 months in arrears	85,810.51
Rate accounts greater than 18 months in arrears	15,803.92
TOTAL rates and charges under instruction with Council's agents	\$985,688.45

RATES STATISTICS

No. of documents Issued	July	August	September	October	November	December	January	February	March	April	May	June	Apr-16
Rate Notices	50,590	456		1,005			276						
Electronic - DoH	5,282												
Instalment Notices				43,817			44,122			43,923			42,422
Electronic - DoH				5,517			5,436			5,317			5,484
Missed Instalment Notices			7,341			6,692			6,475				
- Pensioners > \$15.00			650			592			628				
Notice to new owner	167	75	32	25	33	52	49	22	32	49			52
7-day Letters - Council issued			1,796			2,172			1,924				
- Pensioners > \$500.00			163			244			243				
7-day Letters - Agent Issued			495				587						
Statement of Claim	198	27	16	205	20	9	242	14	31	208			219
Judgments	13	22	17	15	59	5	13	44	11	22			19
Writs	14	17	15	6	9	13	9	6	39	27			30
eRates	1,801	1,809	1,814	1,838	1,841	1,867	1,895	1,910	1,945	1,953			1,732
BPAYView	49	197	398	503	589	803	866	928	1,028	1,080			
Arrangements	320	281	401	422	443	461	397	313	405	444			449

DEBTORS SUMMARY 1 April 2017 to 30 April 2017

DEBTOR TYPE/DESCRIPTION	ARREARS AT 31/03/2017	RAISED THIS PERIOD	RECEIVED THIS PERIOD	BALANCE AT 30/04/2017	% DEBT RATIO
Corporate Administration	181,591	17,390	29,252	169,729	29.49%
Abandoned Items	1,068	0	0	1,068	0.35%
Education and Care Services	18,710	0	0	18,710	0.98%
Community Bus	89	0	0	89	0.01%
Sportsground and Field Hire	37,610	25,139	51,848	10,901	5.46%
Government and other Grants	52,550	641,324	52,550	641,324	12.87%
Public Hall Hire	158,173	64,123	58,957	163,339	1.39%
Health Services	350	0	0	350	0.02%
Land and Building Rentals	45,969	154,983	116,772	84,180	5.63%
Healthy Lifestyles	16,477	10,423	7,485	19,415	0.15%
Library Fines and Costs	0	0	0	0	0.00%
Licence Fees	51,281	23,397	17,220	57,458	1.85%
Pool Hire	21,430	725	11,842	10,313	0.39%
Private Works	17,487	0	10,000	7,487	0.52%
Road and Footpath Restoration	61,316	6,015	43,404	23,928	28.17%
Shop and Office Rentals	28,621	52,716	43,002	38,335	2.17%
Various Sundry Items	155,005	163,965	25,578	293,392	6.42%
Waste Collection Services	11,902	27,844	12,232	27,514	6.17%
	820,951	1,188,044	480,142	1,528,853	100%

AGEING OF SUNDRY DEBTOR ACCOUNTS - 30 April 2017

	Current Charges	Total 30 Days	Total 60 Days	Total 90+ Days	Balance Due	Previous Month 90+ days
Corporate Administration	12,514	140,135	1,466	15,615	169,729	25,362
Abandoned Items	0	0	0	1,068	1,068	1,068
Education and Care Services	18,710	0	0	0	18,710	0
Community Bus	89	0	0	0	89	0
Sportsground and Field Hire	-1,704	63	0	12,541	10,901	13,413
Government and other Grants	641,324	0	0	0	641,324	15,000
Public Hall Hire	63,198	41,723	21,723	36,695	163,339	18,590
Health Services	0	0	0	350	350	350
Land and Building Rentals	67,940	16,240	0	0	84,180	0
Healthy Lifestyles	8,732	8,921	380	1,383	19,415	934
Licence Fees	19,267	4,044	5,441	28,706	57,458	34,054
Pool Hire	1,214	7,141	657	1,301	10,313	1,602
Private Works	1,189	0	4,875	1,423	7,487	1,423
Road and Footpath Restoration	6,015	0	0	17,913	23,928	58,028
Shop and Office Rentals	30,809	3,126	2,200	2,200	38,335	0
Various Sundry Items	165,179	23,555	1,166	103,492	293,392	118,498
Waste Collection Services	27,514	0	0	0	27,514	0
	1,023,311	244,948	37,908	222,685	1,528,853	288,321

8.12 Structure for Regional Collaboration

Reporting Officer

Director City Governance
City Governance

Community Strategic Plan

Objective	Strategy
5. Responsible Leadership	5.1 The encouragement of a collaborative approach across all levels of government

Officer's Recommendation

1. That Council commence discussions with other member Councils of MACROC regarding the future direction for regional collaboration.
2. That Council reaffirm its commitment to continue to seek opportunities for regional collaboration.

