

2017

ORDINARY BUSINESS PAPER

CAMPBELLTOWN CITY COUNCIL



11 July



4 July 2017

You are hereby notified that the next Ordinary Council Meeting will be held at the Civic Centre, Campbelltown on Tuesday 11 July 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 27 June 2017

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held 27 June 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 27 June 2017 are presented to Council for confirmation.

Attachments

1. Minutes of the Ordinary Meeting of Council held 27 June 2017 (contained within this report)

CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Ordinary Council Meeting held at 6.30pm on Tuesday, 27 June 2017

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Minutes of the Ordinary Meeting of the Campbelltown City Council held on 27 June 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 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

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

That the apology from Councillor P Lake be received and accepted.

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

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held 13 June 2017

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

That the Minutes of the Ordinary Meeting held 13 June 2017 copies of which have been circulated to each Councillor, be taken as read and confirmed with an amendment to the Presentations to read:

Councillor Moroney advised that he recently attend the Iftar Dinner held at Al-Faisal College. This dinner celebrates the end of fasting and looking forward to the future. Councillor Moroney further noted the service was lovely, food excellent and community sentiment was wonderful.

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

4. DECLARATIONS OF INTEREST

There were no Declarations of Interest at this meeting.

5. MAYORAL MINUTE

Nil

6. PETITIONS

Nil

7. CORRESPONDENCE

7.1 Federal Member for Werriwa - Anne Stanley MP

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

That the letter be received and the information be noted.

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

7.2 Member for Macquarie Fields, Anoulack Chanthivong MP

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

That the information be noted.

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

8. REPORTS FROM OFFICERS

8.1 Outcomes of the Public Exhibition of the draft Ingleburn Reserve Plan of Management 2017

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

1. That Council endorse the suggested amendments to the draft Plan of Management as outlined in this report and adopt the Ingleburn Reserve Plan of Management 2017.
 2. That Council notify the public of the adoption of the amended Ingleburn Reserve Plan of Management 2017 in accordance with Section 40 of the *Local Government Act 1993*.
 3. That copies of the Ingleburn Reserve Plan of Management 2017 be placed in all Council libraries and on Council's website.
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8.2 Planning Proposal - Amundsen Street, Leumeah (Amendment No 8)

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

1. That Council endorse the public exhibition of the draft planning proposal and associated technical studies for the Amundsen Street site as per the Gateway Determination conditions.
2. That a copy of the revised draft planning proposal be forwarded to the Department of Planning and Environment.
3. That the owners of the properties immediately adjacent to the site be notified of the public exhibition of the draft planning proposal.
4. That a further report be submitted to Council on the outcome of the public consultation.
5. That Council advise the applicant of Council's decision.

156 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 G Brticevic, M Oates, M Chowdhury, D Lound, R Manoto, B Gilholme, M Chivers, W Morrison, B Thompson, G Greiss, R George and T Rowell.

Voting against the Resolution were Councillors K Hunt and B Moroney.

Meeting Note

Mr Mair, Mr Stevens and Mr Sleiman addressed the meeting in regards to Item 8.3.

8.3 Demolition of existing dwelling and ancillary structures, construction of four dwellings and subdivision into four Torrens Title allotments - No. 8 Figtree Crescent, Glen Alpine

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

That development application 943/2016/DA-RS for the demolition of an existing dwelling and ancillary structures, removal of 24 trees, construction of four dwellings and subdivision into four Torrens Title allotments at No. 8 Figtree Crescent, Glen Alpine, be approved, subject to the conditions detailed in attachment 1 of this report.

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

That development application 943/2016/DA-RS for the demolition of an existing dwelling and ancillary structures, removal of 24 trees, construction of four dwellings and subdivision into four Torrens Title allotments at No. 8 Figtree Crescent, Glen Alpine, be deferred and listed for an inspection.

WON and became the Motion.

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

A Division was recorded in regard to the Resolution for Item 8.3 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, B Gilholme, M Chivers, B Moroney, W Morrison, B Thompson, G Greiss, R George and T Rowell.

Voting against the Resolution were Nil.

8.4 Ingleburn Traffic Study

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

1. That Council adopts the Ingleburn Traffic and Parking Study for the purpose of placing on it on public exhibition for a period of 28 days.
2. That following the public exhibition period, a further report be provided to Council for consideration and final adoption of the Ingleburn Traffic and Parking Transport Study 2016 with any changes required.

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

8.5 Revised Policy - Asset Management

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

1. That the revised Asset Management Policy as attached be adopted.
2. That the Policy review date be set at 30 September 2019.

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

8.6 Raby Precinct Traffic Study

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

1. That Council adopt the Raby Precinct Traffic and Transport Study for the purpose of placing it on public exhibition for a period of 28 days.
2. That following the public exhibition a further report be provided to Council for consideration and final adoption of the Raby Precinct Traffic and Transport Study 2016 with any changes required.

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

8.7 Revised Policy - Library Fees and Charges

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

1. That the revised Library Fees and Charges Policy as attached to this report be adopted.
2. That the Library Fees and Charges Policy review date be set at 30 June 2020.

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

8.8 Outcome of the Public Exhibition of the draft Disability Inclusion Action Plan

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

That Council adopted the draft Disability Inclusion Action Plan as attached to this report.

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

8.9 Investments and Revenue Report - May 2017

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

That the information be noted.

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

8.10 Stocktake of Stores and Materials

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

1. That the information be noted.
2. That the necessary adjustments be made in Council's Financial Management Systems.

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

8.11 Reports and Letters Requested

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

That the information be noted.

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

8.12 2017-2027 Community Strategic Plan, 2017-2021 Delivery Program, 2017-2018 Operational Plan (including the budget, fees and charges) and Resourcing Strategy

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

That Council adopt the following corporate documents:

1. The 2017-2027 Community Strategic Plan.
2. The 2017-2021 Delivery Program.
3. The 2017-2018 Operational Plan incorporating the Budget and Revenue Pricing Policy including the amendment of the interest payable on overdue rates and charges to be 7.5 per cent and reflecting the rating structure outlined below:

Ordinary Rate

- a. That the Ordinary Rate of 0.329 cents in the dollar with a minimum of \$689.11 in
-

accordance with Section 548(1)(a) of the *Local Government Act 1993* on the land value of all rateable land in the City of Campbelltown categorised as RESIDENTIAL in accordance with Section 516 of the *Local Government Act 1993* be made for the year 2017-2018.

In accordance with Section 543(1) of the *Local Government Act 1993* this rate be named **RESIDENTIAL**.

- b. That the Ordinary Rate of 0.2648 cents in the dollar with a minimum of \$689.11 in accordance with Section 548(1)(a) of the *Local Government Act 1993* on the land value of all rateable land in the City of Campbelltown categorised as FARMLAND in accordance with Section 515 of the *Local Government Act 1993* be made for the year 2017-2018.

In accordance with Section 543(1) of the *Local Government Act 1993* this rate be named **FARMLAND**.

- c. That the Ordinary Rate of 0.8269 cents in the dollar with a minimum of \$689.11 in accordance with Section 548(1)(a) of the *Local Government Act 1993* on the land value of all rateable land in the City of Campbelltown categorised as BUSINESS in accordance with Section 518 of the *Local Government Act 1993* be made for the year 2017-2018.

In accordance with Section 543(1) of the *Local Government Act 1993* this rate be named **BUSINESS**.

- d. That the Ordinary Rate of 0.9879 cents in the dollar with a minimum of \$689.11 in accordance with Section 548(1)(a) of the *Local Government Act 1993* on the land value of all rateable land in the City of Campbelltown categorised as MINING in accordance with Section 517 of the *Local Government Act 1993* be made for the year 2017-2018.

In accordance with Section 543(1) of the *Local Government Act 1993* this rate be named **MINING**.

Special Rates

That the Special Rate of 0.0299 cents in the dollar with a minimum of \$2 in accordance with Section 548(3)(b) of the *Local Government Act 1993* on the land value of all rateable land in the City of Campbelltown in accordance with Section 495 of the *Local Government Act 1993* be made for the year 2017-2018.

In accordance with Section 543(2) of the *Local Government Act 1993* this rate be named **SPECIAL RATE - INFRASTRUCTURE**.

4. Domestic Waste Management Service

- a. That the Domestic Waste Management Charge be made for the provision of Domestic Waste Management Services for each parcel of occupied land for which the service is available in the amount of \$350.20 per annum representing a weekly amount of \$6.73 in accordance with Section 496 of the *Local Government Act 1993* for the year 2017-2018.

In accordance with Section 543(3) of the *Local Government Act 1993* this

charge be named **DOMESTIC WASTE MANAGEMENT CHARGE**.

- b. That the Domestic Waste Management Availability Charge be made for the availability of the service to vacant land in the amount of \$38.10 per annum representing a weekly amount of \$0.73 in accordance with Section 496 of the *Local Government Act 1993* for the year 2017-2018.

In accordance with Section 543(3) of the *Local Government Act 1993* this charge be named **DOMESTIC WASTE MANAGEMENT AVAILABILITY CHARGE**.

- c. That all other Domestic and Commercial Waste Management Charges be adopted in accordance with the 2017-2018 Fees and Charges.

5. **Stormwater Management Service**

That in accordance with Section 496A of the *Local Government Act 1993*, Council make an annual charge for stormwater management services for each parcel of urban land within the City of Campbelltown and categorised for rating purposes as Residential or Business excluding vacant land, land owned by the Crown (this includes Housing NSW).

For the 2017-2018 year, the following charges be made in respect of land to which the charge applies:

- \$25 per urban Residential rateable parcel
- \$12.50 per Residential (strata) rateable unit
- \$25 per 700sqm or part thereof for non-vacant Business land, capped to a maximum of \$1000
- \$25 per 700sqm or part thereof of surface land area for strata Business unit (proportioned to each lot based on unit entitlement) not less than \$5 or greater than \$1000.

In accordance with Section 543(3) of the *Local Government Act 1993* this charge be named **STORMWATER MANAGEMENT CHARGE**.

6. The 2017-2018 Fees and Charges incorporating the amendment of the Certificate Under Section 603 Standard to be \$80.
7. The 2017-2021 Workforce Management Plan.
8. The 2017-2027 Long Term Financial Plan.
9. The 2017-2027 Asset Management Strategy.
10. The 2017-2027 Asset Management Plans.

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

9. **QUESTIONS WITH NOTICE**

Nil

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION

Nil

12. URGENT GENERAL BUSINESS

Nil

13. PRESENTATIONS BY COUNCILLORS

1. Councillor Greiss advised that he recently attended the Rotary Changeover Dinner and congratulated the new President on his appointment. The interesting achievements and future plans as well as individual branch contributions were highlighted on the night.
2. Councillor Morrison advised that he recently attended an event at Oz Funland with Greg Warren Minister for Planning.
3. Councillor Moroney advised that he recently attended the Eid celebration at Al Faisal College, Minto which was a very joyous occasion and great for the community.
4. Councillor Chivers advised that she recently represented the Mayor at the Children's Citizenship, at Rosemeadow. The Children's Citizenship project, was coordinated by Burnside and provided the opportunity for children to photograph and describe what matters to them in the City and community, which was then documented in a book titled Children's Citizenship.
5. Councillor Manoto advised that he represented the Mayor a fortnight ago at the Flag Raising Ceremony and the commemoration of the 119th Anniversary of the Declaration of Philippine Independence at Campbelltown Civic Hall. This event is organised annually by the Campbelltown and Region Filipino Community Council with the cooperation of Philippine Consul General, Sydney and Campbelltown City Council. This was attended by the Consul General Anne Jalando-on Louis, who handed a Certificate of Appreciation expressing her thanks to the Campbelltown City Council. Councillor Manoto acknowledged and thanked Council Staff for assisting in the program.
6. Councillor Manoto further advised that he recently attended on behalf of the Mayor the Habol Ilonggo: A Heritage of Traditional Weaving at the Art Gallery of New South Wales, Sydney. It was followed by an exhibition and fashion show, Passion and Procession: Art of the Philippines of four Filipino designers from Iloilo, the Philippines. With him were Mr Michael Dagostino and Ms Amanda King of the Campbelltown Arts Centre.

7. Councillor Brticevic advised that the Mayoral Gala was held on Saturday evening and was a wonderful event. Councillor Brticevic thanked staff for their efforts in particular, Ms NG, Ms Tonkin, Ms Matic, Ms King and Ms Lopez. The Mayoral Gala raised \$50,000 and is a testament to the efforts of staff and organisers.
-

Confidentiality Recommendation

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

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.

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

The Ordinary Meeting of Council was adjourned at 7.22pm and reconvened as a meeting of the Confidential Committee at 7.23pm.

14. CONFIDENTIAL REPORTS FROM OFFICERS

14.1 Directors of Companies

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

That the information be noted.

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

14.2 Campbelltown Sports Stadium

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

That Council endorse the development of a business plan as highlighted in the body of the report.

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

14.3 Lease Macquarie Fields Neighbourhood Store, 11 Evelyn Street, Macquarie Fields

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

1. That Council agree to enter into a new lease over the Macquarie Fields Neighbourhood Store and Residence based on the terms and conditions as outlined in the body of the report.
2. That all documentation associated with the new lease be executed under the Common Seal of Council, if required.

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

14.4 Bio Banking

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

1. That Council actively pursues the Office of Environment and Heritage for final endorsement of the Vegetation and Species Credits assessed, for Noorumba Reserve.
2. That on receipt of the endorsement a tender occurs, for all of the credits endorsed.
3. That the General Manager is authorized to evaluate all tenders received, or potential conflicts evident, and negotiate and finalise any sales of bio bank credits, on Council's behalf.
4. That any Part B funds received, are used to establish a Biodiversity Fund for the ongoing support of biodiversity and associated activities in the Local Government Area.
5. That an report is provided to Council on completion of the tender.

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

Motion

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

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

At the conclusion of the meeting of the Confidential Committee the Open Council Meeting was reconvened at 7.30pm

Motion

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

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

There being no further business the meeting closed at 7.31pm.

Confirmed by Council on

..... General Manager Chairperson

4. DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

Other Disclosures

5. MAYORAL MINUTE

6. PETITIONS

7. CORRESPONDENCE

7.1 Senator the Hon Fiona Nash

Officer's Recommendation

That the letter be received and the information be noted.

Letter from Senator the Hon Fiona Nash announcing the return of Financial Assistance Grants from 1 July 2017.

Attachments

1. Letter to Council from Senator Nash (contained within this report)



Senator the Hon Fiona Nash
Minister for Regional Development
Minister for Local Government and Territories
Minister for Regional Communications
Deputy Leader of The Nationals

PDR ID: MC17-002473

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

25 MAY 2017

Dear Mayor

The Turnbull-Joyce Coalition Government is delivering for our councils. Since becoming Minister for Local Government and Territories in July 2016, I have met with councils throughout Australia and heard first-hand about their challenges, opportunities and plans for the future.

One issue that councils have often raised with me is the indexation of the Financial Assistance Grant program. I am pleased to announce that indexation will return to the program from 1 July 2017 and will deliver a boost of \$78.3 million to councils across the nation.

The total funding delivered under the Financial Assistance Grant program for 2017-18 will be almost \$2.4 billion, growing to almost \$2.6 billion by 2019-20. Your council's funding allocation for 2017-18 will be determined by your local government grants commission shortly.

The Coalition Government has also agreed to bring forward two quarterly payments to councils from 2017-18 to the current financial year. This will give councils the opportunity to start work immediately on projects they have been putting off and to benefit from additional interest on their cash in the bank.

Pausing indexation on the Financial Assistance Grant program was a difficult decision. However, the Coalition Government is committed to repairing the budget and the indexation pause, while unpopular, was necessary to contribute to this task. I thank local governments for their efforts in constraining costs and working within their existing budgets – something that all levels of government have had to do.

Parliament House Canberra ACT 2600 Telephone: (02) 6277 7495

The Coalition Government is committed to assisting councils as they deliver essential local services to our communities. As the Minister for Local Government and Territories, I look forward to working with you to support this important work.

Yours sincerely

SIGNATURE HAS BEEN REMOVED

FIONA NASH

7.2 Dr Mike Freeland MP

Officer's Recommendation

That the letter be received and the information be noted.

Response to Council's letter regarding the Financial Assistance Grant indexation freeze.

Attachments

1. copy of letter from Dr Mike Freeland MP to Council (contained within this report)
2. copy of Council's letter to Dr Mike Freeland MP (contained within this report)

19th May 2017

MAY31 '17 08:01:06 RC00

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

Dear Ms. Deitz,

Thank you for your recent letter, dated the 4th May 2017, regarding the Turnbull Government's Financial Assistance Grant Indexation Freeze. This indexation freeze, which was imposed on local government without any analysis or consultation by the Turnbull Government, saw \$925 million cut from their budgets.

I have endeavoured to hold the Turnbull Government to account for cuts to local government services and infrastructure spending caused by the ongoing freeze. As such, I was most pleased that the recent federal budget ended the freeze on indexation, in spite of the fact that the freeze should never have been imposed in the first place.

Thank you for taking the time to write to me about this important matter. Please be ensured that I will continue to advocate for the needs of our Local Government in the Federal Parliament, and fight against this Government's cuts to local services.

Yours sincerely,

SIGNATURE HAS BEEN REMOVED

DR MIKE FREELANDER MP
Federal Member for Macarthur

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





4 May 2017

Dr Mike Freeland MP
PO Box 88
CAMPBELLTOWN NSW 2560

Dear Dr Freeland

RE: Financial Assistance Grant Indexation Freeze

I am writing to ask for your support in opposing any move to continue the freeze to Financial Assistance Grants (FAGs) indexation in the upcoming 2017-18 Federal Budget.

Council, at its meeting of 18 April 2017, adopted a resolution to support the campaign to restore the indexation of Financial Assistance Grants from 2017-2018 and to write to local Federal Members of Parliament to advocate for FAGs to be restored to a level equivalent to 1 per cent of total federal taxation.

I enclose copy of Council's report and Resolution for your information.

We hope you can understand our concerns on this important issue and are seeking your urgent support to protect the essential community services provided by our Council by blocking any move to continue the freeze to the indexation of Financial Assistance Grants in the May Federal budget.

Thank you for your support.

Yours sincerely

SIGNATURE HAS BEEN REMOVED

Lindy Deitz
General Manager

Enc

Civic Centre Queen Street Campbelltown PO Box 57 Campbelltown NSW 2560 DX5114
Telephone 02 4645 4000 Facsimile 02 4645 4111 TTY 02 4645 4615
Email council@campbelltown.nsw.gov.au Web www.campbelltown.nsw.gov.au
ABN 31 459 914 087

Ordinary Meeting 18/04/17

TITLE Financial Assistance Grant Indexation Freeze

Division

City Governance

Reporting Officer

Executive Manager Corporate Services and Governance

Attachments

Nil

Purpose

To provide information regarding the history of Council's allocation of Financial Assistance Grant (FAG) Funding, the Federal Government indexation freeze and a campaign by the Australian Local Government Association (ALGA) and LGNSW seeking councils to support a campaign to restore the indexation of financial assistance grants from 2017-2018.

History

In the 2014-2015 Budget, the Federal Government put a freeze on the indexation of FAGs over three years (2014-2015 to 2016-2017), i.e. FAGs were not increased in line with CPI and population increases. The loss of indexation over the three year period means FAGs will stay at \$2.287b per annum nationally until and including 2016-2017. Over the forward estimates (2014-2015 to 2017-2018) a total of \$925m will be lost in FAGs nationally. This impact will continue beyond the forward estimates as the base level of FAGs will be permanently reduced by more than 12 per cent. As yet there has been no announcement from the Federal Government advising that the indexation will be restored.

In addition to this in recent years, the value of FAGs has slipped to 0.7 per cent of total federal taxation revenue. With the indexation freeze, this figure is to fall to 0.53 per cent by 2017-2018.

The funding Council receives from the Federal Government under the Financial Assistance Grants program forms a significant proportion (between 6 per cent and 10 per cent) of Council's annual revenue.

The table below shows the history of the FAG received in recent years.

('000s)	2006/ 07	2007/ 08	2008/ 09 *	2009/ 10 *	2010/ 11 *	2011/ 12 *	2012/ 13 *	2013/ 14	2014/ 15	2015/ 16	2016/ 17
General Purpose	7,363	7,279	7,620	7,728	8,378	8,508	8,553	8,737	8,638	8,323	7,899
Local Roads	1,199	1,258	1,339	1,371	1,483	1,531	1,517	1,605	1,631	1,617	1,626
Total	8,562	8,537	8,959	9,099	9,861	10,039	10,070	10,342	10,269	9,940	9,525
% Change		(0.3)	4.9	1.6	8.4	1.8	0.3	2.7	(0.7)	(3.2)	(4.2)

* Adjusted for the periods when payments were received in advance

The table shows that for the period 2006-2007 to 2013-2014 Council's allocation was increasing at an average of 2.8 per cent per year. For the period of the indexation freeze (2014-2015 to 2016-2017) Council's allocation decreased by an average of 2.7 per cent per year.

Report

The ALGA and LGNSW are asking councils to support a campaign to restore the indexation of financial assistance grants from 2017-2018. The ALGA has launched a new website to campaign for the restoration of FAGs indexation – endthefreeze.com. Despite ongoing advocacy the Federal Government has failed to provide a firm guarantee to the local government sector that the indexation of financial assistance grants (FAGs) will be restored from 2017-2018 in the upcoming Federal Budget. With preparations for the 2017-2018 Federal Budget already well underway, it is critical and timely to advocate to the Federal Government the need to enhance its commitments to local government.

The new campaign website encourages councils to join the campaign by contacting politicians, including their local Federal Members of Parliament. The website includes a council advocacy kit – that includes templates, background information and talking points - to ensure the Federal Government keeps its promise to restore indexation to FAGs in this year's Federal Budget. LGNSW urges councils to actively support this national campaign.

The ALGA and LGNSW are advocating that FAGs be restored to a level equivalent to 1 per cent of total federal taxation, the level they were at in 1996.

From Campbelltown Council's perspective, had the FAG allocation continued to increase at the average level of 2.8 per cent the current year's allocation would be \$1.7m higher than it currently is, and Council would have received an additional \$3m over the three year period of the freeze.

Officer's Recommendation

1. That Council support the campaign to restore the indexation of financial assistance grants from 2017-2018.
2. That Council write to the local Federal Members of Parliament to advocate for FAGs to be restored to a level equivalent to 1 per cent of total federal taxation.

Financial Assistance Grant Indexation Freeze**Action Item**

Council at its meeting of 18 April 2017 adopted the following Resolution with Resolution No 76.

8.11 Financial Assistance Grant Indexation Freeze

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

1. That Council support the campaign to restore the indexation of financial assistance grants from 2017-2018.
2. That Council write to the local Federal Members of Parliament to advocate for FAGs to be restored to a level equivalent to 1 per cent of total federal taxation.

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

8. REPORTS FROM OFFICERS

8.1 Proposed Reforms Heritage Protection Sub Committee

Reporting Officer

Director City Development
City Development

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.3 - Responsibly manage growth and development, with respect for the environment, heritage and character of our city

Officer's Recommendation

1. That Council disband the concept of a Heritage Protection Sub Committee, but retain strong linkages with the Campbelltown and Airds Historical Society.
2. That all members of the former Heritage Protection Sub Committee be thanked for their contributions and advised of the contents of the review report.
3. That Council formally notify the Campbelltown and Airds Historical Society of all development applications relating to listed heritage items in the Campbelltown Local Government Area.
4. That the Local Heritage Fund Guidelines be revised to allow staff to approve funding applications when compliant with the relevant eligibility criteria.
5. That the operation of the biennial Heritage Medallion be independently maintained.

Purpose

To seek Council's endorsement of proposed reforms relating to:

- a) the operation of the Heritage Protection Sub Committee
- b) the determination of compliant Local Heritage Fund applications by staff
- c) notification of heritage related development applications to the Campbelltown and Airds Historical Society.

History

The Heritage Protection Sub Committee (HPSC), an advisory sub-committee to Campbelltown City Council formed in 1996, reviewed and made recommendation to the Planning and Environmental Committee to the Council on heritage related matters. The focus of the HPSC was directed towards heritage matters that fell under the responsibility of the Planning and Environment division, typically involving development proposals affecting listed heritage items.

The operational charter of the HPSC is provided within Council's adopted Heritage Protection Sub Committee Guidelines (attachment 1). The current guidelines outline the composition of the HPSC, comprising of a maximum of eight members as follows:

- two Councillors as nominated by the Council
- two persons from the Campbelltown and Airds Historical Society as nominated by the President of that society
- a person who owns a built heritage item
- A person from the National Parks Association (Macarthur Branch) nominated by the President of that association
- two persons who in the opinion of the Council possess suitable qualifications relating to the conservation of the built and natural environments.

In recent years, the HPSC has operated with two of the eight membership positions vacant (qualified person and heritage owner). This has been due to an absence of suitable candidates nominating for the respective positions. In this respect, the composition of the Sub Committee has generally been weighted towards representation from local heritage groups, namely the Campbelltown and Airds Historical Society who maintain a dominant membership of two persons.

The latest meeting of the HPSC was held on 18 August 2016, prior to its natural dissolution in conjunction with the September 2016 Local Government elections.

Report

Introduction

The HPSC generally met on a quarterly meeting cycle, with the agenda compiled by the Planning and Environment division and administrative support provided by Council's Executive Services Division in accordance with the guidelines. As an advisory subcommittee, all recommendations made by the HPSC are advisory in nature and are required to be reported through the Planning and Environmental Committee to Council for consideration and endorsement.

As part of the current organisational review, and the preparation of a revised resourcing framework, a holistic appraisal of the operating efficiencies of the HPSC model has been undertaken to ensure the best possible customer service outcomes in relation to issues involving heritage protection are achieved going forward. This strategy is consistent with the initiatives identified in the Campbelltown 2027 Community Strategic Plan which requires Council to responsibly manage growth and development, with respect for the environment, heritage and character of our city.

Review process and findings

A review of all reports considered by the HPSC since 2015 has been undertaken to examine the type of matters assessed and the nature of recommendations provided back to Council for endorsement (refer table 1). As summarised in the table, the types of reports considered by the HPSC during this period comprised of development applications (DAs) relating to heritage listed items, Local Heritage Fund Applications, and general activities of Council relating to heritage matters.

The review identified that all recommendations made by the HPSC on these reports typically comprised of a straight endorsement of the officer recommendations provided within each report. As such, the involvement of the HPSC in the decision making process did not materially change the determination outcomes recommended by staff. In this respect, the findings of the review suggest that the function of the HPSC has been largely to serve as an engagement forum with heritage interest groups in the local area. The most prominent of these groups is the Campbelltown and Airds Historical Society (CAHS) who were represented with a two person membership on the subcommittee.

All Local Heritage Fund applications reported during the review period to the HPSC for approval were supported and subsequently approved by Council. The certainty of this decision making process is considered to reflect the clear legibility criteria within Council's Local Heritage Fund Guidelines which specifies the types of maintenance and heritage works that owners of heritage listed items may seek funding assistance for. Given this certainty, it is considered that applications for local heritage funding may be dealt with in a more efficient and timely manner by allowing Council staff to approve these applications when compliant with the established and relevant funding criteria. This action would streamline the approval process, would enable more timely responses and would avoid complications with proposed works being approved and completed by owners (as required) within each financial year.

In this regard, it is noted that the decision making process for items reported to the HPSC can be delayed for up to six months. This is due to the lead up time to prepare reports ahead of the HPSC quarterly meeting cycle, coupled with the additional time lag for HPSC minutes to be endorsed by Council. For the area of development assessment, this delay is difficult to justify to the proponent given the proponents general expectation that Council would promptly determine the application and where it could, within the statutory timeframe in most cases being 40 days.

Given this inherent time delay, it is considered more effective and timely for Council to directly consult with the heritage interest groups earlier during the DA assessment process, rather than utilising the existing HPSC forum. Such a practice would provide direct consultation with the most prominent local heritage community group CAHS. This would include maintaining the involvement of CAHS in the awarding of the biennial Heritage Medallion which has evolved as a significant means of recognising outstanding contributions to local heritage conservation and raising the profile of heritage conservation.

Council at its meeting held 12 July 2016, considered a report on the Campbelltown Heritage Study and Register Review, and resolved (in part) to utilise the services of an expert heritage planning consultant for the assessment of heritage related applications as the circumstances require. This practice is continuing and has resulted in a more effective and efficient assessment framework for the determination of heritage related DAs, compared to the reporting process associated with the HPSC. Importantly, the use of an expert heritage planner to provide technical advice in a timely manner is to become standard Council practice with the appointment of a permanent heritage planner forming a part of the organisational review.

Conclusion

The function and role of the HPSC has been reviewed with the intent of improving community and customer engagement, process efficiencies and response timeframes. It is considered that the major issue of time delays associated with the quarterly HPSC meeting cycle in order to brief the HPSC does not meet customer expectations and is not an efficient use of Council and volunteer resources moving into the future.

Rather, the disbanding of the concept of a HPSC and the engagement of a permanent expert heritage planner by Council is considered to be a more effective resourcing strategy in addressing Council's operational needs relating to the assessment of heritage related applications and proposals and better responding to the expectations and needs of the community and the customer. This includes providing earlier consultation with the prominent local heritage group CAHS outside the constraints of the existing quarterly meeting cycle of the HPSC. This would include the notifying of all planning applications that have an impact on a heritage item within the Campbelltown LGA and the referral of those applications to the CAHS for its comment for a 28 day period.

Further to and in concert with the above, it is considered appropriate that the Local Heritage Fund Guidelines be amended to allow staff to approve compliant grant funding applications and that the biennial Heritage Medallion be independently maintained.

Attachments

1. Heritage Protection Sub Committee Guidelines (contained within this report)
2. Summary of report types and recommendations HPSC 2015-2016 (contained within this report)



Governance and Risk
Ph 4645 4320

**Heritage Protection Sub Committee
Guidelines**

Name:

The Campbelltown City Council Heritage Protection Sub Committee

Interpretation:

For the purposes of these Guidelines:

"Member" means member of the Sub Committee.

"Council" means the Campbelltown City Council.

