

2019

ORDINARY BUSINESS PAPER

CAMPBELLTOWN CITY COUNCIL



9 July

COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BASIX	Building Sustainability Index Scheme
BCA	Building Code of Australia
BIC	Building Information Certificate
BPB	Buildings Professionals Board
CLEP 2002	Campbelltown Local Environmental Plan 2002
CLEP 2015	Campbelltown Local Environmental Plan 2015
CBD	Central Business District
CPTED	Crime Prevention Through Environmental Design
CSG	Coal Seam Gas
DA	Development Application
DCP	Development Control Plan
DDA	<i>Disability Discrimination Act 1992</i>
DPE	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
FFTF	Fit for the Future
FSR	Floor Space Ratio
GRCCC	Georges River Combined Councils Committee
GSC	Greater Sydney Commission
HIS	Heritage Impact Statement
IDO	Interim Development Order
IPR	Integrated Planning and Reporting
KPoM	Koala Plan of Management
LEC	Land and Environment Court
LEC Act	<i>Land and Environment Court Act 1979</i>
LEP	Local Environmental Plan
LGA	Local Government Area
LG Act	<i>Local Government Act 1993</i>
LPP	Local Planning Panel
LTFP	Long Term Financial Plan
NGAA	National Growth Areas Alliance
NOPO	Notice of Proposed Order
NSWH	NSW Housing
OEH	Office of Environment and Heritage
OLG	Office of Local Government, Department of Premier and Cabinet
OSD	On-Site Detention
OWMS	Onsite Wastewater Management System
PCA	Principal Certifying Authority
PoM	Plan of Management
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
PMF	Probable Maximum Flood
PN	Penalty Notice
PP	Planning Proposal
PPR	Planning Proposal Request
REF	Review of Environmental Factors
REP	Regional Environment Plan
RFS	NSW Rural Fire Service
RL	Reduced Levels
RMS	Roads and Maritime Services
SANSW	Subsidence Advisory NSW
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
SSD	State Significant Development
STP	Sewerage Treatment Plant
SWCPP	Sydney Western City Planning Panel (District Planning Panel)
TCP	Traffic Control Plan
TMP	Traffic Management Plan
TNSW	Transport for NSW
VMP	Vegetation Management Plan
VPA	Voluntary Planning Agreement
PLANNING CERTIFICATE	– A Certificate setting out the Planning Rules that apply to a property (formerly Section 149 Certificate)
SECTION 603 CERTIFICATE	- Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	- Certificate from Sydney Water regarding Subdivision



02 July 2019

You are hereby notified that the next Ordinary Council Meeting will be held at the Civic Centre, Campbelltown on Tuesday 9 July 2019 at 6.30pm.

Lindy Deitz
General Manager

Agenda Summary

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1. ACKNOWLEDGEMENT OF LAND

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

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

2. APOLOGIES

Nil at time of print.

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held 11 June 2019

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held 11 June 2019, 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 11 June 2019 are presented to Council for confirmation.

Attachments

1. Minutes of the Ordinary Meeting of Council held 11 June 2019 (contained within this report)

CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Ordinary Council Meeting held at 6.30pm on Tuesday, 11 June 2019.

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Minutes of the Ordinary Meeting of the Campbelltown City Council held on 11 June 2019

Present

The Mayor, Councillor G Brticevic
 Councillor M Chivers
 Councillor M Chowdhury
 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 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 Thompson:

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

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

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

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held 14 May 2019

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

That the Minutes of the Ordinary Council Meeting held 14 May 2019, copies of which have been circulated to each Councillor, be taken as read and confirmed.

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

4. DECLARATIONS OF INTEREST

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

Pecuniary Interests

Nil

Non Pecuniary – Significant Interests

Councillor Greiss – Item 8.5 – Planning Proposal – 71 St Andrews Road, Varroville.
Councillor Greiss advised he is a member of the Sydney Western City Planning Panel and that he will leave the chamber.

Councillor Lound – Item 8.5 – Planning Proposal – 71 St Andrews Road, Varroville.
Councillor Lound advised he is a member of the Sydney Western City Planning Panel and that he will leave the chamber.

Councillor Oates – Item 8.5 – Planning Proposal – 71 St Andrews Road, Varroville.
Councillor Greiss advised she is an alternate member of the Sydney Western City Planning Panel and that she will leave the chamber.

Councillor Greiss – Item 8.10 – Planning Proposal 22 - 32 Queen St Campbelltown.
Councillor Greiss advised he is a member of the Sydney Western City Planning Panel and that he will leave the chamber.

Councillor Lound – Item 8.10 – Planning Proposal 22 - 32 Queen St Campbelltown.
Councillor Lound advised he is a member of the Sydney Western City Planning Panel and that he will leave the chamber.

Councillor Oates – Item 8.10 – Planning Proposal 22 - 32 Queen St Campbelltown.
Councillor Oates advised she is an alternate member of the Sydney Western City Planning Panel and that she will leave the chamber.

Non Pecuniary – Less than Significant Interests

Nil

Other Disclosures

Nil

5. MAYORAL MINUTE

5.1 Emergency Services Levy Increase

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

1. That Council notes:
 - a. That last December, the NSW Government enacted laws to provide better workers compensation coverage for firefighters who are diagnosed with one of twelve specific work-related cancers
 - b. That in many areas of NSW, fire services are made up of elected and staff members of local government, and that local governments strongly support this expanded workers compensation scheme
 - c. That as a result of these changes, the State Government has decided to implement the new scheme by charging local governments an increased Emergency Services Levy, without consultation
 - d. That the expected increase in costs to local governments will be \$19m in the first year alone, and that there is little or no time to enshrine this charge in Council's 2019-2020 budgets
 - e. That Local Government NSW has long advocated for the Emergency Services Levy to be significantly modified to ensure it is transparent, equitable and accountable.
 2. That Council supports Local Government NSW's calls for:
 - a. the NSW Government to cover the initial additional \$19m increase to local governments for the first year and
 - b. the NSW Government to work with NSW local governments to redesign the funding mechanism for the scheme to ensure fairness into the future.
 3. That Council requests that the General Manager liaise with Local Government NSW to provide information on:
 - a. The impact on council budgets and
 - b. Council advocacy actions undertaken.
 4. That Council requests that the Mayor:
 - a. write to the NSW Premier and NSW Interim Opposition Leader, NSW Minister for Customer Services, NSW Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and local state member/s to:
 - i. call upon the NSW Government to fund the 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated
 - ii. explain how this sudden increase will impact council services / the local community.
 - iii. highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018
 - iv. explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector
 - v. ask the Government to work with local governments to redesign the implementation of the scheme to ensure it is fairer for councils and communities into the future.
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5. That Council copy the above letter to Local Government NSW.

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

6. PETITIONS

7. CORRESPONDENCE

Nil

8. REPORTS FROM OFFICERS

8.1 Koshigaya Sister City Relationship 35 year Anniversary

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

1. The Council accepts the invitation for the Mayor and General Manager to visit Koshigaya in August to mark the 35th anniversary of the sister city relationship.
2. The Council covers the cost of airfares and accommodation of the Mayor, General Manager and Executive Officer associated with this visit.

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

8.2 Development Application Status

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

That the information be noted.

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

8.3 Review of the Access to the NSW Roads and Maritime Service's Driver and Vehicle Information System (DRIVES) Policy

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

1. That the revised Access to the NSW Roads and Maritime Service's Driver and Vehicle Information System (DRIVES) Policy as attached to this report be adopted.
2. That the Access to the NSW Roads and Maritime Service's Driver and Vehicle Information System (DRIVES) Policy review date be set at 30 June 2021.

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

8.4 Draft Voluntary Planning Agreement - Claymore Renewal Project

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

1. That Council authorise the General Manager to execute the draft Voluntary Planning Agreement with NSW Land and Housing Corporation on behalf of Council.
2. That Council authorise the General Manager to execute a Deed of Compensation and Acquisition generally in accordance with the draft Section 30 Agreement attached to this report.

A Division was recorded in regard to the Resolution for Item 8.4 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, B Gilholme, M Chivers, W Morrison, B Thompson and G Greiss.

Voting against the Resolution were Councillor B Moroney.

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

Meeting note: Having declared an interest in Item 8.5 Councillor Greiss, Councillor Lound and Councillor Oates left the Chamber at 6:44pm and did not take part in the discussion or vote on the matter.

8.5 Planning Proposal - 71 St Andrews Road, Varroville

Meeting note: Mr Gerard Turrisi addressed the meeting.

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

1. That Council forward the Planning Proposal for property No. 71 St Andrews Road,
-

Varroville as attached to this report (attachment 1) to the Department of Planning and Environment seeking endorsement for Gateway Determination, noting the following changes from the proponent's request:

- a) The proposed minimum lot size be increased from 300sqm to 420sqm.
 - b) The proposed area of retained land zoned E3 Environmental Management be zoned Part E2 Environmental Protection and part R2 Low Density Residential.
2. That should the Minister determine under Section 3.3.4 (2) of the *Environmental Planning and Assessment Act 1979* that the matter may proceed without significant amendment to the Proposal, Council publicly exhibit the Planning Proposal in accordance with the Gateway Determination.

That Council not exercise, via the General Manager the functions of the Minister for Planning under section 3.31(3)(b) of the *Environmental Planning and Assessment Act 1979*, pursuant to the instrument of delegation dated 20 November 2012, due to the proposals inconsistency with the objectives of the Metropolitan Rural Area as contained in the Greater Sydney Region Plan 2018.

3. That following the exhibition, a report on submissions be presented to Council.

A Division was recorded in regard to the Resolution for Item 8.5 with those voting for the Motion being Councillors K Hunt and W Morrison.

Voting against the Resolution were Councillors G Brticevic, M Chowdhury, R Manoto, B Gilholme, M Chivers, B Moroney and B Thompson.

The motion on being Put was **LOST**.

Meeting note: At the conclusion of the discussion regarding Item 8.5 Councillor Greiss, Councillor Lound and Councillor Oates returned to the Chamber at 6:52pm.

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

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

1. That the revised Management of Feral and Infant Companion Animal Policy as attached to this report be adopted.
2. That the Management of Feral and Infant Companion Animal Policy review date be set at 30 June 2021.

Councillor Moroney noted his vote against Item 8.6.

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

8.7 Review of Second Hand Clothing Bins Policy

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

1. That the revised Second Hand Clothing Bins Policy as attached to this report be adopted.
2. That the Second Hand Clothing Bins Policy review date be set at 30 June 2021.

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

8.8 Greater Macarthur Koala Partnership Forum

Meeting note: Mr Barry Durman addressed the meeting.

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

1. That Council note the identification of priority issues contained within the consultants Outcomes report.
2. That all attendees of the Koala Partnership Forum be acknowledged via the issuing of a thankyou letter.
3. That the Outcomes report be posted on Council's website and circulated to all Forum attendees, relevant agencies and institutions.
4. That representations be made to the relevant Federal, State and Local members of parliament in support of the priority issues identified.

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

8.9 Planning Proposal 556/2019E-PP - Prohibition of Multi Dwelling Housing in the R2 Low Density Residential Zone

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

1. That Council forward draft Planning Proposal 556/2019/E-PP to the Minister for Planning for finalisation pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979*.
 2. That all those who provided a submission to Council in response to the public exhibition of the draft Planning Proposal be advised of Council's decision.
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A Division was recorded in regard to the Resolution for Item 8.9 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 and G Greiss.

Voting against the Resolution were Nil.

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

Meeting note: Having declared an interest in Item 8.10 Councillor Greiss, Councillor Lound and Councillor Oates left the Chamber at 7:06pm and did not take part in the discussion or vote on the matter.

8.10 Planning Proposal 22 - 32 Queen St Campbelltown

Meeting note: Mr Matthew Daniel addressed the meeting.

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

1. That Council endorse option two within the report and the draft planning proposal at attachment 3 to increase the height limit at 22 - 32 Queen St, Campbelltown and introduce other planning controls as detailed in this report and submit it to the Department of Planning and Environment seeking a Gateway Determination.
2. That subject to the Gateway Determination and prior to public exhibition, a further report be presented to Council with a draft development control plan for the site.

A Division was recorded in regard to the Resolution for Item 8.10 with those voting for the Motion being Councillors G Brticevic, M Chowdhury, K Hunt, R Manoto, B Gilholme, M Chivers, W Morrison and B Thompson.

Voting against the Resolution were Councillor B Moroney.

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

Meeting note: At the conclusion of Item 8.10 Councillor Greiss, Councillor Lound and Councillor Oates returned to the Chamber at 7:26pm.

8.11 Proposed Biodiversity Certification Process Mount Gilead Stage 2

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

1. That Council support the making of an application for Biodiversity certification for Mount Gilead Stage 2 under the provisions of the repealed *Threatened Species Conservation Act 1995* (as saved by the Minister for the Environment's order under clause 37(2) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017).
2. Prior to making a formal application, a further report be presented to Council which is to include a draft Biodiversity Certification Assessment Report and the Bio-Certification Strategy for the Council's evaluation.
3. That a letter be sent to the Department of Planning and Infrastructure noting our previous stated objections to the state Governments treatment of Beulah and Noorumba reserves and seek commitment that future bio banking sites will remain accessible to local wildlife populations.

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

8.12 Request for Exclusive Use of Leisure Centres

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

1. That Council approve exclusive use of Gordon Fetterplace Aquatic Centre and Macquarie Fields Leisure Centre for swimming carnivals including:
 - i) Club carnival as requested by Campbelltown Amateur Swimming Club on 11 August 2019.
 - ii) Regional carnival for primary and high schools as requested by Sydney South West School Sport Association on 9 and 10 March 2020.
 - iii) Up to 10 Primary and high school swimming carnivals as requested between October 2019 and March 2020.
 2. That Council notify impacted swim school program customers upon enrolment.
 3. That the swimming carnival dates be advertised by way of:
 - i) A large notice displayed in a prominent position at the entrance of each Council Leisure Centre.
 - ii) Provision of information leaflets at each Leisure Centre.
 - iii) Notification on Council's website and social media pages.
-

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

8.13 Investments and Revenue Report - April 2019

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

That the information be noted.

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

8.14 Sundry Debtor Write-offs June 2019

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

That the sundry debtors as listed in the attachment totalling \$14,307.56 be written off as uneconomical to recover.

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

8.15 Code of Meeting Practice - Post Exhibition Report

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

1. That the Code of Meeting Practice shown as an attachment to this report be adopted.
2. That the review date for the Code of Meeting Practice be set at 30 September 2021.

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

8.16 Councillors Access to Information and Interaction with Staff Policy

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

1. That the Policy for Councillor Access to Information and Interaction with Staff be
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adopted.

2. That the review date for the Councillors Access to Information and Interaction with Staff policy be set at 30 June 2021.

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

8.17 Reports and Letters Requested

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

That the information be noted.

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

8.18 Minutes of the Audit Risk and Improvement Committee Report

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

That the minutes of the Audit Risk and Improvement Committee held 21 May 2019 be noted.

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

8.19 Minutes of the Campbelltown Arts Centre Strategic Committee Report

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

1. That the minutes of the Campbelltown Arts Centre Strategic Committee held 3 April 2019 be noted.
 2. That Council work with the Friends of Campbelltown Arts Centre Inc. and local artists to promote practices through various digital platforms.
 3. That Council refer to the 2020 Bicentennial Committee for investigation as a potential project, the creation of a monument/sculpture representing Fisher's Ghost.
 4. That Council refer to the 2020 Bicentennial Committee for investigation as a potential project to assist in the production of Yvonne Line's quilt.
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5. That Council creates an online payment process for membership registration, renewal and payment to the Friends of Campbelltown Arts Centre Inc.

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

9. QUESTIONS WITH NOTICE

Nil

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION

11.1 Legal Advice - Standard Contracts

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

1. That legal advice be sought on making amendments, if necessary, to Council's existing standard contract clauses to ensure they are providing the best value and flexibility for rate payers of Campbelltown.
 2. That a report be presented on the findings and any recommended changes.
-

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

That we invite a legal expert in contract law to provide a briefing to Council in relation to tenders and contract law and Council's rights and responsibilities under the appropriate legislation.

The Amendment on being Put was **LOST**.

A Division was recorded in regard to the Resolution for Item 11.1 with those voting for the Motion being Councillors M Oates, M Chowdhury, K Hunt, W Morrison, B Thompson and G Greiss.

Voting against the Resolution were Councillors G Brticevic, D Lound, R Manoto, B Gilholme, M Chivers and B Moroney.

Note: the Mayor used his casting vote.

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

11.2 Local Youth Art Showcase

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

1. That Council investigate the feasibility of partnering with schools to showcase the art of local young people at locations across the LGA, such as Council libraries, or any other participating facilities.
2. That the outcome of the feasibility investigation be reported back to Council.

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

11.3 Pop Culture Convention Event

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

1. That Council investigate the feasibility of a Pop Culture Convention event to be held in Campbelltown LGA.
2. That the outcome of the feasibility investigation be reported back to Council.