Purpose

To provide Council with options for regional collaboration given the recommendations and outcomes of the State Governments' framework in being Fit for the Future. This report will also provide Council with the other mechanisms being adopted by Council in taking a proactive approach in the changing environment of Western Sydney.

History

Council at its meeting held 14 February 2017 resolved:

1. That Council request a report on options for implementing a revised structure for regional collaboration given the State Government's framework in being Fit for the Future and the implementation for regional New South Wales.
2. That the report explore a more cost effective options in dealing with regional issues.

Report

The Macarthur Regional Organisation of Councils (MACROC) was formed in 1986, a collaboration between Camden, Campbelltown and Wollondilly Councils.

The charter for MACROC has been reviewed on a number of occasions with the latest version being adopted on 16 November 2011. The mission of MACROC is to facilitate and promote economic, social development and protection of the environment and cooperation of mutual public benefit to member councils, communities and businesses, whilst maintaining the integrity of member council's autonomy.

Within the charter there are 11 objectives of MACROC that facilitate and promote regional collaboration.

A Changing Western Sydney

Western Sydney is undergoing significant changes due to the Western Sydney Airport, its supporting infrastructure and the attraction of investment and development. Some Council areas have also significantly changed along with the aspirations and needs of their communities.

Consideration of the Western Sydney region is also changing. The advent of the Greater Sydney Commission and the District Plan process (this year) has defined new districts across Western Sydney and therefore realignment between councils.

There is also a growing focus on the north-south corridor, stretching from Campbelltown and Camden in the South West through to Marsden Park in the North West. The past 12-18 months have brought with them many changes, including the introduction of the Greater Sydney Commission, establishment of the Western Sydney Priority Growth Area and confirmation of the Western Sydney Airport. All of these regional issues align Campbelltown with the North-Western Sydney growth councils, which share similar experiences and issues.

Current Communities of Interest

As well as MACROC, Council belongs to other contemporary communities of interest including:

- The Western Sydney City Deal between the Commonwealth, NSW Government and councils in the West and South West Districts (Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith, Blue Mountains and Wollondilly). The City Deal will capitalise on the opportunities presented by the area's forecast economic and population growth, focussing on infrastructure investment, employment and investment attraction, housing affordability, environmental and liveability outcomes.
- The Western Sydney Rail Alliance, which comprises, Campbelltown, Liverpool and Penrith Councils, Sydney University, landowners, the Committee for Sydney and Western Sydney Leadership Dialogues, has been advocating for a rail connection along the north-south corridor, stretching from Campbelltown in the South West through to Marsden Park in the North West.
- The National Growth Areas Alliance which represents Australia's fast growing outer suburbs and advocates for essential infrastructure investment and delivery of services to ease congestion, costs of living and stress. The NSW Councils are Blacktown, Camden, Campbelltown, Liverpool and Wollondilly.

Advocacy

Council has also secured the advocacy services of Taylor Street Advisory. The engagement of Taylor Street Advisory is already increasing the profile of our city through media interest in Campbelltown's opportunities.

Fit for the Future

The Independent Local Government Review Panel proposed an alternative to the ROC framework. The NSW Government in September 2014 published Fit for the Future, A Blueprint for the Future of Local Government proposed under the heading organisational structure (p.10) feedback to date indicates that joint organisations should be structured to facilitate the carrying out of core functions through a governing body but be flexible enough to build on this role. It is evident in most FFTF literature in reviewing the model for regional collaboration that the ROC framework is challenged.

Regional Collaboration

There are a number of waste projects that have been funded through the reimbursement of the Section 88 waste levy. This funding is provided on a regional basis. The current projects that are funded include:

- Regional Coordinator Support Package
- Better Waste and Recycling Fund
- Love food hate waste – contestable grant
- Litter Regional Implementation Plan

Since its inception, MACROC has successfully completed many projects and undertaken strong advocacy on many issues affecting the region. Among many recent achievements highlighted on the MACROC website are:

- **Macarthur Centre for Sustainable Living:** For some twenty years MACROC and many community members shared a dream to form CERES Macarthur. Together with the Botanic Gardens Trust, CERES Macarthur have established the Macarthur Centre for Sustainable Living, a not for profit company located at The Australian Botanic Garden, Mount Annan dedicated to promoting sustainable homes and gardens in a unique and high profile education, information and demonstration centre.
- **MACROC CEO Forums:** Held three times yearly, these breakfast forums are designed to bring about greater co-operation and networking by key decision makers in the region.