The Aim of the Committee:

1. To provide advice and feedback to the Council in respect of identifying potential additional European, Cultural and Natural Environment Heritage Items.
2. To provide advice to Council on the conservation, management, collection and recording of the European, Cultural and Natural Environment Heritage Items of Campbelltown when so required by the Council.
3. To advise Council on the preparation of Heritage Policy and Guidelines.
4. To advise Council and provide information with respect to Consultants who are appropriately qualified to prepare conservation plans or plans of management and advice on other Heritage issues.
5. To make recommendations to the Council relating to the taking of measures for or with respect to:
 - (i) the conservation of heritage items
 - (ii) the exhibition or display of heritage items
 - (iii) the provisions of access to heritage items
 - (iv) the publication of information concerning heritage items
6. To make recommendations to the Council in relation to funding opportunities for applications for the Heritage Assistance Program.
7. To make recommendations to the Council for or with respect to the Administration of the Plaque Scheme for European Heritage items, adopted in the 1994 Heritage Study prepared on behalf of the Council.
8. To make recommendations to the Council for or with respect to the expenditure of money from any Local Heritage Assistance Fund.

9. To provide comment on the heritage aspects of any heritage related development applications submitted for Council's determination.
10. To do all such things as are conducive or incidental to the attainment of the above objects.

Guidelines of Operation

1. Role within Council

- 1.1 The Heritage Protection Sub Committee is an advisory Sub Committee to Campbelltown City Council.
- 1.2 The recommendations of the Sub Committee shall be referred to Council through the appropriate Standing Committee of Council for ratification.
- 1.3 Council may refer information to the Sub Committee for comment.

2. Venue

Meetings will be held at the Council's Civic Centre.

3. Chairperson

- 3.1 The Chairperson of the Sub Committee shall be one of the Councillors appointed to the Sub Committee by Council and so nominated to be the Chairperson by the Council.
- 3.2 The Deputy Chairperson shall be the other Councillor appointed to the Sub Committee by the Council.
- 3.3 The Mayor by virtue of that office is a member of each Sub Committee of Council. If the Mayor is in attendance at the meeting, he/she may choose to assume the Chair for the duration of the meeting.
- 3.4 If the Chairperson, Deputy Chairperson and the Mayor are unable to attend the meeting an Acting Chairperson should be elected from within the committee membership.

4. Membership

- 4.1 Non Council Sub Committee members are appointed for the term of the Council.
- 4.2 The Sub Committee shall consist of a maximum of eight members.
- 4.3 The members of the Sub Committee shall be appointed by the Council and shall include:
 - 4.3.1 Two Councillors as nominated by the Council.
 - 4.3.2 Two persons from the Campbelltown and Airds Historical Society as nominated by the President of that Society. Plus one alternate delegate.
 - 4.3.3 A person who owns a built heritage item.
 - 4.3.4 A person from the National Parks Association (Macarthur Branch) nominated by the President of that Association. Plus one alternate delegate.
 - 4.3.5 Two persons who in the opinion of the Council possess suitable qualifications relating to the conservation of the built and natural environments.

4.3.6 Appropriate Council Officers shall be ex-officio members of the Sub Committee to provide professional guidance, current information and policy implication. The Council Officers do not form part of the quorum and do not have voting rights.

4.3.7 Administrative Support at the meeting will be provided by Executive Assistants from Council's Governance and Risk.

4.3.8 Non Committee members can attend the meeting and raise issues but do not have voting rights.

5. Quorum

5.1 A quorum is half plus one of the appointed membership of the Heritage Protection Sub Committee.

5.2 If within half an hour of the time set down for the meeting of the Sub Committee to commence a quorum not be present then the meeting shall be adjourned to a time within one month of the date of such meeting.

6. Sub Committee Agenda

6.1 Written agenda items shall be forwarded to the Governance and Risk section no later than 14 days prior to the next meeting. Agenda items may be mailed, emailed or faxed in. Late items will be subject to acceptance by the Sub Committee.

6.2 The meeting agenda shall be forwarded to Sub Committee members no later than seven days prior to the next meeting date.

7. Sub Committee Minutes

7.1 The minutes of all proceedings at the Sub Committee meeting shall be documented.

7.2 A copy of the minutes shall be forwarded to all members of the Sub Committee within one week of the meeting. Sub Committee members have one week to advise Council Officers of any errors or omissions from the minutes. The minutes will then be presented to Council for endorsement.

8. Confidentiality or Conflict of Interest

8.1 Members are to declare a direct Conflict of Interest with issues on the agenda at the commencement of the meetings or as soon as the relevant issue is raised in General Business.

8.2 A Conflict of Interest is to be declared and reported in the minutes, and if necessary, the parties involved should leave the room while the matter is being discussed.

8.3 Sub Committee membership will be terminated if confidentiality is breached.

9. Code of Conduct

Campbelltown City Council has established a reputation of honesty, fairness and integrity.

In this regard Council has developed a Code of Conduct that provides the foundation upon which these standards are built. The Code will help to assist us to make decisions that reflect the high standards expected by our community.

The Code of Conduct is a very important part of our Council and applies equally to all Councillors, staff and Sub Committee members of Campbelltown City Council.

Sub Committee Members have a responsibility of ensuring that these high standards are met and in this regard will be provided with a copy of the Code of Conduct at the time of appointment to the Sub Committee.

10. Issues not covered by the Guidelines

Should the Sub Committee face an issue that is not covered within these guidelines, the Sub Committee should refer to Campbelltown City Council's Code of Meeting Practice.

11. Dissolution of the Sub Committee

The Council may by resolution dissolve the Sub Committee at any time without cause.

End of Guidelines

Table 1: Summary of Report Types and Recommendations HPSC 2015 - 2016

Meeting Date	Report Topic	HPSC Recommendations	Consistent with Officer Recommendation
12 February 2015	Local Heritage Fund Application	As per staff recommendation	Yes
12 February 2015	Local Heritage Fund Application	As per staff recommendation	Yes
12 February 2015	Heritage Item Raith	As per staff recommendation	Yes
28 May 2015	Local Heritage Fund Application	As per staff recommendation	Yes
28 May 2015	Old Kendall's Millhouse	Information noted	Yes
20 August 2015	Local Heritage Fund Application	As per staff recommendation	Yes
20 August 2015	DA - Redfern's Cottage	Information noted	Yes
26 November 2015	DA - (Verbal update) Kendall's Millhouse	Request additional heritage information, DA considered to be overdevelopment of site	Yes
26 November 2015	DA - Epping Forest Subdivision	Request additional heritage information	Yes
26 November 2015	Conservation Management Plan - Glenalvon	Information noted	Yes
25 February 2016	Update on Council submission regarding Hurlstone	Information noted	Yes
25 February 2016	DA Updates	Information noted and previous recommendations endorsed	Yes
25 February 2016	Heritage Medallion	As per staff recommendation	Yes
26 May 2016	Presentation	Information noted	Yes
26 May 2016	DA Updates	Information noted and concerns raised by staff supported	Yes
18 August 2016	Proposed Sign	As per staff recommendation	Yes
18 August 2016	Proposed Sign	As per staff recommendation	Yes
18 August 2016	Grant Funding Update	As per staff recommendation	Yes

8.2 Construction of a telecommunications facility - Lot 7 Narellan Road, Narellan - south western corner - Western Sydney University

Reporting Officer

Director City Development
City Development

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.2 - Support and advocate for infrastructure solutions that meet the needs of our city and which pay an economic and liveability dividend

Officer's Recommendation

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

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 due to the nature of the proposed development (telecommunications facility).

Property Description	Lot 7 DP 253700 Lot 7 Narellan Road, Campbelltown NSW 2560
Application No	1552/2016/DA-C
Applicant	KAW Consulting Pty Ltd
Owner	Landcom
Provisions	State Environmental Planning Policy (Infrastructure) 2007 Campbelltown Local Environmental Plan 2015 Campbelltown (Urban Area) Development Control Plan 2015
Date Received	24 May 2016

Report

The development application was lodged with Council on 24 May 2016 for the construction of a telecommunications facility at Lot 7 Narellan Road, Campbelltown.

The site is 18.71 hectares and is located within the south western corner of the proposed Stage 5 subdivision of the larger Western Sydney University (WSU) residential release area, undertaken as a joint venture between WSU and UrbanGrowth NSW. Stage 5 of the residential release proposes to create an individual allotment for the area surrounding the telecommunications facility.

The site is adjoined to the west by the M31 Hume Motorway and the Eastern Gas Pipeline, to the north by Stage 4C of the WSU residential subdivision and to the south, by a vacant allotment that adjoins the Main Southern Railway.

An existing AGL Energy compound used for gas extraction activities is located on the subject site, approximately 25 metres north west from the proposed telecommunications facility location.

The proposed location of the telecommunications facility is accessed via an unsealed road alongside the northern side of the Main Southern Railway.

The proposed development involves the construction of a 56.4 metre high telecommunications lattice tower, three equipment shelters, removal of vegetation and minor earthworks.

The proposed facility would provide the opportunity for multiple carrier co-location, thereby negating the need for each carrier to build subsequent tower facilities and reducing the proliferation of structures in the area. The proposed telecommunications facility would facilitate provision of wireless mobile phone network coverage to a growing population.

The proposed facility would replace the existing facility (approved under development application 274/2015/DA-O) located approximately 780m north of the proposed location.

1. Vision

Campbelltown 2025 - Looking Forward

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.

The strategic directions relevant to this application are:

- growing the regional city
- development and land use that matches environmental capacity and capability.

The application is consistent with the above strategic directions as the proposal would support increased wireless mobile phone network coverage to support a growing population.

2. Planning Provisions

2.1 State Environmental Planning Policy (Infrastructure) 2007

The proposed telecommunications facility has been assessed against the relevant provisions of the State Environmental Planning Policy (Infrastructure) 2007. This assessment is presented below:

Clause 55 Development adjacent to corridor

Pursuant to sub-clause 55(1) of State Environmental Planning Policy (Infrastructure) 2007, prior to determining a development application for development adjacent to a gas pipeline corridor, the consent authority must:

- (a) be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development have been identified
- (b) take those risks into consideration.

The subject site adjoins the Eastern Gas Pipeline. Consequently, the development application was referred to Jemena Gas Networks for comment. A response was received from Jemena Gas Networks stating that no objection was raised to the proposed development subject to recommended conditions of consent in attachment 1.

Clause 85 Development immediately adjacent to rail corridors

Pursuant to sub-clause 85(1), prior to determining a development application, written notice must be given to Sydney Trains if development on land that is in or immediately adjacent to a rail corridor:

- (a) is likely to have an adverse effect on rail safety
- (b) involve the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains
- (c) involves the use of a crane in air space above any rail corridor.

The site is located within close proximity to a Sydney Trains 33kV high voltage aerial transmission cable. The development application was referred to Sydney Trains for comment. A response was received from Sydney Trains stating that no objection was raised to the proposed development subject to recommended conditions of consent in attachment 1.

Clause 115 Development permitted with consent (telecommunications facilities)

Pursuant to sub-clause 115(1), development for the purpose of telecommunications facilities, may be carried out with development consent on any land, except for certain telecommunications facilities that are permitted without consent. The proposed telecommunications facility is not permitted without consent and accordingly, the development application has been lodged.

Sub-clause 115(3), requires consideration to be given to any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities, that are issued by the Director-General for the purposes of this clause.

The NSW Telecommunications Facilities Guideline including broadband (the guideline), dated July 2010, has been issued by the Director-General. The guideline requires that consideration be given to the following principles:

Principles	Proposed	Compliance
Principle 1: A telecommunications facility is to be designed and sited to minimise visual impact		
(a) As far as practical, a telecommunications facility that is to be mounted on an existing building or structure should be integrated with the design and appearance of the building or structure.	The proposed telecommunications facility is a free standing tower.	N/A
(b) The visual impact of telecommunications facilities should be minimised, visual clutter is to be reduced particularly on tops of buildings, and their physical dimension (including support mounts) should be sympathetic to the scale and height of the building to which it is to be attached, and sympathetic to adjacent buildings.	The telecommunications facility is not considered to be visually obtrusive or give rise to visual clutter. See Planning Assessment Section of Report for further discussion.	Yes
(c) Where telecommunications facilities protrude from a building or structure and are predominately backgrounded against the sky, the facility and their support mounts should be either the same as the prevailing colour of the host building or structure, or a neutral colour such as grey should be used.	The telecommunications facility is a free standing tower and is not attached to an existing building or structure. A condition has been recommended for the structure to be finished in a non-reflective material and a recessive/neutral colour.	N/A
(d) Ancillary facilities associated with the telecommunications facility should be screened or housed, using the same colour as the prevailing background to reduce its visibility, including the use of existing vegetation where available, or new landscaping where possible and practical.	A condition of consent has been recommended for the ancillary facilities to be finished in a non-reflective material and a recessive/neutral colour.	Yes
(e) A telecommunications facility should be located and designed to respond appropriately to its rural landscape setting.	The subject site is zoned R3 Medium Density Housing and is not considered a rural landscape setting.	N/A

Principles	Proposed	Compliance
	<p>The immediate locality surrounding the proposed telecommunications facility is not considered to be a rural landscape setting.</p> <p>The Main Southern Railway Line and associated transmissions lines infrastructure is located between the proposed telecommunications site and the nearest dwellings located on Menangle Road. The M31 motorway is also located within close proximity to the Menangle Road dwellings.</p>	
(f) A telecommunications facility located on, or adjacent to, a State or local heritage item or within a heritage conservation area, should be sited and designed with external colours, finishes and scale sympathetic to those of the heritage item or conservation area.	The subject site is not a listed State or local heritage item or within a heritage conservation area.	N/A
(g) A telecommunications facility should be located so as to minimise or avoid the obstruction of a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.	<p>The proposed location of the telecommunications facility (including the equipment sheds at ground level) is not considered to obstruct significant views. The site is not a listed State or local heritage item or within a heritage conservation area and the proposed facility does not obstruct significant views of a heritage item, conservation area or landmark.</p> <p>It is also considered the proposed facility is unlikely to have an adverse impact on the visual amenity of the surrounding neighbourhood due to the facility being setback approximately 180 metres from the nearest residential dwellings on Menangle Road. Further, the orientation of the dwellings located on Menangle Road face south east, away from the proposed tower.</p> <p>In order to further reduce the potential for adverse visual impact, a condition has been</p>	Yes

Principles	Proposed	Compliance
	recommended that requires the surface of the proposed telecommunications facility to be finished in a non-reflective material that is recessive/neutral in colour.	
(h) The relevant local government authority must be consulted where the pruning, lopping, or removal of any tree or other vegetation would contravene a Tree Preservation Order applying to the land or where a permit or development consent is required.	An Arborist Report, prepared by Naturally Trees, dated 9 May 2017, was submitted in support of the development application. The tree protection measures recommended in the report have been included in the recommended conditions of consent provided in attachment 1.	Yes
(i) A telecommunications facility that is no longer required is to be removed and the site restored, to a condition that is similar to its condition before the facility was constructed.	A development application would be required for the demolition of the telecommunications facility. If recommended for approval, conditions of consent would be recommended for the land to be restored as close as practicable to pre-construction condition.	Yes
(j) The siting and design of telecommunications facilities should be in accordance with any relevant Industry Design Guides.	The proposed telecommunications tower is considered to be compliant with the relevant public exposure limits permitted by Australian Radiation Protection and Nuclear Safety Agency. Compliance with the exposure limits has been recommended as a condition of consent in attachment 1.	Yes
Principle 2: Telecommunications facilities should be co-located wherever practical.		
(a) Telecommunications lines are to be located, as far as practical, underground or within an existing underground conduit or duct.	The proposed telecommunications infrastructure is wireless and does not require fixed line infrastructure.	N/A
(b) Overhead lines, antennas and ancillary telecommunications facilities should, where practical, be co-located or attached to existing structures such as buildings, public utility structures, poles, towers or other radio communications equipment to minimise the proliferation of telecommunication facilities and unnecessary clutter.	The applicant has submitted that there is no opportunity for co-location on another facility as there are no facilities or structures located within the proposed location that would offer suitable attachment.	N/A
(c) Towers may be extended for the purposes of co-location.	The tower is proposed to be constructed and is not existing infrastructure.	N/A

Principles	Proposed	Compliance
(d) The extension of an existing tower must be considered as a practical co-location solution prior to building new towers.	The proposal does not use an existing tower.	N/A
(e) If a facility is proposed not to be co-located the proponent must demonstrate that co-location is not practical.	The applicant submits that co-location is not possible as there are no existing telecommunications structures in the area that would replace the existing tower. The proposed telecommunications facility is intended to be made available for carriers to co-locate.	Yes
(f) If the development is for a co-location purpose, then any new telecommunications facility must be designed, installed and operated so that the resultant cumulative levels of radio frequency emissions of the co-located telecommunications facilities are within the maximum human exposure levels set out in the Radiation Protection Standard. NOTE: Co-location is not practical where there is no existing tower or other suitable telecommunications facility that can provide equivalent site technical specifications including meeting requirements for coverage objectives, radio traffic capacity demands and sufficient call quality.	An Environmental Electromagnetic Energy (EME) Report, dated 7 June 2017, was provided in support of the development application. The report details the maximum EME levels as a result of the anticipated co-located facilities on the tower as being 0.33 per cent of the public exposure limit permitted by Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).	Yes
Principle 3: Health standards for exposure to radio emissions will be met		
(a) A telecommunications facility must be designed, installed and operated so that the maximum human exposure levels to radiofrequency emissions comply with Radiation Protection Standard.	An Environmental EME Report, dated 7 June 2017, was provided in support of the development application. The report details the maximum EME levels as a result of the anticipated co-located facilities on the tower as being 0.33 per cent of the public exposure limit permitted by Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).	Yes
(b) An EME Environmental Report shall be produced by the proponent of development	An Environmental EME Report, dated 7 June 2017, has been submitted with the application	Yes

Principles	Proposed	Compliance
to which the mobile phone network code applies in terms of design, siting of facilities and notifications. The report is to be in the format required by the Australian Radiation Protection Nuclear Safety Agency. It is to show the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and demonstrate compliance with the Mobile Phone Networks Code.	<p>stating that the proposal satisfies the relevant public exposure limits permitted by Australian Radiation Protection and Nuclear Safety Agency.</p> <p>The application has been accompanied by a report detailing the maximum projected electromagnetic energy (EME) levels at 1.5m above ground level at various distances from the base station. In this regard, it is stated that the maximum EME for the site would only be in the order of 0.33 per cent of the public exposure limit permitted by Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).</p>	
Principle 4: Minimise disturbance and risk, and maximise compliance		
(a) The siting and height of any telecommunications facility must comply with any relevant site and height requirements specified by the Civil Aviation Regulation 1988 and the Airports (Protection of Airspace) Regulations 1996 of the Commonwealth. It must not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development reported to the Civil Aviation Safety Authority Australia.	<p>The development application was referred to the Civil Aviation Safety Authority (CASA) for comment regarding the height of the proposed facility.</p> <p>A response was received from CASA stating the tower's overall height did not exceed the maximum permitted and that no objection was raised to the proposed development subject to recommended conditions of consent in attachment 1.</p>	Yes
(b) The telecommunications facility is not to cause adverse radio frequency interference with any airport, port of Commonwealth Defence navigational or communications equipment, including the Morundah Communication Facility, Riverina.	A response was received from CASA stating the tower's overall height did not exceed the maximum permitted and that no objection was raised to the proposed development subject to recommended conditions of consent in attachment 1.	Yes
(c) The telecommunications facility and ancillary facilities are to be carried out in accordance with the applicable specifications (if any) of the	The proposed facility would be installed by licensed carriers in accordance with manufacturer specifications, thereby minimising disturbance and risk	Yes

Principles	Proposed	Compliance
manufacturers for the installation of such equipment.	associated with the facility.	
(d) The telecommunications facility is not to affect the structural integrity of any building on which it is erected.	The telecommunications tower is free standing and is not proposed to be attached to an existing structure.	N/A
(e) The telecommunications facility is to be erected wholly within the boundaries of a property where the landowner has agreed to the facility being located on the land.	The telecommunications facility, and all supporting equipment, is proposed entirely within the site boundaries.	Yes
(f) The carrying out of construction of the telecommunications facilities must be in accordance with all relevant regulations of the Blue Book - Managing Urban Stormwater: Soils and Construction (Landcom 2004), or its replacement.	A condition requiring that the construction of the telecommunications facility is to comply with the Blue Book - Managing Urban Stormwater: Soil and Construction is contained in attachment 1.	Yes
(g) Obstruction or risks to pedestrians or vehicles caused by the location of the facility, construction activity or materials used in construction are to be mitigated.	The location of the telecommunications facility is unlikely to cause obstruction or risks to pedestrians or vehicles during construction.	Yes
(h) Where practical, work is to be carried out during times that cause minimum disruption to adjoining properties and public access. Hours of work are to be restricted to between 7.00am and 5.00pm, Mondays to Saturdays, with no work on Sundays and public holidays.	Construction hours between 7.00am and 5.00pm Monday to Saturday and no work on Sundays or public holidays have been recommended as a condition of consent in attachment 1.	Yes
(i) Traffic control measures are to be taken during construction in accordance with Australian Standard AS1742.3-2002 Manual of uniform traffic control devices - Traffic control devices on road.	It is recommended as a condition of consent in attachment 1 for any traffic control measures (if required) to be carried out in accordance with AS1742.3-2002.	Yes
(j) Open trenching should be guarded in accordance with Australian Standard Section 93.080 - Road Engineering AS1165 - 1982 - Traffic hazard warning lamps.	It is recommended as a condition of consent in attachment 1 for any open trenching to be carried out in accordance with Australian Standard Section 93.080 - Road Engineering AS1165 - 1982 - Traffic hazard warning lamps.	Yes
(k) Disturbance to flora and fauna should be minimised and the land is to be restored to a condition that is similar to its condition before the work was carried out.	An Arboricultural Impact Appraisal and Method Statement, prepared by Naturally Trees, dated 9 May 2017, was submitted in support of the development application.	Yes

Principles	Proposed	Compliance
	The report identifies that trees to be removed were not considered significant or worthy of special measures to ensure their preservation and are recommended for removal. Tree Protection Measures for trees not to be removed are recommended as conditions of consent in attachment 1.	
(l) The likelihood of impacting on threatened species and communities should be identified in consultation with relevant state or local government authorities and disturbance to identified species and communities avoided wherever possible.	The proposed development does not impact upon any threatened species communities.	N/A
(m) The likelihood of harming an Aboriginal Place and/or Aboriginal object should be identified. Approvals from the Department of Environment, Climate Change and Water (DECCW) must be obtained where impact is likely, or Aboriginal objects are found.	An Aboriginal Archaeological Report, prepared by Austral Archaeology Pty Ltd, dated May 2015 (Project No. 1429), for the Stage 5 subdivision of the greater University of Western Sydney site, did not identify any recorded Aboriginal archaeological sites within the area of the proposed works.	Yes
(n) Street furniture, paving or other existing facilities removed or damaged during construction should be reinstated (at the telecommunications carrier's expense) to at least the same condition as that which existed prior to the telecommunications facility being installed.	The site does not contain existing facilities that would be removed or damaged during the construction of the telecommunications facility.	N/A

In light of the above, it is considered that the proposal satisfies the provisions of Clause 115 of State Environmental Planning Policy (Infrastructure) 2007.

2.2 Campbelltown Local Environmental Plan 2015

The subject site is zoned R3 Medium Density Residential under the provisions of Campbelltown Local Environmental Plan 2015 (CLEP). The permissibility of the proposed telecommunications facility is facilitated through the provisions of sub-clause 115(1) of State Environmental Planning Policy (Infrastructure) 2007 which has been addressed above.

Pursuant to sub-clause 115(1) of State Environmental Planning Policy (Infrastructure) 2007, development for the purpose of telecommunications facilities, may be carried out with development consent on any land, except for certain telecommunications facilities which are permitted without consent. The proposed telecommunications facility is not permitted without consent.

Earthworks

Clause 7.1 of CLEP 2015 requires the consent authority is required to consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development
- (b) the effect of the development on the likely future use or redevelopment of the land
- (c) the quality of the fill or the soil to be excavated, or both
- (d) the effect of the development on the existing and likely amenity of adjoining properties
- (e) the source of any fill material and the destination of any excavated material
- (f) the likelihood of disturbing relics
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The proposed development involves minimal cut and fill. It is considered that the earthworks are unlikely to result in changes to drainage patterns or soil instability. The site is not within close proximity to waterways, drinking water catchments or environmentally sensitive land.

Further, is it unlikely that relics would be disturbed during construction. An Aboriginal Archaeological Report, prepared by Austral Archaeology Pty Ltd, dated May 2015 (Project No. 1429), for the Stage 5 subdivision of the greater University of Western Sydney site, did not identify any recorded Aboriginal archaeological sites within the area of the proposed works. It is considered that the location of the proposed telecommunications facility would not uncover any aboriginal significant artefacts.

2.3 Campbelltown (Sustainable City) Development Control Plan 2015

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

Part 2 - General Requirements

The general provisions of Part 2 of the SCDCP, applying to all types of development, have been considered and are discussed as follows:

Views and vistas - The site adjoins the Main Southern Railway line and is in close proximity to the M31 Motorway. The proposed development is not considered to have a significantly adverse impact upon significant views and vistas from and to public places.

Flora and fauna - The proposed development does not seek to remove any significant vegetation.

Demolition - A portion of an existing concrete wall is proposed to be demolished. The plan requires that applications for demolition be accompanied by information concerning the submission of a detailed work plan prepared in accordance with AS2601-2001-The Demolition of Structures (as amended), details of the licensed demolition contractor and details of hazardous substances to be removed from the site. Demonstration of compliance with these provisions prior to any demolition commencing is recommended as a standard condition of development consent.

Risk Management - The plan requires that development on bushfire prone land shall comply with the requirements of planning for bushfire protection (as amended). A bush fire report was submitted with the development application and reviewed by the Rural Fire Service. A response was received from the Rural Fire Service which raised no objection to the development subject to the recommended conditions of consent in attachment 1.

Part 12 - Telecommunications Facilities

Part 12 of the plan sets out controls relating to telecommunications facilities in the Campbelltown Local Government Area.

Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015)			
Control	Requirement	Proposed	Compliance
12.3 General Requirements			
General Requirements a)	A network Masterplan shall be provided by the applicant showing the proposal in the context of all other similar infrastructure types in order to identify opportunities for co-location or sharing of facilities.	A network masterplan accompanied the application. Co-location within the vicinity is not available as the existing facility located to the north would be removed after the occupation certificate is issued for the proposed new facility.	Yes
General Requirements b) i)	The applicant shall demonstrate that co-location opportunities have been adequately pursued where new stand alone telecommunication facilities are proposed. This shall include information to demonstrate the possibility of sharing equipment, via the use of combiners or similar technology;	The applicant has submitted that there is no opportunity for co-location on another facility as there are no facilities or structures located within the proposed location that would offer suitable attachment.	Yes
General Requirements b) ii)	The applicant shall demonstrate that co-location opportunities have been adequately pursued where new stand alone telecommunication facilities are proposed. This shall include information to demonstrate that existing towers and poles or other appropriate structures should be investigated for appropriateness for the sharing of antennas.	There are no appropriate structures which are considered suitable to enable co-location.	N/A

Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015)			
Control	Requirement	Proposed	Compliance
General Requirements c)	Transmitting roof top antennas and towers should preferably be located in industrial or business zones, rather than residential zones or areas that include dwellings.	Under CLEP 2015 the site is zoned R3 Medium Density Residential in which residential development is permitted.	<p>No</p> <p>The proposed telecommunications facility is located within Stage 5 subdivision of the larger WSU residential release area, undertaken as a joint venture between WSU and UrbanGrowth NSW. A development application for stage 5 of the residential subdivision (DA-1767/2015/DA-SW) has been submitted to Council, in which it is proposed to create an individual allotment for the subject telecommunications facility.</p> <p>The electromagnetic energy levels would be in the order of 0.33 per cent of the public exposure limit permitted by Australian Radiation Protection and Nuclear Safety Agency.</p> <p>The Australian Radiation Protection and Nuclear Safety Agency advises that no adverse health effects are expected from living near broadcast towers.</p> <p>The location of the proposed telecommunications facility is considered acceptable in the circumstances of this case.</p>
General Requirements d)	Telecommunication facilities are to be sited to avoid locations which are visually prominent in the landscape, particularly when viewed from the public domain.	The siting of the facility is considered satisfactory as the facility would be located on the south-western side of the future residential estate and	Yes.

Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015)			
Control	Requirement	Proposed	Compliance
		adjacent to the M31 Motorway and the Main Southern Railway.	
General Requirements e)	For new towers a photomontage of the proposal must be submitted to assist with the assessment of visual impact.	The application has been accompanied by a series of photomontages, depicting the visual context of the facility from various points of view from the surrounding area (attachment 8).	Yes
General Requirement f) i)	The applicant must demonstrate that all reasonable measures to reduce the visual impact of the proposal have been examined, including co-location and use of existing structures;	The applicant has submitted that there is no opportunity for co-location on another facility as there are no facilities or structures located within the proposed location that would offer suitable attachment.	Yes
General Requirements f) ii)	The applicant must demonstrate that all reasonable measures to reduce the visual impact of the proposal have been examined, including innovative design to harmonise with the existing setting.	<p>The existing setting is characterised by vacant land, surrounded by rail and road infrastructure. The nearest residential dwellings are located approximately 180m from the proposed facility.</p> <p>Further, the free standing lattice tower design is less visually obtrusive than a solid monopole type structure when viewed from a distance. In order to further reduce the potential for adverse visual impact, a condition has been recommended that requires the surface of the proposed telecommunications tower to be finished in a non-reflective and recessive/neutral colour.</p>	Yes
General Requirements f) iii)	The applicant must demonstrate that all reasonable measures to reduce the visual impact	The subject site is identified as bush fire prone land. As such, an Asset Protection Zone	Yes Landscaping along future residential and/or

Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015)			
Control	Requirement	Proposed	Compliance
	of the proposal have been examined, including use of vegetation for screening;	(APZ) is required to be established and maintained around the proposed infrastructure. As such, vegetation cannot be used to screen the ancillary facilities associated with the telecommunications infrastructure.	street edges would be provided for in the Stage 5 residential subdivision. This will assist screening of the site in the future and is also likely to reduce the severity of the site's bushfire affection.
General Requirements f) iv)	The applicant must demonstrate that all reasonable measures to reduce the visual impact of the proposal have been examined, including use of materials and finishes consistent with surroundings; and	Materials/finishes have not been provided with the development application.	It is recommended as a condition of consent in attachment 1 for the applicant to provide a colour and finishes schedule that is non-reflective and recessive/neutral in colour.
General Requirements f) v)	Compact and slim line construction techniques.	The proposed telecommunications tower is a steel lattice design. This design is typical for free standing towers. This design is considered to be relatively compact.	Yes
General Requirements g)	No advertising signs shall be permitted on any telecommunications facilities in industrial areas, rural areas and low-use open space.	Advertising signs do not form part of the development application.	N/A
12.4 Electromagnetic Radiation			
Electromagnetic Radiation a)	The applicant in selecting a site for telecommunication facilities, shall demonstrate to Council that a precautionary approach has been adopted with respect to minimising electromagnetic radiation (EMR) exposures to sensitive land uses such as residential areas, schools, child care centres, hospitals, aged care accommodation or areas regularly frequented by groups of children.	Electromagnetic energy levels would be in the order of 0.33 per cent of the public exposure limit permitted by Australian Radiation Protection and Nuclear Safety Agency.	Yes
Electromagnetic Radiation b)	Where possible, EMR emitting telecommunication	The telecommunication facility is not proposed within an industrial area,	The applicant has submitted that the proposed location is

Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015)			
Control	Requirement	Proposed	Compliance
	facilities, including mobile base stations, shall be located in the following land uses: industrial areas; rural areas; and low-use open space.	rural area or low-use open space area.	<p>considered strategically positioned allowing for suitable distances between other existing telecommunications facilities and to provide coverage to the surrounding regions. The strategic selection does not fall within the vicinity of an industrial, rural or low-use open space area.</p> <p>Principle 2 of the NSW Telecommunications Facilities Guideline including broadband (the guideline), states that any new telecommunications facility must be designed, installed and operated so that the resultant cumulative levels of radio frequency emissions of the co-located telecommunications facilities are within the maximum human exposure levels set out in the Radiation Protection Standard. The electromagnetic energy levels would be in the order of 0.33 per cent of the public exposure limit permitted by Australian Radiation Protection and Nuclear Safety Agency.</p>
Electromagnetic Radiation c)	Where telecommunication facilities are proposed within 300 metres of a sensitive land use, the applicant shall demonstrate that no viable alternative sites are available.	<p>The applicant has stated that alternative locations were considered including the Botanical Gardens located opposite the highway.</p> <p>Land owners consent could not be obtained from the Botanical Gardens.</p> <p>The applicant submits</p>	<p>Yes</p> <p>The proposed location is considered satisfactory given the strategic location of the facility with respect to other existing facilities in the locality, the benefits in terms of providing higher grade servicing to the local community and that the proposal would replace</p>

Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015)			
Control	Requirement	Proposed	Compliance
		that the proposed location of the tower at the south western corner of the site would have a less significant visual impact on the WSU subdivision.	an existing facility to be removed within the locality. Further to this, given the expected electromagnetic energy levels would be in the order of 0.33 per cent of the public exposure limit permitted by Australian Radiation Protection and Nuclear Safety Agency, this requirement is considered to have been satisfactorily addressed.
Electromagnetic Radiation d)	For all EMR emitting telecommunication facilities, documentary evidence is required from a suitably qualified person which analyses the cumulative effect of the proposal and demonstrates compliance with the relevant Australian exposure standard.	A report estimating the radiofrequency electromagnetic energy levels accompanied the application, demonstrating compliance with the relevant standards.	Yes
Electromagnetic Radiation e)	Development applications for telecommunications facilities shall include measures to restrict public access. Approaches to the facility must contain appropriate signs warning of EMR and provide contact details for the site owner and/or site manager.	A condition has been included within the consent requiring the provision to restrict access to the site and provide appropriate signs warning of EMR, including contact details for the site owner and/or manager. However, it is noted the electromagnetic energy levels emitted from the proposed facility is very low being estimated to be 0.33 per cent of the public exposure limit permitted by Australian Radiation Protection and Nuclear Safety Agency.	Yes
12.5 Landscaping			
Landscaping	For standalone telecommunication facilities, a landscape plan must be submitted to	Landscaping is not proposed to screen the facility from public view.	No The subject site is identified as bush fire

Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015)			
Control	Requirement	Proposed	Compliance
	Council that provides plantings of a suitable scale to reduce the visual impact of the proposal, and where possible screen the facility from public view.		<p>prone land. As such, an Asset protection zone is required to be established and maintained around the proposed infrastructure. As such, vegetation cannot be used to screen the ancillary facilities associated with the telecommunications infrastructure.</p> <p>Landscaping along future residential and/or street edges would be provided for in the Stage 5 residential subdivision. This will assist screening of the site in the future and is also likely to reduce the severity of the site's bushfire affection.</p>
12.6 Heritage			
Heritage a)	No telecommunication facilities shall be permitted where the heritage significant of a heritage item may be adversely impacted.	The site does not contain nor is it located near any heritage items	N/A
Heritage b)	Where a telecommunication facility is proposed on a site occupied by or in the vicinity of a listed heritage item, a Heritage Impact Statement shall be prepared and submitted to Council.	The site does not contain nor is it located near any heritage items.	N/A

2.4 Campbelltown City Council Section 94A Development Contribution Plan 2011

The Campbelltown City Council Section 94A Development Contributions Plan 2011 applies to the subject site. It is considered that development contributions are not applicable to the proposed development. The proposal is considered to be an exception to the plan being a Class 10 building. Therefore, the payment of a levy is not applicable.

3. Planning Assessment

3.1 Impacts of the natural and built environment

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.

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

Vegetation removal

An arboricultural impact appraisal and method statement, prepared by Naturally Trees, dated 9 May 2017, was submitted in support of the development application. The report identifies that trees to be removed are not considered significant or worthy of special measures to ensure their preservation and are recommended for removal. Tree protection measures for trees to be retained on the site are recommended as conditions of consent in attachment 1.

Visual impacts

It is acknowledged that the proposed telecommunications facility would be visible from residential properties to the south of the site, namely properties on the northern side of Menangle Road, Glen Alpine. The telecommunications facility is setback approximately 180 metres from the nearest residential dwellings on Menangle Road which is considered to be appropriately setback to reduce the visual impact of the facility. It is also considered the proposed facility is unlikely to have a significantly adverse impact on the visual amenity of the surrounding locality, particularly as the orientation of the dwellings located on Menangle Road face south east, away from the proposed tower.

The proposed free standing lattice tower design is less visually obtrusive than a solid monopole type structure when viewed from a distance. In order to further reduce the potential for adverse visual impact, a condition has been recommended that requires the surface of the proposed telecommunications tower to be finished in a non-reflective material that is recessive/neutral in colour.

The proposed location of the telecommunications tower, and associated ancillary equipment, is not considered to obstruct any significant views. The site is not a listed State of local heritage item or within a heritage conservation area and the proposed facility does not obstruct significant views of a heritage item, conservation area or landmark.

It is important to note that the Main Southern Railway and associated transmission line infrastructure is located between the proposed telecommunications site and the nearest dwellings located on Menangle Road. The M31 Hume Motorway is also located within close proximity to the Menangle Road dwellings. The addition of the telecommunications facility is not deemed to exacerbate the appearance of the existing infrastructure in the area.

3.2 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 key matters for consideration when considering the sites suitability of the site for the proposed development are as follows:

Bushfire prone land

The subject site is identified as bushfire prone lands on the Campbelltown City Council LGA Bush Fire Prone Land Map. In accordance with Clause 79BA of the *Environmental Planning and Assessment Act 1979*, a bush fire report was submitted with the development application. The bush fire report was reviewed by the Rural Fire Service who recommended conditions of consent that are provided in attachment 1.

Aboriginal Archaeological potential

An Aboriginal archaeological report, prepared by Austral Archaeology Pty Ltd, dated May 2015 (Project No. 1429), for the Stage 5 subdivision of the greater University of Western Sydney site, did not identify any recorded Aboriginal archaeological sites within the area of the proposed works. With regard to the above, it is considered unlikely that the location of the proposed telecommunications facility would disturb any significant Aboriginal artefacts.

Contamination

An environmental and salinity site assessment for Stage 5 subdivision of University of Western Sydney, Campbelltown, dated 12 June 2015, prepared by JBS&G Australia Pty Ltd, was reviewed as part of the assessment of the proposed development. A condition of consent has been recommended for the development to comply with the report recommendations.

Height - Civil Aviation Safety Authority (CASA)

The proposed telecommunications tower is within approximately 5 nautical miles of Camden Aerodrome and is also in close proximity to the helicopter landing site at Campbelltown Hospital. Consequently, advice was sought from Civil Aviation Safety Authority (CASA). A response was received from CASA stating the tower's overall height did not exceed the maximum permitted and that no objection was raised to the proposed development subject to recommended conditions of consent in attachment 1.

AGL Gas Infrastructure

An existing AGL Energy compound used for gas extraction activities is located on the subject site, approximately 25 metres north-west from the proposed telecommunications facility location. Correspondence from AGL Energy Limited was submitted with the development. AGL advised that the proposal would not result in land use conflicts or impacts to AGL infrastructure and operations on the site. Further, AGL advised that a site hazard and risk assessment must be undertaken prior to the commencement of works. The response from AGL forms part of the recommended conditions of consent in attachment 1.

4. Public Participation

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 publicly exhibited and notified between 28 July and 17 August 2016. During this period Council received three written submissions objecting to the development. Revised plans were received by Council and subsequently the development application was re-notified to the objecting property owners from 18 May to 1 June 2017. During the re-notification period two written submissions were received from property owners who had submitted objections to the development previously.

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

Theme	Objection Detail	Response
Visual Impact	<p>The height of the tower would dominate the immediate open skyline and will be an eyesore.</p> <p>The tower is proposed to be constructed in the far corner of the site where it is a blight on surrounding properties.</p> <p>I do not want to look over my 5 acres with this ugly tower looking at me. Place the tower where it will not disturb the scenery.</p>	<p>The telecommunications facility is setback approximately 180 metres from the nearest residential dwellings on Menangle Road. This setback is considered sufficient to reduce the visual impact of the facility. It is also considered the proposed facility is unlikely to have a significant adverse impact on the visual amenity of the surrounding neighbourhood, particularly as the orientation of the dwellings located on Menangle Road face south east, away from the proposed tower.</p> <p>A condition has also been recommended for the surface of the proposed telecommunications tower to be finished in a non-reflective material of neutral colour to assist in ensuring that the tower recedes into the background when viewed from a distance.</p>
Higher value and enjoyment of surrounding properties	The development would hinder the value and enjoyment of nearby properties.	No evidence has been submitted to support this claim.
Location	Construct the tower closer to Western Sydney University's own assets instead of locating it in the far corner of Lot 7 Narellan Road.	The development application does not seek to locate the telecommunications facility in another location.
Location	The position is not appropriate. It does not work with the topography of the land which results in the extreme height requirement.	The applicant has submitted that telecommunications facilities are strategically located across the Campbelltown Local Government Area. The proposed location is considered strategically positioned allowing for suitable distances between other existing telecommunications facilities and to provide coverage to the surrounding regions.

Theme	Objection Detail	Response
Exposure to EME	I am not comfortable with the explanations in the EME report or with these levels on my property. I do not want to increase my exposure to such levels. In the future I would like to rebuild my home and do not want to be effected by this development and it determine where my premises can be located on my property.	<p>Emissions from telecommunications facility is regulated by the Australian Communications and Media Authority (ACMA). The ACMA's regulatory arrangements require towers to comply with the exposure limits in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) standard which is based on scientific research that shows the levels at which harmful effects occur and it sets limits, based on international guidelines, well below these harmful levels.</p> <p>The Australian Radiation Protection and Nuclear Safety Agency advises that no adverse health effects are expected from living near broadcast towers.</p>
Lack of confidence in EME Report	<p>The report states that the maximum EME level calculated for the proposed systems at this site is 2.79 V/m; equivalent to 20.63 mW/m² or 0.33 per cent of the public exposure limit. Yet the table Calculated EME levels at other areas of interest in the supplied EME report shows that for my residence the maximum EME level is 3.11 V/m; equivalent to 25.71 mW/m² or 0.4 per cent of the public exposure limit which is greater than the previously stated maximum EME level.</p> <p>The report is either incorrect in the determination of the maximum EME level for the proposed systems (0.33 per cent) or it incorrect in the determination of the maximum EME level for my residence (0.4 per cent). Until a proper assessment has been performed of the public exposure to RF EMR the development application should not be approved.</p>	<p>An EME report, dated 7 June 2017, was submitted with the application. The applicant has confirmed that 0.33 per cent is the maximum EME levels measured at 1.5m above ground level (the levels at a person's height). However, the residential locations have been assigned a height of 15m (industry standard measurement) in order to measure the 'worst case scenario'.</p> <p>Therefore the EME levels on residential locations are higher than 0.33 per cent with a maximum of 0.40 per cent at 14 Menangle Road, Glen Alpine, due to the EME level measured at 15m above ground level.</p>
Height of telecommunications tower	<p>At 56 metres this will be the highest telecommunications tower in the Campbelltown LGA. If approved, this sets a dangerous precedent for Campbelltown Council. The nature and size of the proposed tower also does not meet the principles specified in the NSW Telecommunications Facilities Guideline. Specifically with regards to:</p> <p>Principle 1: a telecommunications facility is to be designed and sited to minimise visual impact.</p> <p>(e) A telecommunications facility</p>	<p>The proposed facility would provide the opportunity for multiple carrier co-location, thereby negating the need for each carrier to build subsequent tower facilities and averting the proliferation of structures in the area.</p> <p>Principle 1 of the NSW Telecommunications Facilities Guideline including Broadband (The Guideline), dated July 2010, issued by the Director-General has been addressed in Part 2 of the report.</p> <p>The electromagnetic energy levels</p>

Theme	Objection Detail	Response
	<p>should be located and designed to respond appropriately to its rural landscape setting.</p> <p>(g) A telecommunications facility should be located so as to minimise or avoid the obstruction of a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.</p> <p>The applicant must indicate how this principle will be met with the construction of an imposing 56 metre tower and should provide examples of other locations where a 56 metre tower has been constructed in a way which meets these guidelines.</p>	<p>would be in the order of 0.33 per cent of the public exposure limit permitted by Australian Radiation Protection and Nuclear Safety Agency.</p>
Proximity to residential dwellings	<p>The final stage of the Macarthur Heights development will result in dwellings less than 100 metres from this proposed 56 metre tower.</p> <p>The Local Government and Shires Association has put forward that a 300 metre distance between base stations and residences is an appropriate standard for Councils to set. Many Councils have already adopted this approach (see attached Telecommunications Code from Holroyd City Council). Before a tower of this size and proximity to residential dwellings is approved in the Campbelltown LGA the Council should determine whether they will align with the standard proposed by the Local Government and Shires Association.</p>	<p>Campbelltown City Council does not have any specific development controls that restrict the distance of telecommunications facilities and residential dwellings at this time.</p> <p>The Statement Environmental Planning Policy (Infrastructure) 2007 does not nominate any minimum distance of a proposed telecommunications facility to residential properties.</p> <p>Sub-clause 115(3) of SEPP Infrastructure, requires consideration to be given to any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities, that are issued by the Director-General for the purposes of this clause. Principle 2 of the NSW Telecommunications Facilities Guideline including broadband (the guideline), states that any new telecommunications facility must be designed, installed and operated so that the resultant cumulative levels of radio frequency emissions of the co-located telecommunications facilities are within the maximum human exposure levels set out in the Radiation Protection Standard. The electromagnetic energy levels would be in the order of 0.33 per cent of the public exposure limit permitted by Australian Radiation Protection and Nuclear Safety Agency. The Australian Radiation Protection and Nuclear Safety Agency advises that no adverse health effects are expected from living near broadcast towers.</p>

Theme	Objection Detail	Response
Proximity to operating gas well	The proposed location of the telecommunications tower is within the area currently occupied by several AGL gas wells (MP01, MP02, MP03, MP09, MP10). Are there other examples of a telecommunications tower being placed within this proximity of operating gas wells? There have been several cases of explosions at coal seam gas wells. What would be the impact of an incident like this at the proposed site? Until a comprehensive risk assessment has been performed of positioning a 56 metre telecommunications tower alongside an operating gas well the development application should not be approved.	<p>The gas well was approved as part of the Stage 2H Camden Gas Project, under section 75J of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Correspondence from AGL Energy Limited was submitted with the development. AGL advised that the proposal would not result in land use conflicts or impacts to AGL infrastructure and operations on the site. Further, AGL advised that a site hazard and risk assessment must be undertaken prior to the commencement of works. The response from AGL forms part of the recommended conditions of consent in attachment 1.</p>

5. 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 assessing a development application. The proposed telecommunications facility would provide the opportunity for multiple carrier co-location, thereby negating the need for each carrier to build subsequent tower facilities and averting the proliferation of similar structures in the area. The facility would also facilitate the wireless mobile phone network coverage to a growing population in the Campbelltown area. The development is considered to be in the public interest.

Conclusion

The proposed telecommunications facility at Lot 7 Narellan Road, Campbelltown has been assessed against the relevant matters for consideration within the Statement Environmental Planning Policy (Infrastructure) 2007, Campbelltown Local Environmental Plan 2015 and Campbelltown (Sustainable City) Development Control Plan 2015.

The development's visual impacts are mitigated by the significant setback of the facility to the nearest residential dwellings and through the design of the lattice tower being less visually obtrusive than other tower designs when viewed from a distance. The proposed location of the telecommunications tower, and associated ancillary equipment, is not considered to obstruct any significant views.

Further, the electromagnetic energy levels of the proposed development are within the public exposure limit permitted by Australian Radiation Protection and Nuclear Safety Agency and is within the Civil Aviation Safety Authorities maximum permitted height.

Having regard 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 application 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 (distributed under separate cover due to picture quality)
3. Site plan (contained within this report)
4. Site layout plan (contained within this report)
5. Elevation plan (contained within this report)
6. Cut and fill plan (contained within this report)
7. Environmental EME report (contained within this report)
8. Photomontages (contained within this report)
9. Notification plan - confidential - for privacy reasons (distributed under separate cover)

1552/2016/DA-C**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.

Drawing Name	Drawing No.	Revision	Prepared by	Date
Site Locality Plan	3400211-P0	A	ADC Alpha Design Consultants	27/03/2017
Overall Site Plan	3400211-P1	C	ADC Alpha Design Consultants	13/04/17
Site Layout Plan	3400211-P2	C	ADC Alpha Design Consultants	13/04/2017
Site Elevation	3400211-P3	C	ADC Alpha Design Consultants	13/04/2017
Compound Levelling and Cut and Fill Site Section	3400211-S2	C	ADC Alpha Design Consultants	13/04/2017

2. 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.

3. Electromagnetic Emissions

The telecommunications facility must adhere to the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard and comply with the Australian Communications Industry Forum Industry Code entitled CIF C564:2004 Deployment of Mobile Phone Network Infrastructure.

4. Eastern Gas Pipeline

The Eastern Gas Pipeline (contained within a 20 metre wide easement) is located on the western section of the site. The following guidelines must be strictly adhered to:

- (i) The gas pipeline easement is not to be used for the storage of construction materials during any works.
- (ii) Where vehicles and equipment are required to traverse the easement, ensure that no damage occurs to the surface and that at all times vehicles are a minimum of two metres away from the pipeline trench defined by the pipeline marker signs.
- (iii) Access to the gas pipeline easement is to be maintained during and post construction of the telecommunications facility.
- (iv) Ensure a 'Dial Before You Dig' enquiry is submitted prior to works commencing on the easement.

5. Development in the Vicinity of Coal Seam Methane Wells

The development must comply with the document titled Locational Guidelines: Development in the Vicinity of Operating Coal Seam Methane Wells prepared by the Department of Infrastructure, Planning and Natural Resources, May 2004.

6. Environmental and Salinity Site Assessment

The proposed works must be carried out in accordance with the recommendations within the Environmental and Salinity Site Assessment for Stage 5 subdivision of University of Western Sydney, Campbelltown, dated 12 June 2015, prepared by JBS&G Australia Pty Ltd.

7. Bush Fire Protection

The following requirements provided by the Rural Fire Service (issued 17 May 2017, Ref: D17/1429 DA17051007225 PE) apply to the development pursuant to Section 79BA of the *Environmental Planning and Assessment Act 1979*.

Construction of the development shall comply with the following:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings and below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- (i) The land surrounding the facility, south to the property boundary and to a distance of 10 metres in other directions, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document Standards for asset protection zones.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- (ii) New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 Construction of buildings in bush fire-prone areas and section A3.7 Addendum Appendix 3 of Planning for Bush Fire Protection.

8. Endeavour Energy

The development is to adhere to the following conditions:

- Any buildings or structures must comply with the minimum safe distances/clearances for voltages up to and including 132,000 volts (132kV) as specified in AS/NZS 7000:2010 Overhead line design - Detailed procedures and the Service and Installation Rules of NSW. This applies irrespective of whether or not there is an easement.
- The construction of any building or structure (including fencing) that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with AS/NZS 3000:2007 'Electrical Installations' to ensure that there is adequate connection to the earth.

9. Sydney Trains

- (i) A 33kV H/V aerial transmission line is near to the site and any works, scaffolding and crane movements within 6 metres of the nearest transmission line conductor must be discussed and approved by Sydney Trains beforehand.
- (ii) All works within 6 metres of the nearest transmissions line conductor must comply with the following:
 - ISSC 20 - Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.
 - The Safe Approach Distances (SADs) in the Sydney Trains Document titled "SMS-06-GD-0268 - Working Around Electrical Equipment".

10. Demolition of Existing Telecommunications Facility

- (a) The existing telecommunications facility and ancillary structures/equipment shall be demolished and removed from the site within 6 months from the date of issue of an Occupation Certificate.
- (b) Development consent 274/2015/DA-O for the existing telecommunications facility and ancillary structures/equipment must be surrendered after the completion of the demolition works.
- (c) The site shall be restored to a condition that is similar to its condition before the facility was constructed.

11. Communications Equipment

The communications equipment to be attached to the telecommunications tower is limited to three structures as indicated on the approved plans containing Council's stamp.

12. Tree Protection Measures

All tree protection measures must be carried out in accordance with the Australian Standard AS4970 and the Arboricultural Impact Appraisal and Method Statement, prepared by Naturally Trees, dated 9 May 2017.

13. External Finishes

The surface of the lattice tower and associated equipment attached to the tower are to be finished in a non-reflective material and appear neutral/recessive in colour. The applicant is to provide the Council with a proposed colour and surface finish chart, and obtain Council's written approval prior to the erection of the tower.

14. Traffic Control Measures

Traffic control measures must be carried out in accordance with AS1742.3-2002.

15. Open Trenching

Any open trenching must be carried out in accordance with AS 93.080 - Road Engineering AS1165 - 1982 - Traffic hazard warning lamps.

16. Signage

Signage is to be appropriately erected at the base of the monopole and displayed at all times, warning the public to the electromagnetic radiation hazard and providing contact details of the site manager.

17. Removal of Facility if Facility Becomes Redundant

Should the facility become redundant, the telecommunications facility (tower and associated infrastructure) must be removed within thirty days after the cessation of the use.

18. Graffiti Removal

In accordance with the environmental maintenance objectives of Crime Prevention Through Environmental Design, the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

19. Unreasonable Noise, Dust and Vibration

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise, dust or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise related issue arising during construction, the person in charge of the premises shall when instructed by Council, cause to be carried out an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to its satisfaction.

20. Shoring and Adequacy of Adjoining Property

If the development referred to in this development consent involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must at the person's own expense:

- a. Protect and support the adjoining premises from possible damage from the excavation, and
- b. Where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

21. 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.

22. 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 and that the proposed development will not interfere with the exiting service provisions.

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

23. Endeavour Energy

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written approval from Endeavour Energy for the development and any associated works. The written approval must be submitted to Council's Director City Development.

24. Electromagnetic Emissions

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit the following information prepared by a suitably qualified person to Council:

- A report in the format required by the Australian Radiation Protection Nuclear Safety Agency that shows the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard and;
- A report showing compliance with the Australian Communications Industry Forum Industry Code entitled CIF C564:2004 Deployment of Mobile Phone Network Infrastructure.

25. Development in the Vicinity of Coal Seam Methane Wells

Prior to Council or an accredited certifier issuing a construction certificate, the applicant must submit a report to Council's Director City Development prepared by a suitably qualified professional stating that the development complies with the document titled *"Locational Guidelines: Development in the Vicinity of Operating Coal Seam Methane Wells"* prepared by the Department of Infrastructure, Planning and Natural Resources, May 2004.

26. AGL Gas Infrastructure

Prior to Council or an accredited certifier issuing a construction certificate, written approval must be obtained from AGL Energy Limited for the works shown on the approved plans containing Council's stamp and confirmation that the works will not conflict with the existing AGL Gas Infrastructure on the site. A copy of the written approval must be submitted to Council's Director City Development.

27. Obstacle Warning Lighting

Obstacle Warning Lighting must be installed on the approved tower to warn pilots of the presence of the tower in accordance with the standards specified in the section 9.4 of the Manual of Standards Part 139 - Aerodromes.

Council or an accredited certifier must not issue a Construction Certificate for design plans unless those plans include the installation of compliant aircraft Obstacle Warning Lighting on the approved tower.

The ongoing operation of the Obstacle Warning Lighting must comply with the relevant standards for Obstacle Warning Lighting at all times.

Confirmation of the compliant installation and activation of the Obstacle Warning Lighting must be provided to the Council's Director City Development within 28 days of the activation of the lighting.

28. Airspace

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant must provide separate notification in writing to the operator of Campbelltown Hospital Helicopter Landing Site (HLS) as well Airservices Australia (vod@airservices.com), of the proposal to erect the approved tower. The notification is to include an appropriate level of detail that clearly provides an understanding of the proposed timeframes for the erection of the tower, and is to include the design, finishes, physical location and dimensions of the approved tower, as well as the maximum height of the tower above finished ground level.

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant is to obtain a written response from the operator of the HLS confirming that the operator is aware of the proposal to erect the approved tower and that the erection of the proposed tower will not cause an adverse impact on the operation of the HLS.

The applicant is to provide the operator of the HLS and Airservices Australia with information relating to the tower as and when requested. Where the operator of the HLS requires the installation of additional aviation safety devices on the tower, the applicant shall immediately inform Council's Director City Development of the requirement, where a decision will be made as to whether the installation of the device will require separate assessment and approval.

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant must provide a qualified report to Council's Director City Development confirming the following:

- (a) Compliance with any relevant site and height requirements specified by the Civil Aviation Regulation 1988 and the Airports (Protection of Airspace) Regulations 1996 of the Commonwealth, and
- (b) That the development does not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority Australia.

Note: See the Advisory Circular 139-08(0) entitled Reporting of Tall Structures issued by the Civil Aviation Safety Authority Australia on 5 April 2005 concerning these conditions.

29. Eastern Gas Pipeline

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written approval from Jemena Gas Networks for the design and construction information regarding any temporary overhead power supply proposing to run parallel to or within the pipeline easement in consideration to earthing, induction, voltage etc. The written approval from Jemena Gas Networks must be provided to Council's Director City Development.

30. 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's Director City Development.

31. 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.

32. 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.

33. 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.

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.

34. AGL Gas Infrastructure

Prior to the commencement of any works on the site, the applicant must prepare a Site Hazard and Risk Assessment in conjunction with AGL HSE Business Partner and the Operations Supervisor for the Camden Gas Project. A copy of the assessment must be submitted to Council's Director City Development prior to any works commencing on the site.

The applicant must provide the commencement date of the construction works to AGL prior to works commencing.

35. Sydney Trains Requirements

Prior to the commencement of any works on the land, written approval must be obtained from Sydney Trains for any works within 6 metres of the nearest 33kV H/V aerial transmission line conductor.

The written approval must be submitted to Council's Director City Development.

36. Consultation with NSW WorkCover Authority

Prior to the commencement of any works on the site, it is the responsibility of the owner to contact NSW WorkCover Authority in writing in respect to any demolition or use of any crane, hoist, plant or scaffolding.

37. Dial Before You Dig

Underground assets may exist in the area that is subject to your application. Prior to the commencement of any works on the land, 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).

38. 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.

39. 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.

40. 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.

41. 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.

42. 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.

43. 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.

44. 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 WorkCover 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.

45. 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.

46. 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.

47. Managing Urban Stormwater

Construction of the development must be in accordance with all relevant regulations of the Blue Book - Managing Urban Stormwater: Soils and Construction.

48. 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.

49. 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.

50. Protection of Existing Trees

All trees that are to be retained are to be protected in accordance with AS4970 Protection of Trees on Development Sites and the Arboricultural Impact Appraisal and Method Statement, prepared by Naturally Trees, dated 9 May 2017.

The area within the Tree Protection Zone must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.

51. Fill Contamination

Any landfill used on the site is to be validated in accordance with the Environment Protection Authority's guidelines for consultants reporting on contaminated sites. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

52. 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.

53. Certification of Location of Building during Construction

Prior to the positioning of wall panels/ bricks or block work, the applicant shall submit to the principal certifying authority a qualified practicing surveyor's certificate showing the boundaries of the allotment, distances of walls and footings from the boundaries, and the dimensions of the building.

54. Certification of Location of Building upon Completion

Upon completion of the building, the applicant shall submit to the principal certifying authority a qualified practicing surveyors certificate showing the boundaries of the allotment, distances of walls and footings from boundaries.

55. Excess Material

All excess material is to be removed from the site. The spreading of excess material or stockpiling on site will not be permitted without prior written approval from Council.

56. Earth Works/Filling Works

All earthworks, including stripping, filling, and compaction shall be:

- a. Undertaken in accordance with Council's Specification for Construction of Subdivisional Roads and Drainage Works (as amended), AS 3798 Guidelines for Earthworks for Commercial and Residential Development (as amended), and approved construction drawings;
- b. Supervised, monitored, inspected, tested and reported in accordance with AS 3798 Appendix B 2(a) Level 1 and Appendix C by a NATA registered laboratory appointed by the applicant. Two collated copies of the report and fill plan shall be forwarded to Council; and
- c. Certified by the laboratory upon completion as complying, so far as it has been able to determine, with Council's specification and AS 3798.

57. 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.

58. 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. Campbelltown (Sustainable City) DCP - Volumes 1 and 3 as amended;
- c. Soils and Construction (2004) (Bluebook); and
- d. Relevant Australian standards and State Government publications.

59. Eastern Gas Pipeline

During construction, all works must adhere to the following:

- (i) The gas pipeline easement is not to be used for the storage of construction materials during any works.
- (ii) Where vehicles and equipment are required to traverse the easement, ensure that no damage occurs to the surface and that at all times vehicles are a minimum of two metres away from the pipeline trench defined by the pipeline marker signs.
- (iii) Access to the gas pipeline easement is to be maintained during and post construction of the telecommunications facility.