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

11.4 Women's Domestic Violence Service

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

1. That Council investigate the opportunity of facilitating the establishment of a women's domestic violence service, including the region's growing multicultural community, in partnership with interested corporate partners and relevant service providers.
 2. That a report be provided detailing the outcomes of the investigations including
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potential corporate and service provision partners, advise relevant Government bodies, project feasibility, location options, service delivery models and funding implications and strategies.

3. That consideration be given to holding a domestic violence forum.

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

11.5 Global Climate Change

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

That a report and briefing be provided to Council detailing the IPCC and IPBES reports and what actions other Councils have taken in regards to declarations of climate emergency.

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

12. URGENT GENERAL BUSINESS

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

That the following item of Urgent General Business be accepted.

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

12.1 Draft Local Strategic Planning Statement

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

1. That the draft Local Strategic Planning Statement be endorsed for exhibition for a period not less than 28 days.
 2. That a copy of the draft Local Strategic Planning Statement be sent to the Greater Sydney Commission as a part of the assurance process initiated by the Greater Sydney Commission.
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3. That a further report be presented to Council at the completion of the public exhibition period detailing outcomes of exhibition.

A Division was recorded in regard to the Resolution for Item 12.1 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, B Gilholme, M Chivers, B Moroney, W Morrison, B Thompson and G Greiss.

Voting against the Resolution were Nil.

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

13. PRESENTATIONS BY COUNCILLORS

1. Councillor Ben Moroney on 28 April attended the University of NSW Jewish Board of Deputies memorial service for the Holocaust Martyrs' and Heroes' Remembrance Day. The service was a day of remembrance with the message taken away being never again. Councillor Moroney shared a prayer in honour of the martyred dead with Council in Hebrew.
2. Councillor George Greiss on 17 May attended the Macarthur Young Champions Award. Councillor Greiss was honoured to present the Leadership Award and passed on his congratulations to all.
3. Councillor Bob Thompson passed on his thanks to all Council staff for their work in producing all the reports for the June Council meeting. Councillor Thompson thanked the staff for all the assistance they provide to him and the community.
4. Councillor Warren Morrison on 15 May attended the HJ Daley Library for the opening of refurbished entrance. Councillor Chivers opened the event and Councillor Morrison thanked the library staff for their efforts.
5. Councillor Warren Morrison on 24 May attended National Sorry Day at The Australian Botanical Garden, Mount Annan. Councillor Gilholme gave a moving speech. After the ceremony, the attendees walked through the Stolen Generations Gardens where Uncle Darryl shared stories of the stolen generation.
6. Councillor Warren Morrison on 31 May attended the Reconciliation Action Plan launch. Councillor Morrison passed on his congratulations to Council staff for a wonderful event. Councillor Morrison gave a special mention to Hamani Tanginoa who shared his singing talents with the attendees. Hamani is a great example of the wonderful talent we have in the local area.
7. Councillor Warren Morrison with Councillor Gilholme on 5 June attended Ingleburn Public School for the Parent-Child Interaction Therapy. The program is a skills based clinic, that has been organised in partnership with University of NSW. Councillor Morrison passed on his thanks to the principal, Graeme Green and Katerina Dolezalova who coordinated the day.

8. Councillor Warren Morrison attended the Macarthur Multicultural Children's Festival at Koshigaya Park. The festival included rides, games and had Children's' awards that came from nominations from the parents.
9. Councillor Darcy Lound on 1 June attended the Kids of Macarthur Health Foundation Annual Ball. The Ball was a successful event, with over \$100,000 being raised for paediatric health care at Campbelltown Hospital.
10. Councillor Darcy Lound on 8 June attended the opening of the U15, U17s and Senior Women's 2019 State Netball Titles at Coronation Park, Minto. Councillor Lound congratulated Campbelltown District Netball Association for a wonderful event that included a march past, injecting lots of colour and atmosphere.
11. Councillor Margaret Chivers on 17 May attended Campbelltown Art Centre for the opening night of the exhibition 'Okay Democracy, We Need to Talk'. Councillor Chivers encouraged everyone to attend as it is a fantastic exhibition. Councillor Chivers passed on her thanks to Adam Porter, the curator, who guided her through the exhibition and spoke about each piece sharing his knowledge.
12. Councillor Ben Gilholme on 24 May attended Sorry Day at The Australian Botanic Garden. Uncle Darryl, Uncle Ivan and Auntie Glenda were present. The day remembered saddening and rewarding events that Aboriginals have had to go through. Councillor Gilholme passed on his thanks to City Lifestyles and Deb McCall.
13. Councillor Ben Gilholme on 29 May attended Making the Connection - a Campbelltown STEAM (Science Technology Engineering Arts Mathematics) event at the Ingham Institute. The event was a collaboration between Council, South West Sydney Local Health District and the Ingham Institute. The event was an opportunity for students from local high schools to learn about the wide variety of careers available in the health industry.
14. Councillor Ben Gilholme on 2 June attended the Hume Region Scouts AGM. Councillor Gilholme was a former Cub and was honoured to be asked by the Regional Commissioner to step in as the Regional President for the area. Councillor Gilholme is excited to watch the numbers of children in the area involved in Scouts grow.
15. Councillor Ben Gilholme on 5 June attended the Ingleburn Public School for the launch of the Parent-Child Interaction Therapy. The program is one of the most effective programs for managing emotional and behavioural problems in children. Ingleburn Public School hosted the world's first school-based clinic. Councillor Gilholme thanked the staff for their hard work behind the scenes to help.
16. Councillor Ben Gilholme on 7 June attended Speaking 4 the Planet at Mount Annan Botanic Gardens. Students shared their solutions to improve our environment with solutions on how to address air quality as South-West Sydney has the highest rate of asthma.
17. Councillor Masood Chowdhury shared that Ramadan finished on 4 June with the celebration of Eid Mubarak. To celebrate the end of Ramadan, those of the Muslim faith shared food and visited family.

18. The Mayor, Councillor Brticevic attended with Councillor Chowdhury the Australian Muslim Welfare Centre at El Fasial College to celebrate Eid and the end of Ramadan. The event was well attended and marked an important event in the Muslim calendar.
19. The Mayor, Councillor Brticevic attended the Reconciliation Action Plan launch on 31 May at Campbelltown Arts Centre. Councillor Brticevic thanked Deb McCall for her assistance.
20. The Mayor, Councillor Brticevic with Councillor Chivers on 3 June attended the Rotary Youth Excellence Awards. Councillor Brticevic passed on his congratulation to all recipients.
21. The Mayor, Councillor Brticevic with Councillor Lound on 8 June attended the Macarthur Football Association, City vs Country women's and men's games. Councillor Brticevic commented on the great crowd and atmosphere at both games and the great interactions he had with the crowd. Councillor Brticevic passed on his thanks to the Board and General Manager who worked really hard to create such a successful event.

14. CONFIDENTIAL REPORTS FROM OFFICERS

Confidentiality Recommendation

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

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

Item 14.1 Appointment of Native Title Manager

Item 14.1 is confidential in accordance with Section 10A(2)(a) of the *Local Government Act 1993* as the report refers to personnel matters concerning particular individuals (other than Councillors).

Item 14.2 Willowdale Precinct 15 Park Grant of Easement

Item 14.2 is confidential in accordance with Section 10A(2)(c) of the *Local Government Act 1993* as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Item 14.3 Sale of Surplus Land

Item 14.3 is confidential in accordance with Section 10A(2)(c) of the *Local Government Act 1993* as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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

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

The Ordinary Meeting of Council was adjourned at 9.42pm and reconvened as a meeting of the Confidential Committee at 9.43pm.

Recommendations of the Confidential Committee

14.1 Appointment of Native Title Manager

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

That Council endorses the appointment of the individual named in the Conclusion section of this report as Council's Native Title Manager.

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

14.2 Willowdale Precinct 15 Park Grant of Easement

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

1. That Council approve the granting of an easement to Sydney Water Corporation situated at Lot 1501 DP 1218623 forming part of the Leppington East Precinct within the Campbelltown Local Government Area.
2. That once resolution is granted the easement on title is lodged for registration at NSW Land Registry Service.

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

14.3 Sale of Surplus Land

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

That Council approve the creation of an easement for access over the property described below, on the terms and conditions outlined in this report.

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

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

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

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

At the conclusion of the meeting of the Confidential Committee the Open Council Meeting was reconvened at 9.44pm

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

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

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

There being no further business the meeting closed at 9.45pm.

Confirmed by Council on

..... General Manager Chairperson

3.2 Minutes of the Extraordinary Meeting of Council held 25 June 2019

Officer's Recommendation

That the Minutes of the Extraordinary Meeting of Council held 25 June 2019, copies of which have been circulated to each Councillor, be taken as read and confirmed.

Report

That the Minutes of the Extraordinary Meeting of Council held 25 June 2019 are presented to Council for confirmation.

Attachments

1. Minutes of the Extraordinary Meeting of Council held 25 June 2019 (contained within this report)

CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Extraordinary Council Meeting held at 6.30pm on Tuesday, 25 June 2019.

ITEM	TITLE	PAGE
1.	ACKNOWLEDGEMENT OF LAND	2
2.	APOLOGIES	2
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	Non Pecuniary – Significant Interests	
	Non Pecuniary – Less than Significant Interests	
	Other Disclosures	
4.	REPORTS FROM OFFICERS	3
4.1	Delivery Program 2017-2021 and Operational Plan 2019-2020 (including the Budget, Fees and Charges) and Corporate Planning Documents	3
5.	URGENT GENERAL BUSINESS	5

Minutes of the Extraordinary Meeting of the Campbelltown City Council held on 25 June 2019

Present The Mayor, Councillor G Brticevic
 Councillor M Chivers
 Councillor M Chowdhury
 Councillor B Gilholme
 Councillor G Greiss
 Councillor K Hunt
 Councillor R Manoto
 Councillor B Moroney
 Councillor W Morrison
 Councillor M Oates
 Councillor B Thompson

1. ACKNOWLEDGEMENT OF LAND

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

Council Prayer

The Council Prayer was presented by the General Manager.

2. APOLOGIES

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

That the apologies from Councillor P Lake and Councillor D Lound be received and accepted.

Note: Councillor R George and Councillor T Rowell have both been granted a leave of absence from Council incorporating all meetings until future notice.

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

3. DECLARATIONS OF INTEREST

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

Pecuniary Interests

Nil

Non Pecuniary – Significant Interests

Nil

Non Pecuniary – Less than Significant Interests

Nil

Other Disclosures

Nil

4. REPORTS FROM OFFICERS

4.1 Delivery Program 2017-2021 and Operational Plan 2019-2020 (including the Budget, Fees and Charges) and Corporate Planning Documents

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

That Council adopt the following corporate documents and make the 2019-2020 rates and charges contained herein:

1. The Delivery Program 2017-2021 and Operational Plan 2019-2020 incorporating the Budget and Revenue Pricing Policy reflecting the rating structure outlined below:

a. Ordinary Rate

- i. That the Ordinary Rate of 0.3474 cents in the dollar with a minimum of \$723.99 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 2019-2020.

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

- ii. That the Ordinary Rate of 0.2801 cents in the dollar with a minimum of \$723.99 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 2019-2020.

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

- iii. That the Ordinary Rate of 0.873 cents in the dollar with a minimum of \$723.99 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 2019-2020.

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

- iv. That the Ordinary Rate of 1.0569 cents in the dollar with a minimum of \$723.99 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 2019-2020.

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

b. Special Rate

That the Special Rate of 0.0315 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 2019-2020.

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

c. Domestic Waste Management Service

- i. That a Domestic Waste Management Charge be made for the provision of domestic waste, recycling and organic waste removal services for each parcel of occupied land for which the service is available in the amount of \$353.03 per annum representing a weekly amount of \$6.79 in accordance with Section 496 of the *Local Government Act 1993* for the year 2019-2020.

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

- ii. That a Domestic Waste Management Charge be made for the provision of domestic waste and recycling waste removal services for which the service is available in the amount of \$293.52 per annum representing a weekly amount of \$5.64 in accordance with Section 496 of the *Local Government Act 1993* for the year 2019-2020.

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

- iii. That the Domestic Waste Management Availability Charge be made for the availability of the service to vacant land in the amount of \$58.02 per annum representing a weekly amount of \$1.12 in accordance with Section 496 of the *Local Government Act 1993* for the year 2019-2020.

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

- iv. That all other Domestic and Commercial Waste Management Charges be made and adopted in accordance with the 2019-2020 Fees and Charges.

d. 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 2019-2020 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**.

2. The 2019-2020 Fees and Charges.
3. The Community Strategic Plan – Campbelltown 2027.
4. The 2019-2029 Long-Term Financial Plan.
5. The 2019-2023 Workforce Management Plan.
6. The 2019-2029 Asset Management Strategy.
7. The 2019-2029 Asset Management Plans.

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

5. URGENT GENERAL BUSINESS

There being no further business the meeting closed at 6.40pm.

Confirmed by Council on

..... General Manager Chairperson

4. DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

Other Disclosures

5. MAYORAL MINUTE

6. PETITIONS

7. CORRESPONDENCE

Nil

8. REPORTS FROM OFFICERS

8.1 Development Application Status

Reporting Officer

Director City Development
City Development

Community Strategic Plan

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

Officer's Recommendation

That the information be noted.

Purpose

To advise Council of the status of development applications within the City Development Division.

Report

In accordance with the resolution of the Council meeting held 13 March 2018, that:

Councillors be provided with monthly information detailing the status of each report considered by the (IHAP), now known as the Local Planning Panel (LPP), South Western City Planning Panel and approved by the General Manager under delegation of a value of more than \$1m, the attachment to this report provides this information as requested.

Attachments

1. List showing status of Development Applications (contained within this report)

Development Application Register

DAs to be considered by the Regional Panel

DA No.	Address	Description	Value	Authority Criteria	Status	Determination
389/2017/DA-RA	'Raith' 74 Fern Avenue, Campbelltown	Construction of a residential development containing 134 residences and alterations to and use of the existing heritage building.	\$26,000,000	>20million (registered prior to \$30mil threshold)	Assessing	
497/2017/DA-SW	Riverside Drive, Cheviot Place, Ryeland Place, Southdown Place and Deans Road, Airds	Airds Bradbury Stage 4 subdivision to create 180 residential lots and associated civil works	\$11,200,000	>\$5million Crown	Draft conditions of approval provided to applicant. Electronic determination to be undertaken.	
3293/2017/DA-C	166 - 176 St Andrews Road Varroville	Construction and use of a new cemetery and parklands	\$38,077,510	>\$5million Crown	Referred by Planning Minister to Independent Planning Commission (IPC) for assessment	Public meeting held on 25 th March 2019 – waiting on IPC recommendation
4435/2018/DA-SL	Lot 1 Pembroke Road, Minto	Construction of a seniors living development comprising 315 independent living units, 100 bed residential aged care facility and 32 villas, associated car parking, site works and landscaping in stages	\$157,872,000	>\$30 million capital investment value	Land and Environment Court appeal received – Panel briefed on 18 June 2019	
130/2019/DA-SL	247 Jamboree Avenue, Denham Court	Construction of a 144 bed residential aged care facility with onsite parking for 48 cars, loading facility and associated site and landscaping works	\$39,051,242	>\$30 million capital investment value	Under assessment	
308/2019/DA-C	22-32 Queen Street, Campbelltown	Concept plan for a proposed multi-storey mixed use residential and commercial development	\$132,572,272	>\$30 million capital investment value	Under assessment – Panel briefed on 18 June 2019	

Development Application Register

DAs to be considered by the Regional Panel						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
1227/2019/DA-M	12-16 Francis Street and 121 Minto Road, Minto	Demolition of four existing dwellings and construction of 23 'affordable rental housing' townhouses and basement car parking	\$7,995,408	>\$5 million capital investment value for affordable rental housing	On public exhibition	

DAs to be considered by the Department of Planning						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
SSD 17_8593	16 Kerr Road, Ingleburn	Expansion of existing waste recovery and reuse facility, extension of operating hours to 24 hours per day	\$1,813,000	State Significant Development	On public exhibition	

DAs to be considered by the Local Planning Panel						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
2238/2017/DA-RA	37 Cumberland Road, Ingleburn	Demolition of an existing dwelling and construction of a five storey residential apartment building containing 30 units, basement car parking	\$8,712,418	Residential Flat Building - more than 3 storeys	Assessing	
3598/2017/DA-SL	1 Reddall Street, Campbelltown	Demolition of existing dwelling and construction of a three storey senior living building consisting of 14 independent living units	\$2,400,000	Residential Flat Building – more than 3 storeys	Awaiting further information from applicant	