There have been other initiatives outside of the MACROC model in collaborating with other councils. Campbelltown and Camden Councils participate in a tourism model resulting in the Macarthur Destination Management Plan providing tourism opportunities for both Councils.

The regional waste disposal tender was a collaboration of four councils including Campbelltown, Camden, Wollondilly and Wingecarribee Councils. The contract was awarded in 2009 for a period of 15 years and has resulted in one of the largest contracts to be awarded as a regional initiative. There are considerable savings for all councils that have participated in this regional project.

Conclusion

The Fit for the Future review and recommendations relating to local government provide an alternative to the regional council model. It is still paramount that council take the opportunities to increase its service levels and capacity through collaborating with other councils.

The future direction of Sydney realigns Campbelltown City with other councils within western Sydney. This is reflected in the city deals and the opportunities that this provides in the provision of infrastructure for all Western Sydney Councils including Campbelltown.

Council has increased its membership to a number of organisations including the Western Sydney Business Connection, NSW Business Chamber and the Sydney Business Chamber - Western Sydney to increase the participation of Campbelltown as a major regional centre.

Council has taken the opportunity to increase advocacy of the city through the awarding of a contract with the provision of these services. This has provided an increase in the profile of Campbelltown with immediate results in the Sydney media.

There is no doubt that the ROC framework for regional collaboration is challenged given the change in direction of the Greater Sydney Commission. It is important that Council maximise its efforts and resources in increasing the profile of South West Sydney and Campbelltown as a regional city centre. MACROC may not be the most effective vehicle for Council to meet the future direction of the holistic plans for Sydney as an international destination. It is important for Campbelltown to take its place as a regional city centre in the future direction for Sydney as a whole.

Campbelltown has implemented a new structure through the division of City Growth and Economy that promotes economic development. All MACROC Councils have implemented some form of economic development which supersedes one of the MACROC objectives.

Campbelltown City Council has been a major contributor to most regional initiatives including MACROC. Council provides accommodation and administrative support to MACROC at no cost to other member Councils. Campbelltown also provides administrative support and contract management to the regional waste disposal contract and is the major contributor to MCSL.

The MACROC Charter requires six months notification should council wish to withdraw as a member. It is recommended that council commence discussions with other member councils, being Camden and Wollondilly, to discuss the costs and benefits associated with MACROC and other opportunities that may provide more cost effective outcomes for regional collaboration.

Attachments

Nil

9. QUESTIONS WITH NOTICE

Nil

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION**11.1 Appointment of alternate delegate on the MACROC Committee**

Notice of Motion

Councillor Ted Rowell has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 13 June 2017.

That Council appoint the alternate delegate Councillor Ben Moroney to be Council's representative on the MACROC Committee, replacing Councillor Ted Rowell, who is no longer available.

11.2 Fauna Road Safety Measures

Notice of Motion

Councillors Meg Oates and Karen Hunt have given Notice in writing of their intention to move the following Motion at the next meeting of Council on 13 June 2017.

1. That Council notes the recent death of a female koala by vehicular incident on Appin Road.
 2. That, in line with the Koala Plan of Management, Council write to the Minister for Roads and Infrastructure requesting immediate installation on Appin Road of fauna overpass crossings with a minimum distance of flexi fencing either side to assist in guiding koalas safely across.
 3. That this crossing and associated fencing be installed at sites along Appin Road in known koala crossing corridors, in the same manner as fencing on the Pacific Highway north of Sydney.
 4. That Council also write to the Member for Campbelltown, Mr Greg Warren, seeking his support for the immediate installation of such fencing and crossing.
 5. That these protections be suitably relocated once the Mount Gilead development commences, in accordance with the motion from the Ordinary Meeting of Council held 18 April 2017.
-

12. URGENT GENERAL BUSINESS

Nil

13. PRESENTATIONS BY COUNCILLORS

Nil at time of print

14. CONFIDENTIAL REPORTS FROM OFFICERS

14.1 Directors of Companies

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

14.2 Suites 4 and 4a Milgate Arcade Queen Street, Campbelltown

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

14.3 Groundsel Avenue, Macquarie Fields

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

14.4 Lot 39 DP 29064, 5 Annette Avenue, Ingleburn

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c)(d)(i) 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 and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.