60. Aboriginal Archaeological Relics

If any previously unidentified Aboriginal archaeological relics are exposed during construction works, the Applicant must immediately cease works and notify NSW OEH in accordance with the *National Parks and Wildlife Act 1974* and obtain any necessary approvals to continue work. Works shall not recommence until an appropriate strategy for managing the objects has been determined in consultation with the NSW OEH and the applicant receives written authorisation from NSW OEH.

61. Demolition Work/Plan

All work shall be completed in accordance with the approved demolition work plan designed in accordance with clause 1.7.3 of Australian Standard A52601-2001 The Demolition of Structures.

62. 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.

63. Imported well-derived fill material

The only waste-derived fill material that may be received at the development site is:

- a) virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); and
- b) any other waste-derived material the subject of a resource recovery exemption under cl.51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.

Any waste-derived material the subject of resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance

with the exemption conditions and must be provided to the Principal Certifying Authority on request.

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.

Note: Under this subheading, for the purpose of issuing an occupation certificate, any reference to occupation certificate shall also be taken to mean interim occupation certificate.

64. 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.

65. Airservices Australia

Prior to the principal certifying authority issuing an occupation certificate, the applicant must notify Airservices Australia (vod@airservices.com) to confirm the finishes height and location to allow for entry into the Aeronautical Information Package (AIP).

66. Electromagnetic Emissions

Prior to Council or an accredited certifier issuing an occupation certificate, the applicant shall provide a report, prepared by a suitably qualified person, stating that the operation of the telecommunications facility would comply with the following:

- Compliance with the safety limits for the predicted levels of electromagnetic energy surrounding the development imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard and;
- Compliance with the Australian Communications Industry Forum Industry Code entitled CIF C564:2004 Deployment of Mobile Phone Network Infrastructure.

A copy of the above information must be submitted to Council's Director City Development.

67. Bush Fire Requirements

Prior to the Principal Certifying Authority issuing an occupation certificate, the requirements of the Rural Fire Service (issued 17 May 2017; Ref: D17/1429 DA17051007225 PE) must be implemented.

68. Restoration of Public Roads

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

69. 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.

70. 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.

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 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. Buried Waste

Should buried materials/wastes or the like be uncovered during the excavation of footings or trenches on site works, Council is to be contacted immediately for advice on the treatment/removal methods required to be implemented.

Advice 4. 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 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. 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 7. 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 8. 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 WorkCover 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 WorkCover Asbestos and Demolition Team on 8260 5885.

Advice 9. Dial before you Dig

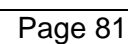
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law 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.

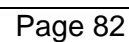
Advice 10. Telecommunications Act 1997 (Commonwealth)

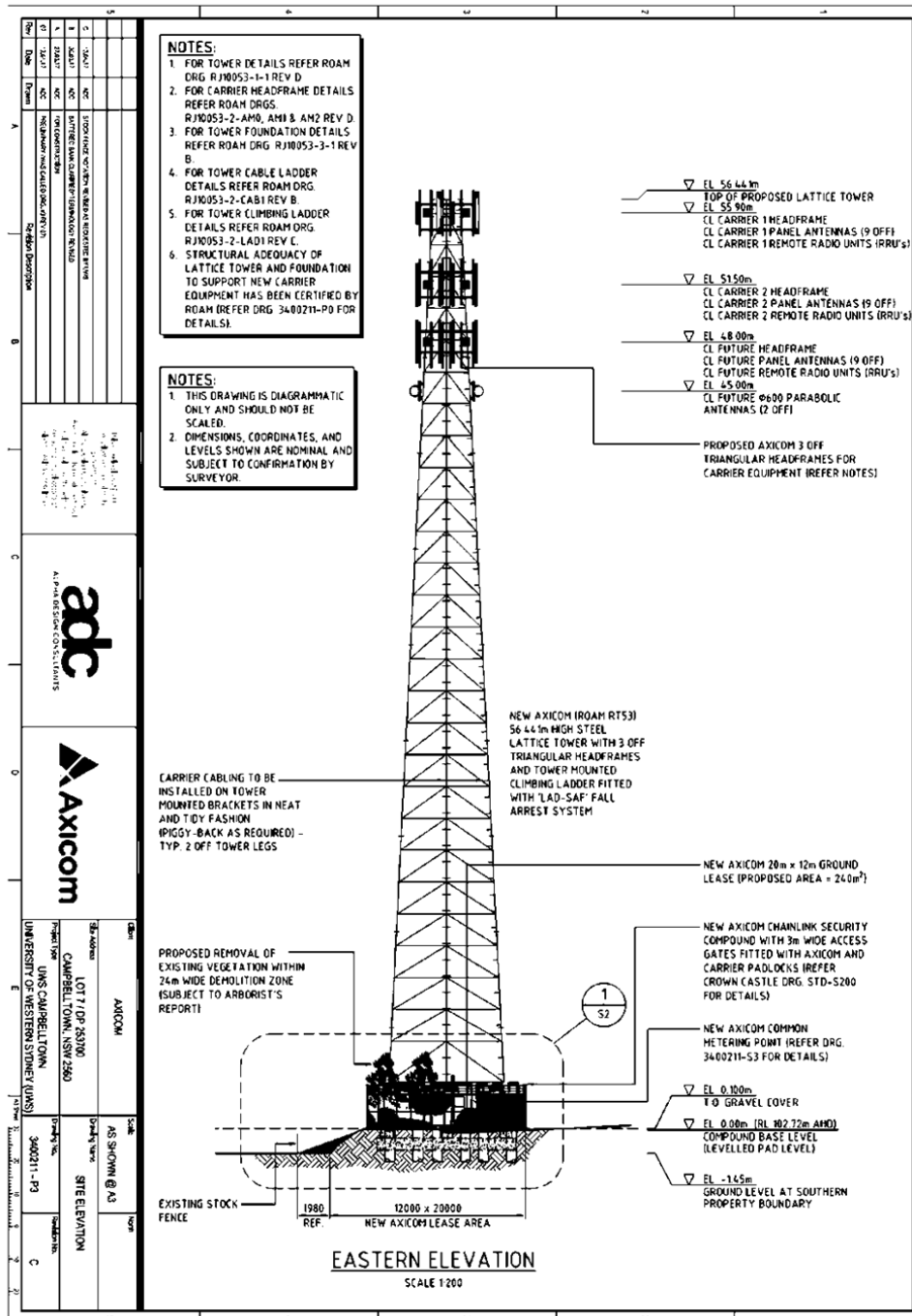
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Cth) and is liable for prosecution.

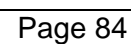
Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity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

END OF CONDITIONS









Environmental EME Report
Lot 7 DP 253700 University Western Sydney, CAMPBELLTOWN NSW 2560

This report provides a summary of Calculated RF EME Levels around the wireless base station

Date 7/6/2017

RFNSA Site No. 2560036

Introduction

The purpose of this report is to provide calculations of EME levels from the existing facilities at the site and any proposed additional facilities.

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at Lot 7 DP 253700 University Western Sydney CAMPBELLTOWN NSW 2560. These levels have been calculated by Axicom using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

The maximum EME level calculated for the proposed systems at this site is 0.33% of the public exposure limit.

The ARPANSA Standard

ARPANSA, an Australian Government agency in the Health and Ageing portfolio, has established a Radiation Protection Standard specifying limits for general public exposure to RF transmissions at frequencies used by wireless base stations. The Australian Communications and Media Authority (ACMA) mandates the exposure limits of the ARPANSA Standard.

How the EME is calculated in this report

The procedure used for these calculations is documented in the ARPANSA Technical Report "Radio Frequency EME Exposure Levels - Prediction Methodologies" which is available at <http://www.arpansa.gov.au>.

RF EME values are calculated at 1.5m above ground at various distances from the base station, assuming level ground.

The estimate is based on worst-case scenario, including:

- wireless base station transmitters for mobile and broadband data operating at maximum power
- simultaneous telephone calls and data transmission
- an unobstructed line of sight view to the antennas.

In practice, exposures are usually lower because:

- the presence of buildings, trees and other features of the environment reduces signal strength
- the base station automatically adjusts transmit power to the minimum required.

Maximum EME levels are estimated in 360° circular bands out to 500m from the base station.

These levels are cumulative and take into account emissions from all wireless base station antennas at this site.

The EME levels are presented in three different units:

- volts per metre (V/m) – the electric field component of the RF wave
- milliwatts per square metre (mW/m²) – the power density (or rate of flow of RF energy per unit area)
- percentage (%) of the ARPANSA Standard public exposure limit (the public exposure limit = 100%).

Results

The maximum EME level calculated for the proposed systems at this site is 2.79 V/m; equivalent to 20.63 mW/m² or 0.33% of the public exposure limit.

Radio Systems at the Site

There are currently no existing radio systems for this site.

It is proposed that this base station will have equipment for transmitting the following services:

Carrier	Radio Systems
Telstra	WCDMA850 (proposed), LTE700 (proposed)
Optus	LTE700 (proposed), WCDMA900 (proposed), LTE1800 (proposed), WCDMA2100 (proposed), LTE2300 (proposed), LTE2600 (proposed)

Calculated EME Levels

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined.

Distance from the antennas at Lot 7 DP 253700 University Western Sydney in 360° circular bands	Maximum Cumulative EME Level at 1.5m above ground – all carriers at this site					
	Existing Equipment			Proposed Equipment		
	Electric Field V/m	Power Density mW/m ²	% ARPANSA exposure limits	Electric Field V/m	Power Density mW/m ²	% ARPANSA exposure limits
0m to 50m				1.94	9.95	0.14%
50m to 100m				1.94	9.99	0.13%
100m to 200m				1.57	6.5	0.096%
200m to 300m				2.67	18.89	0.32%
300m to 400m				2.79	20.63	0.33%
400m to 500m				2.63	18.35	0.28%
				2.79	20.63	0.33
Maximum EME level	319.91 m from the antennas at Lot 7 DP 253700 University Western Sydney					

Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest that have been identified through the consultation requirements of the Communications Alliance Ltd Deployment Code C564:2011 or via any other means. The calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

Additional Locations		Height / Scan relative to location ground level	Maximum Cumulative EME Level All Carriers at this site Existing and Proposed Equipment		
			Electric Field V/m	Power Density mW/m ²	% of ARPANSA exposure limits
1	18 Menangle Rd, Glen Alpine NSW 2560, Australia	0m to 15m	2.35	14.65	0.26%
2	14 Menangle Rd, Glen Alpine NSW 2560, Australia	0m to 15m	3.11	25.71	0.4%
3	10 Menangle Rd, Glen Alpine NSW 2560, Australia	0m to 15m	2.69	19.17	0.28%

RF EME Exposure Standard

The calculated EME levels in this report have been expressed as percentages of the ARPANSA RF Standard and this table shows the actual RF EME limits used for the frequency bands available. At frequencies below 2000 MHz the limits vary across the band and the limit has been determined at the Assessment Frequency indicated. The four exposure limit figures quoted are equivalent values expressed in different units – volts per metre (V/m), watts per square metre (W/m²), microwatts per square centimetre (μW/cm²) and milliwatts per square metre (mW/m²). Note: 1 W/m² = 100 μW/cm² = 1000 mW/m².

Radio Systems	Frequency Band	Assessment Frequency	ARPANSA Exposure Limit (100% of Standard)
LTE 700	758 – 803 MHz	750 MHz	37.6 V/m = 3.75 W/m ² = 375 μW/cm ² = 3750 mW/m ²
WCDMA850	870 – 890 MHz	900 MHz	41.1 V/m = 4.50 W/m ² = 450 μW/cm ² = 4500 mW/m ²
GSM900, LTE900, WCDMA900	935 – 960 MHz	900 MHz	41.1 V/m = 4.50 W/m ² = 450 μW/cm ² = 4500 mW/m ²
GSM1800, LTE1800	1805 – 1880 MHz	1800 MHz	58.1 V/m = 9.00 W/m ² = 900 μW/cm ² = 9000 mW/m ²
LTE2100, WCDMA2100	2110 – 2170 MHz	2100 MHz	61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ²
LTE2300	2302 – 2400 MHz	2300 MHz	61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ²
LTE2600	2620 – 2690 MHz	2600 MHz	61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ²
LTE3500	3425 – 3575 MHz	3500 MHz	61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ²

Further Information

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is a Federal Government agency incorporated under the Health and Ageing portfolio. ARPANSA is charged with responsibility for protecting the health and safety of people, and the environment, from the harmful effects of radiation (ionising and non-ionising).

Information about RF EME can be accessed at the ARPANSA website, <http://www.arpansa.gov.au>, including:

- Further explanation of this report in the document 'Understanding the ARPANSA Environmental EME Report'
- The procedure used for the calculations in this report is documented in the ARPANSA Technical Report: 'Radio Frequency EME Exposure Levels - Prediction Methodologies'
- the current RF EME exposure standard
Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), 2002, 'Radiation Protection Standard: Maximum Exposure Levels to Radiofrequency Fields — 3 kHz to 300 GHz', Radiation Protection Series Publication No. 3, ARPANSA, Yallambie Australia.
[Printed version: ISBN 0-642-79400-6 ISSN 1445-9760] [Web version: ISBN 0-642-79402-2 ISSN 1445-9760]

The Australian Communications and Media Authority (ACMA) is responsible for the regulation of broadcasting, radiocommunications, telecommunications and online content. Information on EME is available at <http://emr.acma.gov.au>

The Communications Alliance Ltd Industry Code C564:2011 'Mobile Phone Base Station Deployment' is available from the Communications Alliance Ltd website, <http://commsalliance.com.au>.

Contact details for the Carriers (mobile phone companies) present at this site and the most recent version of this document are available online at the Radio Frequency National Site Archive, <http://www.rfnsa.com.au>.

PROPOSED AXICOM
FACILITY

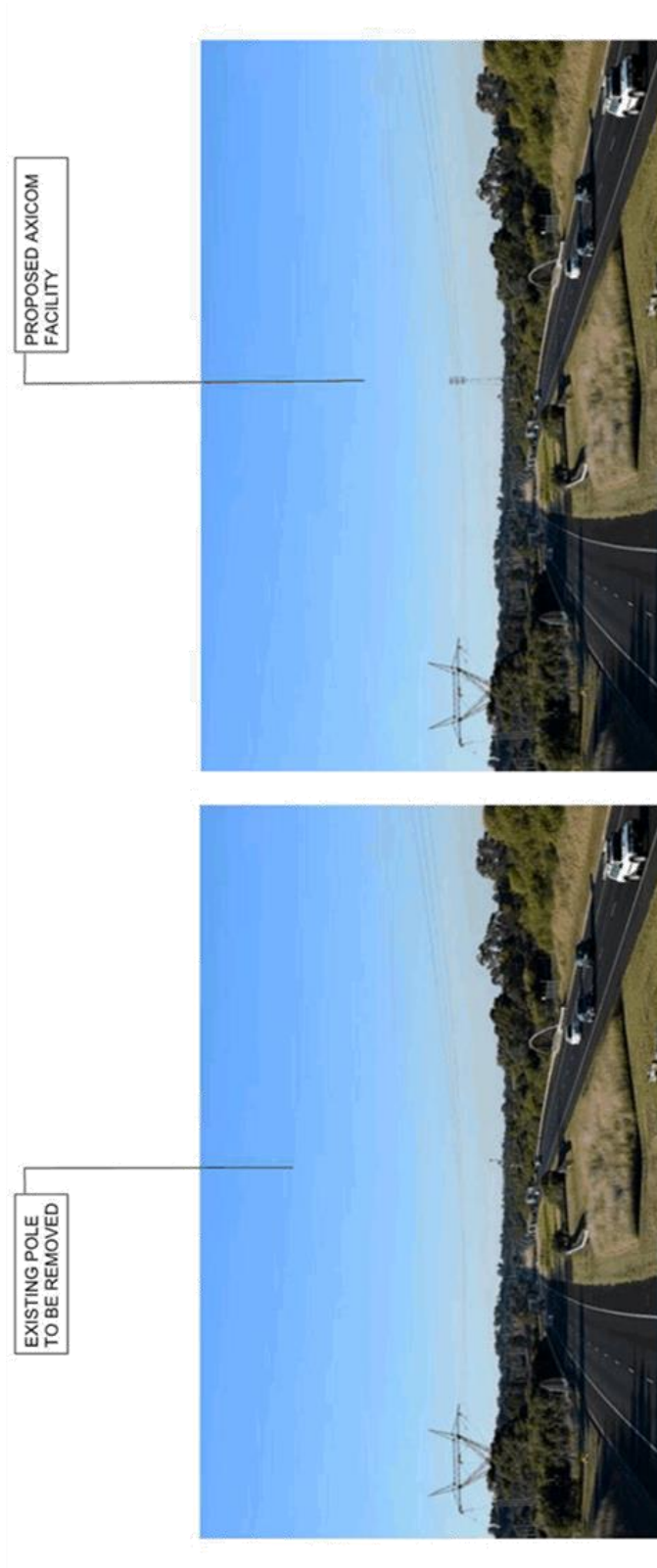


After

Before

This is a representation only. The final installation may vary slightly in size, shape and/or colour.

09.06.17	ZV	Tower height amended	<p>Copyright The information on this drawing is subject to copyright and is not to be copied in whole or in part without the express approval of Pixalwise Pty Ltd.</p> <p>pixalwise 403 Marston St Hemmant NSW 2065 P: +61 2 9460 2919 F: +61 2 9460 1973 www.pixalwise.com.au</p> <p>KAW CONSULTING Planning and Environmental Services Level 3, 754 Pacific Hwy Sydney NSW 1513 P: 02 8410 1399</p>	<p>Site Address University of Western Sydney Campbelltown NSW 2560</p> <p>Drawing title Photomontage View 6</p>	<p>BTS Site Name : UWS Campbelltown</p> <p>Site Number : TBA</p> <p>Drawing No. : M06</p>	<p>Approved AXICOM</p> <p>Date : 07.07.17</p>
07.07.16	ZV	Preliminary		<p>Checker : B</p>		
v	Date	Created	Revision Description			



After

Before

This is a representation only. The final installation may vary slightly in size, shape and/or colour.		Approved : AXICOM		Date : 07.07.16	
Site Address: University of Western Sydney Campbelltown NSW 2560		BTS Site Name : UWS Campbelltown		Site Number : TBA	
Drawing Title: Photomontage View 5		Drawing No. : M05		Checker : B	
Copyright: The information on this drawing is subject to copyright and is not to be copied in whole or in part without the written approval of Pixelwise Pty Ltd.		pixelwise 4031 Munkin St Wentworth NSW 2065 P: +61 2 9460 2919 F: +61 2 9460 1973 www.pixelwise.com.au		KAW CONSULTING Planning and Environmental Services Level 3, 254 Pacific Hwy Cherrybrook NSW 2071 P: 02 9410 1300	
Rev	Date	Created	Revision Description		
B	09.06.17	ZV	Tower height amended		
A	07.07.16	ZV	Preliminary		

8.3 Edmondson Park South and East Leppington Planning Agreements

Reporting Officer

Director City Development
City Development

Community Strategic Plan

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

Officer's Recommendation

1. That Council endorse the draft Edmondson Park South Voluntary Planning Agreement and associated documents for the purpose of public exhibition in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and Regulation for a period of 28 days.
2. That Council endorse the draft East Leppington Voluntary Planning Agreement and associated documents for the purpose of public exhibition in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000* for a period of 28 days.
3. That all non-supportive submissions received during the public exhibition period be reported to Council. Where no non-supportive submissions are received for a particular draft Voluntary Planning Agreement, then Councils General Manager be authorised to sign that draft Voluntary Planning Agreement on behalf of Council.

Purpose

To seek Council's endorsement to publically exhibit:

- The draft Voluntary Planning Agreements (VPA) and associated documents offered by Landcom (t/a UrbanGrowth NSW) and Dahua
- The draft VPA and associated documents offered by Stockland.

History

This report considers two separate and unrelated draft VPA offers for two urban release areas. The history of each urban release development is provided below.

Edmondson Park South (Landcom and Dahua)

On 6 August 2013, Council previously considered the Edmondson Park South draft VPA and subsequently executed a VPA offered by Landcom for the provision of infrastructure at Edmondson Park South. Sometime after the execution of the VPA, Landcom sold a significant portion of the residential development area to a separate private entity known as Dahua. The two owners of the Edmondson Park South land now wish to split the infrastructure requirements for the release area having regard to their respective responsibilities across Edmondson Park South to ensure the infrastructure provision is not restricted or influenced by land ownership obligations.

Relevant legal documentation in the form of a Deed of Variation of the Planning Agreement and a Deed of Novation have been prepared to facilitate this division of responsibilities (refer to attachment 1).

The amended approach has not changed the infrastructure requirements to be provided to the future community of Bardia through the development, and has no change to Council's role in the delivery of the required infrastructure.

The area known as Edmondson Park South consists of land that was previously owned by the Commonwealth Department of Defence (being the former Ingleburn Army Camp) and is now owned by Dahua and Landcom. It falls within the boundaries of both the Campbelltown and the Liverpool Local Government Areas (LGA).

Campbelltown (Urban Area) Local Environmental Plan 2002 - Amendment No 12 (LEP) was gazetted on Friday 31 March 2006, and provided for the rezoning of that part of the Edmondson Park Urban Release Area which falls within the Campbelltown LGA, for future urban development.

However, on 5 July 2010 the then Minister for Planning agreed to include a proposal for the development of Edmondson Park South for urban purposes, within Schedule 3 of State Environmental Planning Policy (Major Development) 2005 (SEPP), and subsequently the site was rezoned for residential, mixed use and environmental protection on 5 August 2011.

On 18 August 2011 the Planning and Assessment Commission (PAC) approved a concept plan for the proposed development of the whole of Edmondson Park South, including Stage 1 (land within Campbelltown LGA) which proposed the subdivision of approximately 206 residential lots, 15 environmental living lots and the provision of site infrastructure, open space and utilities on land located west of Macdonald Road.

Development approval has subsequently been issued for Stage 1 and Council has approved a number of construction certificate applications for the subdivision of the land and construction of individual dwellings, a number of which have since been occupied. The completed suburb of Bardia (within the Campbelltown Local Government Area) will have approximately 1,500 lots and an approximate population of 4,500.

The concept plan approval contained a condition which required Landcom to provide local infrastructure contributions in accordance with their Statements of Commitments as outlined in their concept plan application. These Statements of Commitments have been transferred into the Infrastructure Services Delivery Plan (refer to attachment 2) which forms part of the Edmondson Park South Planning Agreement contained in attachment 1.

Councillors previously received a briefing on the draft Edmondson Park South VPA by representatives of UrbanGrowth NSW on 2 July 2013.

East Leppington

In July 2012, the then Minister for Planning and Infrastructure approved the public exhibition of a draft Precinct Planning package for the East Leppington Precinct. The Precinct is located within the South West Growth Centre and comprises land within the Campbelltown, Camden and Liverpool local government areas.

On the 15 March 2013 the Camden and Campbelltown parts of the East Leppington Precinct were rezoned when the associated Precinct Plans were published under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the Growth Centres SEPP).

Willowdale, a project which is owned, developed and delivered solely by Stockland Development Pty Limited is a 350 hectare site within the East Leppington Priority Precinct of the South West Growth Centre. The site will yield over 3,000 dwellings when completed and is expected to be developed over a ten year timeline. The anticipated completion date for Willowdale is approximately 2022-2025.

Willowdale will deliver a diverse range of housing product including: detached low density dwellings, medium density townhouses and independent living units within a Retirement Village. The diversity of housing product means that there is a housing option for any stage of life and promote a diverse yet connected community. The site will rehabilitate numerous hectares of riparian corridor land and embellish a number of public open spaces to the benefit of the public interest. The community will be supported by a town plaza and local centre for the everyday convenience, and the provision of land for public primary school and childcare.

The then Department of Planning and Infrastructure engaged AECOM to prepare a Infrastructure Delivery Plan for East Leppington precinct which informed the preparation of the East Leppington draft VPA, (refer to attachment 4).

Report

The benefits of a Voluntary Planning Agreement

The *Environmental Planning and Assessment Act 1979* (the Act) and Environmental Planning and Assessment Regulations 2000 (the Regulations) provide Council with a number of options to require developers to provide the necessary local infrastructure (playing fields, parks, open space, collector roads, major drainage and associated facilities) to support new development.

Traditionally, local infrastructure has been provided via contribution plans under either Section 94 or 94A of the Act, where a levy proportional to the total value of community infrastructure required is applied to each parcel of land and paid to Council at the time of lodgement of the subdivision certificate. When sufficient funds are collected by Council during the life of the subdivision, the necessary local infrastructure is provided by Council. The delivery of local infrastructure via this approach is dependent on the speed at which land is sold and can often lead to a lag in the provision of local facilities. There is also a considerable administrative and financial burden on Council in the management of

contributions plans, as well as an inherent financial risk, where the development proceeds over a protracted timeframe.

A variation on this approach is a works in kind agreement, where the developer agrees to provide the infrastructure (instead of Council) at the rate equivalent to the cumulative infrastructure contribution, in lieu of a direct financial contribution to Council. While a works in kind agreement will allow the works to be completed in a more timely fashion, it still requires the development and administration of contribution plans. Further, the Act and Regulations limit the type of infrastructure that can be provided under a contributions plan which provides less flexibility for Council.

Voluntary Planning Agreements have been introduced into legislation and such agreements are ideal where there is one developer (one owner) for a specific urban release area as is the case for East Leppington. The amended approach to the Edmondson Park South VPA will also ensure clarity in the infrastructure provision between the two current land owners. A VPA is a voluntary agreement between a planning authority and a developer to provide land, a monetary contribution, other material public benefit or combination of these to be used for or applied towards a public purpose.

The benefits of a VPA are that the infrastructure is provided in a controlled fashion and progressively with each individual stage of the land release; there are economies of scale which supports greater provision of infrastructure; administrative and financial costs for Council are reduced; there is flexibility to negotiate infrastructure provisions/type and there is reduced risk to Council in terms of consequences due to changes in lot yield, changing cost over time and other unexpected events.

What is included in the Voluntary Planning Agreement?

Edmondson Park South

The draft Edmondson Park South VPA is based on the Statements of Commitments made by Landcom in its concept plan application which have been enhanced following negotiations between an internal working group of staff from various sections of Council and Landcom. The draft VPA has been refined to a point of acceptability by Council staff and Council's solicitors. The proposed infrastructure to be delivered includes in summary; parks and open space, drainage, roads and traffic facilities, sport fields and a community facility to an estimated value of \$41,180,000 (refer to attachment 1).

The draft Edmondson Park South VPA will allow the development to be delivered in accordance with the approved concept plan and is consistent with the current VPA previously executed by Council. The items to be provided via the VPA will provide the necessary local infrastructure to meet local community expectations and should be supported by Council.

Essentially, this amended VPA and associated documents (Deed of Variation and Deed of Novation) transfer a portion of the infrastructure delivery obligations to a separate party being Dahua, while the remaining infrastructure will continue to be delivered by Landcom/Urban Growth.

East Leppington

The draft East Leppington VPA is based on negotiations between Council staff from various sections of Council and Stockland. The draft VPA has been refined to a point of acceptability by Council staff and Council's solicitor (refer to attachment 3).

The proposed infrastructure to be delivered includes in summary, parks and open space, drainage, sport fields and a community facility (refer to attachment 3).

Statutory requirements

The Act and Regulations specify the legal requirements that must be met in order for a VPA to be developed, executed, implemented and monitored. Council staff and its solicitor are satisfied with both VPA offers and are of the view that the legal requirements governing the VPAs up until this stage have been met. The next stage in the development of the VPAs is for Council to endorse the draft VPAs and associated documentation for public exhibition for a period of not less than 28 days.

The Regulations also require that a planning authority, such as Council, when proposing to enter into a planning agreement must prepare a written statement known as an explanatory note, which must be exhibited at the same time as the proposed VPA. The explanatory note must include a summary of the objectives, nature and effect of the proposed agreement and it must contain an assessment of the merits of the proposed agreement including the impact (positive or negative) on the public. Explanatory notes have been provided as part of the VPA documentation and will be exhibited with the VPA packages, thereby satisfying this requirement of the Regulations.

Should Council receive any submissions that do not support either of the VPAs during the exhibition period, then a further report will be provided to the Council for its consideration on the respective draft VPA to which the submission was made. Where no non-supportive submissions are received for a draft VPA, it is proposed that the draft VPA be executed by the General Manager on behalf of the Council.

The Act and Regulations also impose further requirements on Council following the execution of a VPA including requirements to:

- provide the Minister with a copy of the agreement within 14 days after the agreement is executed
- include in its annual report particulars of compliance with and the effect of the planning agreement during the year to which the report relates
- keep a planning agreement register.

Arrangements will be put in place to ensure compliance with the above legislative requirements following execution of the individual VPAs.

Financial Implication

The proposals to enter into a VPA with landowners legally secures the provision of appropriate social and physical infrastructure, including community facilities, open space, roads, stormwater management facilities and land dedication at no initial cost to Council. The costs of ongoing maintenance of future Council assets should however be factored into future maintenance budget.

Conclusion

The draft Voluntary Planning Agreement and amending documentation (Deed of Novation and Deed Variation) are consistent with the current Council executed VPA applying to the component of Edmondson Park South within the Campbelltown LGA. The new land ownership will not affect the anticipated delivery of, or quality of, infrastructure for Edmondson Park South. The VPA will still provide a material public benefit in excess of \$41,000,000.

The draft Voluntary Planning Agreement for East Leppington (Willowdale) has been developed in consultation with Council staff and equates to a material public benefit in excess of approximately \$61,000,000 with an additional contribution towards the administration of the VPA of \$2,743 per hectare.

Council's solicitor has reviewed all VPAs and associated documents subject of this report and has endorsed them as being legally sound for the purpose of public exhibition. The documents meet all legislative requirements and will provide the timely rollout of necessary local infrastructure to enhance the suburbs of Bardia and Willowdale.

Attachments

1. Draft Edmondson Park South Voluntary Planning Agreement and associated documentation (due to size of document - 69 pages) (distributed under separate cover)
2. Infrastructure Services Delivery Plan Edmondson Park South (due to size of document - 29 pages) (distributed under separate cover)
3. Draft East Leppington Voluntary Planning Agreement and associated documentation (due to size of document - 83 pages) (distributed under separate cover)
4. Infrastructure Delivery Plan East Leppington Precinct (due to size of document - 34 pages) (distributed under separate cover)

8.4 Construction of alterations and additions to an existing vehicle storage facility - No. 5 Culverston Road, Minto

Reporting Officer

Director City Development
City Development

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

That having regard to the matters of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, it is recommended that the alterations and additions proposed to the existing vehicle storage and processing facility at 5 Culverston Road, Minto be approved, subject to the draft conditions of consent at attachment 1.