Development Application Register

DAs to be considered by the Local Planning Panel

DA No.	Address	Description	Value	Authority Criteria	Status	Determination
3885/2017/DA-SW	Lot 3 Menangle Rd, Menangle Park	Stage 1 – Menangle Park Urban Release Area – civil works and subdivision of land to create 255 residential lots and seven superlots	\$19,330,000	VPA	Assessing	
368/2016/DA-U	150 Georges River Road, Kentlyn	Extension of existing poultry sheds	\$10,000	Number of objections	Awaiting further information from applicant	
559/2018/DA-RS	10 Wickfield Circuit, Ambarvale	Construction of a mixed use development consisting of 27 residential units, 9 retail premises with basement car parking and strata s'division	\$8,026,960	Residential Flat Building – more than 3 storeys	Awaiting further information from applicant	
736/2017/DA-S	2 & 5 Culverston Street, Minto	Subdivision of Culverston Road and the construction of a cul-de-sac head	\$414,639	Council land	Assessing	
743/2018/DA-SW	901 & 913 Appin Road, Campbelltown	Subdivision into 333 residential allotments, 5 residue allotments with associated civil works including road construction, stormwater management facilities and tree removal Stage 1	\$19,072,587	VPA	Assessing	
1361/2016/DA-C	7/4 Grange Road, Leumeah	Fit out and use of premises as a brothel – 7/4 Grange Road, Leumeah	\$80,000	Number of objections	Awaiting further information from applicant	
3493/2017/DA-RS	Lot 1 Linum and Lot 143 Lantana Streets, Macquarie Fields	Construction of 12 two storey dwellings and subdivision into 12 Torrens title allotments	\$3,200,000	Council land	Awaiting further information from applicant	
975/2019/DA-S	10 Dowie Drive, Claymore	Subdivision and change of use of a residential building	No cost	Council staff	Awaiting further information	

Development Application Register

DAs to be considered by the Local Planning Panel						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
1698/2017/DA-M	2 Albert Street, Ingleburn	Demolition of existing dwelling and construction of two x two storey semi attached dwelling	\$400,000	Variation of development standard by more than 10%	Awaiting further information from applicant	
774/2018/DA-C	111 Oxford Road, Ingleburn	Partial demolition of existing heritage-listed dwelling and alterations to the existing dwelling for use as a childcare centre for 150 children and associated car parking	\$1,250,000	Heritage	Assessing	
48/2019/DA-I	1 Magnum Place, Minto	Construction of 5 flour silos and other minor additions used in association with an existing bakery	\$366,000	Variation of development standard by more than 10%	Assessing	

DAs with a stated value of \$1 million or more approved under Delegated Authority by the General Manager since last Council meeting						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
1461/2018/DA-RS	Lot 115 Macdonald Road, Bardia	Construction of 6 dwellings and subdivision into 6 Torrens titled allotments	\$2,033,705	Delegated authority	Completed	Approved with conditions
1462/2018/DA-RS	Lot 115 Macdonald Road, Bardia	Construction of 6 dwellings and subdivision into 6 Torrens titled allotments	\$1,621,536	Delegated authority	Completed	Approved with conditions
1464/2018/DA-RS	Lot 115 Macdonald Road, Bardia	Construction of 6 dwellings and subdivision into 6 Torrens titled allotments	\$2,068,000	Delegated authority	Completed	Approved with conditions

8.2 Outcome of the 2019 Free Recyclables Drop Off Day

Reporting Officer

Manager City Standards and Compliance
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 the results of the 2019 Free Recyclables Drop Off Day be noted.
2. That the operating hours of the Free Recyclables Drop Off Day in January 2020 be altered to 8am to midday on a trial basis.
3. That an additional Free Recyclables Drop Off Day be provided in August 2019 from 8am to midday on a trial basis.
4. That a further update be provided to Council following the Free Recyclables Drop Off Day in January 2020 advising on the outcome of the August and January trial events.

Purpose

To provide an update on the outcome of the 2019 Free Recyclables Drop Off Day and the proposed changes to the event in response to community feedback and Work Health and Safety concerns.

History

The Free Recyclables Drop Off Day was initially introduced to assist residents in disposing of additional recyclable materials that are commonly accumulated during the festive season. It had been identified that recycling bins during this time were often overfilled, and that many kerbside clean ups contained significant amounts of bulk cardboard, which is sent to landfill when collected as part of the kerbside clean up service.

Acknowledging the need for additional recycling capacity during the festive season, and the inefficiency of sending cardboard to landfill, the inaugural Free Recyclables Drop Off Day was delivered in 2009 to address these issues. A demand for polystyrene disposal was identified at this inaugural event, and in 2010, the event was expanded to include polystyrene collection and recycling. The Free Recyclables Drop Off Day has since grown and developed over time, and celebrated its ten year anniversary in 2019.

Report

Results of the 2019 event

The 2019 Free Recyclables Drop Off Day attracted a total of 682 vehicles, representing a total of 654 households. Participants carrying out multiple trips to the event account for the difference in these figures, with 28 vehicle movements, or 4.1 percent of total vehicles, represented by multiple trips made by the same participants.

Collectively, participants dropped off 11.52 tonnes of recyclable materials and approximately 100 cubic metres of polystyrene over the course of the event. This equates to an average of 16.9kg of recyclables per vehicle. While total tonnage and participant numbers were less than the 2018 event (14.8 tonnes and 876 participants respectively), the average weight per vehicle remained consistent, and the percentage of participants dropping off polystyrene increased to 62.3 percent (up from 56.7 percent in 2018).

Review of the event

During the ten years that the event has been operating, it has seen a number of changes and significant growth in patronage. This growth peaked at the 2017 event, which saw 940 participants attending the event and collectively dropping off 17.4 tonnes of recyclables. Since then, event participation has experienced a gradual decline, by approximately seven percent in 2018, and a further and more significant decline of 22 percent at the 2019 event.

Anecdotally, it would also appear that the nature of materials being dropped off has changed over time, with significantly less recyclables generated from the Christmas period being collected at the event, despite the average weight per car remaining reasonably consistent. The introduction of the NSW Government's Return and Earn container deposit scheme in December 2017 is likely to account for the significant drop in drink containers collected at the 2019 event. It is also thought that by returning drink containers for a refund, there is more capacity available in domestic recycling bins to accommodate the recyclable packaging material generated at Christmas, reducing the demand for an additional drop off service for these materials.

Bulk cardboard, however, remains a material that is dropped off at the event in significant quantities. This is a material that is more difficult to fit into domestic recycling bins, and while some cardboard packaging waste does tend to be generated around Christmas, a significant portion of the cardboard dropped off for recycling at the 2019 event appeared to be generated from the purchase of bulky household items, such as furniture and appliances. The same is true for polystyrene, which frequently accompanied bulk cardboard in similarly large quantities. The population growth and increase in construction of new dwellings across the LGA is likely to account for at least part of the increase in demand for bulk cardboard disposal.

Identifying community needs

Given the continued patronage and consistently significant tonnage of recyclables collected at the event, it is clear that there is demand for bulk cardboard and polystyrene disposal. However, what is unclear at this point is whether this demand stems from Christmas festivities, as was the original intent of the event, or from more general domestic activities such as moving house, or bulky furniture and appliance purchases. The source of this demand is important, as the event's connection with the festive season determines its timing, placing it in early January and therefore close to the middle of summer. This timing creates a

number of Work Health and Safety considerations arising from prevailing weather and site conditions, which could be alleviated by restricting the time the event operates or by providing the service at another time throughout the year.

In order to better understand the community's demand for the service, and the origins of the materials collected at the event, an online survey was conducted in conjunction with post-event publicity to collect community feedback in relation to the event and inform any future changes. The survey was promoted through a media release, as well as on Council's website and through weekly posts on Council's Facebook page during February and March. To encourage participation, all residents who completed the survey were entered into a draw to win a worm farm, compost bin or bag of soil improver (recycled organics).

The survey was open from Monday 11 February until Sunday 10 March 2019, and generated 88 responses from the public. The survey collected information relating to the source of materials brought to the Free Recyclables Drop Off Day, and also sought feedback on a number of alternative options to the event to gauge community support for each. These possibilities included a dedicated kerbside bulky cardboard collection service, an additional recycling bin collection over the Christmas period, or providing an event similar to the Free Recyclables Drop Off Day, but at a different time of the year.

The survey results revealed that there is still community support for the current Free Recyclables Drop Off Day, with 43 percent of respondents indicating their preference to run the event as it is, at the same time of the year. This was the most preferred option, with the bulky cardboard collection and additional recycling service options preferred by 26 percent and 31 percent of respondents respectively. Following a cost comparison for each option, it was also concluded that the Free Recyclables Drop Off Day presented the most economical option of those presented.

The survey results also indicated that in their most recent visit, 42 percent of respondents used the event to dispose of bulk cardboard from non-Christmas sources only, and 46 percent of respondents reported utilising the service to dispose of cardboard arising from both Christmas activities and other sources. While it is noted that the number of responses represents a very small percentage of Campbelltown's population, the survey results support the observations made at the 2019 event: that only a portion of residents using the event are doing so for the purpose it was originally intended.

Proposed changes to the Free Recyclables Drop Off Day

Based on the survey results and cost comparison undertaken, and in the interests of reducing the Work Health and Safety risks associated with working in extreme heat conditions (as is almost always the case for the current event), it is proposed that the following changes be made to the event on a trial basis:

- The operating hours of the Free Recyclables Drop Off Day in January 2020 be reduced to 8am to midday, so that heat exposure during the peak of the day is reduced for staff working at the event.
- To offset this reduction in hours, an additional Free Recyclables Drop Off Day be run in August 2019 from 8am to midday.

It is proposed that a customer survey be conducted at each event to collect additional information in relation to patronage and the source of materials dropped off at each event.

This data will assist in establishing the success or otherwise of this trial, and inform decision making as to the ongoing format of the event.

Sufficient funds are available in the 2019-2020 budget to cover the cost of the proposed changes and the additional event in August 2019. As with the January event, sponsorship arrangements would be sought from Suez Resource and Recovery for the August event, requesting the use of collection vehicles and free disposal of cardboard.

Should the proposed changes be endorsed by Council, the August event would be advertised during July and August in the Macarthur Advertiser and Macarthur Chronicle, through brochures and posters at Council's facilities, and on Council's website and Facebook page.

Attachments

Nil

8.3 Maryfields Draft Development Control Plan

Reporting Officer

Executive Manager Urban Release and Engagement
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 endorse public exhibition of the proposed draft amendment to the Campbelltown (Sustainable City) Development Control Plan 2015.
2. That following completion of the public exhibition period, a further report be provided to Council to consider any public submissions and the making of the proposed draft amendment to the Campbelltown (Sustainable City) Development Control Plan 2015.

Purpose

The purpose of this report is to seek Council's endorsement to proceed with the public exhibition of a draft amendment to Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP), to introduce site specific development controls for the land known as Maryfields.

History

At its meeting of 28 November 2017, Council considered a post-exhibition report relating to the Maryfields Planning Proposal (attachment 1) and resolved, in part, to forward the draft Planning Proposal to the Minister for Planning for finalisation.

The amendment to Campbelltown Local Environmental Plan 2015 (CLEP 2015) was subsequently published on the NSW Legislation website on 20 July 2018 to rezone the site to R2 Low Density Residential; R3 Medium Density Residential; B7 Business Precinct; RE2 Private Recreation; SP2 Seniors Housing; and, SP2 Cemetery. The amendment also included maximum building heights, floor space ratios, lot size restrictions, and an expanded heritage curtilage listing.

Figure 1 illustrates the amended zones under CLEP 2015 for the Maryfields site.

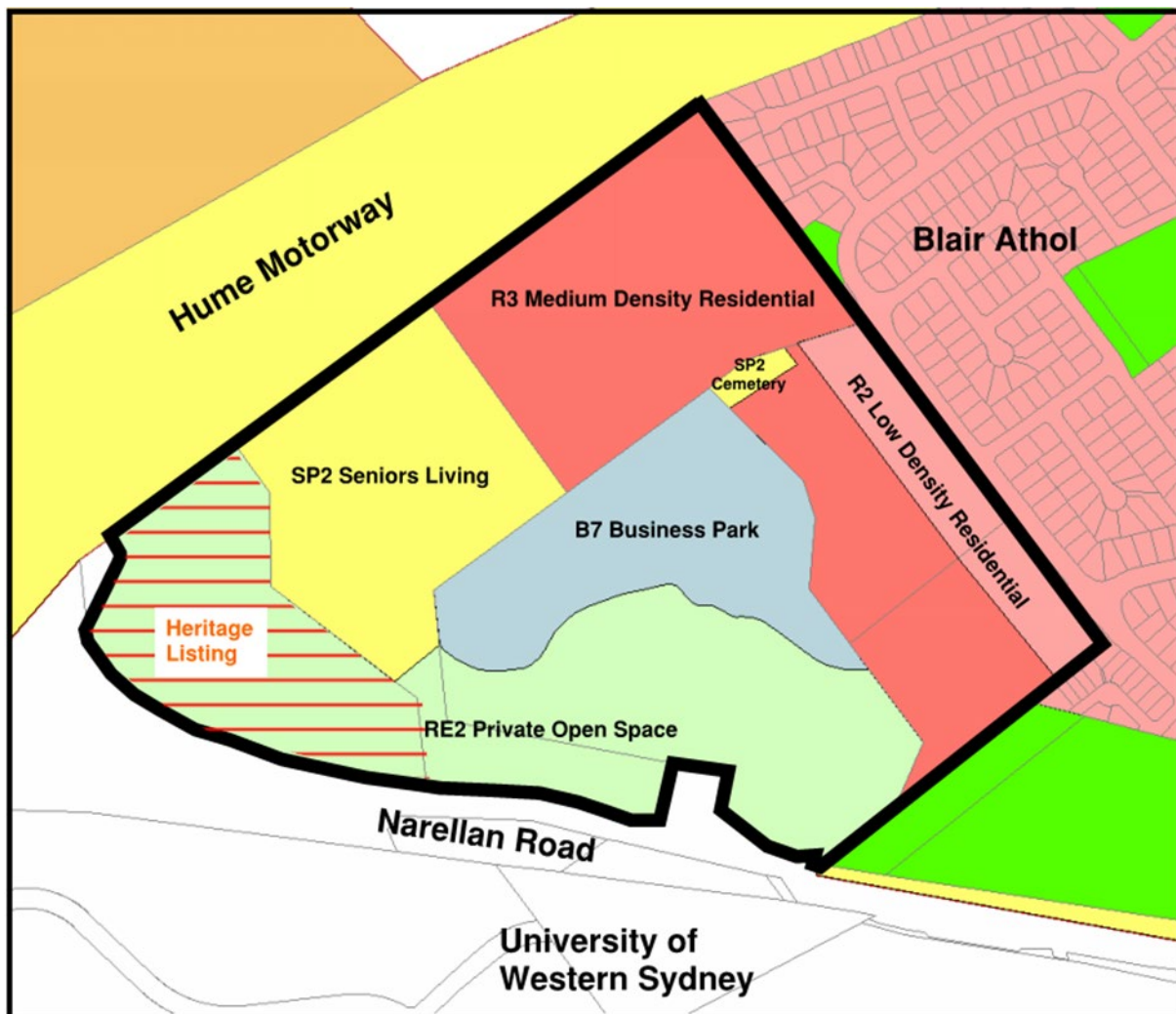


Figure 1 - Maryfields - Subject Land and Zoning Plan (CLEP 2015)

The rezoning of the subject land under CLEP 2015 was broadly supported by Council given the significant potential of the subject land to facilitate housing, employment and business growth for the Campbelltown City Centre. The land use outcomes to be facilitated by the rezoning are summarised as follows:

- a business precinct providing up to 1,200 jobs
- approximately 590 residential dwellings
- a senior living precinct and an aged care facility (100 beds and 40 jobs)
- private open space including creeks and dams, heritage precinct, and park areas
- neighbourhood shops
- the preservation of an existing cemetery

Council's support for the rezoning of the land was subject to the preparation of a site specific DCP to appropriately manage the orderly development of the land and the management of open space and heritage listed spaces. The preparation of a site specific DCP was also required to address the Urban Release Area provisions of CLEP 2015.

A draft DCP for the land has been prepared to address these requirements and is now provided for Council's consideration and endorsement for public exhibition.

Report

This report outlines a draft proposal to amend Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP) to introduce site specific development controls for the land known as Maryfields and to recommend that Council exhibit the amendment for public feedback.

1. The Site

The subject land is known as Maryfields, located at the intersection of Narellan Road and the Hume Motorway Campbelltown. The site is irregular in shape with a total area of approximately 44 hectares, and main frontage to Narellan Road of approximately 800 metres in length.

The land is bounded by the residential suburb of Blair Athol to the north-east and public open space (John Kidd Reserve) to the south-east. The University of Western Sydney is located to the south on the opposite side of Narellan Road. There is an existing riparian corridor and series of dams across the frontage of the site as viewed from Narellan road.

Existing development on the land is limited, with the two main buildings being the Nuns Bethlehem Monastery and Friars accommodation building, associated with the historical religious ownership and activities on the land.

The land has been rezoned under CLEP 2015 (Figure 1) to allow for a strategic mix of land uses, comprising a business park, residential development, seniors living precinct and private open space areas. The rezoning of the land also resulted in an expanded heritage curtilage listing under CLEP 2015, recognising the important religious significance of the site and physical presence of the Stations of the Cross religious statues.

2. Draft Maryfields DCP and Masterplan

The Planning Proposal endorsed by Council for Maryfields required a site specific Development Control Plan (DCP) to be prepared to facilitate the orderly development of the land and to address the relevant provisions of Part 6 of CLEP 2015 relating to Urban Release Areas.

The proposed DCP (attachment 2) has been drafted to address the above requirements and provide suitable controls to promote the following objectives for the development of the land:

- provide a high quality landscaped Business Park that complements and enhances the main lake setting and natural attributes of the site.
- generate employment and economic growth for the Campbelltown-Macarthur Regional Centre through collaborative research and development opportunities involving the Western Sydney University, Campbelltown TAFE College, Campbelltown Hospitals and other enterprises in the Macarthur Region.
- create a high quality residential environment with a variety of housing choice options.
- deliver an appropriately landscaped and managed network of passive recreation and private open spaces.

- provide a safe and efficient system of roads and pathways within a quality landscaped setting.
- protect and enhance the important visual, ecological, and riparian qualities of the site.
- conserve and promote the heritage significance of the site.

A key provision of the draft DCP is the inclusion of the masterplan (Figure 2) that was referenced in the Planning Proposal endorsed by Council. This Masterplan was prepared in response to a number of detailed environmental planning studies undertaken during the rezoning process, and provides greater detail on the land use outcomes intended for the Maryfields site. The inclusion of the masterplan within the DCP will ensure its consideration as a relevant matter during the development application process for the subdivision and development of the land.



Figure 2 Maryfields Masterplan

The Draft DCP for the Maryfields site has been prepared as a new Part to Volume 2 of the SCDCP, and therefore the general provisions of the SCDCP and Council's Engineering Guidelines will continue to apply to any future development of the site. In this respect, the specific controls proposed under the draft DCP are summarised as follows:

- delineation of the separate land use precincts within the site, and inclusion of a clear staging plan to regulate the orderly development of the site on a precinct by precinct basis,

- uniform controls across the site to promote consistent street tree planting outcomes and high quality landscaping of the main dam, private open spaces and riparian corridors.
- urban design and architectural requirements for the development of each precinct, with emphasis on architectural standards for new buildings within the Business Park and seniors living precincts.
- requirements for vegetation management within each precinct, including conservation of ecological sensitive areas and reinstatement of remnant Cumberland Plain Woodland.
- road design and traffic management controls, including restricted through access for private vehicles between Blair Athol and Narellan Road, and upgrade works for the Narellan Road intersection.
- engineering requirements to ensure the structural integrity of the existing dam as an integral component of the Business Park landscape and proposed stormwater system.
- risk mitigation assessment, including acoustic treatments for residential development adjacent to the Hume Motorway, site remediation measures and bushfire risk management.
- design requirements for the heritage listed Precinct to ensure development and landscape outcomes consistent with the Heritage Conservation Management Plan prepared for this part of the land.

As a development application for the permitted land uses may now be lodged, exhibition, adoption and commencement of site specific controls will assist to provide guidance to any future applicant seeking to develop the land.

Conclusion

At its meeting of 28 November 2017, Council endorsed a draft Planning Proposal to rezone the subject land to permit a strategic mix of land uses including a business park, residential development, seniors living, heritage precinct and private open space areas. CLEP 2015 was amended on 20 July 2018 in accordance with the resolution of Council.

The draft Planning Proposal endorsed by Council required a site specific DCP to facilitate the orderly development of the land and to address the relevant provisions of Part 6 of CLEP 2015 relating to Urban Release Areas.

A draft DCP has been prepared to address the requirements relating to Urban Release Areas under CLEP 2015, and to ensure that future development on the site is consistent with the land use outcomes supported by Council under the associated Planning Proposal.

Accordingly it is recommended that Council publicly exhibit the draft DCP for community input, and subject to review of any submissions, consider the making of the DCP as an amendment to the Campbelltown Sustainable City Development Control Plan 2015.

Attachments

1. Council Report - 28 November 2017 (contained within this report)
2. Draft Maryfields Control Plan (contained within this report)



8.2 Maryfields Planning Proposal - Outcome of Public Exhibition

Reporting Officer

Executive Manager Urban Renewal
City Development

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.3 - Ensure that Campbelltown is an inclusive city

Officer's Recommendation

1. That Council endorse the Maryfields Planning Proposal in accordance with attachment 2 and forward it to the Department of Planning and Environment for approval and referral to the Minister for Planning for making of the plan.
2. That all those who provided a submission to the public exhibition of the Maryfields Planning Proposal be advised of Council's decision.

Purpose

The purpose of this report is to advise Council of the post-exhibition outcomes for the Maryfields Planning Proposal, and to seek Council's approval to forward the planning proposal to the NSW Department of Planning and Environment requesting the Minister for Planning make the plan.

History

The subject planning proposal relates to the site known as Maryfields, located at the intersection of Narellan Road and the Hume Motorway. The site is currently used for religious activities by the Franciscan Friars and Poor Clare Nuns. The proposed rezoning of the site is to allow for a mix of land uses, comprising a business park, residential development, seniors living precinct and private open space/heritage areas.

Council at its meeting held 3 June 2014, considered a detailed report on the Maryfields Planning Proposal and resolved to endorse the submission of the planning proposal to the NSW Department of Planning and Environment (DP&E) for determination by the Gateway Panel. The evaluation report identified that the site has significant potential to facilitate housing, employment and business growth for the Campbelltown/Macarthur regional city centre.

The draft proposal was subsequently forwarded to the DP&E who issued the Gateway Determination on the 8 December 2014 with conditions.

Ordinary Council Meeting

28/11/2017

Council at its meeting held 27 October 2015, considered a further report on the draft proposal and resolved (in part) to endorse the draft Maryfields Planning Proposal for public exhibition. Negotiations continued between the proponent, Council, RMS and DP&E to advance the public exhibition of the proposal in accordance with the specific requirements of the Gateway Determination. As a result of these negotiations, the gateway conditions were amended by the DP&E on two separate occasions as follows:

- The first amendment (dated 15 August 2016) removed the requirement for private vehicles to have through access between Narellan Road and Blair Athol. The timeframe for completion of the proposal was extended by 12 months.
- The second amendment (dated 3 March 2017) removed the requirement for state and regional infrastructure provision to be determined by Government agencies and exhibited in the form of a draft voluntary planning agreement concurrently with the planning proposal.

Council at its meeting held 9 May 2017, considered a report detailing the above amendments to the Gateway Determination, and resolved to proceed with the public exhibition of the proposal in accordance with the amended conditions of the Gateway Determination.

The gateway conditions (as amended) retain the requirement for the subject land to be nominated as an Urban Release Area under Part 6 of CLEP 2015. This clause will enable the concept masterplan accompanying the planning proposal to be implemented through a DCP adopted by Council prior to any development works commencing. In this respect, it is noted that a separate report will be provided to Council for endorsement of the DCP under Part 6 of CLEP 2015 should the subject planning proposal be endorsed for making.

Report

Property Description: Lots 1 – 6 (inclusive), DP 1213869 (Maryfields Drive and Narellan Road, Campbelltown)

Owner: Trustees Poor Clare Colletines
Trustees of the Franciscan Fathers
Trustees Assoc Franciscan Order

Applicant: Capital Syndications

The following report addresses the issues arising from the public exhibition of the Maryfields Planning Proposal, conducted in accordance with the resolution made by Council at its meeting held 9 May 2017.

The subject planning proposal, and associated documentation, was formally exhibited by Council between 8 June 2017 and 7 July 2017, including public newspaper notices, letters mailed to government agencies and surrounding residents and exhibition at the Council Civic Centre, HJ Daley Library and on Council's website.

A total of 13 submissions were received from government agencies and service providers, and three submissions (including one petition - 98 signatories, representing 73 households) received from residents. The main issues raised in the submissions and the relevant comments of Council officers are provided below.

Copies of the submissions have been made available to all Councillors.

Item 8.2

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1. Roads and Maritime Service

- **Intersection Works (Narellan Road):** Consideration will need to be given to upgrading the existing signalised intersection with Narellan Road as part of any future Development Application.

Comment: This matter would be addressed as part of any Development Application relating to subdivision and road works affecting Narellan Road.

- **State and Regional Infrastructure Provision:** An appropriate contribution, consistent with the State Infrastructure Contribution Levy for Growth Centres, should be entered into as part of any Voluntary Planning Agreement entered into with the proponent.

Comment: The subject planning proposal is to be nominated as an Urban Release Area under Part 6 of CLEP 2015 which requires (amongst other things) that satisfactory arrangements for the provision of State public infrastructure are made prior to subdivision of the land. Accordingly, further consultation will be required between the proponent and the RMS to resolve this matter prior to development. If necessary, this may require the site owner to negotiate a separate agreement with relevant state government agencies regarding the provision of any required state or regional infrastructure.

2. Transport for NSW

- **Internal transport network:** The future site specific Development Control Plan (DCP) should include a sustainable travel plan, and measures to promote a public and active transport network on the site.

Comment: The concept masterplan that supports the proposal is to be delivered through the preparation of a site specific DCP and includes provision for a bicycle/pedestrian pathway network and bus capable road through the site. The specific transport related requirements of Transport for NSW are to be considered as part of the preparation of the DCP in accordance with the Urban Release Area provisions of CLEP 2015.

- **State/Regional Infrastructure:** Regional road and transport infrastructure contributions commensurate to that of the SIC Levy should be provided as part of a VPA to offset the likely transport impacts associated with the future development of the site.

Comment: This issue is similar to the comments provided by the RMS. The Gateway Determination conditions require that the subject land is nominated as an Urban Release Area under Part 6 of CLEP 2015, which requires (amongst other things) that satisfactory arrangements for the provision of State public infrastructure are made prior to subdivision of the land. Accordingly, further consultation will be required between the proponent, the RMS and TfNSW to resolve this matter prior to development of the land occurring.

3. NSW Office of Environment and Heritage (OEH)

- **Flora survey:** It is unclear whether the flora survey effort meets the OEH standard of one person hour for each hectare of habitat.

Comment: The proponent has confirmed that the flora survey effort was in the order of 49 hours which exceeds the OEH standard (one person hour/hectare of habitat) for threatened plant survey.

- **CPW Grasslands:** No plot surveys have been undertaken in the cleared area, so it cannot be confirmed that these do not contain Cumberland Plain Woodland (CPW) derived native grasslands.

Comment: Targeted plot surveys for CPW derived grassland were conducted by two ecologists on 22 and 24 of July 2017 using a combination of random data points (RDPs) and biometric plots. Three small areas of CPW derived grassland of approximately 0.15 hectares (waypoint 165), 0.16 hectares (waypoint 167) and 0.065 hectares (waypoint 173) were found at the south western corner and southern border of the Maryfields Estate site in an area designated to be a conservation area. All three were highly disturbed from historical impacts and current grazing pressures. All other areas of open grassland across the site were classic pasture areas either dominated by exotic grass species or a single native grass species (*Themeda australis*).

- ***Pimelea Spicata*:** No targeted surveys have been conducted for *Pimelea Spicata* (Spike Rice Flower).

Comment: Targeted field surveys for *Pimelea spicata* were conducted by two ecologists on 22 and 24 of July 2017 using a combination of random data points, biometric plots and systematic targeted searches in areas of potential *Pimelea spicata* habitat. Targeted searches across the study area did not record any *Pimelea spicata*. Given the general lack of potential habitat, low resilience across much of the study area, and lack of records immediately adjacent to the study area, it is highly unlikely *Pimelea spicata* occurs within the study area.

- **Impacts on CPW:** OEH considers that the proposed zones, alignment of zone boundaries and indicative transport layout in the Concept Masterplan are inconsistent with the retention of CPW.

Comment: The proposal would result in the reduction of CPW within the study area through the clearing of approximately 0.8 hectares of the lowest quality vegetation on site. This vegetation occurs in a highly disturbed drainage line, which is currently grazed by cattle, and invaded by weeds, with very little native understorey or mid-storey, and in areas adjacent to existing access roads, and is already highly dissected. The proposal is therefore not likely to result in the isolation of currently interconnecting or proximate areas of CPW.

The majority of the best quality CPW (5.6 ha) will be retained and improved within open space zones and managed within riparian corridors. Accordingly, it is considered likely that the planning proposal will have a net positive impact on these areas as the result of the exclusion of grazing pressures and benefit from the proposed conservation of this part of the site.

Assessments of significance under the TSC Act and EPBC Act have been undertaken for CPW and other threatened ecological communities/species in regard to the impacts of the proposal. These assessments of significance concluded that the proposal is unlikely to have a significant impact on threatened biodiversity and therefore, offsetting is unlikely to be required.

- **Flood Risk Assessment:** OEH requested Council compare the results of the Development Consultant's Flood Impact Assessment Report (March 2015) with the 2013 Blairmount Locality Study prepared for the broader catchment, in order to help set the footprint of proposed development on site and set appropriate development controls.

Comment: Council has reviewed the flood risk assessment studies for the site and is satisfied that development of the site as indicated in the planning proposal would be consistent with the principles of the Floodplain Development Manual 2005 and would not result in the land identified for seniors living, business park or residential being classified as flood prone land, or land that is land susceptible to flooding by the PMF event within the Monastery creek system. Accordingly, there are no flooding issues identified that would preclude development within these areas. Future design details of buildings, road and drainage systems will need to be submitted at DA stage in compliance with Council's flood and stormwater engineering requirements.

- **Aboriginal Cultural Heritage:** OEH requested the completion of additional archaeological and cultural assessment studies to inform the planning process. This includes consultation with Aboriginal stakeholders to explore options for conserving areas of Aboriginal heritage significance.

Comment: The Aboriginal community has been involved in the preparation of this planning proposal, including a joint inspection of the site with the proponent's archaeological consultant to identify and assess the significance of any potential Aboriginal sites/objects on the land. This work has directly informed the planning proposal by determining areas of potential Aboriginal significance on the site and modifying development outcomes to conserve these sensitive areas.

The Aboriginal Heritage Due Diligence Assessment prepared by the proponent's heritage consultants (Niche) involved a physical inspection of the land with Aboriginal representatives and included consideration of the landscape context, soil geology, hydrology characteristics, land use history, and the Aboriginal Heritage Information Management System (AHIMS). The AHIMS search confirmed that there are no registered Aboriginal sites within the subject area, with the closest registered sites being approximately 450m to the southwest and 500m to the west of the Maryfields site.

The assessment identified that the majority of the site has low potential for Aboriginal sites or objects due to the terrain characteristics, distance from water sources and/or historical land disturbance. However, land adjacent to the creek lines was considered to have high potential to contain Aboriginal sites and/or objects given proximity to a water source and less ground disturbance. It is noted that the riparian areas are generally excluded from future development under the planning proposal due to ecological and flooding constraints.

The field inspection supporting the assessment was undertaken by Amanda Atkinson (Niche archaeologist), Glenda Chalker (Cubbitch Barta) and Kirsty-Lee Chalker (Cubbitch Barta). The key finding of the field work was the identification of an Aboriginal artefact (Maryfields AS1) located on a terrace adjacent to the central creek line. In addition, the surrounding land of approximately 1000 m² in area on the northern (higher) side of the creek line has been nominated as a potential archaeological deposit (PAD) to recognise the potential for sub-surface intact Aboriginal artefacts within this portion of the site.

The findings of the assessment have directly informed the planning proposal by conserving the PAD site clear of future development on the accompanying masterplan. In this respect, archaeological investigations (as requested by OEH) would be required for any future proposed works which have the potential to impact the defined extent of the PAD. It is therefore considered that this issue can be more appropriately addressed at the development application stage when details of proposed works are known, and would include where relevant the requirement for an Aboriginal Heritage Impact Permit to be issued under the *National Parks and Wildlife Act 1974* prior to any impacting works proceeding.

As such, the completion of additional archaeological and cultural assessment studies at this stage is not considered practical or necessary given the assessment work and consultation already undertaken with Aboriginal stakeholders to inform the planning proposal having regard to Aboriginal heritage issues.

- **European Heritage:** OEH (Heritage Division) has advised that it has no objection to the proposed rezoning as it affects the Stations of the Cross which is listed within Schedule 1 Heritage items and heritage conservation areas of Campbelltown (Urban Area) Local Environmental Plan 2002. However, it has requested that any impacts on potential archaeology are thoroughly investigated prior to the finalisation of the planning proposal.

Comment: The proposed rezoning and revised heritage curtilage are informed by a Heritage Impact Statement dated December 2013 and a Conservation Management Plan (CMP) dated May 2015, both prepared by Perumal Murphy Alessi. The proposed zoning of the item to RE2 Public Recreation will retain the statues and landscape elements within an open rural setting, as recommended by the CMP. Further, it is noted the CMP has identified that the archaeological potential of the area around the statues is low or highly disturbed. Accordingly, archaeological investigations are not considered warranted given the low archaeological potential of the site, restrictions for development under the proposed RE2 zone, and the environmental safeguards in place under the revised heritage curtilage and CMP.