Purpose

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

The application has been referred to Council for determination as the estimated cost of development exceeds \$10m.

Property Description	Lot 3 DP 817793 & Lot 400 DP 875711 5 Culverston Road, Minto
Application No	4216/2016/DA-I
Applicant	Qube Holdings
Owner	Minto Properties Pty Ltd
Provisions	<i>Environmental Planning and Assessment Act 1979</i> Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015
Date Received	23 December 2016

Introduction

Council is in receipt of a development application proposing the construction and use of alterations and additions to an existing vehicle storage and processing facility at 5 Culverston Road, Minto.

Background and History

Several development consents have been issued for the subject site, these are described in detail below.

E/54/1999	Development consent was granted on 30 September 1999 for the construction of a paved car parking area and associated drainage for the use for the storage of motor vehicles.
3904/2005/DA-C	Development consent was granted on 25 November 2005 for the extension of pavements and addition of hailmesh for storage of vehicles.
1247/2009/DA-I	Development consent was granted on 16 July 2009 for the construction of two vehicle storage pavilions.

Construction certificates were issued for the abovementioned consents which are all active.

Development consent 701/2011/DA-CW has also been issued by Council (24 August 2011) for the construction of a private rail siding with two connections to the southern railway freight rail. It is understood that some preliminary works were undertaken in relation to its construction; activating the consent.

Council is also currently in receipt of a development application (736/2017/DA-SW) proposing the subdivision of Culverston Road and the construction of a cul-de-sac head. These works are proposed to facilitate the closure and transfer of that part of Culverston Road to which the site maintains a frontage, to the owner of the site. This application is currently under assessment.

The site is also subject to a State Significant Development (SSD) application (SSD 7500) proposing the construction and operation of four warehouses including a total of four offices, 628 car parking spaces and associated loading facilities, landscaping, external storage areas, bulk earthworks and infrastructure services (attachment 2). The project has a total Capital Investment Value (CIV) of \$141,550,000.

That application is currently in the final stages of assessment by NSW Planning and Environment. The development proposed as part of this subject development application is intended to operate in the interim and concurrent with the first stage of the SSD, should it be approved.

The Site

The site is legally described as Lot 3 DP 817793 and Part Lot 400 DP 875711, 5 Culverston Road, Minto (the site).

The site is an irregular shaped allotment, partially dissected in a north-south direction by the Culverston Road cul-de-sac. The site maintains a total area in the order of 29.63 hectares and is readily serviced by electricity, water and sewer. The site is bound by Airds Road and McBarron Creek to the north, the Main Southern Railway to the east, Rose Payten Drive to the south and the Bow Bowing Creek and Airds Road to the north.

The site is located within the Bow Bowling/Bunbury Curran Creek catchment and is at risk from flooding from a 1 per cent Annual Exceedance Probability (AEP) flood in the Bow Bowling Creek to the west, fabriform channel to the north and formalised channel to the south.

Existing improvements on the site comprise hardstand areas, hail net structures, a main warehouse building, several small detached buildings and a carpark used by staff. Vehicular access to the site is currently gained via several existing driveways off Culverston Road.

The site is currently occupied by Prixcar and is used for vehicle storage, processing and distribution.

The site is burdened by several easements:

- (a) easement for electricity purposes along the sites Culverston Road frontage
- (b) easement for transmission line along the sites eastern boundary
- (c) easement to drain water 10m wide traversing the eastern boundary of the site
- (d) easement to drain water 3m wide along the sites eastern boundary
- (e) easement for underground mains traversing the southern boundary of Lot 3
- (f) easement for Telstra 1m wide traversing Lot 400 to the south of the existing Prixcar tenancy building
- (g) proposed easement for sewerage purposes 6.092 wide (DP 567231)
- (z) benefited by easement to drain water 10m wide.

The site is also benefitted by several rights of way, created under previous titles.

The southern corner of the site, adjacent to Rose Payten Drive, is identified as bushfire prone land, however this area is outside the development area proposed as part of this application.

Surrounding development includes a mix of industrial and commercial land uses.

Proposal

The proposed development comprises the demolition of existing structures and construction of alterations and additions to the existing vehicle storage facility. The development site would be divided into three separate tenancies, i.e. Prixcar Tenancy, Tenancy A and Tenancy B. For the purposes of describing the proposal, the development within each tenancy area is described below (attachment 5).

Prixcar Tenancy

This area comprises the existing buildings and portion of hail net structure adjoining Airs Road. No works are proposed in this area.

Tenancy A

Development proposed in this area comprises the construction of the following:

- hail net structure comprising a total area of 31,680sqm (a reduction in area from the existing structure)
- warehouse building with an attached car wash
- office and driver's amenities building and associated 40 space carpark
- 200 car space hardstand staging area.

Tenancy B

Development proposed in this area comprises the construction of the following:

- hail net structure comprising a total area of 67,185sqm, providing space for approximately 2,550 vehicles (expansion in area from existing structure)
- 150 car space vehicle inspection area with attached workshop, washbays and amenities
- office and driver's amenities building and associated 12 space carpark
- 300 carspace hardstand staging area.

The hail net structures will maintain a total height in the order of 4-5 metres and will be constructed of an all-weather durable shade cloth material supported by steel poles.

In addition to the above, a shared transport pad is also proposed, centrally located between the Tennant A and Tennant B areas. The pad would be used to load and unload car carrying trucks articulated up to 26 metres in length.

As part of the proposed works, part of the Tenancy A area, the shared transport pad area and the entire Tenancy B area are proposed to be regraded and repaved.

Having regard to signage, a condition of consent has been recommended requiring any signage to be undertaken as either exempt development or subject to a separate development application.

The proposed works comprise interim development measures, pending the approval and commencement of the SSD works for the warehouse and logistics hub.

Report

1. Vision

Campbelltown 2025 - Looking Forward is a vision 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.

The strategic directions relevant to this application are:

- growing the regional city
- building a distinctive Campbelltown sense of place
- creating employment and entrepreneurial opportunities.

The proposed development is consistent with Objective 2 (A Strong Local Economy) Strategy 2.2 (attraction of local business to the area to create jobs). The proposed development is enhancing the current use of the site as a vehicle storage facility, contributing to the generation of jobs which in turn will have positive economic benefits for the locality.

It is considered that the proposed development is consistent with the vision's desired outcomes having regard to the proposed scale, function and design of the proposed development.

2. Planning Provisions

2.1 *Environmental Planning and Assessment Act 1979*

Pursuant to the provisions of Section 91 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the proposed development is defined as integrated development as it involves works within 40 metres of a watercourse. Therefore it requires a controlled activity approval in accordance with Section 91 of the *Water Management Act 2000*.

The development application was referred to the NSW Office of Water as nominated integrated development. General Terms of Approval (GTA) have been issued by the NSW Office of Water. These GTAs have been incorporated as a recommended condition of consent.

2.2 *Campbelltown Local Environmental Plan 2015*

The subject site is zoned IN1 General Industrial under the provisions of Campbelltown Local Environmental Plan 2015 (CLEP 2015).

The proposed development is ancillary to the existing use of the site for the purpose of a warehouse or distribution centre, which is defined as:

a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

Development for the purpose of a warehouse or distribution centre is permitted with consent in the IN1 General Industrial land use zone.

The development is consistent with the following relevant IN1 land use zone objectives:

- to provide a wide range of industrial and warehouse land uses
- to encourage employment opportunities
- to support and protect industrial land for industrial uses.

The development is enhancing the operations of the existing vehicle storage facility and generating additional employment opportunities. The alterations and additions are supporting the ongoing use of the site for an industrial use.

Part 2 Permitted or Prohibited Development

Clause 2.7 (demolition requires development consent) provides that the demolition of a building or work may be carried out only with development consent.

Consent has been sought for the demolition of the existing pavement and hail net structures to facilitate the proposed works.

Part 4 Principal Development Standards

Clause 4.3 (Height of buildings) applies a maximum building height of 12 metres to the subject site. The highest building on the site comprises the warehouse building proposed within Tenancy A, which maintains a maximum building height of 11.38 metres. The proposed office and amenities buildings, vehicle inspection area and hail net structures are less than 12 metres in height.

Part 7 Additional Local Provisions

Clause 7.10 (Essential services) provides that development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water
- (b) the supply of electricity
- (c) the disposal and management of sewage
- (d) stormwater drainage or on-site conservation
- (e) suitable road and vehicular access
- (f) telecommunication services
- (g) the supply of natural gas.

The site is readily serviced by all necessary essential services.

2.3 Campbelltown Development Control Plan 2015

Campbelltown (Sustainable City) Development Control Plan 2015 (SC DCP 2015) applies to the subject land. The aims of the SC DCP are:

- ensure that the aims and objectives of the CLEP are complemented by the plan
- ensure that the principles of ecological sustainability are incorporated into the design, construction and ongoing operation of development
- facilitate innovative development of high quality design and construction in the City of Campbelltown
- ensure that new development maintains or enhances the character and quality of the natural and built environment
- ensure that new development takes place on land that is capable of supporting the proposed development

- encourage the creation of safe, secure and liveable environments
- ensure that new development minimises the consumption of energy and other finite resources, to conserve environmental assets and to reduce greenhouse gas emissions
- provide for the design requirements for a variety of housing within the City of Campbelltown.

It is considered that the development is consistent with the relevant aims of the SC 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 SC DCP. The applicant is required to consider all sections applicable to them as outlined in the following Table 3.

		Campbelltown (Sustainable City) Development Control Plan 2015	
Control	Requirement	Proposed	Complies
2.3 Views and Vistas	Development shall appropriately respond to Campbelltown's important views and vistas to and from public places. These include views and vistas to and from: i) the Scenic Hills; ii) rural/semi rural landscape areas; iii) the Georges and Nepean River corridors; iv) areas of significant public open space (formal and informal); and v) heritage items.	<p>A Visual Impact Assessment has been provided with the development application and considers the visual impacts of the development from an elevated location on Rose Payten Drive, looking north towards the development site as well as a view from the north-eastern side of the site on the corner of Rose Payten Drive and Airds Road looking south-west towards the development.</p> <p>The visual impact assessment relevantly provides that the proposal would generally be in keeping with the existing character of the area. Some protruding structures may increase the visibility of the site beyond its current levels, with some limited and localised visual impacts.</p> <p>A number of visual impact mitigation measures have been proposed including landscaping and the incorporation of trees with 15m and 25m mature heights and screen planting which assists with reducing the visibility of the development whilst also improving the visual amenity of the site and area generally.</p> <p>It is considered that the development would have a minimal effect on the surrounding environment especially in comparison to the sites existing appearance.</p>	Yes
	District views and existing significant view corridors as viewed to and from public places shall be protected.	See above comment. The site does not have an impact on any district views or significant view corridors.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Control	Requirement	Proposed	Complies
2.4.1 Rain Water Tanks	A rain water tank shall be provided for all new buildings containing a roof area greater than 100sqm for all development not specified by BASIX. The rain water tank shall have a minimum capacity in accordance with Table 2.4.1.	A condition of consent has been recommended requiring the provision of rainwater tanks.	Yes
	The rainwater tank incorporated in new commercial and industrial development exceeding 5,000sqm shall be connected to the plumbing in the building to provide water for toilets.	A condition of consent has been recommended requiring the provision of rainwater tanks.	Yes
2.5 Landscaping	Landscape design shall enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	A Landscape Master Plan has been provided which enhances the visual character of the site internally and also when viewed from external viewpoints.	Yes
	Landscape design shall retain and enhance the existing native flora and fauna characteristics of a site wherever possible.	The Landscape Master Plan has incorporated and proposed the retention of existing trees where possible.	Yes
	Landscape design shall add value to the quality and character of the streetscape.	The proposed landscape design adds value to the quality and character of the Culverston Road streetscape with mixed canopy tree planting proposed to enhance the appearance of the development and compliment the scale of the development.	Yes
	A Landscape Concept Plan is required to be submitted with a development application for industrial development.	A Landscape Master Plan has been provided.	Yes
	The Landscape Concept Plan shall illustrate mature height, spread of species, trees to be removed/retained and shall be prepared by a suitably qualified person.	The Landscape Master Plan provides these details and has been prepared by a suitably qualified professional.	Yes
	Landscaping shall maximise the use of locally indigenous and other drought tolerant native plants and avoid the use of invasive species.	The proposed landscaping comprises a mix of locally indigenous and native plants.	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.	A condition of consent has been recommended to ensure the implementation of erosion and sediment control measures prior to the commencement of works.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Control	Requirement	Proposed	Complies
2.8 Cut, Fill and Floor Levels	A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the development incorporates cut and/or fill operations.	<p>A Bulk Earthworks Plan has been submitted with the development application. Cut is proposed within the northern section of the site, within the Tennant A area, with a small portion of cut also proposed in the northern-most section of the Tennant B area. The remainder of the site is proposed to be filled in order to achieve the floor levels required to protect the site from the 1 in 100 year flood event.</p> <p>The proposed earthworks will require the importation of 55,000 cubic metres of fill material. A condition of consent has been recommended to address the importation of fill material.</p>	Yes
2.9 Demolition	<p>A development application involving demolition shall be considered having regard to the following information:</p> <p>i) a detailed work plan prepared by a suitably qualified person, in accordance with AS2601-2001- The Demolition of Structures (as amended);</p> <p>ii) details of the licensed demolition contractor engaged to carry out the work (including name, address and building licence number);</p> <p>iii) 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;</p> <p>iv) details of any asbestos or other hazardous substances to be removed from the site and/or damaged during demolition; and</p> <p>v) a dilapidation report where any demolition work is to be undertaken within the zone of influence of any other structure.</p>	<p>A standard condition of consent has been recommended to address the requirements for demolition.</p>	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Control	Requirement	Proposed	Complies
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.	<p>A Civil Report has been provided with the development application which relevantly provides that generally, all existing stormwater pipes within the development boundary will be removed and a new piped network will be installed to convey surface runoff to the proposed discharge locations. To minimise the impact on the existing waterways and Culverston Road, the total post developed catchments to each outlet remain similar to existing.</p> <p>All roof drainage will be collected in a series of gutters and downpipes and conveyed to the in-ground drainage systems. The piped drainage system flows will pass through GPTs prior to discharging into the main waterways. All piped flows will discharge via rock or concrete energy dissipaters located at all outlets to minimise erosive impacts.</p> <p>Council's flooding engineers have advised that there is a proposed new outlet to the Bunbury Curran Main Channel and the submitted Drains model has taken appropriate tail water control for the drainage assessment.</p>	Yes
2.13 Security	Development shall be designed to: (i) maximise, where possible, casual surveillance opportunities to the street and surrounding public places; (ii) minimise dead ends and other possible entrapment areas; (iii) clearly identify and illuminate access points to buildings and designated public places; and (iv) clearly differentiate between private and public space.	The proposed development has been designed to respond to the Crime Prevention Through Environmental Design principles. The office facades have incorporated windows into the facades to facilitate passive surveillance and the landscaping design has incorporated the use of clear stems to allow through-sight view corridors around the buildings to minimise potential entrapment areas. The site will be fenced to delineate the public and private domain; noting that a separate process is underway to privatise that part of Culverston Road that the site maintains a frontage to.	Yes
	External lighting shall be designed to: (i) encourage the use of safe areas (ii) define safe corridors for the movement of people (iii) allow facial recognition of approaching pedestrians at 15 metres.	Lighting conditions have been recommended.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Control	Requirement	Proposed	Complies
	Development shall incorporate appropriate landscaping, fencing and security devices to assist in crime prevention.	The proposed development has been designed to respond to the Crime Prevention Through Environmental Design principles. The office facades have incorporated windows into the facades to facilitate passive surveillance and the landscaping design has incorporated the use of clear stems to allow through-sight view corridors around the buildings to minimise potential entrapment areas. A 1.8 metre high security fence has been proposed along the sites Culverston Road frontage; setback 4m from the road edge.	Yes
2.14.1 Contaminated Land	An initial investigation regarding the possible or actual contamination of a site shall be carried out by a suitably qualified person.	A Phase 1 and Limited Phase 2 Environmental Site Assessment has been submitted with the development application. This report identified several points of interest across the site. It is acknowledged that all of these points fall outside the area of the proposed civil works.	Yes
	Where a site is identified by Council, Office of Environment and Heritage and/or by the initial investigation as being, or having the potential to be contaminated, a Contamination Management Plan shall be submitted with the development application.	A condition of consent has been recommended to require the preparation of an unexpected finds protocol to manage any unexpected finds during the construction works.	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 WMP has been provided which provides details of on-going waste management measures. The WMP acknowledges that the garbage bin is to be stored in the rear carpark area of the site. Waste generated by the proposed change of use will primarily comprise general waste and recycling.	Yes
2.16.1 Water	Where connection to the reticulated water supply system is not available, development shall be provided with: i) sufficient water storage to cater for all relevant activities of the proposed use of the development.	The site is connected to reticulated water.	Yes
2.17.1 Approval Required Prior to Working On or Over Public Land	Written approval shall be obtained from Council, prior to the commencement of any works, activities or occupancy upon public land, including roads, road related areas, stormwater connections, Council car parks, footpaths or nature strips.	A standard condition of consent has been recommended to require approval to be obtained prior to works occurring on or over public land.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Control	Requirement	Proposed	Complies
2.19 Development Near or on Electricity Easements	All proposed activities within electricity easements require approval from the relevant utility providers. Applicants shall consult with these agencies and obtain the relevant approvals prior to submitting a DA to Council.	The development application was referred to Endeavour Energy, who raised a concern with part of the hail net structure being located within the transmission line easement traversing the eastern boundary of the site. The plan was amended to move this portion of the hail net structure out of the easement area. The plan was referred back to Endeavour Energy who advised that they have no objections to the proposed development. The comments provided have been incorporated into the recommended conditions of consent.	Yes
	Evidence of approval from the relevant utility provider shall be submitted with the DA.	A condition of consent has been recommended requiring the approval of all relevant utility providers prior to the issue of a construction certificate.	Yes

Table 1: Sustainable City DCP 2015 Assessment**Volume 1 Part 7 – Industrial Development**

Part 7 of the Sustainable City DCP 2015 provides development controls for industrial development within areas zoned IN1 and IN2.

		Campbelltown (Sustainable City) Development Control Plan 2015	
Control	Requirement	Proposed	Complies
7.2.1 Building Design	Building design shall incorporate the following features to assist in the reduction of the perceived bulk and mass of development: i) provision of vertical and/or horizontal offsets in the wall surfaces at regular intervals, including columns, projections, and recesses ii) articulate architectural details around doors, windows front facades, roofs and entrances; iii) articulate walls through the use of texture, colour, material changes, shadow lines and other facade treatments, at least every 15 metres iv) at least 50 per cent of the total surface area of the front elevation to be constructed of masonry material.	The proposed buildings and structures maintain a design which incorporates visual articulation through variations in roof form and materials across the building facades. Architectural details are articulated around the doors and windows and the entrances are easily identifiable. The design does not incorporate 50 per cent masonry material into the front elevation. However, the proposed design and materials is considered to deliver a high quality façade and a variation from this requirement is considered acceptable, noting the building's positions away some distance from publicly accessible locations and the obscuring effects of the proposed landscaping and hail netting.	Yes No, but justified
	Buildings shall be predominantly single storey (excluding basements, mezzanines and offices).	The proposed buildings are all single storey.	Yes
	No building or structure shall be erected within a right of carriage way or easement.	No buildings are proposed within any right of carriageway or easement.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Control	Requirement	Proposed	Complies
	A schedule of proposed colours, materials and finishes shall accompany all development applications for new industrial buildings.	The elevation plans demonstrate the proposed building finishes and colour palette. The colours and materials are considered appropriate for the industrial setting of the development and will assist in reducing the visual impact of the development when viewed from the main southern railway, Rose Payten Drive and Airds Road.	Yes
	The main entry to the building shall be easily identifiable from the street and directly accessible from the front of the building or driveway in the case of a multi unit complex.	The main entries to the proposed buildings are easily identifiable.	Yes
7.2.2 Building Setbacks	Industrial development shall be setback by: i) 30 metres to the main southern railway corridor and Rose Payten Drive iii) 10 metres from any other public road.	The proposed hail net structure and buildings all maintain a minimum 30 metre setback from the main southern railway corridor and 10 metres from Culverston Road. The proposed hail net structure adjacent to Rose Payten Drive achieves a setback of 20m, under the required 30m setback.	Yes
	Industrial fencing shall be a maximum 2.4 metres in height.	A combination of 1.8m high security fencing and 2.4m fencing is proposed along the sites Culverston Road boundary, along the eastern boundary with the main southern railway line and internally, between the tenancies. Having regard to the minimal portion of hail net structure impeding on this setback and the proposed landscaping, a variation from this setback is considered acceptable.	Part compliant – justified where non-compliant
7.2.3 Fences	All fencing in industrial developments shall be of recessive colours, palisade design, or plastic coated and framed chain wire with a maximum height of 2.4 metres, unless required as part of an acoustic solution.	A condition of consent has been recommended to address acceptable fencing design.	Yes
	All fencing in industrial developments shall be setback a minimum of 3 metres from property boundaries addressing a primary and/or secondary street.	Fencing proposed along the sites Culverston Road frontage maintains a 4m setback.	Yes
	Fencing shall not obstruct power, water, sewer, gas or telephone services, drainage systems, (including overland flow paths) or any easements or rights of way.	The proposed fencing does not obstruct any services, drainage systems or easements or rights of way.	Yes
	Details for fencing shall be submitted with the development application.	A condition of consent has been recommended to address acceptable fencing design.	Yes
7.3 Car Parking and Access	Off street parking and loading shall be designed in accordance with Australian Standard AS 2890.1 and 2 (as amended), except as otherwise provided by this Plan.	Council's engineering department have raised no issue with the design of the carparks. A condition of consent has been recommended to ensure compliance with AS 2890.1.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Control	Requirement	Proposed	Complies
	For that part of the gross floor area occupied by office areas, lunch rooms and any associated office storage areas, car parking shall be provided at a rate of one space per 35sqm.	Tenancy A Office, lunch room and driver amenity (excl. bathrooms) 440/35 = 12.5 * Tenancy B Office, lunch room and drivers amenity (excl. bathrooms) 293/35 = 8.4 *	See comments below Table
	For that part of the gross floor area occupied by uses other than office areas, lunch rooms and any associated office storage areas, car parking rates shall be provided in accordance with the following: i) a minimum of two spaces (per unit), plus ii) one space for every 100sqm of gross floor area for buildings up to 2000 square metres; plus iii) one space per 250sqm for that part of the building exceeding 2000 square metres in gross floor area.	Tenancy A Warehouse 1,000/100 = 10 *	See comments below Table
	In addition to clauses 7.3.1 (b) & (c), one car parking space shall be provided for every 300sqm of outdoor storage space.	Given that the use of the outdoor storage space is the subject of previous development consents, this requirement has not been applied to the proposed development.	N/A
	Motor vehicle industries shall provide a minimum of three parking spaces per work bay/hoist.	Tenancy B Workshop 3 x vehicle hoists = 9 spaces *	See comments below Table
	Sufficient space shall be provided on site so that no vehicle shall be required to make more than a three-point movement to exit the site in a forward direction.	The development application was referred to Council's engineering department who raised no issue with proposed vehicle movements.	Yes
	No car parking spaces shall be designed in a stacked configuration.	No stacked car parking spaces have been proposed.	Yes
	No required car parking spaces shall be created as a separate strata or Torrens title allotment.	No subdivision is proposed as part of this application.	Yes
	Each site shall have a: i) maximum of one ingress and one egress for heavy vehicles (combined or separated) ii) each site may have an additional ingress/egress for cars (and other light vehicles).	The shared transport pad maintains separate ingress and egress access for heavy vehicles. Shared ingress and egress access is proposed for each of the car parks.	Yes
	A minimum of 10 per cent of the required car parking spaces, including disabled spaces, shall be located within close proximity to the main pedestrian entry to the building.	Disabled spaces have been provided.	Yes
7.3.2 Loading and Unloading	No loading or unloading shall be carried out across parking spaces, landscaped areas, pedestrian aisles or on roadways.	A condition of consent has been recommended to ensure that no loading or unloading occurs in these areas.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Control	Requirement	Proposed	Complies
	Heavy rigid vehicle swept turning paths shall be provided demonstrating that a heavy rigid vehicle can enter and exit the site in a forward direction for all industrial sites.	A Traffic Impact Assessment Report accompanied the development application. This report provides swept paths for 26m B-Double vehicles accessing the shared transport area; demonstrating that vehicles are able to enter and exit this area in a forward direction.	Yes
7.3.3 Access for People with Disabilities	Industrial development shall comply with the minimum access requirements contained within the BCA, the Disability (Access to Premises — Buildings) Standards 2010 and Australian Standard 1428 – Design for Access and Mobility (as amended).	The development application was referred to Council's building department who raised no concerns with the application. A condition of consent has been recommended to ensure compliance with these requirements prior to the issue of a construction certificate.	Yes
7.4 Landscaping	A detailed landscape plan and report shall be prepared by a suitably qualified person and submitted with all development applications for the industrial development.	A detailed Landscape Master Plan prepared by a suitably qualified person accompanied the development application.	Yes
	Landscaping shall be provided to a minimum depth of 50 per cent of the following required setback area located: i) along the full width of each street frontage (other than vehicle driveways).	The landscaping proposed does not strictly comply with the 50 per cent depth of the required setback, however, considered on its merits, the proposed landscaping is considered adequate. Landscaping is proposed along the full width of the sites frontage to Culverston Road.	Partially compliant, justified where non-compliant
	The first three metres of all required street front landscaped area (as measured from the street boundary) shall be planted of advanced canopy trees that are: i) a minimum of two metres in height with a minimum 400 litre pot size at the time of planting; ii) of native species; and iii) planted /placed every 10 metres.	The proposed landscaping incorporates advanced canopy trees with a minimum height of 2m.	Yes
	Side boundary landscaping of a minimum of one metre width shall be provided between the street boundary and the building line.	Where applicable, side boundary landscaping has been provided.	Yes
7.5 Outdoor Storage Areas	No outdoor storage shall occur without development consent.	The site is currently operating under the originally issued development consent E/54/1999 (granted 30 September 1999) for the construction of a paved car parking area and associated drainage for use for the storage of motor vehicles.	Yes
	Outdoor storage areas shall not be located between the primary or secondary street boundary and any building on the allotment.	The proposed alterations and additions maintain the outdoor storage areas approved under previous development consents.	Yes
	Outdoor storage areas shall be adequately screened from public view.	Landscaping has been proposed to screen the outdoor storage areas from view.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Control	Requirement	Proposed	Complies
	Goods and materials stored shall not be stacked higher than an approved screening structure.	Vehicles are not stacked.	Yes
	Screen fencing and structures shall be constructed of high quality materials that complement the buildings located on site.	The hail net structures are proposed to be constructed of high quality, durable materials and complement the materials and colours of the proposed buildings.	Yes
	All outdoor storage areas shall be sealed and drained to the storm water system in accordance with any environmental management requirements.	The proposed works involve the re-pavement of the Tennant A and Tennant B areas. Council's engineering department have raised no issues with respect to stormwater.	Yes
	Notwithstanding any other provision of this Plan, no external storage of used unregistered motor vehicles, vehicle parts, used building materials, scrap products or other industrial waste shall be permitted.	The alterations and additions will not involve the storage of used unregistered motor vehicles, vehicle parts, used building materials, scrap products or other industrial waste.	Yes
	Goods shall be stored above the flood planning level.	The application was referred for hydraulic assessment. Subsequently, minimum floor level controls for the proposed development have been provided and the development has been designed to achieve these levels.	Yes
7.6 Industrial Waste Management	Industrial development shall make provision for an enclosed on site waste and recycling facility that has adequate storage area to accommodate the waste generated from the development.	A waste management plan has been provided which provides that waste generated as a result of the proposed alterations and additions comprises office and workshop/warehouse waste (general waste, recycling and green waste) that can be serviced by industrial waste bins to be stored behind the buildings.	Yes
	All industrial premises shall hold evidence of a contract with a licensed collector for garbage and recycling collection.	A condition of consent has been recommended.	Yes

Table 2: Sustainable City DCP 2015 Assessment

- * A total of 23 spaces are required for Tenancy A and a total of 17 spaces are required to Tenancy B.

Tenancy A provides a total of 27 car spaces in compliance with the Sustainable City DCP. Tenancy B provides a total of 12 car spaces, a deficit of five from the required number of spaces under the Sustainable City DCP.

A variation to this requirement is considered acceptable, given the use and capacity of the site to naturally provide for the needed parking if and when required and the pending privatisation of Culverston Road, which would become available for parking under the applicant's control.

3. Planning Assessment

3.1 Impacts on the Natural and Built Environment

Section 79C(1)(b) of the EP&A Act requires Council to assess the developments potential impacts of the natural and built environment.

Having regard to the natural and built environment the following matters have been considered:

- **Proximity of works to the Bow Bowling Canal**

The development application was referred to the NSW Office of Water and General Terms of Approval have been issued and incorporated into the recommended conditions of consent. The developer will be required to obtain a Controlled Activity Approval (CAA) prior to the commencement of works. The CAA will ensure that the development does not have an adverse impact on the Bow Bowling Canal.

- **Visual impacts**

Having regard to visual impacts, it is considered that the proposal would generally be in keeping with the existing character of the area. Some protruding structures, in particular the warehouse building may increase the visibility of the site beyond its current levels, with some limited and localised visual impacts.

A number of visual impact mitigation measures have been proposed including landscaping and the incorporation of trees with 15m and 25m mature heights and screen planting which assists with reducing the visibility of the development whilst also improving the visual amenity of the site and area; particularly along the sites interface with Rose Payten Drive.

It is considered that the development would have a minimal long term visual impact on the surrounding environment.

- **Tree Removal**

Whilst it is acknowledged that several trees are proposed to be removed to facilitate the construction of the driveways, the proposed landscaping is considered to adequately compensate for the loss of these trees.

- **Built Form**

The proposed buildings and structures maintain a design which incorporates visual articulation through variations in roof form and materials across the building facades. The proposed design and materials are considered to deliver a high quality built form, appropriate to the industrial setting of the development.

Having regard to the provision of car parking, a five space variation from the Sustainable City DCP requirements has been sought for the Tenancy B carpark. Given the use of the site and the pending privatisation of Culverston Road, a variation to this requirement is considered acceptable.

The variation to the setback of the hail structure to Rose Payten Drive is considered acceptable, given the extent of the proposed landscaping and the fact that it is only a minor portion of the hail net structure that impinges on this setback.

It is considered that the development provides acceptable impacts on the natural and built environment.

3.2 Suitability of the Site for Development

Section 79C(1)(c) of the EP&A Act requires Council to consider the suitability of the site for the development.

The development has been designed having regard to the existing easements affecting the site and has addressed the flooding affectation of the land. The development is enhancing the existing operations of the business occupying the site. Having regard to the above, the proposed alterations and additions to the existing vehicle storage facility are considered to be suitable for the site.

3.3 Public Participation

Section 79C(1)(d) of the EP&A Act requires Council to consider submissions made in regard to the proposal.

The application was publicly notified and advertised in accordance with Council's policy and the nominated integrated development provisions from 7 February 2017 to 13 March 2017.

A total of one submission was received during this period. The matters raised in this submission are not relevant to the proposed development.

3.4 The Public Interest

Section 79C(1)(e) of the EP&A Act requires Council to consider the public interest when determining an application.

The public interest is an overarching assessment of the benefits or otherwise that a development may have for the immediate area and/or community in general.

The proposed development is providing upgrade works to the existing hail net structures and pavement and adding new buildings to the site that will enhance the existing operations of the business. The proposed development is generating additional employment opportunities which will contribute to positive economic flow on effects.

The development is therefore considered to be in the public interest.

5. Conclusion

Having regard to the matters of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* and the issues raised above it is recommended that the proposed development be approved subject to conditions.

The development is considered to be suitable for the site and is not likely to create any significant impacts on the natural or built environment.

Attachments

1. Recommended conditions of consent (contained within this report)
2. SSD Site Masterplan (contained within this report)
3. Locality plan (contained within this report)
4. Existing site plan (contained within this report)
5. Proposed site plan (contained within this report)
6. Tenant A - Warehouse and car wash floor plan (contained within this report)
7. Tenant A - Office plans (contained within this report)
8. Tenant B - Inspection area and workshop plan (contained within this report)
9. Tenant B - Office plans (contained within this report)
10. Tenant A - Perspective (contained within this report)
11. Tenant B - Perspective (contained within this report)
12. Landscape masterplan (contained within this report)
13. Notification plan - confidential for privacy reasons (distributed under separate cover)

4216/2016/DA-I**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
Proposed Combined Site Plan / 116133_A_DA_0002	H	Reid Campbell	8/07/2017
Tenant A – Proposed Site Plan / 116133_A_DA_1000	F	Reid Campbell	16/12/2016
Tenant A – Warehouse & Car Wash Floor Plan / 116133_A_DA_1100	G	Reid Campbell	8/07/2017
Tenant A – Warehouse & Car Wash Roof Plan / 116133_A_DA_1101	F	Reid Campbell	8/07/2017
Tenant A – Warehouse and Car Wash Sections and Elevations / 116133_A_DA_1110	F	Reid Campbell	8/07/2017
Tenant A – Office Plans / 116133_A_DA_1200	F	Reid Campbell	8/07/2017
Tenant A – Office Sections & Elevations / 116133_A_DA_1220	F	Reid Campbell	8/07/2017
Tenant A – External Finishes / 116133_A_DA_1800	F	Reid Campbell	8/07/2017
Tenant A – Perspective / 116133_A_DA_1900	F	Reid Campbell	8/07/2017
Tenant B – Proposed Site Plan / 116133_A_DA_2000	J	Reid Campbell	8/07/2017
Tenant B – Hail Net Protection Canopy / 116133_A_DA_2001	J	Reid Campbell	8/07/2017
Tenant B – Inspection Area and Workshop Floor Plan / 116133_A_DA_2100	G	Reid Campbell	8/07/2017
Tenant B – Inspection Area and Workshop Roof Plan / 116133_A_DA_2101	F	Reid Campbell	8/07/2017
Tenant B – Inspection Area and Workshop Sections & Elevations	F	Reid Campbell	8/07/2017
Tenant B – Office Plans / 116133_A_DA_2200	I	Reid Campbell	8/07/2017
Tenant B – Office Sections and Elevations / 116133_A_DA_2220	F	Reid Campbell	8/07/2017
Tenant B – External Finishes / 116133_A_DA_2800	F	Reid Campbell	8/07/2017
Tenant B – Perspective / 116133_A_DA_2900	F	Reid Campbell	8/07/2017
Erosion and Sediment Control Plan / AA009069-C1-101	02	ARCADIS	21/12/2016

Erosion and Sediment Control Details / AA009069-C1-105	02	ARCADIS	21/12/2016
Bulk Earthworks Plan / AA009069-C1-111	03	ARCADIS	13/06/2017
Site Sections / AA009069-C1-115	02	ARCADIS	21/12/2016
Civil Works Plan Sheet 1 / AA009069-C1-201	02	ARCADIS	21/12/2016
Civil Works Plan Sheet 2 / AA009069-C1-202	02	ARCADIS	21/12/2016
Pavement and Linemarking Plan / AA009069-C1-251	02	ARCADIS	21/12/2016
Landscape Master Plan / LDA-003	A	groundink	20/12/2016
Tenant A Amenities Landscape Plan / LDA-004	A	groundink	20/12/2016
Tenant B Amenities Landscape Plan / LDA-005	A	groundink	20/12/2016
Typical Entry Planting Plan / LDA-006	A	groundink	20/12/2016
Eastern Buffer Zone Landscape Plan / LDA-007	A	groundink	20/12/2016
Southern Buffer Zone Landscape Plan / LDA-008	A	groundink	20/12/2016
Landscape Details / LDA-009	A	groundink	20/12/2016

2. Amended Plans

The development is to incorporate the following amendments and the amended documentation is to be submitted to Campbelltown City Council Technical Services Department, for approval, prior to the issuing of a Construction Certificate:

- A stormwater quality management proposal with MUSIC modelling results that comply with the Council Engineering Design Guide for Development.

3. Controlled Activity Approval

Prior to the commencement of any controlled activity on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the *Water Management Act 2000* from Department of Primary Industries (DPI) Water, in accordance with the provisions of the General Terms of Approval (GTA) issued by DPI Water (Ref: 10 ERM2017/0079, dated: 1 May 2017).

Note: Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

Refer to the copy of the GTA attached to this consent.

4. 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.

5. 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.

6. 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.

7. Security Fencing

All security fencing shall be established behind the required landscape areas and not on the road alignments. No barbed wire style fencing is to be erected in a location that can be seen from a public place.

8. Driveway

The gradients of driveways and manoeuvring areas shall be designed in accordance with *Australian Standard AS 2890.1, AS 2890.2 and AS 2890.6 (as amended)*.

9. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. All deliveries to the premises shall be made to the loading bay/s provided.

A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising drivers of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

10. Advertising Signs – Separate DA Required

This consent does not permit the erection or display of any advertising signs.

Most advertising signs or structures require development consent. You should make separate enquiries with Council prior to erecting or displaying any advertising or signage.

11. Lighting

- a. Illumination of the site is to be arranged to provide an appropriate level of lighting and in accordance with the requirements of *Australian Standard 4282 (as amended)* so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises or traffic.
- b. All external lighting fixtures should be vandal resistant.

- c. Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- d. Lighting should be free of obstructions, such as tree branches, pipes, etc.

12. Graffiti Removal

In accordance with the environmental maintenance objectives of Crime Prevention Through Environmental Design, the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

13. Unreasonable Noise, Dust and Vibration

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise, dust or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise related issue arising during construction, the person in charge of the premises shall when instructed by Council, cause to be carried out an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to its satisfaction.

14. Air Emissions

The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997*. No injury being caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

15. Sydney Trains – Environmental Conditions

- During all stages of the development, environmental legislation and regulations will be complied with.
- During all stages of the development, extreme care shall be taken to prevent environmental harm within the railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the applicant.
- Given the development site's location next to the rail corridor, drainage from the development must be adequately managed/disposed of any not allowed to be discharged into the corridor (and its easements) unless prior approval has been obtained from Sydney Trains.
- Excess soil is not allowed to enter, be spread or stockpiled within the rail corridor (and its easement) and must be adequately managed/disposed of.

16. Physical Access to Sydney Trains Facilities

No works is permitted within the rail corridor, or its easements, at any time unless prior approval or an agreement has been entered into with Sydney Trains.

Where the applicant proposes to enter the rail corridor, the principal certifying authority shall not issue a construction certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.

17. Flood Level Controls – Industrial Development

This subject site is at risk of flooding from a 1 per cent Annual Exceedance Probability (AEP) flood in the Bow Bowing creek to the west, fabriform channel to the north (by the side of Airds Road) and formalised channel to the south (by the side of Rose Payten Drive). The site is also affected by flooding from a 1 per cent Annual Exceedance Probability flood due to overland flow from the local catchment traversing lot in the formalised fabriform channel within the site.

The minimum floor level controls for the proposed development due to above aspect of flooding are given on the following table.

Location	Minimum floor level (metres AHD)
Tenant A Warehouse & Tenant A Office	48.10
Tenant B Workshop	49.80
Tenant B Vehicle Inspection area southern boundary	49.80
Tenant B Vehicle Inspection area northern boundary	48.70
Tenant B Office	48.30

Note: Intermediate floor levels for Tenant B Vehicle Inspection area may be obtained by linear interpolation.

18. Engineering Design Works

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

19. Endeavour Energy Approval

The applicant shall submit a written approval from Endeavour Energy to Council, stating that Endeavour Energy has no objection to the development proposed on and/or adjacent to the Transmission line easement located within the site. The applicant shall adhere to all the conditions and requirements specified by Endeavour Energy. All the costs associated with the above requirements shall be borne by the applicant.

20. No Construction within Drainage Easements

No structures are allowed over the existing drainage easements located within the site.

21. Shoring and Adequacy of Adjoining Property

If the development referred to in this development consent involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must at the person's own expense:

- a. Protect and support the adjoining premises from possible damage from the excavation, and
- b. Where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

22. Rain Water Tank(s)

Rain water tank/s shall be installed on site for the collection and storage of stormwater for irrigation and reuse purposes (eg the flushing of toilets).

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. Pollution Control

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall provide engineering details for approval of a suitable gross pollutant trap(s) and/or water quality treatment in accordance with the relevant guidelines of Office of Environment and Heritage (OEH), NSW Office of Water, and with the design requirements of the Campbelltown (Sustainable) City DCP (as amended) and Campbelltown City Council Engineering Design Guide for Development (as amended) for the stormwater drainage system prior to discharge from the site.

29. Stormwater Management Plan (Development)

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to the site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval.

Floor levels of all buildings shall be complied with the specified floor level controls.

Stormwater from the site shall be conveyed to the existing drainage channels located adjacent to the site by gravity. The proposed stormwater outlet structure to Bow Bowling creek shall be complied with the Council Standard Drawing SD-05. Detailed engineering plans for all proposed stormwater connections to the drainage channels shall be submitted to Council for approval prior to issue of a construction certificate.

All proposals shall comply with the requirements detailed in the Campbelltown City Council Engineering Design Guide for Development (as amended).

30. No Loading on Easement

Prior to issue of a construction certificate, the Certifying Authority shall ensure that the foundations of proposed structures adjacent to the drainage and/or services easements have been designed clear of the zone of influence.

31. 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 applicant's expense and a compliance certificate, approving the works, shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

32. Clearance to the Services

The proposed vehicular crossings shall be located clear of the existing services located on the road reserve to the distances recommended by the Council and relevant authorities.

33. Sydney Trains – Stray Currents

Prior to the principal certifying authority issuing a construction certificate, the applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a construction certificate.

34. Sydney Trains – Demolition, Excavation and Construction Impacts

Prior to the principal certifying authority issuing a construction certificate, a Risk Assessment/Management Plan including any potential rail impacts for the proposed works is to be submitted to Sydney Trains for review and comment on the impacts on the rail corridor. The principal certifying authority shall not issue the construction certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

35. Sydney Trains – Crane and Other Aerial Operations

If a crane is to be used at any stage of the development, prior to the principal certifying authority issuing a construction certificate, the applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The principal certifying authority shall not issue the construction certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

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

Prior to Council or an accredited certifier issuing a Complying Development Certificate or a Construction Certificate (or where a Construction Certificate is not required, a Subdivision 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.

37. Controlled Activity Approval

A Construction Certificate shall not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Controlled Activity Approval, issued by the Department of Primary Industries Water (formerly NSW Office of Water) has been provided to Council, or a letter from Department of Primary Industries stating that a Controlled Activity Approval is not required for the development, has been provided to Council.

38. Design for Access and Mobility

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant shall demonstrate by way of detailed design, compliance with the relevant access requirements of the BCA and AS 1428 – Design for Access and Mobility.

39. 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.

40. 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.

41. 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.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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 WorkCover 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 WorkCover 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.

48. 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.

49. 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.

50. 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.

51. 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.

52. 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.

53. Fill Compaction Requirements

Any filling carried out on the site shall be compacted to a minimum dry density of 98% Standard Compaction. Density testing, which is to be certified by a qualified geotechnical engineer, shall be undertaken for every 300mm rise in vertical height, with test locations being selected randomly across the site. At least 1 test shall be taken for every 500m² of the filled area (minimum 1 test per 300mm layer).

54. Fill Contamination

Any landfill used on the site is to be validated in accordance with the Environment Protection Authority's guidelines for consultants reporting on contaminated sites. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

55. 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.

56. Excess Material

All excess material is to be removed from the site. The spreading of excess material or stockpiling on site will not be permitted without prior written approval from Council.

57. Earth Works/Filling Works

All earthworks, including stripping, filling, and compaction shall be:

- a. Undertaken in accordance with Council's Specification for Construction of Subdivisional Roads and Drainage Works (as amended), AS 3798 Guidelines for Earthworks for Commercial and Residential Development (as amended), and approved construction drawings;
- b. Supervised, monitored, inspected, tested and reported in accordance with AS 3798 Appendix B 2(a) Level 1 and Appendix C by a NATA registered laboratory appointed by the applicant. Two collated copies of the report and fill plan shall be forwarded to Council; and
- c. Certified by the laboratory upon completion as complying, so far as it has been able to determine, with Council's specification and AS 3798.

58. 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.

59. 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. Campbelltown (Sustainable City) DCP - Volumes 1 and 3 as amended;
- c. Soils and Construction (2004) (Bluebook); and
- d. Relevant Australian standards and State Government publications.

60. Footpath Kerb and Gutter

The applicant shall re-construct all damaged kerb and gutter, adjacent to the site, in Culverston Road. 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 detailed in the Campbelltown (Sustainable City) DCP (as amended) and Campbelltown City Council Engineering Design Guide for Development (as amended).

61. Industrial/Commercial Driveway and Layback Crossing

The applicant shall provide a reinforced concrete driveway and layback crossing/s to Council's Industrial/Commercial Vehicle Crossing Specification and Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended).

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

62. Associated Works

The applicant shall undertake any works external to the development, that are made necessary by the development, including additional road and drainage works or any civil works directed by Council, to make a smooth junction with existing work.

63. 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.

64. Imported waste-derived fill material

The only waste-derived fill material that may be received at the development site is:

- a. virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); and

- b. any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any waste-derived material the subject of resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

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.

Note: Under this subheading, for the purpose of issuing an occupation certificate, any reference to occupation certificate shall also be taken to mean interim occupation certificate

65. 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.

66. Final Inspection – Works as Executed Plans

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements detailed in Campbelltown City Council Engineering Design Guide for Development (as amended).

The applicant shall also submit a copy of the Works as Executed information to Council in an electronic format in accordance with the following requirements:

Survey Information

- Finished ground and building floor levels together with building outlines.
- Spot levels every five metres within the site area.
- Where there is a change in finished ground levels that are greater than 0.3m between adjacent points within the above mentioned 5m grid, intermediate levels will be required.
- A minimum of 15 site levels.
- If the floor level is uniform throughout, a single level is sufficient.
- Details of all stormwater infrastructure including pipe sizes and types as well as surface and invert levels of all existing and/or new pits/pipes associated with the development.
- The surface levels of all other infrastructure.

Format

- MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System
- All level information to Australian Height Datum (AHD)

AutoCAD Option

- The eTransmit (or similar) option in AutoCAD with the transmittal set-up to include as a minimum:

Package Type	-	zip
File Format	-	AutoCAD 2012 Drawing Format or later
Transmittal Options	-	Include fonts

Include textures from materials

Include files from data links

Include photometric web files

Bind external references

The drawing is not to be password protected.

MapInfo Option

- Council will also accept either MapInfo Native format (i.e. .tab file) or MapInfo mid/mif.

All surveyed points will also be required to be submitted in a point format (x,y,z) in either an Excel table or a comma separated text file format.

67. Restoration of Public Roads

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

68. 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.

69. 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.

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. Provision of Equitable Access

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992) or *Disability (Access to Premises – Buildings) Standards 2010* (Premises Standards).

Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the Building Code of Australia (BCA) and the Premises Standards. In this regard it is the sole responsibility of the certifier, building developer and building manager to ensure compliance with the Premises Standards.

Where no building works are proposed and a Construction Certificate is not required, it is the sole responsibility of the applicant and building owner to ensure compliance with the DDA1992.

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. 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 7. 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 8. 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 9. 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 10. Smoke Free Environment Act

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Smoke Free Environment Act* 2000 (SFEA2000) or the *Smoke Free Environment Regulations* 2007 (SFER2007). In the event that the occupier wishes to facilitate smoking within any enclosed public place of the premises (in accordance with clause 6 of the SFER2007), the occupier must first contact NSW Department of Health to ensure that the design and construction of the area proposed to facilitate smoking fully complies with the requirements of the SFEA2000 and the SFER2007.

Advice 11. 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 12. 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.



Department of
Primary Industries
Water

Contact: Anisul Afsar
Phone: 8838 7561
Fax:
Email: Anisul.Afsar@dpi.nsw.gov.au
Our ref: 10 ERM2017/0079
Our file:
Your ref: DA2016/4216

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

Attention: Andrew MacGee

1 May 2017

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval

Dev Ref: DA2016/4216

Description of proposed activity: Construction of alterations & additions to an existing car storage facility

Site location: 5 Culverston Road Minto

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find DPI Water's (formerly the NSW Office of Water) General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, DPI Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- DPI Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary)
- Once notified, DPI Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

www.water.nsw.gov.au

Macquarie Tower, 10 Valentine Avenue, PARRAMATTA NSW 2150 | Locked Bag 5123, PARRAMATTA NSW 2124, Australia

| e water.enquiries@dpi.nsw.gov.au

Template Ref: CAA04, Version 1.2 – July 2015

-2-

- DPI Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- DPI Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, DPI Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to DPI Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date DPI Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office of Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from DPI Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > Controlled activities

DPI Water requests that Council provide a copy of this letter to the applicant.

DPI Water also requests that Council provides DPI Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



Anisul Afsar
Water Regulation Officer
Water Regulatory Operations, Hunter, Sydney, South Coast
NSW Department of Primary Industries – DPI Water

General Terms of Approval

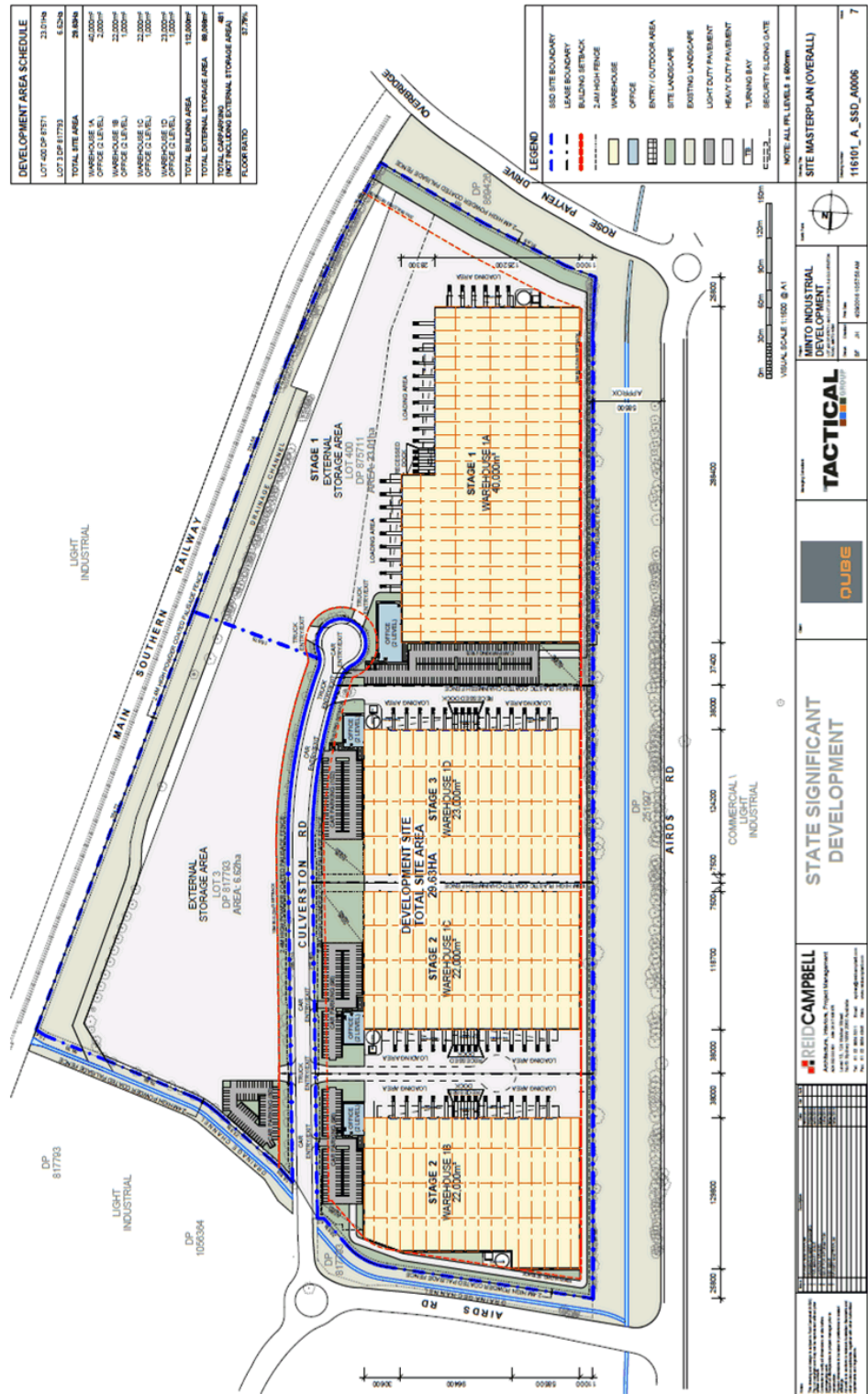
for work requiring a controlled activity approval
under s91 of the *Water Management Act 2000*

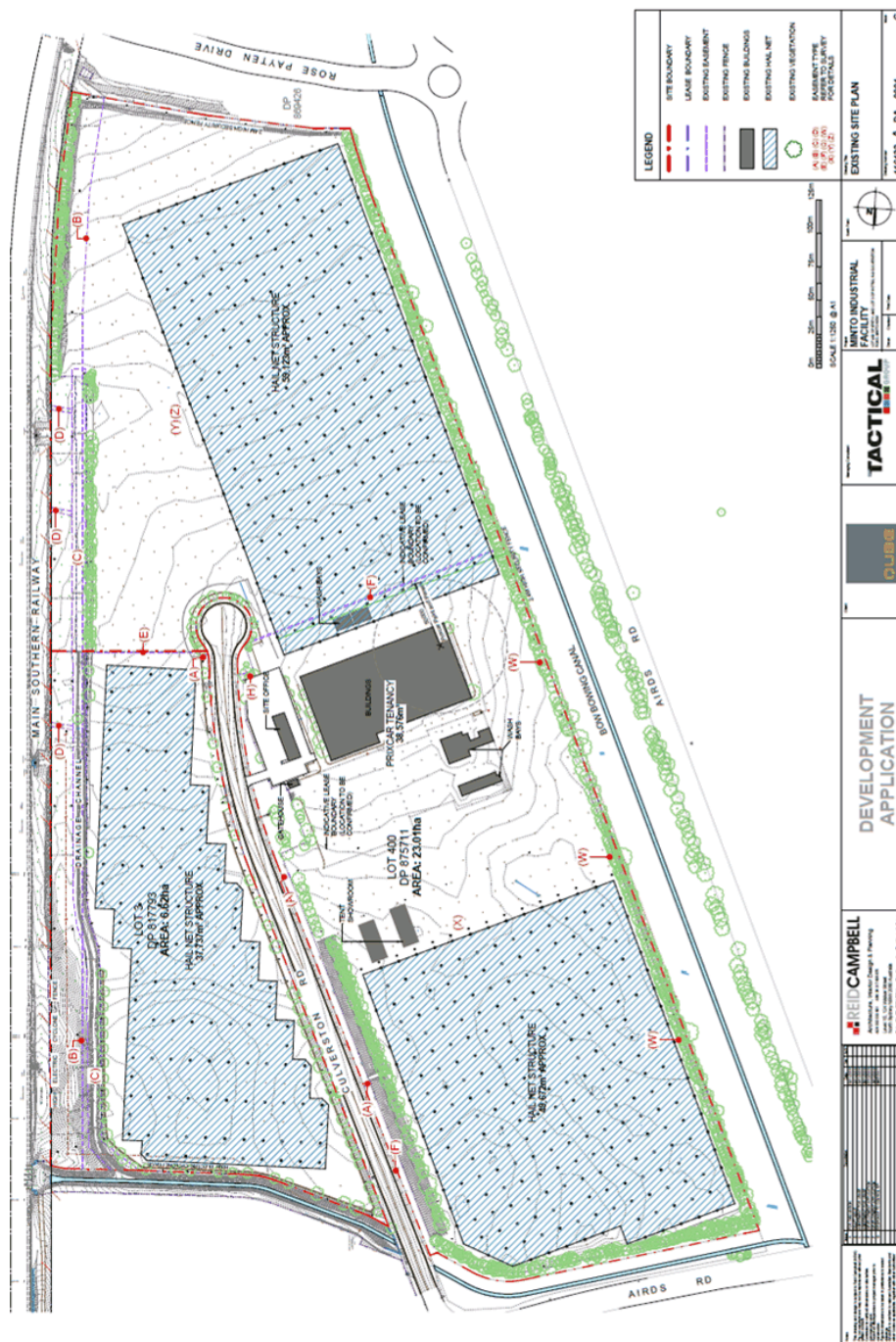
Number	Condition	File No:
Site Address:	5 Culverston Road Minto	
DA Number:	DA2016/4216	
LGA:	Campbelltown City Council	
Plans, standards and guidelines		
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2016/4216 and provided by Council. Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.	
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.	
3	The consent holder must prepare or commission the preparation of: (i) Erosion and Sediment Control Plan	
4	All plans must be prepared by a suitably qualified person and submitted to the DPI Water for approval prior to any controlled activity commencing.	
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.	
Drainage and Stormwater		
6	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.	
7	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.	
Erosion control		
8	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.	
Excavation		
9	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.	
END OF CONDITIONS		