4. Environment Protection Authority (EPA)

The EPA has not raised any objection to the planning proposal and has provided routine comments for Council's consideration on the following issues:

- air quality
- water quality
- noise
- waste management
- land contamination.

Comment: The above issues have been considered in the assessment of the planning proposal and have either been satisfactorily addressed or will be considered and resolved at the DA stage for subdivision and building works on site.

5. Agencies with no objection

The following agencies have advised that they have no objection to the proposal and/or have provided routine comments on development assessment issues that can be appropriately addressed at DA Stage for future road, building and subdivision works:

- NSW Rural Fire Service
- NSW Department of Education
- Endeavour Energy
- Camden Council
- Sydney Water
- Telstra
- UrbanGrowth NSW
- Water NSW (formerly Sydney Catchment Authority and State Water)
- Western Sydney University.

6. Resident submissions

Council received three submissions from residents located in Blair Athol. One of these submissions included a petition with signatures from 73 residences (or 98 separate signatures) in Blair Athol.

The concerns raised by the residents all related to potential traffic impacts on the existing road network of Blair Athol. A summary of the concerns and a comprehensive response is provided below.

Resident 1/Petition

- request all vehicular access to be from Narellan Road only
- current infrastructure not designed for this sort of development
- residential cars have to pull in and out of our driveways several times a day, causing unnecessary delays to all residents in Blair Athol
- hopes of a quiet and peaceful locality will be shattered
- impacts on Aldi intersection roundabout (Kraal/Blaxland).

Resident 2

- council is making a short cut from Narellan Road to Maryfields Road causing a major increase in traffic flow in that area.

Resident 3

- impacts on the Kraal Drive intersection/Blaxland Road intersection
- noise impacts from additional traffic through Blair Athol
- additional travel time impacts for Blair Athol residents
- consider allowing access through to Narellan Road.

Comment: The concept masterplan that supports the draft planning proposal provides a road pattern that deliberately eliminates the opportunity for through traffic moving between Narellan Road and Blair Athol (except public bus connections). In this respect, only the proposed residential precincts would be serviced from Maryfields Drive, Blair Athol (with no access to Narellan Road). This road design limitation has been supported by Council and the RMS given that it will significantly reduce the volume of private vehicles moving through the Blair Athol road network.

It is anticipated that approximately 590 dwellings on the subject land would utilise the Blair Athol road network, which would result in some amenity impacts for existing residents. The intersections servicing the proposed development, on the perimeter of the Blair Athol estate, are noted to all have been constructed with provision to service expanded development.

The detailed traffic modelling undertaken by the proponent's traffic consultants, and peer reviewed by Council's traffic engineers and the NSW Roads and Maritime Service, has determined that traffic increases will be within the design capacity of the existing road network. In particular, the traffic analysis included an examination of the performance of the existing intersections identified in the resident submissions:

- Maryfields Drive/The Kraal Drive
- Maryfields Drive/Gabriel Circuit
- Blaxland Road/The Kraal Drive/Farrow Road.

Traffic modelling results that show the likely performance of the abovementioned intersections after the proposed development is in place (year 2026) is shown in the following table:

Scenario	Peak	Demand Flow (veh/h)	Level of Service	Ave Delay (sec)
Blaxland Rd The Kraal Drive Farrow Rd				
Without development	AM	3,886	C	32
	PM	4,365	D	45
With Development	AM	4,197	D	50
	PM	4,719	D	54
Maryfields Drive / Gabriel Circuit				
Without development	AM	72	A	4
	PM	75	A	4
With Development	AM	343	A	6
	PM	355	A	4
Maryfields Drive / The Kraal Drive				
Without development	AM	162	A	4
	PM	153	A	4
With Development	AM	698	A	5
	PM	709	A	5

The intersection modelling confirms that the above intersections would continue to operate at an acceptable level of service should the development proceed. In this respect it is noted that the only intersection upgrade works identified at this time relate to the Narellan Road intersection to the site servicing the proposed business park and seniors living precincts.

7. Agencies with no response

Council also advised the following government agencies and service providers of the public exhibition of this planning proposal but has not received any comments:

- Telstra
- NSW Department of Family and Community Services
- NSW Dam Safety Committee
- Cubbitch Barta Native Title Claimants
- Tharawal Local Aboriginal Land Council
- AGL Energy Limited
- Interline Bus Services Pty Limited
- Busabout
- NSW Health.

The planning process cannot continue to be frustrated by the lack of response from Agencies/Authorities, a point which has been laboured with the DP&E and inquiries into land and housing supply.

Conclusion

The subject planning proposal is considered to have broad strategic planning merit and has been generally supported by Council given the potential to provide sustainable environmental, heritage, housing and employment growth outcomes in a manner which is consistent with the strategic direction of Campbelltown as a Regional City Centre.

The proposed land use outcomes are considered to appropriately respond to the urban context and environmental qualities of the site, having regard to integration of low density housing with the Blair Athol residential suburb to the north, the compatibility of higher density business park and urban housing outcomes with the Western Sydney University site to the south, and the conservation of open space, riparian and heritage areas across the Narellan Road frontage.

Given the broad strategic planning merits of the proposal and public consultation outcomes it is recommended that Council endorse the Maryfields Planning Proposal in its current form and forward to the Department of Planning and Environment for making.

Attachments

1. Draft Maryfields Planning Proposal (contained within this report)
2. Planning Proposal Maryfields (contained within this report)
3. Submissions received from Blair Athol Residents (contained within this report)

Campbelltown (Sustainable City) Development Control Plan 2015



VOLUME 2

Site Specific DCPs

Part 13: Maryfield's DCP

Creating Campbelltown's Future 2025



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13.1

Application

13.1 Application

This Development Control Plan (DCP) applies to 'Maryfields Estate' being the land identified in Figure 13.1. The land is situated in the suburb of Campbelltown and is bounded by Maryfields Drive to the north-east, Narellan Road to the south, John Kidd Reserve and Blair Athol housing to the east and Hume Motorway to the west. Maryfields Estate has an aggregate site area of 43.554 hectares.



Figure 13.1 - Land to which this DCP Applies - Maryfields Estate

13.1.1 Purpose of this Part

The purpose of this Part is to establish a supplementary planning framework (beyond the general provisions of the Campbelltown Sustainable City DCP) for achieving the Council endorsed vision for the Maryfields Estate, through the establishment of issue specific objectives and controls. In doing so it provides a platform against which Council will assess future development applications in Maryfields Estate.

13.1.2 Relationship to other parts of the DCP

This DCP forms part of the Campbelltown (Sustainable City) DCP ('CSCDCP'), and provides additional controls and guidelines that apply specifically to development within Maryfields Estate. Where a development control is not specified in this Part, development is subject to all other relevant controls of CSCDCP.

Where there is an inconsistency between this Part and any other provision of the CSCDCP, this Part applies to the extent of the inconsistency.

Campbelltown City Council Engineering Design Guide for Development applies to all development within Maryfields Estate.

Maryfields Estate has been identified as an Urban Release Area under Campbelltown Local Environmental Plan 2015 (CLEP 2015). Clause 6.3 of CLEP 2015 requires a DCP to be prepared for the land that includes certain provisions and controls.

This DCP satisfies the requirements of Clause 6.3 as detailed in the below table.

13.1

Application

13.1

Application

13.1.3 Urban Release Area

CLEP 2015 Clause 6.3 Requirement	Relevant Provision / Control
(a) A staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing.	The development of the land is intended to be staged generally in accordance with the map provided at Figure 13.3 of this part.
(b) An overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists.	<p>The internal road layout and connections with Narellan Road and Maryfields Drive shall be provided generally in accordance with Figure 13.4.</p> <p>The road system shall restrict private vehicular access between Narellan Road and Blair Athol to ensure through traffic does not adversely impact upon the local road network.</p> <p>Pathway connections for pedestrians and cyclists shall be generally provided in accordance with Figure 13.2.</p>
(c) An overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain.	<p>Site specific tree species for the embellishment of the public road system are provided at Appendix 1. The most significant native vegetation on the site is zoned RE2 Private Recreation and excluded from urban development.</p> <p>Vegetated areas are also preserved within riparian corridors and subject to a vegetation management plan to achieve the objective of this provision.</p>
(d) A network of passive and active recreational areas.	A network of open space and passive recreation areas are to be provided generally in accordance with the masterplan at Figure 13.2. This includes the riparian corridor across the Narellan Road frontage of the site. A cycleway and pathways system is to be provided throughout the site to connect with surrounding areas.
(e) Stormwater and water quality management controls.	These are to be provided in accordance with the Campbelltown City Council Engineering Design Guide for Development.

13.1

Application

CLEP 2015 Clause 6.3 Requirement	Relevant Provision / Control
(f) Amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected.	<p>The development precincts under the masterplan respond to site hazards and constraints, including bushfire risk, flooding potential, and environmental considerations.</p> <p>Bushfire: All future development is to comply with the NSW Rural Fire Service's Planning for Bushfire Protection. This includes the provision of suitable asset protection zones and appropriate maintenance of vegetated open space areas.</p> <p>Flooding: Development precincts have been informed by the flooding characteristics of the site. All future development is to comply with Council's Engineering Design Guide for development. Site specific controls to ensure the structural integrity of the main dam wall are provided in Section 13.7.3.</p> <p>Contamination: A preliminary environmental site assessment has been undertaken to determine the suitability of the site for the land uses identified under the masterplan. Given the low potential for some contamination of portions of the site, future targeted investigations and where appropriate remediation may be required at the development application stage to comply with State Environmental Planning Policy No. 55 - Remediation of Land.</p>
(g) Detailed urban design controls for significant development sites.	No Significant development sites have been identified for the land. Urban design controls are provided for the business / lake and heritage precincts to provide a high quality design outcome.
(h) Measures to encourage higher density living around transport, open space and service nodes.	The zoning provides for an appropriate diversity of housing choice and lot sizes having regard to the site context and masterplan transport links, ranging from low density housing adjacent Blair Athol to higher density seniors living adjacent to the open space heritage precinct.
(i) Measures to accommodate and control appropriate neighbourhood commercial and retail uses.	Neighbourhood shops are centrally located and suitable controls on retailing are provided under Clause 7.22 of CLEP 2015 to ensure land use outcomes within this precinct are consistent with the objectives for development in the Business Park zone.

13.2

Key Development Objectives

13.2 Key Development Objectives and Controls

Objectives

- Provide a high quality landscaped Business Park that complements and enhances the main lake setting and natural attributes of the site.
- Generate employment and economic growth for the Campbelltown-Macarthur Regional Centre through collaborative research and development opportunities involving the Western Sydney University, Campbelltown TAFE College, Campbelltown Hospitals and other enterprises in the Macarthur Region.
- Create a high quality residential environment with a variety of housing choice options.
- Deliver an appropriately landscaped and managed network of passive recreation and private open spaces.
- Provide a safe and efficient system of roads and pathways within a quality landscaped setting.
- Protect and enhance the important visual, ecological, and riparian qualities of the site.
- Conserve and promote the heritage significance of the site.

Controls

1. Masterplan - Subdivision layout and land uses to generally comply with the Masterplan shown at Figure 13.2.

The Masterplan provides the conceptual road design, subdivision layout and land use outcomes for the development of Maryfields Estate. All development applications relating to the Maryfields Estate are to be generally consistent with the Masterplan.

This Masterplan has been informed by detailed environmental planning studies undertaken during the rezoning of the land. Any deviations to the Masterplan may only be considered having regard to any relevant studies informing the Masterplan and where the general development objectives are achieved.



Figure 13.2 - Maryfields Estate Masterplan

13.3

Precinct Staging

13.3 Precinct Staging

The Maryfields Estate Masterplan contains four distinct precincts comprising the Business Park and main lake, a Heritage Park, a Seniors Housing scheme and a Residential Precinct. The precincts are to be delivered in accordance with the staging plan (Figure 13.3) to ensure the orderly and economic development of the land. Variations to the staging plan may be considered if the orderly delivery of the overall development and associated infrastructure is not compromised.



Figure 13.3 - Precinct Staging Plan

13.4

Streetscape and Connectivity

13.4 Streetscape and Connectivity

Objectives

- To provide for an efficient and connected street and pathway network for vehicular traffic, pedestrians and cyclists
- To provide an attractive and safe urban streetscape environment with integrated landscaping.
- To mitigate any adverse impacts of through traffic on the local road network by restricting the movement of private vehicles between Narellan Road and Blair Athol.

Controls

1. The street and pathway network is to be provided by the developer in conjunction with the corresponding development/subdivision of each staged precinct generally in accordance with the masterplan layout and Figure 13.4.
2. The technical design of all streets and pathways is to comply with the Campbelltown City Council Engineering Design Guide for Development.
3. Tree planting is to be integrated into the street design consistent with the Indicative Street Tree Hierarchy provided at Appendix 1.
4. A Street Tree Planting Plan for each Precinct, prepared by a suitably qualified landscape designer and including drawings, costings, materials and planting palettes shall be submitted to Council for approval in conjunction with the subdivision/development of each staged precinct.

13.4

Streetscape and Connectivity

5. A distinctive framed vista and formal entry design is to be provided for the entrance road to the Business Park precinct to achieve a high quality presentation from the Narellan Road frontage. Entry design shall include high quality paving, street lighting, entry signage, advanced tree planting and irrigated mass planting beds.
6. Street Tree planting shall be provided to both sides of all streets, comprising of minimum 100L pot size and corralled by hardwood timber tree guards.
7. The intersection of Maryfields Estate with Narellan Road shall be upgraded by the developer in conjunction with the construction of road works for the Business Park precinct. The upgrade works are to comply with the requirements of Campbelltown City Council and NSW Roads and Maritime Service, as generally depicted in Appendix 3.
8. A single lane restricted road link across the riparian corridor between the residential and seniors living precincts of the Maryfields Estate shall be provided for the use of bus and emergency vehicles only. The subject road link is to comply with any design requirements of local bus operators and emergency authorities.
9. Bus stops shall be provided as generally shown on the masterplan, including in proximity to the local shopping centre. Where bus stops are provided the road carriageway must be suitably widened to accommodate a 2.5m wide bus parking bay. Roadside seating or shelters shall be provided at all bus stops.

13.4

Streetscape and Connectivity

10. Pedestrian and cycle pathways are to be designed having regard to the principles of Crime Prevention through Environmental Design to promote safety and security for users, including clear sight lines and provision of night lighting.
11. All street lighting is to be LED “Smart” lighting to Council’s specification. The street lighting plan must consider the impact of street tree planting (at planting and mature height and form) on the lighting.
- 12 The street lighting and associated infrastructure in this subdivision is to be dedicated to Council. The design and installation of the street lighting is to be such that Council can take ownership of the street lighting in this subdivision (ie. separate circuit to residential supply).

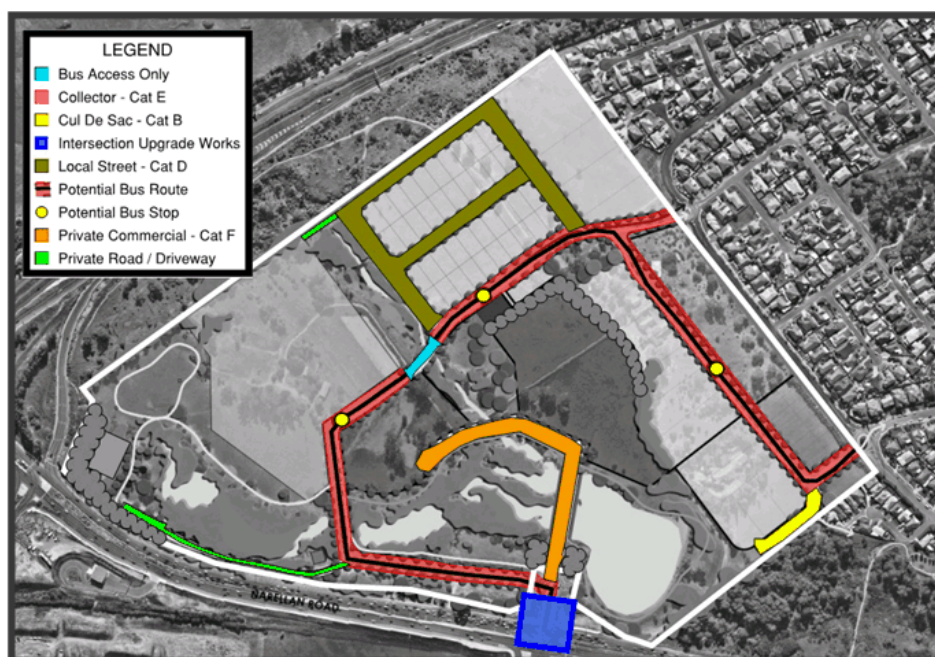


Figure 13.4 Road Hierarchy

13.5 Open Space Areas

13.5

Open Space Areas

Objectives

- Provide a coordinated and managed open space network delivered in a timely manner with the development of the respective precincts identified under the Maryfields Staging Plan.
- Maintain and enhance the visual qualities of the main lake and associated open space areas as viewed from the Narellan Road frontage.
- Maintain and enhance riparian habitat and remnant Cumberland Plain Woodland of ecological significance.