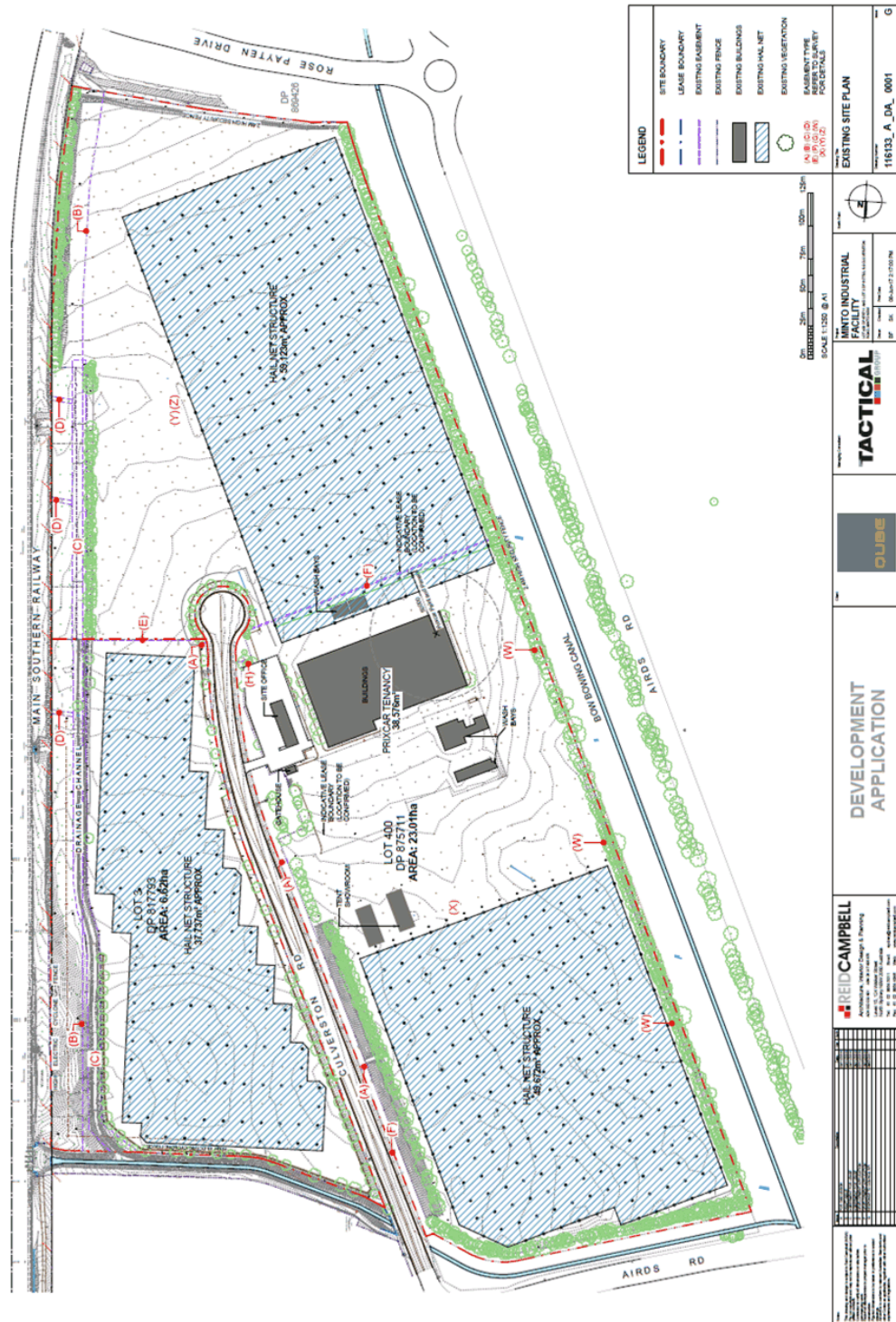
www.water.nsw.gov.au

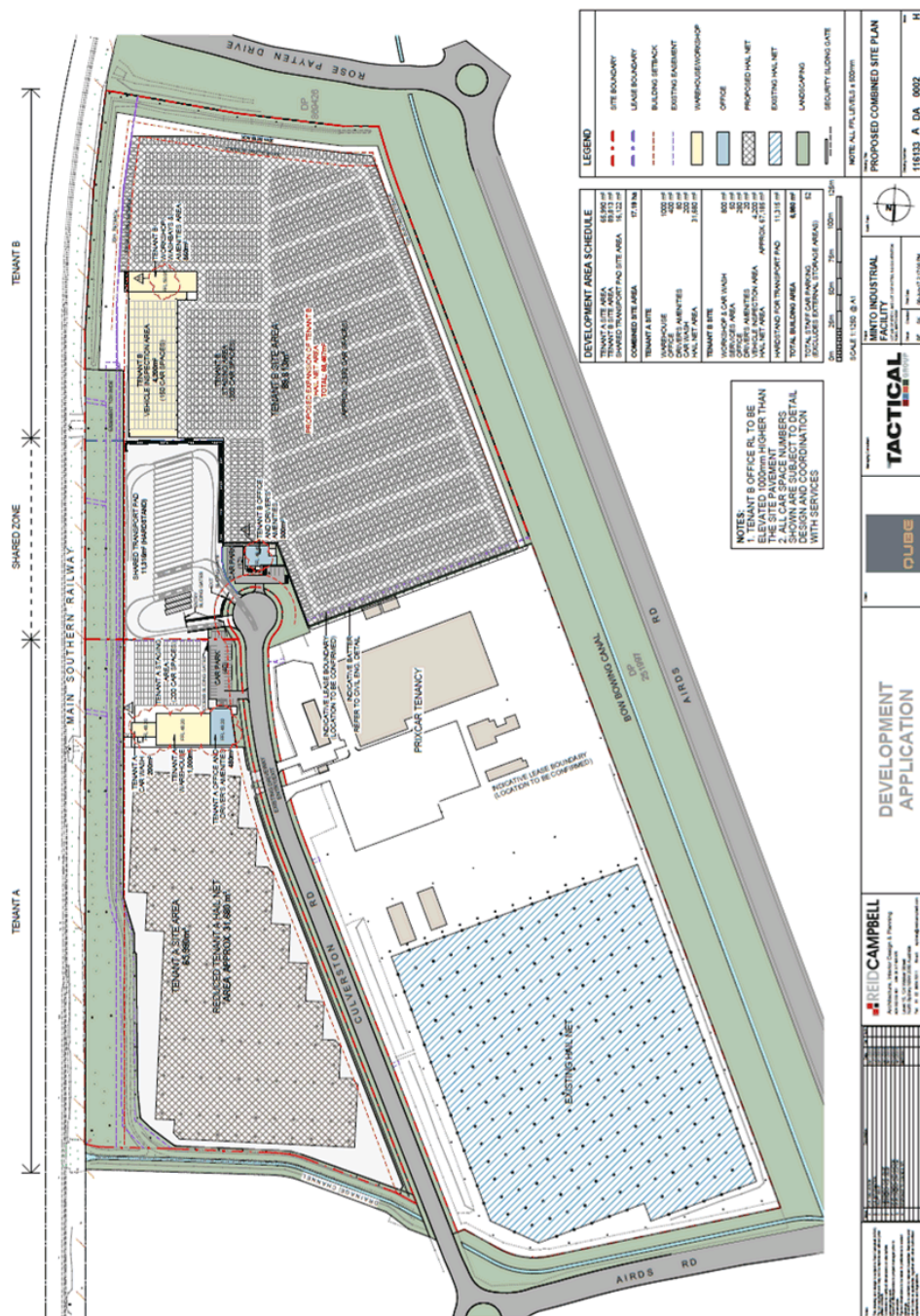
Macquarie Tower, 10 Valentine Avenue, PARRAMATTA NSW 2150 | Locked Bag 5123, PARRAMATTA NSW 2124, Australia | e
water.enquiries@dpi.nsw.gov.au
Template Ref: CA904 Version 1.1 – June 2015

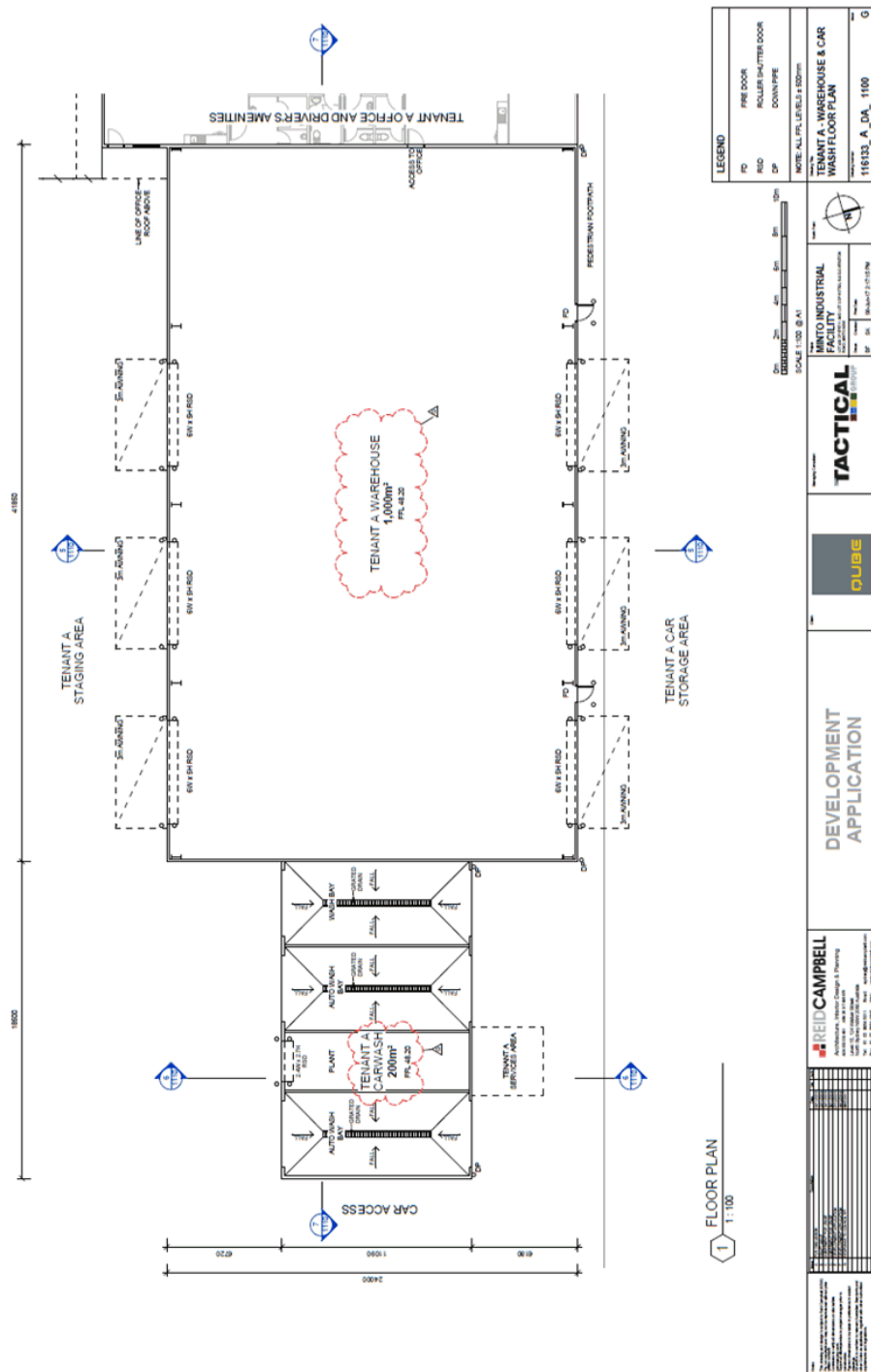
END OF CONDITIONS

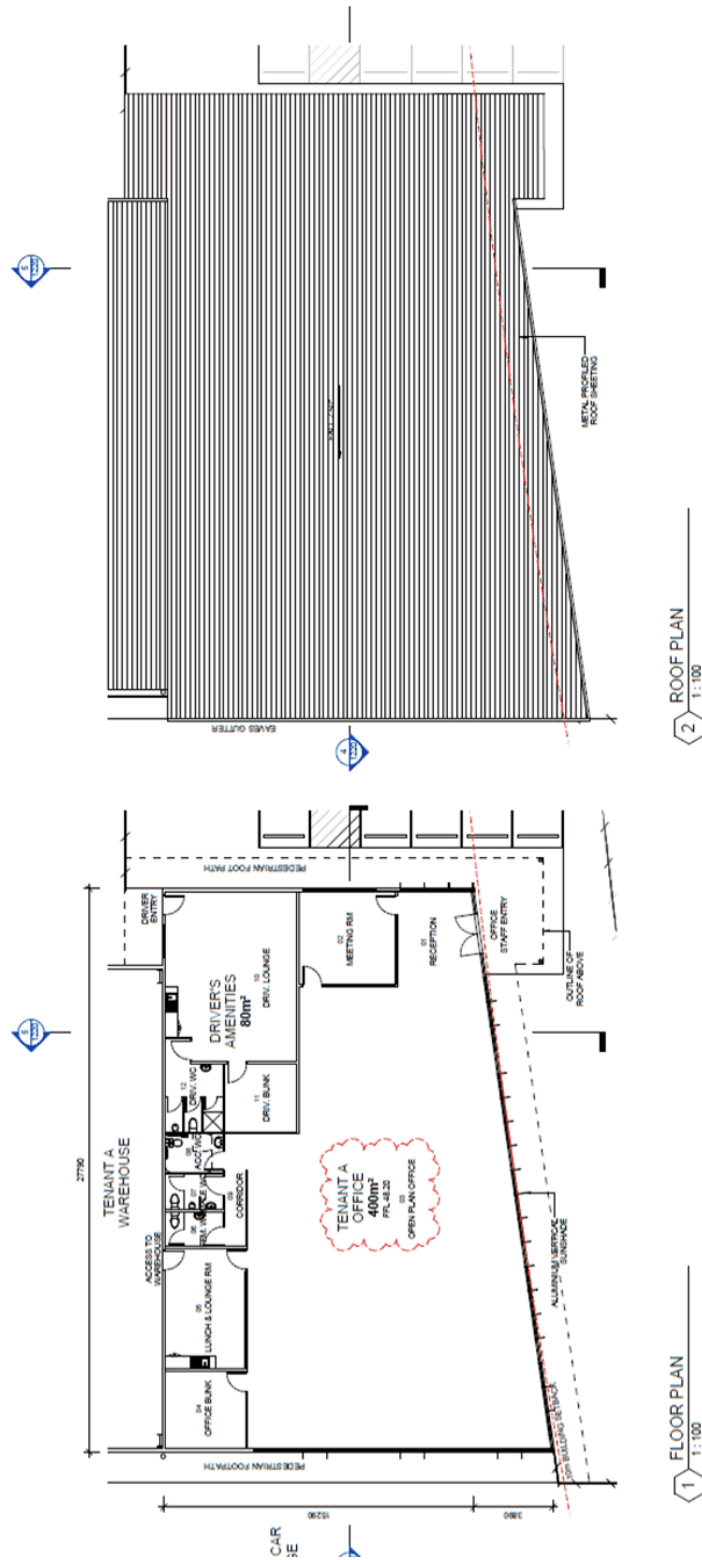




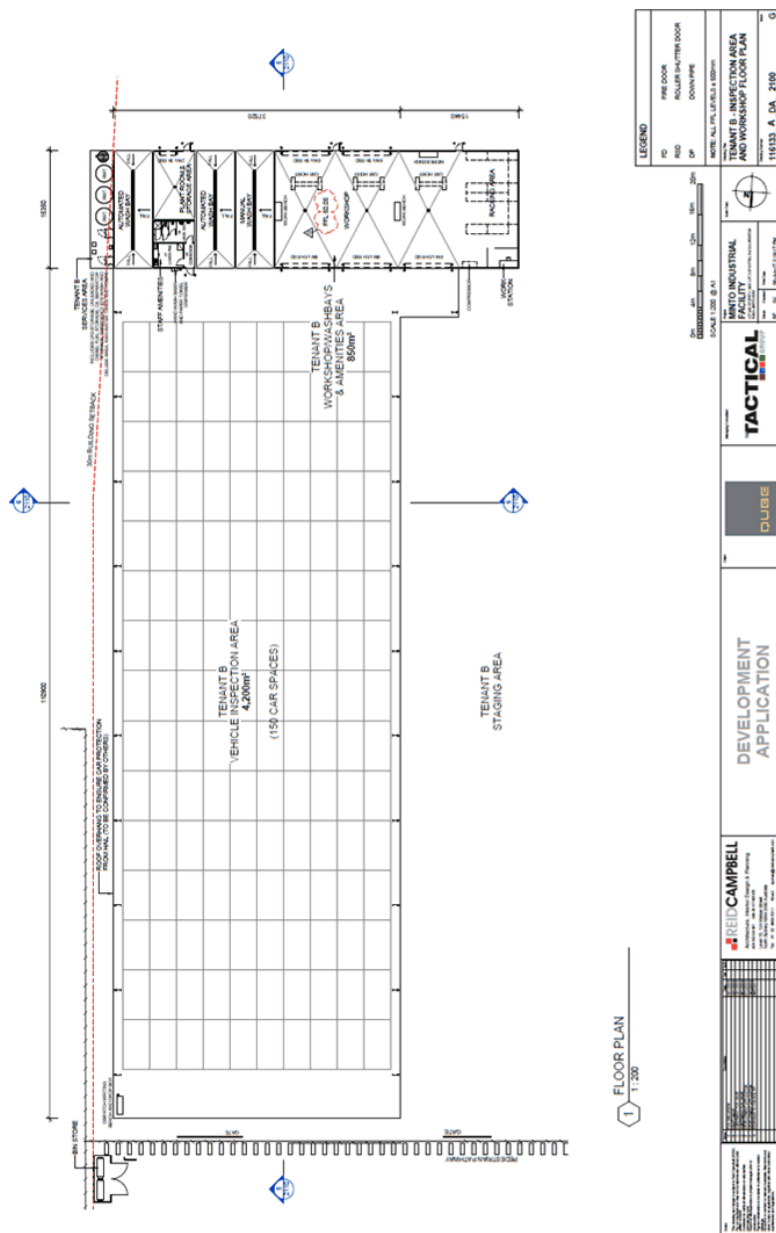


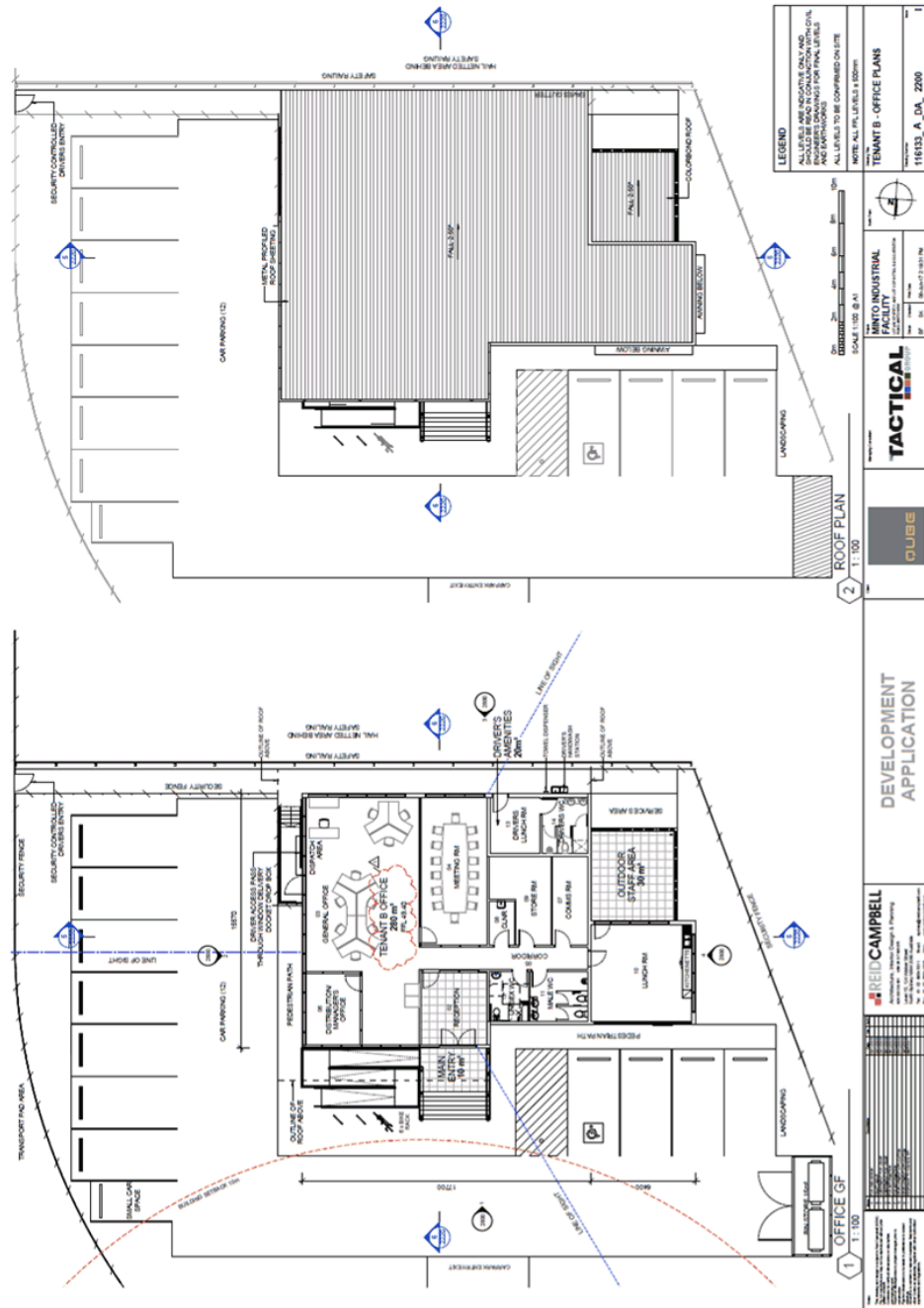






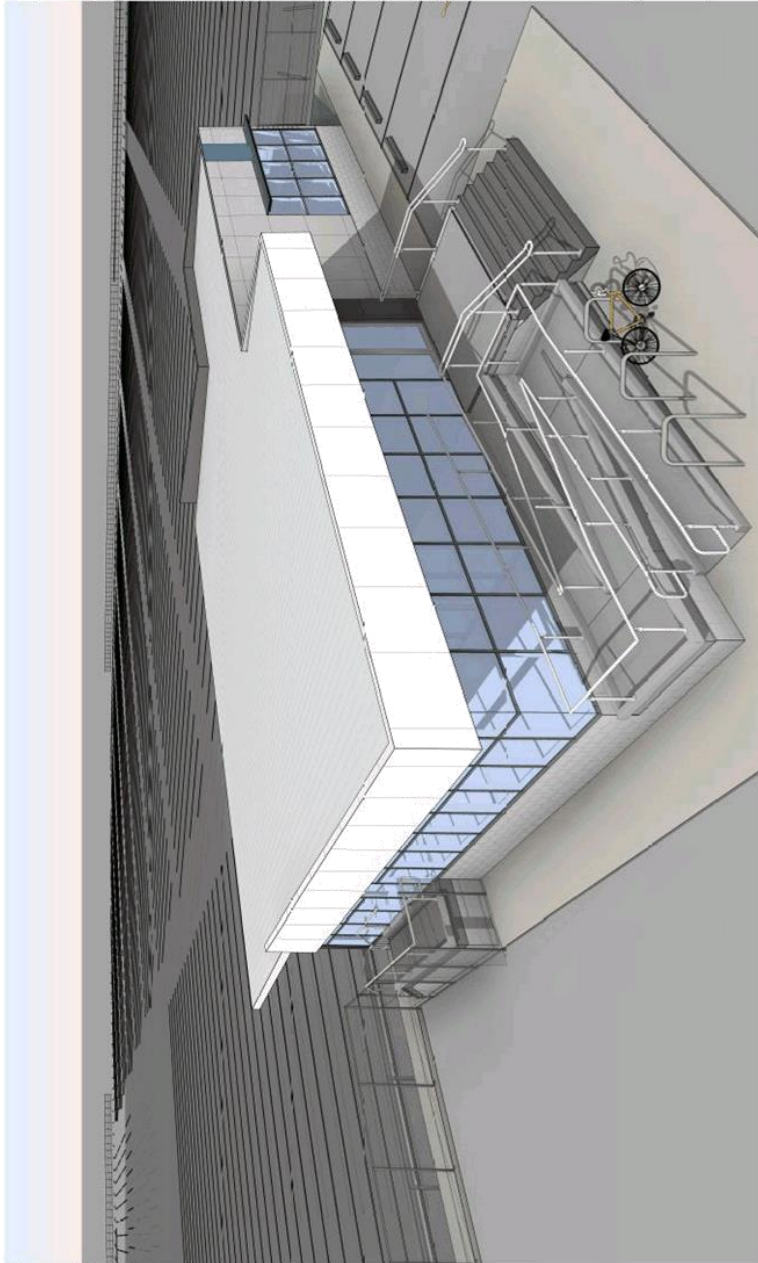
LEGEND ALL LEVELS ARE INDICATIVE ONLY AND NOT TO BE USED FOR CONSTRUCTION. ENGINEERS DRAWINGS FOR FINAL LEVELS AND EARTHWORKS. ALL LEVELS TO BE CONFIRMED ON SITE. NOTE: ALL FFL LEVELS ± 500mm		TACTICAL TACTICAL ENGINEERING 116133_A_DA_1200	
DEVELOPMENT APPLICATION		TENANT A - OFFICE PLANS	
REID CAMPBELL Architectural, Survey, Design & Planning 116133_A_DA_1200		MINO INDUSTRIAL 116133_A_DA_1200	
116133_A_DA_1200		116133_A_DA_1200	







REID CAMPBELL ARCHITECTS & PLANNERS 1000 15th Street, Suite 100 San Francisco, CA 94103 Tel: 415.774.1000 Fax: 415.774.1001 www.reidcampbell.com		DEVELOPMENT APPLICATION			TACTICAL TACTICAL GROUP 1000 15th Street, Suite 100 San Francisco, CA 94103 Tel: 415.774.1000 Fax: 415.774.1001 www.tacticalgroup.com	INDUSTRIAL FACILITY 11813A_A_OA_1500	NA	TENANT A - PERSPECTIVE 11813A_A_OA_1500
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REID CAMPBELL ARCHITECTS 1000 14th Street, Suite 100 San Francisco, CA 94103 Tel: 415.774.8888 Fax: 415.774.8889 www.reidcampbell.com		DEVELOPMENT APPLICATION		TACTICAL CLUBS		MINTO INDUSTRIAL FACILITY 115133_A_DA_2600		TENANT B - PERSPECTIVE 115133_A_DA_2600		F	
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8.5 Campbelltown Arts Centre Strategic Committee - Appointment of Community Members

Reporting Officer

Manager Creative Life
City Lifestyles

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.6 - Foster a creative community that celebrates arts and culture

Officer's Recommendation

- That the following community members be appointed to the Campbelltown Arts Centre Strategic Committee for the term of Council:
 - Andrew Christie - Arts Community
 - Rudi Kolkman - Business Sector or Community
 - Alison Derrett - Business Sector or Community
 - Lucy Stackpool - Business Sector or Community
 - Steven Donaghey - Business Sector or Community
 - Mariah Calman - Education Sector
 - Lorna Gear - Education Sector
- That all community members be advised in writing of the outcome of the Expression of Interest process.

Purpose

To seek Council's endorsement for the appointment of community members to the Campbelltown Arts Centre Strategic Committee.

History

Council at its meeting held 28 March 2017 resolved:

- That the Campbelltown Arts Centre Sub Committee's name be changed to Campbelltown Arts Centre Strategic Committee.
- That the former Campbelltown Arts Centre Sub Committee Guidelines be rescinded.
- That the Campbelltown Arts Centre Strategic Committee Terms of Reference be adopted as attached.
- That Councillor Oates, Councillor Moroney and Councillor Chowdhury be appointed as representatives for the Committee.

5. That Council advertise via an Expression of Interest process for business sector/community representatives.
6. That a further report be presented to Council following the Expression of Interest process for endorsement of the representatives for the Campbelltown Arts Centre Strategic Committee for the term 2017-2020.
7. That Camden Council be invited to provide a representative for the Committee.

Report

An advertisement was placed in the Campbelltown-Macarthur Advertiser and Macarthur Chronicle seeking nominations from interested community members to fill the following vacancies:

- four representatives from the Business Sector or Community
- one representative from the Arts Community
- two representatives from the Education Sector.

Fifteen applications were received and assessed using a weighting scale. The applications were assessed by the Manager Creative Life in collaboration with an independent panel member, Council's Internal Auditor.

The recommended community members are as follows:

Arts Community	
Name	Organisation
Andrew Christie	Artist
Business Sector or Community	
Name	Organisation
Rudi Kolkman	Former Councillor
Alison Derrett	Campbelltown Hospital
Lucy Stackpool	IMTG Pty Ltd
Steven Donaghey	Architect
Education Sector	
Name	Organisation
Mariah Calman	Ambarvale HS - Teacher
Lorna Gear	SWSI Tafe - Teacher

The recommended community members for the strategic committee have been selected based on their previous history with the Arts Centre and their perceived capacity to deliver the strategic committee's goals in line with the terms of reference based on their Expression of Interest submission.

Council has received advice from Wollondilly Council that their representative on the strategic committee will be Councillor Michael Banasik. Correspondence has been sent to Camden Council requesting they advise of their representative on the strategic committee and no response has been received to date.

Attachments

1. Campbelltown Arts Centre Strategic Committee Nomination Forms - not available for public viewing due to the confidential information and privacy of the nominees. (distributed under separate cover)

8.6 Fraud and Corruption Prevention Policy

Reporting Officer

Manager Governance and Risk
City Governance

Community Strategic Plan

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

Officer's Recommendation

1. That the Fraud and Corruption Prevention Policy as attached to this report be adopted.
2. That the Fraud and Corruption Prevention Policy review date be set at 30 June 2018.

Purpose

To seek Council's endorsement of the Fraud and Corruption Prevention Policy.

This policy outlines the expected standards of ethical behaviour at Council and is aimed at ensuring appropriate mechanisms and processes are in place to prevent, detect and respond to fraud and corruption.

Report

Fraud and corruption may have a significant impact across Council activities and programs. Accordingly this policy has been developed to ensure Council acts proactively in preventing corruption and fraud across the organisation.


Campbelltown City Council is committed to preventing fraud and corruption across the organisation as such activities have an impact on Council resources and reputation. Senior Council employees and Councillors have a key ongoing role in the prevention of fraud and corruption and the fostering of an ethical and accountable environment at Council.

Campbelltown City Council is committed to the prevention, detection, response and monitoring of fraud and corrupt activities.

This document has been developed in accordance with the Fraud and Corruption Controls Standard AS 8001-2008 and Good Governance Principles AS 8000-2003 and establish a structure to address fraud and corruption risks and to detect and respond to fraud and corruption.

Attachments

1. Draft Fraud and Corruption Prevention Policy (contained within this report)

 campbelltown city council	POLICY
Policy Title	Fraud and Corruption Prevention Policy
Related Documentation	Code of Conduct Policy Fraud and Corruption Prevention Plan (under development) Ethical behaviour Authorised Statement (under development) Ethical behaviour Guidelines (under development) Public Interest Disclosures Act – Internal Reporting Policy Delegations
Relevant Legislation/ Corporate Plan	<i>Public Interest Disclosures Act 1994</i> <i>Independent Commission Against Corruption Act 1988</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.

Objectives

To clearly outline Council's approach to address and reduce the risks of maladministration, fraud and corruption affecting Council officers, Councillors, Operations and Services.

To clearly demonstrate that Council does not and will not tolerate fraudulent practices or corrupt conduct either by its own officers, contractors or others working for Council and will not tolerate others using fraudulent practices against Council, Council officers or the functions and services it provides to the community.

To clearly demonstrate Council's commitment to:

- minimising opportunities for corrupt conduct
- detecting, investigating and disciplining/prosecuting corrupt conduct
- reporting corrupt conduct to ICAC and NSW Police where relevant
- taking a risk management approach to the identification and management of corruption risks.

Policy Statement

Campbelltown City Council is committed to protecting its revenue, expenditure, property, intellectual capital and reputation from any attempt, either by members of the public, contractors, sub-contractors, agents, intermediaries, Councillors or its own employees to gain by deceit, any financial or other benefits.

This policy outlines the general principles and responsibilities for fraud and corruption prevention and control.

Scope

This Policy applies to all Council officers, permanent, fixed-term, temporary and casual as well as to Councillors, contractors to council and volunteers.

Relationship to Other Documents

This policy is to be read in conjunction with Council's Code of Conduct Policy and Procedures and other documents as outlined at 'Related Documentation'

Definitions

Corrupt Conduct is conduct by a public official that commonly involves the dishonest or preferential use of power or position, a breach of public trust or the misuse of information or material acquired in the course of official business (as defined in sections 8 and 9 of the ICAC Act 1988)

Fraud is defined in Australian Standard 8001 as: Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position.

Fraud Control these are the actions taken to stop or at least reduce the risk of fraud occurring, and are designed to provide reasonable assurance that fraud risks are managed in such a way as to ensure that the achievement of Council's objectives will not be adversely affected by fraudulent practices.

Maladministration means action or inaction of a serious nature that is: (i) contrary to the law; (ii) unreasonable, unjust or oppressive or improperly discriminatory; or (iii) based wholly or partly on improper motives.

Principles

The principal elements of Council's Fraud and Corruption Prevention policy are:

- The prevention of fraud at its origin. In particular, the implementation of effective control structures and procedures which aim to eliminate the prospect of fraud occurring
- All Councillors, Directors, Managers, Council officers, contractors, delegates and volunteers be made aware of their obligation to act ethically and to follow Council's Code of Conduct at all times
- All contractors and those dealing with Council be made aware of the ethical standards that Council applies and expects of others such as contractors, suppliers in their dealings with Council
- A commitment to a policy of detection, investigation and prosecution of individual cases of fraud
- Respect of the civil rights of employees and citizens and the commitment to natural justice.

The Code of Conduct Policy also outline the policies and procedures implemented by Council to ensure that any allegations and subsequent investigations into fraud are handled confidentially, and in accordance with applicable legislation.

Responsibility

The General Manager has ultimate responsibility for managing fraud and corruption risks in the organisation.

Development and implementation of effective policies and procedures to prevent, detect, report, and control fraud and corruption, based on a risk management approach, is the responsibility of Directors and Managers. Directors and Managers are specifically accountable for the prevention and detection of fraud and corruption in areas under their control.

All Councillors, the Executive and senior management are responsible for ensuring that the Council's Fraud and Corruption Prevention Policy is fully and effectively executed.

Line management is responsible for understanding and implementing the Code of Conduct, Ethical behaviour framework, and relevant Council policies.

Council officers are responsible for reporting corrupt conduct in line with Council policies and procedures or directly to the Independent Commission Against Corruption.

The General Manager must, under section 11 of the *Independent Commission Against Corruption Act 1988*, report any matter that he/she reasonably suspects/involves or may involve corrupt conduct to the Commission.

All Council officers are responsible for behaving and acting honestly according to the Code of Conduct and to follow diligently the procedures and controls detailed in the Fraud and Corruption Prevention Policy to prevent and mitigate fraud and corruption. Those procedures and controls must not be by-passed or avoided.

The Manager Governance and Risk has a responsibility to implement a comprehensive fraud and corruption control plan/strategy, including fraud and corruption risk assessment processes, and investigation of instances of fraud and corruption against Council as they arise.

In addition, the Director City Governance has additional responsibilities in relation to the prevention of financial fraud.

Reporting and Public Interest Disclosures

Any suspected or actual incidence of fraud or corruption must be reported immediately. Council officers should do so in accordance with the provisions of the Code of Conduct and the Protected Disclosures - Internal Reporting Policy.

Council will protect those reporting suspected fraud and/or corruption in line with the provisions of the *Public Interest Disclosures Act 1994*.

Council will fully investigate any allegation of maladministration, serious and substantial waste, breach of GIPA, or fraudulent or corrupt conduct.

Effectiveness of this Policy

This policy will be reviewed every two years to ensure that it meets the object of the legislation, and facilitates the making of disclosures under the *Public Interest Disclosures Act 1994*, or earlier should circumstances arise to warrant revision.

END OF POLICY STATEMENT

8.7 Internal Reporting Policy - Public Interest Disclosures

Reporting Officer

Manager Governance and Risk
City Governance

Community Strategic Plan

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

Officer's Recommendation

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

Purpose

To seek Council's endorsement of the revised Internal Reporting Policy.

The Policy has been reviewed and updated having regard to Council's needs and experience and the material published by the NSW Ombudsman.

Report


The *Public Interest Disclosures Act 1994* (PID Act) sets out the system under which people working within the NSW public sector, including councils, can make reports about the functioning of the public sector in a way that minimises the risk of reprisal. The matters which people can make public interest disclosures about are serious maladministration, corrupt conduct, serious and substantial waste, a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* and pecuniary interest contravention under the *Local Government Act 1993*.

Council is required to develop and implement a policy and procedures for receiving, assessing and dealing with Public Interest Disclosures. The NSW Ombudsman has a range of material and guidelines to support public sector agencies in formulating their policies.

Council adopted its first Public Interest Disclosures Policy (Internal Reporting) under the PID Act in November 2013. A review of the Policy has been undertaken incorporating the most recent model policy and guidance from the NSW Ombudsman.

Attachments

1. Draft Internal Reporting Policy (contained within this report)

 campbelltown city council	POLICY
Policy Title	Internal Reporting Policy - Public Interest Disclosures Act
Related Documentation	Code of Conduct Grievance and Dispute Handling Procedure Grievance and Dispute Handling Authorised Statement Workplace Investigations Authorised Statement
Relevant Legislation/ Corporate Plan	<i>Public Interest Disclosures Act 1994 (PID)</i> <i>Local Government Act 1993</i> <i>Government Information (Public Access) Act 2009 (GIPA)</i> <i>Independent Commission Against Corruption Act 1998 (ICAC)</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.

Objectives

Under section 6D of the *Public Interest Disclosures Act 1994* (the PID Act), public authorities are required to have a policy and procedures for receiving, assessing and dealing with public interest disclosures. The definition of public authorities includes councils.

This policy is based on the NSW Ombudsman's model policy (July 2013) and the NSW Ombudsman's guidelines.

1. Policy Statement

The purpose of this policy is to provide a mechanism for Councillors, staff and independent contractors that encourages and facilitates the disclosure, in the public interest, of corrupt conduct, maladministration, serious and substantial waste, government information contravention and local government pecuniary interest contravention within Council, and ensures that any disclosure is used to achieve efficiency and effectiveness of Council's operations. To be protected by the Act, a disclosure must be made by a member of staff, independent contractor or Councillor to:

- an investigating authority
- the General Manager
- to another nominated officer of Council in accordance with this policy.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to continue to raise appropriate matters at any time with their supervisors, but as an alternative, have the option of making public interest disclosures in accordance with this policy.

The purpose of the PID Act is to ensure that public officials who wish to make disclosures under the legislation receive protection from reprisals, and that the matters raised in the disclosures are properly investigated.

The Act aims to encourage and facilitate the disclosure - in the public interest - of corrupt conduct, maladministration, serious and substantial waste and government information contravention in the public sector. This is achieved by:

- enhancing and augmenting established procedures for making disclosures
- protecting people from reprisals that might otherwise be inflicted on them because of these disclosures
- providing for those disclosures to be properly investigated and dealt with.

2. Principles

Council does not tolerate corrupt conduct, maladministration, serious and substantial waste of public money or government information contravention.

Council is committed to:

- the aims and objectives of the PID Act
- creating a climate of trust, where staff are comfortable and confident about reporting wrongdoings
- encouraging staff to come forward if they have witnessed what they consider to be wrongdoings within the Council
- keeping the identity of staff members disclosing wrongdoings confidential, wherever possible and appropriate
- protecting staff who make disclosures from any adverse action motivated by their reports
- dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it
- keeping staff who make reports informed of their progress and the outcome
- encouraging staff to report wrongdoing within the Council, but respecting any decision to disclose wrongdoing outside the Council – provided that disclosure is made in accordance with the provisions of the PID Act
- ensuring managers and supervisors at all levels understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing.

This policy recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by staff, Councillors or independent contractors.

3. Roles and responsibilities of staff

This policy places responsibilities on people at all levels within Council:

3.1 Employees and independent contractors

Employees and independent contractors are encouraged to report known or suspected incidences of corrupt conduct, maladministration, serious and substantial waste or government information contravention in accordance with this policy.

All employees and contracted staff of Council have an important role to play in supporting those who have made legitimate disclosures. They must abstain from any activity that is or could be perceived to be victimisation or harassment of people who make disclosures. Further, they should protect/maintain the confidentiality of people they know or suspect to have made disclosures.

3.2 Nominated disclosure officers

Nominated disclosure officers are responsible for receiving and forwarding disclosures in accordance with this policy. Nominated disclosure officers will:

- (a) clearly explain to people making disclosures what will happen in relation to the information received
- (b) when requested, make arrangements to ensure that disclosures can be made privately and discreetly (if necessary, away from the workplace)
- (c) write and date any disclosures received orally (and have the person making the disclosure sign the document)
- (d) deal with disclosures impartially
- (e) forward disclosures to a disclosure coordinator for assessment
- (f) take all necessary and reasonable steps to ensure that the identity of people who make disclosures, and the person the subject of disclosures, are kept confidential
- (g) support people who make public interest disclosures and protect them from victimisation, harassment or other forms of reprisal.

3.3 Disclosure coordinators

The disclosure coordinators have a pivotal role in the internal reporting system. The disclosure coordinators will:

- (a) provide an alternative internal reporting channel to the General Manager and nominated disclosure officers
- (b) impartially assess each disclosure to determine -
 - i. whether the disclosure appears to be a public interest disclosure within the meaning of the Act
 - ii. the appropriate action to be taken in relation to the disclosure, for example -
 - no action/decline
 - the appropriate person to take responsibility for dealing with the disclosure
 - preliminary or informal investigation
 - formal investigation
 - prosecution or disciplinary action
 - referral to an investigating authority for investigation or other appropriate action or
 - referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct).
- (c) consult with the General Manager
- (d) be responsible for carrying out or coordinating any internal investigation arising out of a disclosure, subject to the direction of the General Manager
- (e) report to the General Manager on the findings of any investigation and recommended remedial action
- (f) take all necessary and reasonable steps to ensure that the identity of people who make disclosures, and people the subject of the disclosures, are kept confidential
- (g) support those who make disclosures and actively protect them from victimisation, harassment or any other form of reprisal
- (h) report actual or suspected corrupt conduct to the General Manager in a timely manner to enable that officer to comply with the *ICAC Act*.

3.4 General Manager

Disclosures may be made directly to the General Manager rather than by way of the internal reporting system established under this policy. The General Manager will:

- (a) impartially assess each disclosure to determine:
 - i. whether the disclosure appears to be a public interest disclosure within the meaning of the Act
 - ii. the appropriate action to be taken in relation to the disclosure, for example -
 - no action/decline
 - the appropriate person to take responsibility for dealing with the disclosure
 - preliminary or informal investigation
 - formal investigation
 - prosecution or disciplinary action
 - referral to an investigating authority for investigation or other appropriate action; or
 - referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct).
- (b) receive reports from Disclosure Coordinators on the findings of any investigation and any recommendations for remedial action, and determine what action should be taken
- (c) conduct his/her own investigation if deemed necessary
- (d) take all necessary and reasonable steps to ensure that the identity of persons who make disclosures, and the persons the subject of disclosures, are kept confidential
- (e) have primary responsibility for protecting staff and contracted staff who make disclosures, or provide information to any internal or external investigation of a disclosure, from victimisation, harassment or any other form of reprisal
- (f) be responsible for implementing organisational reform identified as necessary following investigation of a disclosure
- (g) report criminal offences to the police and actual or suspected corrupt conduct to ICAC (under s.11 of the ICAC Act).

3.5 The Mayor

The Mayor may receive internal disclosures from any member of staff of Council, contracted staff or any Councillor concerning the General Manager or a Councillor. The Mayor will:

- (a) impartially assess each disclosure made to him/her about the General Manager or a Councillor to determine:
 - i. whether the disclosure appears to be a public interest disclosure within the meaning of the Act
 - ii. the appropriate course of action to be taken in relation to the disclosure (in consultation with the General Manager, if appropriate), for example -
 - no action/decline
 - the appropriate person to take responsibility for dealing with the disclosure
 - preliminary or informal investigation
 - formal investigation
 - prosecution or disciplinary action
 - referral to an investigating authority for investigation or other appropriate action; or
 - referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct)
 - conduct his/her own investigation if the disclosure is in relation to the General Manager and if deemed necessary

- (b) refer disclosures to the General Manager for appropriate action if they concern Council's administration, within the day to day responsibilities of the General Manager
- (c) protect/maintain the confidentiality of:
 - i. the identity of persons who make disclosures (unless any of the criteria in section 22 of the Act apply)
 - ii. the identity of persons the subject of the disclosures (unless disclosure is required to enable the allegations to be investigated or otherwise appropriately dealt with).

4. What should be reported?

You should report any wrongdoing you see within Council. Reports about the five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention, local government pecuniary interest contravention – will be dealt with under the PID Act as public interest disclosures and according to this policy.

a. Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official. For example:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a member of the public influencing a public official to use their position in a way that is dishonest, biased or breaches public trust.

b. Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives. For example:

- making a decision and/or taking action that is unlawful
- refusing to grant someone a licence for reasons that are not related to the merits of their application.

c. Serious and substantial waste in local government

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of Council. For example:

- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds.

d. Government information contravention

A government information contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (GIPA Act). For example:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

e. Local government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to fulfil certain functions under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, lodge written declarations and disclose pecuniary interests at Council and Council committee meetings. A pecuniary interest is an interest that someone has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to them. For example:

- a senior Council staff member recommending a family member for a Council contract and not declaring the relationship
- a General Manager holding an undisclosed shareholding in a company competing for a Council contract.

f. Other wrongdoing

Although reports about the previous five categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong. For example:

- harassment or unlawful discrimination
- reprisal action against a person who has reported wrongdoing
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a supervisor, in line with Council's policies. Staff should refer to the intranet under corporate documents for other related policies, including the Code of Conduct.

Even if these reports are not dealt with as public interest disclosures, Council will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

5. When will a report be protected?

Council will support any staff who report wrongdoing. For a report to be considered a public interest disclosure, it has to meet all of the requirements under the PID Act:

- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing
- the report has to be made to one or more of the following:
 - a position nominated in this policy – see section 9 (b), (c) & (d) below
 - the General Manager
 - one of the investigating authorities nominated in the PID Act – see section 10 below.

Reports by staff and councillors will not be considered to be public interest disclosures if they:

- mostly question the merits of government policy, including policies of the governing body of Council
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

6. How to make a report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The staff member should keep a copy of this record.

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

7. Can a report be anonymous?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.

8. Maintaining confidentiality

Council realises many staff will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing. We are committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However, there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under Council's Code of Conduct, as this may mean certain information will have to be tabled at a Council meeting.

If you report wrongdoing, you should only discuss your report with those dealing with it. This will include the disclosures coordinator and the General Manager. If you discuss your report more broadly, you may affect the outcome of any investigation.

Where your complaint is made under Council's Code of Conduct and relates to the General Manager or a Councillor, you may be required to discuss it with a conduct reviewer.

9. Who can receive a report within Campbelltown City Council?

You are encouraged to report general wrongdoing to your supervisor. However, the PID Act requires that – for a report to be a public interest disclosure – it must be made to a public official in accordance with Council's disclosure procedures.

Any supervisor who receives a report that they believe may be a public interest disclosure, must refer the staff member making the report to one of the positions listed below. If you are Council staff and your report involves a Councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Mayor.

The following positions are the only staff within Council who can receive a public interest disclosure.

a. General Manager

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified
- ensuring that there are systems in place to support and protect people who report wrongdoing
- dealing with disclosures made under the Council's Code of Conduct in accordance with the procedures
- referring actual or suspected corrupt conduct to ICAC.

b. Mayor

If you are making a report about the General Manager, you should make your report to the Mayor. They are responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified
- dealing with disclosures made under Council's Code of Conduct in accordance with procedures.

The Mayor must make sure there are systems in place in Council to support and protect staff who report wrongdoing. If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the ICAC.

c. Disclosures coordinator

The disclosures coordinator has a central role in dealing with reports made by staff and Councillors. They receive them, assess them, and refer them to the people within Council or contracted by the Council who can deal with them appropriately. Council's disclosure coordinator is:

- Director City Governance

d. Disclosures officers

Disclosures officers are responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy. Council's disclosure officers are:

- Executive Manager Corporate Services and Governance
- Manager Governance and Risk
- Internal Auditor.

10. Who can receive a report outside of Campbelltown City Council?

Staff and Councillors are encouraged to report wrongdoing within Council, but internal reporting is not your only option. If you follow the guidance below, you can make a public interest disclosure to:

- an investigating authority. If your report is about the General Manager and the Mayor, you may wish to consider making it to an investigating authority
- a Member of Parliament or a journalist, but only in limited circumstances outlined below.

a. Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff and Councillors can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to Council, these authorities are:

- the Independent Commission Against Corruption (ICAC) - for corrupt conduct
- the Ombudsman - for maladministration
- the Director General of the division of Local Government, Department of Premier and Cabinet - for disclosures about local government agencies
- the Information Commissioner - for disclosures about a government information contravention.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that it is very likely the investigating authority will discuss the case with Council. We will make every effort to assist and cooperate with them to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

b. Members of Parliament or journalists

To have the protections of the PID Act, a person reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager
- a person nominated in this policy
- an investigating authority in accordance with the PID Act.

Also, Council or the investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist, you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or Council's Code of Conduct by, for example, disclosing confidential information.

For more information about reporting wrongdoing to other bodies, contact the disclosures coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

11. Feedback to staff who report wrongdoing

The individual who reported wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening.

The PID Act requires that you are provided with an acknowledgement letter and a copy of this policy within 45 days after you have made your report. We will attempt to get this information to you within two working days from the date you make your report.

After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within Council to handle any concerns you may have
- information about external agencies and services you can access for support.

This information will be given to you within 10 working days from the date you make your report.

During any investigation, you will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

Behaviour of all people involved in the PID process needs to adhere to Council's Code of Conduct. A breach of the Code of Conduct could result in disciplinary action.

12. Protection against reprisals

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure.

Council will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

a. Responding to reprisals

Council will act to protect staff who report wrongdoing from reprisals. When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the disclosures coordinator or the General Manager immediately, or in the case of an allegation of reprisal by the General Manager, to the Mayor.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the disclosures coordinator or the General Manager.

If the disclosures coordinator becomes aware of reprisal action against a person who has made a disclosure, they will:

- ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal
- give the results of that investigation to the General Manager for a decision
- give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the General Manager
- if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure
- take appropriate disciplinary or criminal action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.

The General Manager may issue specific directions to help protect against reprisals, including:

- issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure
- relocating the member of staff who made the disclosure or the subject officer within the current workplace
- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified
- granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

In relation to staff who make reports, such directions will only be made if the member of staff agrees to it. The disclosures coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support, and it is not a punishment.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman or the ICAC, or the Chief Executive of the Division of Local Government - depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

b. Protection against legal action

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

13. Support for those reporting wrongdoing

Council will make sure that staff who have reported wrongdoing, regardless of whether they have made a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process such as stress management, counselling services, legal or career advice.

We also have staff that will provide support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal.

All supervisors must notify the disclosures coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

14. Sanctions for making false or misleading disclosures

It is important that all staff and Councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. It may also be a breach of Council's Code of Conduct and may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

15. Support for the subject of a report

Council is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- treated fairly and impartially
- told your rights and obligations under our policies and procedures
- kept informed during any investigation
- given the opportunity to respond to any allegation made against you
- told the result of any investigation.

16. More information

More information around public interest disclosures is available on our intranet. Staff and Councillors can also access advice and guidance from Council's disclosure coordinator, disclosure officers and the NSW Ombudsman's website at www.ombo.nsw.gov.au

17. Resources

The contact details for external investigating authorities that staff can make a public interest disclosure to or seek advice from are listed below.

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)
Phone: 02 8281 5999
Toll free: 1800 463 909
Tel. typewriter (TTY): 02 8281 5773
Facsimile: 02 9264 5364
Email: icac@icac.nsw.gov.au
Web: www.icac.nsw.gov.au
Address: Level 21, 133 Castlereagh Street, Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman
Phone: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Tel. typewriter (TTY): 02 9264 8050
Facsimile: 02 9283 2911
Email: nswombo@ombo.nsw.gov.au
Web: www.ombo.nsw.gov.au
Address: Level 24, 580 George Street, Sydney NSW 2000

For disclosures about serious and substantial waste:

Auditor-General of the NSW Audit Office
Phone: 02 9275 7100
Facsimile: 02 9275 7200
Email: mail@audit.nsw.gov.au
Web: www.audit.nsw.gov.au
Address: Level 15, 1 Margaret Street, Sydney NSW 2000

For disclosures about breaches of the GIPA Act:

Information Commissioner
Toll free: 1800 463 626
Facsimile: 02 8114 3756
Email: oinfo@oic.nsw.gov.au
Web: www.oic.nsw.gov.au
Address: Level 11, 1 Castlereagh Street, Sydney NSW 2000

For disclosures about local government agencies:

Office of Local Government in the Department of Premier and Cabinet
Phone: 02 4428 4100
Tel. typewriter (TTY): 02 4428 4209
Facsimile: 02 4428 4199
Email: dlq@dlq.nsw.gov.au
Web: www.dlg.nsw.gov.au
Address: 5 O'Keefe Avenue, Nowra, NSW 2541

Effectiveness of this policy

This policy will be reviewed by Council annually to ensure it meets the object of the legislation, and facilitates the making of disclosures under the Act.

END OF POLICY STATEMENT

8.8 Local Government NSW Annual Conference

Reporting Officer

Director City Governance
City Governance

Community Strategic Plan

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

Officer's Recommendation

1. That Council authorise the attendance, of interested Councillors and the General Manager to attend the 2017 Local Government NSW Conference.
2. That the registration fees and associated expenses be met in accordance with Council's Policy.
3. That a further report be provided to Council when further information regarding voting delegates has been released.

Purpose

To advise Councillors of the 2017 Local Government NSW Conference.

Report

The 2017 Local Government NSW Annual Conference will be held at Hyatt Regency, Sydney, from Monday 4 December to Wednesday 6 December 2017.

The conference is the annual policy making event for councils. Councils work together with Local Government NSW to promote Local Government and advocate on behalf of their communities for local democracy, informed decision making and good governance.

The conference is the pre-eminent event of the Local Government event calendar, where Councillors come together to share ideas and debate issues contained within the conference business paper.

Motions

Councils will be able to submit motions for consideration of the conference. Motions will be included in the business paper for the conference where they:

1. are consistent with the objects of the Association (see Rule 4 of the Association's rules)
2. relate to Local Government in NSW and/or across Australia

3. concern or are likely to concern Local Government as a sector
4. seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws)
6. are clearly worded and unambiguous in nature
7. do not express preference for one or several members over one or several other members.

Further, for a motion to be included in the business paper for the conference, Council should resolve to submit the motion for consideration by the conference.

Councillors proposing a motion for the conference should put the proposed motion to Council for its consideration by Notice of Motion. Motions should identify the proposed category, the heading, details of the issue and the motion or proposed solution. Staff will lodge motions supported by Council via the electronic LGNSW Conference Business Sessions Submission Form. Motions should be lodged prior to Monday 9 October 2017.

Councils should identify motions relating to the following overall categories:

1. Industrial Relations and Employment
2. Economic
3. Environmental
4. Governance/Civic Leadership
5. Social Policy.

Details of what functions or issues fall in each category are set out in the LGNSW Conference Business Submission Form (attachment 2).

Voting

This year the conference will involve two types of voting with the development of two rolls of voters, one for voting in the elections for Office Bearers and the Board, and a separate roll of voters for voting on motions.

Council will be required to nominate the voting delegates for voting on motions and, where applicable, the names of their voting delegates for voting in the elections for Office Bearers and the Board. LGNSW will notify members of the number of both types of voting delegates. A further report will be presented to Council when the voting delegate information is available.

It has been Council's practice to authorise the attendance at the conference of any Councillor interested in attending, but not nominated as a voting delegate.

Attachments

1. Copy of letter from Local Government NSW (contained within this report)
2. LGNSW Conference Business Submission form (contained within this report)



Our ref: R15/0015 Out-26247

2 June 2017

JUN06'17 07:42:29 RCVD

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

Dear Ms Deitz

SAVE THE DATE: Local Government NSW Annual Conference 2017

I write to formally invite you to this year's Local Government NSW Annual Conference which will be held from **Monday 4 December to Wednesday 6 December at the Hyatt Regency, Sydney**. Please note this date is later than usual to accommodate local government elections in September.

As you are aware, the Conference is the main policy making event for the local government sector where issues are debated and motions put forward for the consideration of delegates. As 2017 is a Board election year, voting for the new LGNSW President and Director positions will also take place at the Conference.

This letter contains important information to help you participate fully in this year's Conference.

Registration – to attend the Conference

All Conference attendees will be invited to register online from August on the LGNSW website. Members will be able to take advantage of special 'early bird' rates.

Note: Voting delegates must be registered to attend the Conference and also be registered as a voting delegate.

Registration – as a voting delegate

Separate from Conference registration, members must register the names of their delegates for voting on motions during formal business sessions and to vote for the Board.

Each member (as financial on 9 October 2017) is entitled to a certain number of voting delegates. The formula for calculating members' voter entitlement is prescribed at Rule 23 of the LGNSW Rules. Members will be notified about voting delegate entitlements, for voting on motions and voting for the Board, by Friday 13 October.

The deadline to provide LGNSW with the names of delegates to vote on motions and for the Board is Monday 13 November. Nominations of voting delegates received after the closing date can not be accepted. However a member may substitute the name(s) of its voting delegates, at any time, in line with Rule 34 of the LGNSW Rules.

LOCAL GOVERNMENT NSW
GPO BOX 7003 SYDNEY NSW 2001
LB, 28 MARGARET ST SYDNEY NSW 2000
T 02 9242 4000 F 02 9242 4111
LGNSW.ORG.AU LGNSW@LGNSW.ORG.AU
ABN 49 853 913 882

Please note the 2017 deadlines for voting on motions and voting for the LGNSW Board.

Deadline	Action
Monday 9 October	Deadline for payment of membership fees (required for your council to be entitled to vote for motions and the LGNSW Board)
Friday 13 October	Members notified of number of delegates that can vote: <ul style="list-style-type: none">• on motions• for the LGNSW Board
Tuesday 7 November	Deadline to nominate as a candidate for a position on the LGNSW Board (Note this date is currently subject to confirmation by the Australian Electoral Commission. LGNSW will advise if it changes.)
Monday 13 November	Deadline for members to provide names to LGNSW of delegates who will vote for: <ul style="list-style-type: none">• motions• the LGNSW Board

For further information about voting on motions and for the Board please contact Ms Debra Law, Divisional Coordinator – Member Services on 02 9242 4142 or Debra.Law@lgnsw.org.au.

Motions

All members can put forward motions to be considered at the Conference. Members will be invited to submit motions online from mid-year using the "LGNSW Conference Business Sessions Submission Form" on the LGNSW website.

The LGNSW Board is working to help ensure the motions debate centres on advancing the sector wide policy agenda in new ways. Proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions.

For further information on submitting motions please contact Ms Elizabeth Robertson, Policy Officer, on 02 9242 4028 or Elizabeth.Robertson@lgnsw.org.au.

Accommodation

December is a busy time in Sydney and LGNSW encourages delegates to book accommodation as early as possible to avoid disappointment.

For Conference delegates wishing to stay at the venue (Hyatt Regency) a reduced accommodation rate is available from Sunday 3 December until Thursday 7 December. For group bookings please contact Ashley Markovic, Group Reservations Coordinator, on 02 9290 4812 or Ashley.Markovic@hyatt.com.

A range of alternative hotels are within walking distance of the Conference venue. LGNSW has negotiated a 10% discount for members staying at all Accor Hotels in the immediate area. See the LGNSW Annual Conference webpage.

Outstanding Service Awards

The Outstanding Service Awards will be presented at the Gala Dinner during the Conference. For information about the Awards, including where to apply and eligibility, please check the LGNSW website.

Conference Gala Dinner

The dinner will be held on Wednesday 6 December and all those registered for the Conference may attend.

Further details

Further details about the Conference will be published on the LGNSW website as they become available, including about the Gala Dinner, President's Opening Reception, Conference business sessions, programs and 'early bird' pricing.

I trust the information above is of assistance. We will provide further reminders and updates closer to the Conference.

I very much look forward to seeing you at the Conference in December.

Yours sincerely

SIGNATURE HAS BEEN REMOVED

Cr Keith Rhoades AFSM
President

2017 LGNSW Conference Business Sessions

All member councils (including newly merged councils which are LGNSW members) are able to put forward motions to be considered at conference.

Before submitting motions, please read the important information below.

To assist in sorting motions for inclusion in the Business Paper, you will be asked to indicate a category for each motion. The five categories are:

1. Industrial relations and Employment
2. Economic
3. Social
4. Environmental
5. Governance/Civic Leadership (e.g. legislative and regulatory setting, elections, participation, reform)

Please submit motions online by **COB Monday 9 October 2017**. In line with the LGNSW rules, the latest date motions can be accepted for inclusion in the Conference Business Paper is 12 midnight on Monday 6 November.

Please note the Board will not include motions in the Business Paper which do not advance the local government policy agenda. Therefore a motion will not be included if it is operational, rather than strategic; not local government business; focused on a local issue only or if the motion is consistent with longstanding actions of LGNSW and the Local Government and Shire's Association.

For assistance completing this form please contact:

Emma Moxon on 02 9242 4062 or email emma.moxon@lgnsw.org.au

Checklist for submitting motions:

- Have you read all of the information on submitting motions on the LGNSW website?
- Does your motion(s) meet all 7 of the board-endorsed criteria?
- Is your motion clearly worded with a call to a specific body (eg Minister, LGNSW, State Government) and have a specific outcome it seeks to achieve?
- Have you considered into which of the five categories the motion(s) will fit?
- Do you have evidence of your council's formal support of motion(s)?

1 Contact information

2 Motions

Council *

Contact Person *

Contact Position *

Email *

Contact phone number *

9. QUESTIONS WITH NOTICE

Nil

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION

11.1 Cladding used in Medium-High Density Developments

Councillor Ben Moroney has given Notice in writing of their intention to move the following Motion at the next meeting of Council on 11 July 2017.

1. That Council extends its sincere sympathy to the victims of the Grenfell Tower fire in Kensington, UK.
 2. That Council notes the cladding which contributed to the terrible fire has been in use in Australian medium- and high-density developments.
 3. That a report be presented to Council detailing possible avenues for investigation into whether similar cladding has been used in recent developments in Campbelltown, and any potential action that can be taken to minimise risk.
-

11.2 PaTH Internship Program

Councillor Ben Moroney has given Notice in writing of their intention to move the following Motion at the next meeting of Council on 11 July 2017.

1. That Council confirms its commitment to facilitating quality, fulfilling employment for all residents of Campbelltown, including young people.
 2. That Council affirms that it will not register as a host for the Federal Government's PaTH internship program and will not make use of PaTH interns for its business.
-

11.3 Citizenship Ceremonies

Councillor Meg Oates has given Notice in writing of their intention to move the following Motion at the next meeting of Council on 11 July 2017.

That a report be presented on practical ways to include local Indigenous cultural perspectives into Council's Citizenship ceremonies.

12. URGENT GENERAL BUSINESS

13. PRESENTATIONS BY COUNCILLORS

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 Sub-Lease 12 Browne 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 Request for Extension of Sick Leave

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals (other than councillors).