Controls

1. Open space areas within Maryfields Estate are to be generally provided in accordance with Figure 13.5 (Open Space Areas), including connection with pedestrian and bicycle pathways. Specific controls for each open space area are provided in Table 13.1.
2. Open space areas are to be progressively embellished and managed by the developer at no cost to Council in conjunction with the development of the corresponding stage of Maryfields Estate.
3. Native vegetation within open space areas and riparian corridors are to be rehabilitated and managed in accordance with a Vegetation Management Plan (VMP) prepared by a suitably qualified environmental consultant in accordance with Council's Guide for the preparation of Vegetation Management Plans. VMPs for each staged precinct are to be submitted with the initial development application for subdivision or development works.

13.5 Open Space Areas



Figure 13.5 Open Space Areas

13.5

Open Space Areas

Table 13.1

Open Space Area	Specific Controls and Management Criteria
A. St Clare Memorial Park	<ol style="list-style-type: none"> 1. This Park comprises the existing designated cemetery at Bethlehem Monastery and adjacent grassed verge to the immediate west. These two spaces are to collectively comprise the St Clare Memorial Park. 2. The site is to include signature signage, sensitively designed with respect to the character of the landscape setting and presence of the existing cemetery. 3. The open structure and simple style of the landscape is to be maintained. Upgrade existing turf to match existing. Retain and protect existing vegetation and enhance with limited tree planting to the western side of the site. 4. Provide for passive recreation and surveillance through the use of seating and subtle lighting, styled to reflect the landscape character of the site. 5. Repair any dilapidated elements within the cemetery with approval from representatives of the Bethlehem Monastery. 6. Where required, restrict vehicular access to St Clare Memorial Park with landscape elements that reflect the landscape character of the site and with respect for the presence of the existing cemetery. 7. A Landscape Concept Plan for St Clare Memorial Park including drawings, costings, materials and planting palettes, shall be submitted to Council for review and approval as part of the Stage 2 development proposal. 8. Construction Certificate Plans for St Clare Memorial Park including drawings, details, costings, maintenance program and specifications shall be submitted to Council for review and approval, prior to construction. 9. Due to the existence of the cemetery, park ownership is to be retained and managed by the developer / private owner in accordance with the relevant legislation.

13.5

Open Space Areas

Open Space Area	Specific Controls and Management Criteria
B.Upper Riparian Corridor	<ol style="list-style-type: none"> 1. A Vegetation Management Plan shall be submitted to Council for the rehabilitation of the Upper Riparian Corridor in accordance with the requirements of Campbelltown City Councils Vegetation Management Plan: Guide to Vegetation Management Plan within the Campbelltown City Council Local Government Area, and the objectives of the Campbelltown (Sustainable City) Development Control Plan 2015. 2. Rehabilitation and management of the riparian corridor is to be undertaken by the private owner / developer of the Seniors Living Precinct in accordance with a Council approved VMP. 3. As a minimum, rehabilitation works shall be provided to enhance the quality of the Cumberland Plain Woodland (CPW), offer wildlife (terrestrial and aquatic) habitats and connectivity, ensure long-term bank stabilisation and improvements to water quality, and increase the bio-diversity value of the riparian corridor. 4. Maintenance access for on-going management of the Upper Riparian Corridor shall be provided. The width for Council maintenance access requirements is typically 3m. Subtle methods to prevent general vehicular access from the adjacent road shall also be incorporated. 5. A Landscape Concept Plan for the Upper Riparian Corridor including drawings, costings, materials and planting palettes, shall be submitted to Council for review and approval as part of the Stage 1A development proposal. The Landscape Concept Plan must reflect the objectives and strategies outlined in the Council approved VMP. 6. Construction Certificate Plans for the Upper Riparian Corridor including drawings, details, costings, maintenance program and specifications shall be submitted to Council for review and approval, prior to construction.

13.5

Open Space Areas

Open Space Area	Specific Controls and Management Criteria
C.St Francis Park	<ol style="list-style-type: none"> 1. St Francis Park is to be delivered to the requirements of Campbelltown City Council as part of the initial development application for subdivision or development of the adjoining Business Park Precinct (Stage 1B). 2. The embellishment of the park is to be provided by the developer at no cost to Council in a manner consistent with informal health and fitness pursuits. This includes as a minimum, a playground area covered by a shade structure/sails that comprises a variety of play equipment catering to the 0-5 year old and 5-10 year old age groups, wetpour rubber safety softfall to enable access to all play equipment items, advanced tree plantings, furniture items such as picnic settings, picnic shelters, drinking station, rubbish bins, and bench seating, accessible pedestrian pathways and connections that are appropriately lit to meet the relevant Australian Standards. 3. The western edge of St Francis Park consists of a riparian corridor that connects to the Upper Riparian Corridor. A Vegetation Management Plan shall be submitted to Council for the rehabilitation of the riparian corridor in accordance with the requirements of Campbelltown City Councils Vegetation Management Plan: Guide to Vegetation Management Plan within the Campbelltown City Council Local Government Area, and the objectives of the Campbelltown (Sustainable City) Development Control Plan 2015. 4. Rehabilitation and management of the riparian corridor is to be undertaken by the private owner / developer in accordance with a Council approved VMP.

13.5

Open Space Areas

Open Space Area	Specific Controls and Management Criteria
C.St Francis Park	<ol style="list-style-type: none"> 5. As a minimum, rehabilitation works to the riparian corridor shall be provided to enhance the quality of the Cumberland Plain Woodland (CPW), offer wildlife (terrestrial and aquatic) habitats and connectivity, ensure long-term bank stabilisation and improvements to water quality, and increase the bio-diversity value of the riparian corridor. 6. Maintenance access for on-going management of St Francis Park shall be provided. The width for Council maintenance access requirements is typically 3m. Subtle methods to prevent general vehicular access from the adjacent road shall also be incorporated. 7. Vegetation within St Francis Park (outside of the riparian corridor) is to generally comprise irrigated open turfed areas with a mix of intermittent deciduous and native tree and mass plantings. A remote sensed subsoil irrigation system shall be provided to all mass planting beds in St Francis Park. 8. The Park contains a potential archaeological deposit (refer 'Aboriginal Heritage Due Diligence Assessment Maryfields Estate, Campbelltown' prepared by Niche environment and Heritage Consultants, October 2013). Any development involving soil disturbance is to consider the archaeological sensitivities of the site and comply with any relevant legislative requirements prior to ground disturbing works commencing. 9. A Landscape Concept Plan for St Francis Park including drawings, costings, materials and planting palettes, shall be submitted to Council for review and approval as part of the initial development application for subdivision or development of the adjoining business precinct. The Landscape Concept Plan must reflect the objectives and strategies outlined in the Council approved VMP for the riparian corridor. 10. Construction Certificate Plans for St Francis Park including drawings, details, costings, maintenance program and specifications shall be submitted to Council for review and approval, prior to construction

13.5

Open Space Areas

Open Space Area	Specific Controls and Management Criteria
C.St Francis Park	11. Following completion of works to the requirements of Council, St Francis Park may be considered for dedication at no cost to Council as public land, in conjunction with the subdivision and development of the adjoining land.
D. Heritage Precinct	<ol style="list-style-type: none"> 1. The Heritage Precinct forms the heritage listed curtilage of the Stations of the Cross (local heritage listed item). 2. The use and embellishment of the Heritage Precinct is to be consistent with a Conservation Management Plan and Vegetation Management Plan approved by Campbelltown City Council. 3. A Vegetation Management Plan shall be submitted to Council for the rehabilitation of the riparian corridor and system of ponds within the Heritage Precinct in accordance with the requirements of Campbelltown City Councils Vegetation Management Plan: Guide to Vegetation Management Plan within the Campbelltown City Council Local Government Area, and the objectives of the Campbelltown (Sustainable City) Development Control Plan 2015. 4. As a minimum, rehabilitation works shall be provided to enhance the quality of the Cumberland Plain Woodland (CPW), offer wildlife (terrestrial and aquatic) habitats and connectivity, ensure long-term bank stabilisation and improvements to water quality, and increase the bio-diversity value of the riparian corridor. 5. Access into and around the Heritage Precinct via a minimum 2.5m wide accessible bike and pedestrian pathway network with associated lighting, bike parking, seating, drinking stations and interpretive signage shall be provided for use by the general public as required for religious ceremonies or operation of the interpretation centre.

13.5

Open Space Areas

Open Space Area	Specific Controls and Management Criteria
D. Heritage Precinct	<ol style="list-style-type: none"> 6. A Landscape Concept Plan for the Heritage Precinct including drawings, costings, materials and planting palettes, shall be submitted to Council for review and approval as part of the Stage 3 development proposal. The Landscape Concept Plan must reflect the objectives and strategies outlined in the Council approved Conservation Management Plan and Vegetation Management Plan. 7. Construction Certificate Plans for the Heritage Precinct including drawings, details, costings, maintenance program and specifications shall be submitted to Council for review and approval, prior to construction. 8. The Heritage Precinct is to be retained as a single allotment in the care and control of private ownership and managed in conjunction with an environmental/religious community interpretive centre and /or by the owner(s) of the adjoining Seniors Living Precinct.
E. Business Park Precinct	<ol style="list-style-type: none"> 1. A Vegetation Management Plan shall be submitted to Council for the rehabilitation of the riparian corridor, system of ponds and lake/dam within the Business Park Precinct and in accordance with the requirements of Campbelltown City Councils Vegetation Management Plan: Guide to Vegetation Management Plan within the Campbelltown City Council Local Government Area, and the objectives of the Campbelltown (Sustainable City) Development Control Plan 2015. 2. Rehabilitation and management of the riparian corridor, system of ponds and lake/dam, Asset Protection Zones and remnant Cumberland Plain Woodland, is to be undertaken by the private owner / developer of the Business Park Precinct in accordance with a Council approved VMP. 3. As a minimum, rehabilitation works shall be provided to enhance the quality of the remnant Cumberland Plain Woodland (CPW), offer wildlife (terrestrial and aquatic) habitats and connectivity, ensure long-term bank stabilisation and improvements to water quality, and increase the bio-diversity value of the riparian corridor, system of ponds and lake/dam.

13.5

Open Space Areas

Open Space Area	Specific Controls and Management Criteria
E.Business Park Precinct	<ol style="list-style-type: none"> 4. Open space within the Business Park Precinct shall be retained and managed by the private owner as an accessible passive recreation space including accessible pedestrian boardwalks, shaded seating areas, open grassed picnic areas, viewing platforms, drinking stations and rubbish bins. 5. Access into and around the Business Park Precinct via a minimum 2.5m wide accessible bike and pedestrian pathway network with associated lighting, bike parking, seating and drinking stations shall be provided for all users of the Business Park Precinct. 6. Proposed vegetation to the lake/dam perimeter shall be designed to maintain clear and unobstructed sight lines. 7. A Landscape Concept Plan for the Business Park Precinct including drawings, costings, materials and planting palettes, shall be submitted to Council for review and approval as part of the Stage 1B development proposal. The Landscape Concept Plan must reflect the objectives and strategies outlined in the Council approved Vegetation Management Plan. 8. A Landscape Concept Plan for the proposed landscape buffer between Narellan Road and the Business Park Precinct and the entry into the business Park Precinct including drawings, costings, materials and planting palettes, shall be submitted to Council for review and approval as part of the Stage 1A development proposal. 9. Construction Certificate Plans for the Business Park Precinct including design drawings, details, costings, maintenance program and specifications shall be submitted to Council for review and approval, prior to construction.

13.5

Open Space Areas

Open Space Area	Specific Controls and Management Criteria
E.Business Park Precinct	10. Any required works to ensure the long-term structural integrity of the dam wall must be undertaken as a part of the first stage of the Maryfields Estate.
F. Neighbourhood Shops Park	<ol style="list-style-type: none"> 1. The Neighbourhood Shops Park is to be delivered to the requirements of Campbelltown City Council as part of the initial development application for subdivision or development of the adjoining Residential Precinct (Stage 2). 2. The embellishment of the park is to be provided by the developer at no cost to Council in a manner consistent with the adjoining St Francis Park and include as a minimum, high quality accessible pavements, accessible connections to both the Neighbourhood Shops and St Francis Park, an accessible toilet facility, outdoor seating areas, bike parking, advanced tree planting, pedestrian lighting, irrigated mass planting beds and rubbish bins. 3. Subject to Council approval, part of the Neighbourhood Shops Park may be utilised by the adjoining neighbourhood shops. 4. Following completion of works to the requirements of Council, the Neighbourhood Shops Park may be dedicated to Council as public land, at no cost to Council and in conjunction with the subdivision and development of the adjoining land.

13.6 Development Precinct Controls

13.6

Development Precinct Controls

There are four broad precincts nominated under the Masterplan to control the development and land use outcomes for Maryfields Estate.

These precincts comprise the following:

- (a) Business Park Precinct
- (b) Residential Precinct
- (c) Seniors Housing Precinct
- (d) Heritage Precinct

The following precinct-specific design guidelines provided in this DCP aim to ensure that the desired development outcomes for each precinct are achieved and the overall objectives of the Masterplan are realised.

13.6

Business Park

13.6.1 Business Park

Objectives

- Create a high quality landscaped campus-style business park that promotes employment and economic growth in the Campbelltown Region.
- Deliver high quality architectural building designs within an extensively landscaped and planned setting.
- Promote the main dam and associated riparian corridor as an integral landscaped feature of the business park.

The masterplan layout of the Business Park Precinct, incorporating the main water body and dam, is illustrated at Figure 13.6.

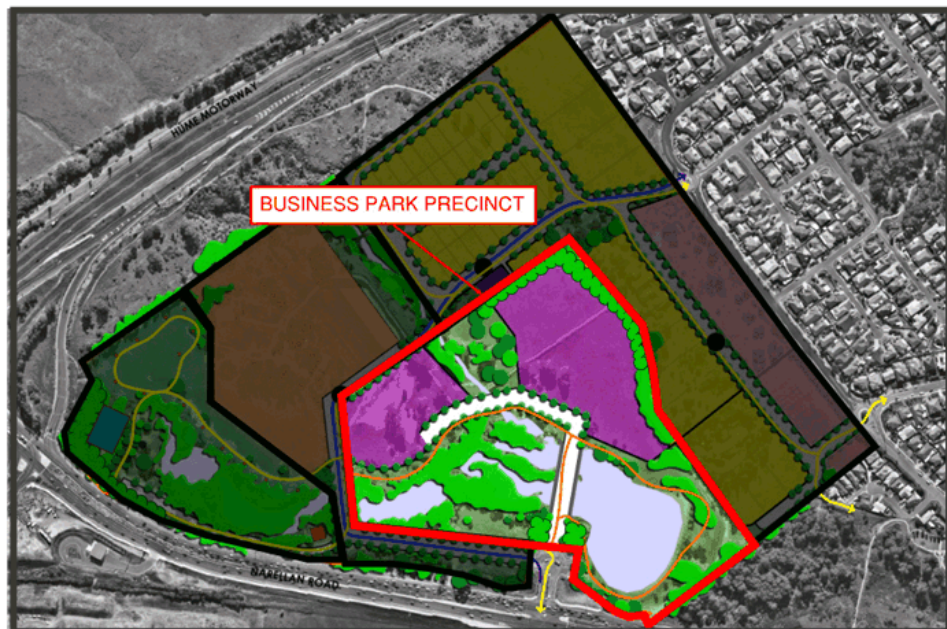


Figure 13.6 Business Park Precinct

13.6.1.1 Building Design

Controls

1. Buildings must be designed by a qualified and registered architect.
2. All proposed building designs shall incorporate the following unifying elements:
 - a. Campus-style arrangement of building forms with a high quality architectural presentation to publicly accessible spaces, including views across the main dam from the Narellan Road frontage.
 - b. An active interface to the streetscape and adjoining open spaces, including pedestrian entry treatments comprising podiums and forecourts at ground level.
 - c. Integration of common landscaping elements including tree planting, paving, lighting and furniture.
3. The visual impact of building facades is to be moderated by detailed architectural treatment incorporating the following treatments:
 - a. Extensive use of glass, expressed steelwork and louvers.
 - b. Use of panelised materials for general external cladding.
 - c. A generally monochromatic colour scheme based on the use of off-white/light greys/natural/aluminium/stainless steel tones.
 - d. Contrast or feature elements which should be generally organic in character and may include timber, stone-faced cladding, terracotta tiles cladding and bronze or



Figure 13.7 Business Park - Art Impression

13.6

Business Park

13.6

Business Park

- other metal finish colours.
- e. Window-shading treatments and other façade elements.
- 4. Perspectives, photomontages, sections and other appropriate diagrams are to accompany all development applications.
- 5. Buildings shall generally present as four stories when viewed from surrounding landscape so as to comply with the height limit prescribed by Campbelltown Local Environmental Plan 2015.
- 6. Crime Prevention through Environmental Design (CPTED) principles should be considered in the building design and layout to minimise opportunities for crime and enhance security.

13.6.1.2 Building Setbacks

Controls

- 1. Building setbacks shall be provided in accordance with Figure 13.8, generally comprising:
 - a. Minimum 6 metre building setback to streets and open space areas.
 - b. Minimum 10 metre setback to the northern precinct boundary of the business park adjoining residential land uses and the neighbourhood shops.
- 2. All rooftop exposed structures including lift motor rooms and plant rooms together with air conditioning, ventilation and exhaust systems must be suitably screened and integrated with the building design and set back 6 metres from all sides of the building to minimise any visual impact.
- 3. At least 50% of the area of required building setbacks is to be utilised for landscaping incorporating

significant shade trees, and landscape screening where appropriate.

4. Building setbacks for development adjoining park spaces are to incorporate paving and lighting to facilitate pedestrian activity and connections between the building and the park space.

13.6

Business Park

13.6.1.3 Landscaping

1. Regular tree planting to both sides of streets and within building street setbacks and open car parking spaces shall be provided as required to deliver a tree dominated precinct.
2. Landscaping, paving and lighting shall be provided to the main access road from Narellan Road to deliver a framed vista of formal tree planting and a heightened sense of entry to the precinct.
3. The open space, riparian areas and main dam of the business park precinct are to be retained and managed as an accessible passive recreation space for users of the Business Park. Requirements for the embellishment of these areas are provided in Part 13.5.

13.6.1.4 Car Parking

1. Car parking spaces are to be provided on site to satisfy the parking demand generated by the business park development. This requirement may be satisfied by the provision of on-site parking at the following rates:
 - a. A general parking rate of 1 space per 70m² of Gross Floor Area. A higher parking ratio may be required having regard to the final mix of development types, ongoing monitoring of parking demand and actual take-up of public and alternative transportation strategies.

13.6

Business Park

- b. One bicycle rack space must be provided for every 10 car parking spaces allowed and should be located in close proximity to the building's entrance.
 - c. One motor cycle space must be provided for every 20 car parking spaces provided.
 - d. Provision of accessible car spaces as prescribed by the Building Code of Australia (BCA).
2. Provision of parking shall be configured to provide a suitable distribution and mix of parking spaces, including;
 - a. Clearly legible visitor parking to service each building.
 - b. Centralised staff parking.
 - c. Parking bays for service vehicles, taxis, bus bays and the like.
3. Parking spaces shall generally be provided within centralised locations and basement car parks to minimise visual impacts to the streetscape.
4. Temporary on-grade parking areas may be provided in developable areas and progressively reduced as the Business Park Precinct is developed.
5. The depth of any required setback area may be partially used for car parking purposes, provided car parking areas do not dominate the landscape nor compromise the architectural value and visual interest of the development.
6. Basement parking adjoining the streetfront must be located fully below footpath level if feasible. On sloping sites, consideration will be

given to a portion of the basement level exceeding ground level by a maximum of 1.2 metres provided the street elevation of the building is not compromised. (Figure 13.8)

7. Vehicular circulation areas for each development site must be designed to facilitate forward direction of vehicle movements at all times.
8. Outdoor parking areas are to be provided with shade trees at regular intervals.

13.6.1.5 Signage

1. Use of signage on buildings must not detract from the architectural qualities of the building and shall be located below the roofline and/or parapets.
2. Use of common directional signage for multi-tenanted buildings must be designed and constructed from durable materials to complement the architectural theme of the business park buildings. The placement of these signs should be at the main entrance points to buildings.
3. The maximum height of all free standing signs should not exceed 3 metres, with the exception of a signature business park sign at the main entrance which must not exceed 5-metres in height.

13.6

Business Park

13.6

Business Park

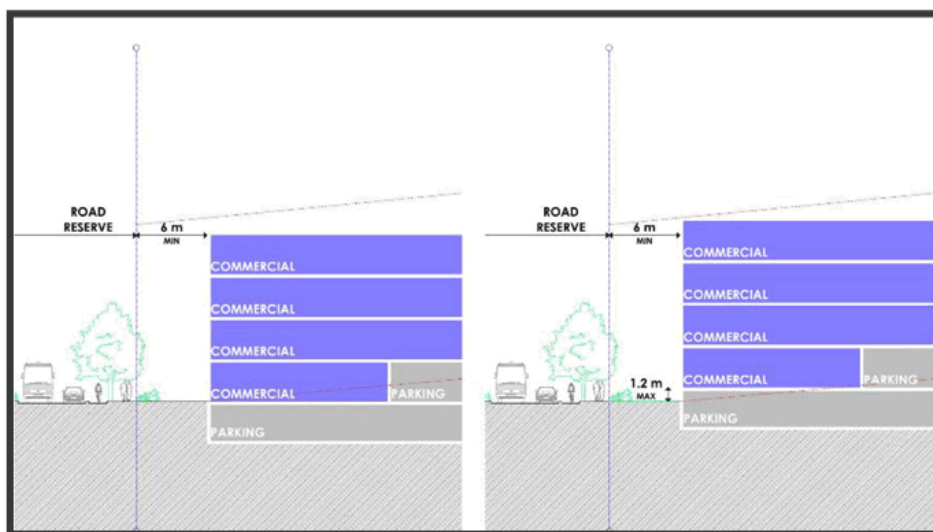


Figure 13.8 Business Park - Street Setback and Carparking Option

13.6.2 Residential Precinct

13.6

Residential Precinct

Objectives

- Provide a variety of housing choice to promote a diverse residential community.
- Integrate the new residential precinct with the existing neighbourhood of Blair Athol and adjacent masterplan precincts, including St Clare Memorial Park.
- Provide a built form that appropriately responds to the site context and constraints.

The Masterplan for the residential precinct has been informed by a number of considerations including the site context, local topography, promotion of a diversity of housing types, and limiting traffic impacts on the local road network. Provision has also been made in the residential precinct for a local neighbourhood shops and enhanced connectivity with adjoining open space areas.

Building Design, setbacks and landscaping shall comply with the general development controls for low and medium density housing under Campbelltown (Sustainable City) Development Control Plan 2015 (as amended).

Additional site specific controls for development of the residential precinct are outlined as follows:

Controls

1. All development sharing a boundary with Maryfields Drive must be designed to front and be accessed from Maryfields Drive. Consideration is to be given to split level dwelling designs to accommodate garage access at street level and minimise site regrading.
2. Any development of land affected by the existing electrical easement (Figure 13.11) must demonstrate a suitable residential design outcome having regard to the restrictions imposed by that easement, and safety clearances required by relevant Australian Standards.

13.6 Residential Precinct

3. Development of the residential precinct adjoining the Hume Motorway boundary shall incorporate suitable noise attenuation measures to address acoustic impacts from this traffic corridor in accordance with relevant Australian Standards and noise planning criteria. This may require:



Figure 13.9 Residential Precinct

- a. Acoustic fencing or shielding along the Hume Motorway boundary to be provided at the subdivision works stage consistent with that already in place for existing dwellings in the adjoining residential subdivision of Blair Athol.
- b. Site regrading of dwelling lots at the subdivision works stage to enhance the effectiveness of any acoustic shielding along the common boundary.



Figure 13.10 Acoustic Fence Example

- c. Mitigation measures used in the dwelling design, including dwelling layout, positioning on the allotment, landscaping, and use of acoustically rated windows, doors, ventilation systems and facade treatments.
4. Common boundary fencing treatment with the St Clare Memorial Park must use wood panelling or similar natural material.

13.6

Residential Precinct

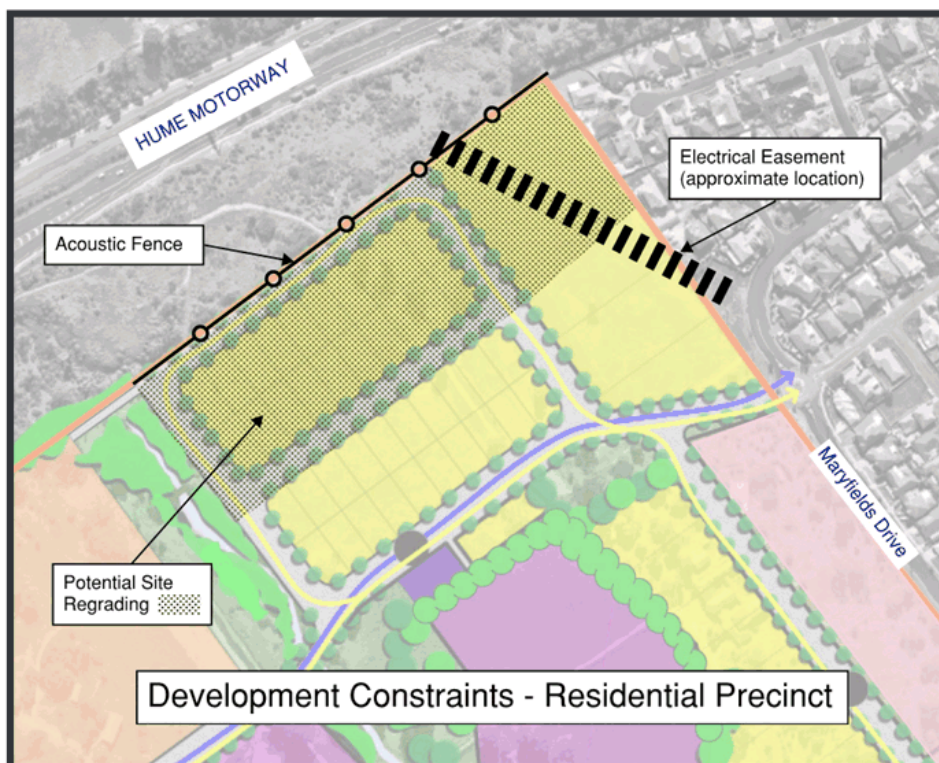


Figure 13.11 Development Constraints- Residential Precinct

13.6

Neighbourhood Shops

13.6.3 Neighbourhood Shops

Objectives

- To provide a small scale neighbourhood shopping centre to serve the day-to-day retail and service needs of the local population.
- To ensure the design of neighbourhood shopping centre integrates with the adjacent open space area (St Francis Park) and surrounding land uses.
- To ensure the neighbourhood shopping centre operates without adversely impacting the amenity of the area.

Controls

The following requirements supplement the development controls for Neighbourhood Shops (Commercial Development) under Campbelltown (Sustainable City) Development Control Plan 2015 (as amended).

1. A local shopping centre comprising of 'neighbourhood shops' at ground level is to be provided in the location shown on the Maryfields Estate Masterplan.
2. The aggregate size of the local shopping centre shall not exceed 500 square metres of gross floor area unless supported by an economic impact assessment prepared by a suitably qualified person to demonstrate that any economic impacts of the proposed development on the retail hierarchy of business areas in the Campbelltown locality are acceptable.
3. The design of the local shopping centre shall incorporate facades of a high quality architectural presentation to all street fronts and the adjoining open space area (St Francis Park).
4. Building facades shall be setback a minimum of 5.5 metres from any street or adjoining open space.

-
5. Any commercial outdoor areas fronting the adjoining park shall be designed to enhance the public domain and facilitate public use of that space.
 6. Adequate space for loading and unloading of delivery and service vehicles shall be integrated into the design of the development so as to not impact upon the amenity of the surrounding area. This may include the provision of a common service area or lane to provide for the collective servicing needs of the development.

13.6

Neighbourhood Shops

13.6

Seniors Housing Project

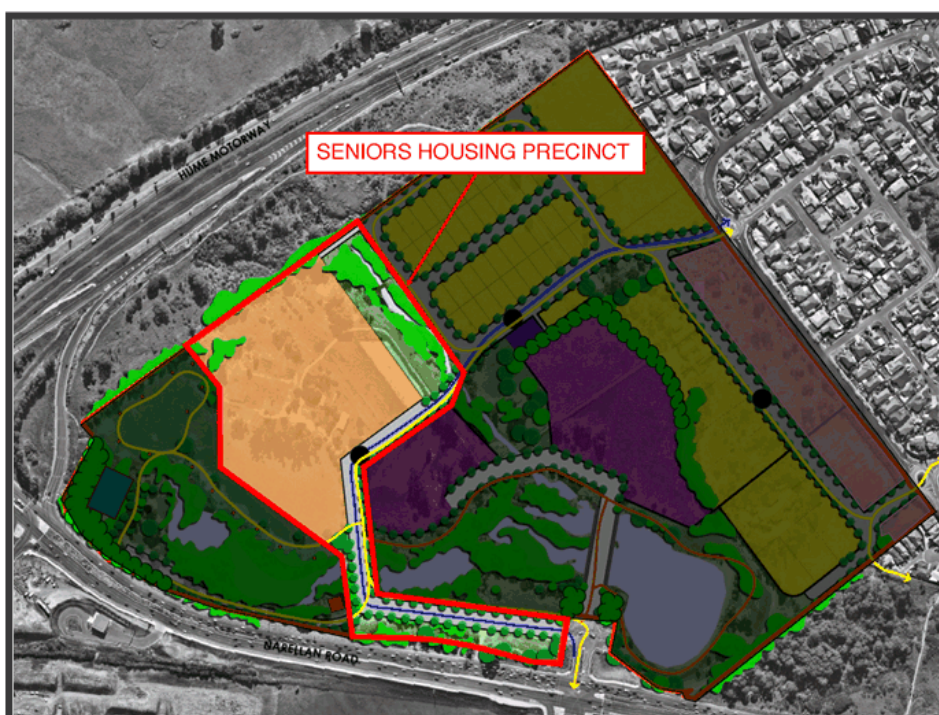
13.6.4 Seniors Housing Project

Objectives

- Provide high quality independent and assisted living housing solutions for persons aged 55 and over.
- Provide a modern attractive built form that integrates with the surrounding landscape setting and respects the heritage significance of the adjoining heritage listed precinct.
- Manage bushfire risk by encouraging the appropriate treatment and use of the required Asset Protection Zones (APZ) through strategic placement of car parking, roads, landscaping, and buildings.
- Facilitate a precinct road and path layout that provides suitable connectivity for residents whilst discouraging through public vehicular access between Narellan Road and Maryfields Drive.

Controls

1. Buildings must be designed by a qualified and registered architect. All facades of any buildings within the seniors housing precinct must embrace a high quality of architectural presentation and complement the surrounding landscape setting and heritage precinct.
2. The occupancy of residential accommodation is regulated under Campbelltown Local Environmental Plan 2015, generally being restricted to seniors and people who have a disability. A covenant or similar restriction must be provided on the title of the land to restrict the occupancy of any approved development in accordance with this limitation.
- 3 Building design and layout shall be generally consistent with the following requirements:
 - a. all buildings shall have a positive street address and presentation;
 - b. building facades shall generally present as a maximum of 4-storeys in height.



13.6

Seniors Housing Project

Figure 13.12 Seniors Housing Precinct

- c. provision of an active interface with the open space riparian corridor to the north and the heritage precinct to the south;
 - d. suitable building layout and facade treatments to mitigate impacts of vehicular noise from the adjacent Hume Motorway.
 - e. building materials and colour palate should incorporate natural earth tones to complement the landscape context.
 - f. compliance with NSW RFS Guidelines including provision of APZs as generally depicted in Figure 18.
4. Any development shall be consistent with the requirements of 'Stations of the Cross, Maryfields, Campbelltown' Conservation Management Plan prepared by Perumal Murphy Alessi - May 2015. This may include:

13.6

Seniors Housing Project

- a. maximising surveillance opportunities to the heritage precinct through building design layout, and provision of balconies and living areas fronting the heritage precinct.
 - b. complementary landscaping and unobtrusive fencing treatments at ground level along the common boundary to provide an integrated setting with a strong visual connection between the spaces.
5. The road and subdivision layout is to be generally consistent with the materplan, including:
 - a. provision of a private driveway connection across the northern creek to provide a northern connection with the adjacent residential precinct; and
 - b. provision of a limited road connection to the north for use by bus and emergency vehicles only.
 - c. allocation of a peripheral road reserve within the APZs as illustrated at Figure 13.17
 - d. provision of pedestrian and cycleways to promote connectivity with other precincts.
6. Building setbacks shall be provided as follows:
 - a. building setbacks to a public road is to be a minimum of 6 metres;
 - b. the first three storeys of any scheme fronting the heritage precinct or open space corridor must be setback a minimum of 6m storey being setback a further 3m (9m minimum).

7. Regular tree planting to both sides of streets and within building street setbacks and open car parking spaces shall be provided to deliver a tree dominated precinct.
8. Operational noise from mechanical plant, loading docks and car parks associated with the seniors housing precinct should be mitigated where necessary using selected building materials, acoustic screens, enclosures and acoustic shielding.

13.6 Seniors Housing Project



Figure 13.13 Artist Impression- Senior Housing

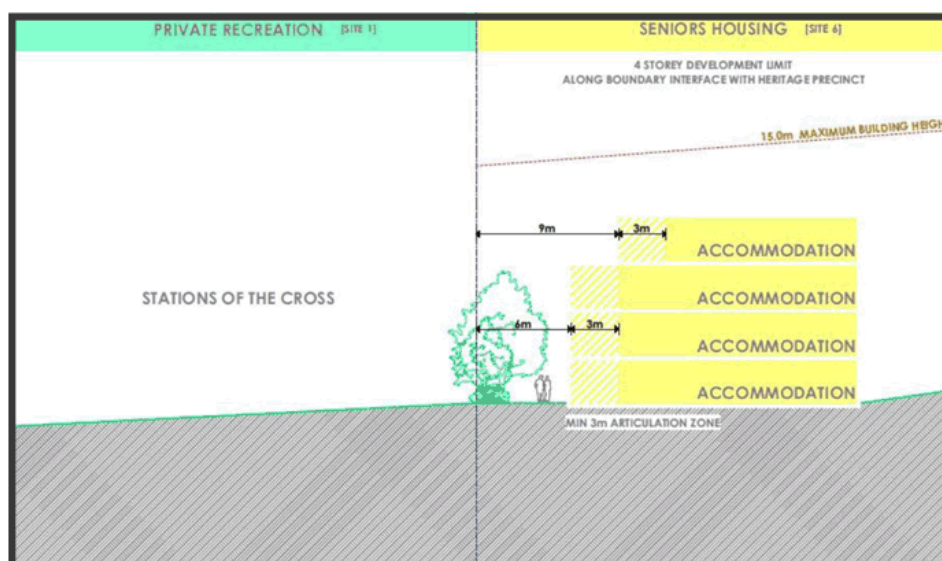


Figure 13.14 Senior Housing Setbacks

13.6

Heritage Precinct

13.6.9 Heritage Precinct

Objectives

- Promote long term conservation outcomes and public use of the site consistent with the Conservation Management Plan (CMP) prepared for the site.
- Ensure new development and vegetation management conserves the heritage significance of the site.
- Promote public access and interpretation of the cultural significance of the site.
- Ensure any new development is low in scale and not visible from Narellan Road.



Figure 13.15 Heritage Precinct at Maryfields Estate

Controls

1. Any development within the heritage precinct must be generally consistent with the Conservation Management Plan prepared for the site.
2. The CMP may be reviewed and updated to take into account changes in legislation or any changes to site conditions.

3. Any development within the heritage precinct must be low in scale and not be visible from the adjacent Narellan Road or the Hume Motorway. This will require low building heights, substantial building setbacks from the road frontage, dense landscape screening, and use of natural building materials and neutral colour palettes.
4. Any development proposal for an Interpretative Centre or similar facility, as identified in the CMP, must also provide heritage documentation prepared by a suitably qualified person that includes:
 - a. A proposed development design outcome that is low scale and visually compatible with the landscaped setting of the site.
 - b. A demonstrated public benefit including long term conservation outcomes for the Stations of the Cross and the associated landscape elements of the heritage listed precinct.
 - c. An interpretative strategy to tell the story and background to the Maryfields estate, including aboriginal history and connections; the changing natural landscape; religious connections to the local area and people; religious connections to the local area and people; and the development of the Stations of the Cross and religious celebrations.
 - d. A public accessibility strategy to provide safe and equitable access for the public, including where feasible the continuation of religious and associated activities.

Note:

The Heritage precinct is illustrated at Figure 13.15 and is approximately 6 hectares in area. The precinct is listed as an item of local heritage significance given historical religious practices undertaken on the site by the broader Catholic community. The Stations of the Cross Statues and Garden of Gethsemane are significant physical elements associated with these religious activities that remain as the visual evidence of religious worship on the site.

The Stations of the Cross Statues have been restored and repositioned as part of the rezoning process of the Maryfields Estate, so that a sense of the "pilgrimage" and experience of rising to the 12th Station in an open landscaped setting is retained and can continue to be interpreted.

A Conservation Management Plan (CMP) has been prepared to outline the history and significance of the Station of the Cross statues at Maryfields and provide policy guidelines for their long term conservation, use and maintenance as part of the cultural heritage of Campbelltown:

-May 2015 'Stations of the Cross, Maryfields, Campbelltown' Conservation Management Plan (CMP) prepared by Perumal Murphy Alessi ('PMA').

The CMP will provide the basis of any assessment of potential heritage impacts for development proposed within the precinct.

13.6

Heritage Precinct

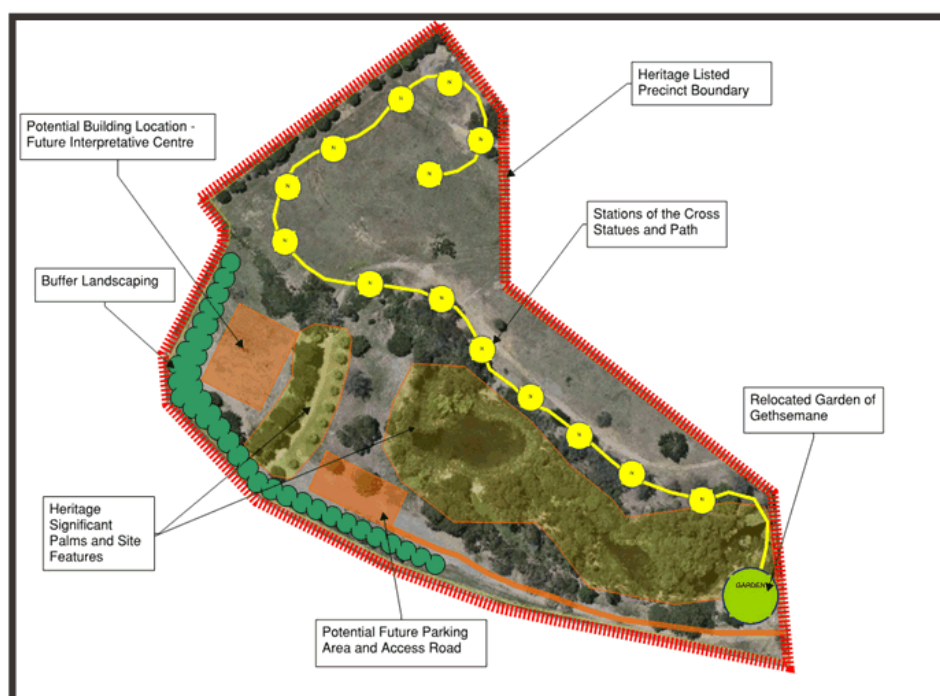
13.6

Heritage Precinct

- e. Consideration of an integrated caretaker's residence to manage site conservation outcomes.
 - f. Archaeological assessment for any major site works or excavation
 - g. An assessment of opportunities to use the facility and associated external areas as a communal space for the adjacent Seniors Precinct.
 - h. Review of the Vegetation Management Plan required in accordance with Part 13.5.
5. Pedestrian and cycle paths are to be delivered generally in accordance with the Masterplan and the controls specified at Part 13.4.
6. Carparking shall be provided in the general location indicated in Figure 13.16 to service the car parking needs of the heritage precinct. An at-grade car park and associated driveway may be provided in the general location shown subject to:
- a. A traffic impact assessment being provided by a suitably qualified person to demonstrate that the design, layout and quantity of carparking is suitable to accommodate vehicular parking demand generated by the intended use;
 - b. Sufficient landscape plantings being provided to mitigate any adverse visual impacts of any proposed carparking and driveway areas.

Note:

Any development application for an interpretive centre or similar facility must also address the relevant provisions of Campbelltown Local Environmental Plan 2015, including permissibility of proposed land uses and consideration of heritage impacts and conservation outcomes.



13.6 Heritage Precinct

Figure 13.16 Detailed Heritage Precinct supported by CMP

13.7

Risk Management

13.7 Risk Management

This Part sets out relevant controls to appropriately manage site specific risk factors identified for the Maryfields Estate.

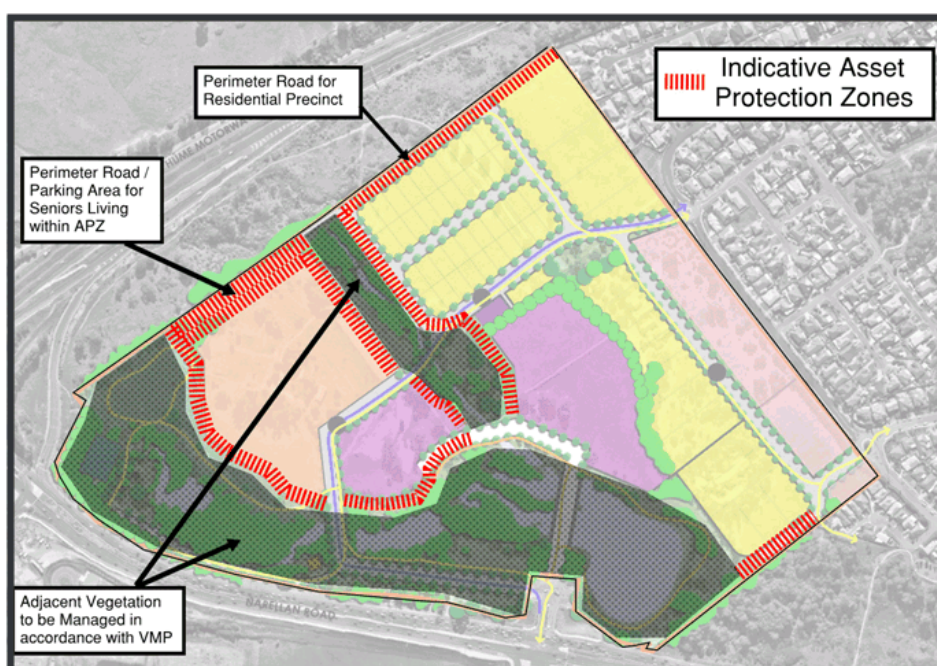
13.7.1 Bushfire Risk

Objectives

- To ensure that all development within Maryfields Estate appropriately manages potential bushfire risk.

Controls

1. All subdivision and development must be compliant with the relevant requirements of the NSW Rural Fire Service Planning for Bushfire Protection Guidelines 2006 (as amended).
2. Where asset protection zones are required on private land, a suitable restriction must be recorded on the titles of any created lots to ensure any required APZs are appropriately managed in perpetuity by the respective land owners.
3. Indicative Asset Protection Zones required for development within Maryfields Estate are illustrated in Figure 13.17 (source: Bushfire Constraints Assessment for the Maryfields Estate Rezoning, Campbelltown - Australian Bushfire Protection Planners P/L October 2013).



13.7

Dam Wall Structural Integrity

Figure 13.17 Indicative Asset Protection Zones required to address Bushfire Risk

13.7.2 Dam Wall Structural Integrity (Main Lake)

Objectives

- To ensure that the development of Maryfields Estate ensures the structural integrity of the main dam wall forming the main lake adjacent to the Narellan Road frontage.

Controls

1. Works to safeguard the long term structural integrity of the main dam wall must be undertaken to the requirements of Council as part of the first stage of the development of Maryfields Estate.
2. A structural assessment of the main dam wall and the proposed methodology to stabilise the dam wall must be provided by a suitably qualified hydraulic engineer having regard to post-development stormwater flows, and is to include consideration of the following:

13.7

Dam Wall Structural Integrity

- a. Provision of a minimum freeboard level of 1.0m. The required freeboard height is to be achieved by a reduction in the spillway height level rather than increasing the height of the dam wall.
 - b. Adjustment of dam wall batter angles to provide an optimum design outcome.
 - c. Design parameters for required spillway(s).
 - d. Measures to provide long-term erosion control including protection measures for the internal dam wall against wave action and suitable vegetation treatments of the external wall areas.
3. Any structural works associated with the main dam wall shall where possible be undertaken in concert with the construction of the business park access roads to maximise the re-use efficiency of materials within the site.

13.7.3 Site Remediation

13.7 Site Remediation

Objectives

- To ensure that the land is suitable for the proposed use in terms of site contamination.

Controls

1. An evaluation of site contamination risks is required to be completed by a suitably qualified person in accordance with the requirements of Managing Land Contamination Planning Guidelines, SEPP 55 - Remediation of Land (EPA, DUAP, 1998)
2. Where a site is identified as being, or having the potential to be contaminated, a Contamination Management Plan shall be submitted with the development application to demonstrate that the land may be appropriately remediated for the proposed use.

Note:

A preliminary environmental site audit undertaken during the rezoning of the land identified low potential for contamination on some portions of the site as a result of past development and agricultural activities. The audit recommended that more detailed investigations of potential site contamination are undertaken in areas of potential environmental concern, generally comprising parts of the site affected by historical development activity and/or filling, with a broad scale assessment in open areas or areas previously used for agricultural and farming activities.

13.8

Appendix 1

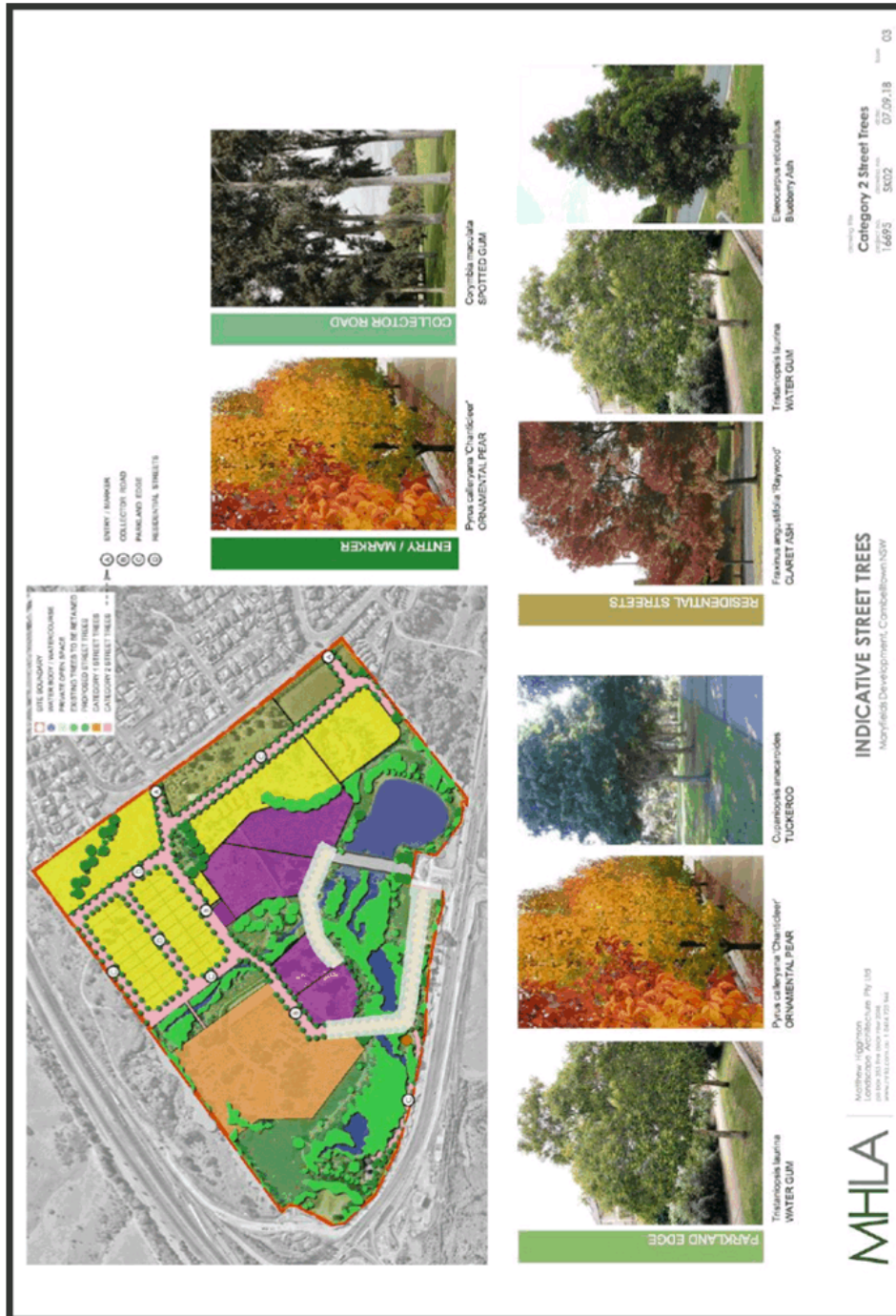
13.8 Appendix 1

Indicative Street Tree Planting Plan



13.8

Appendix 1

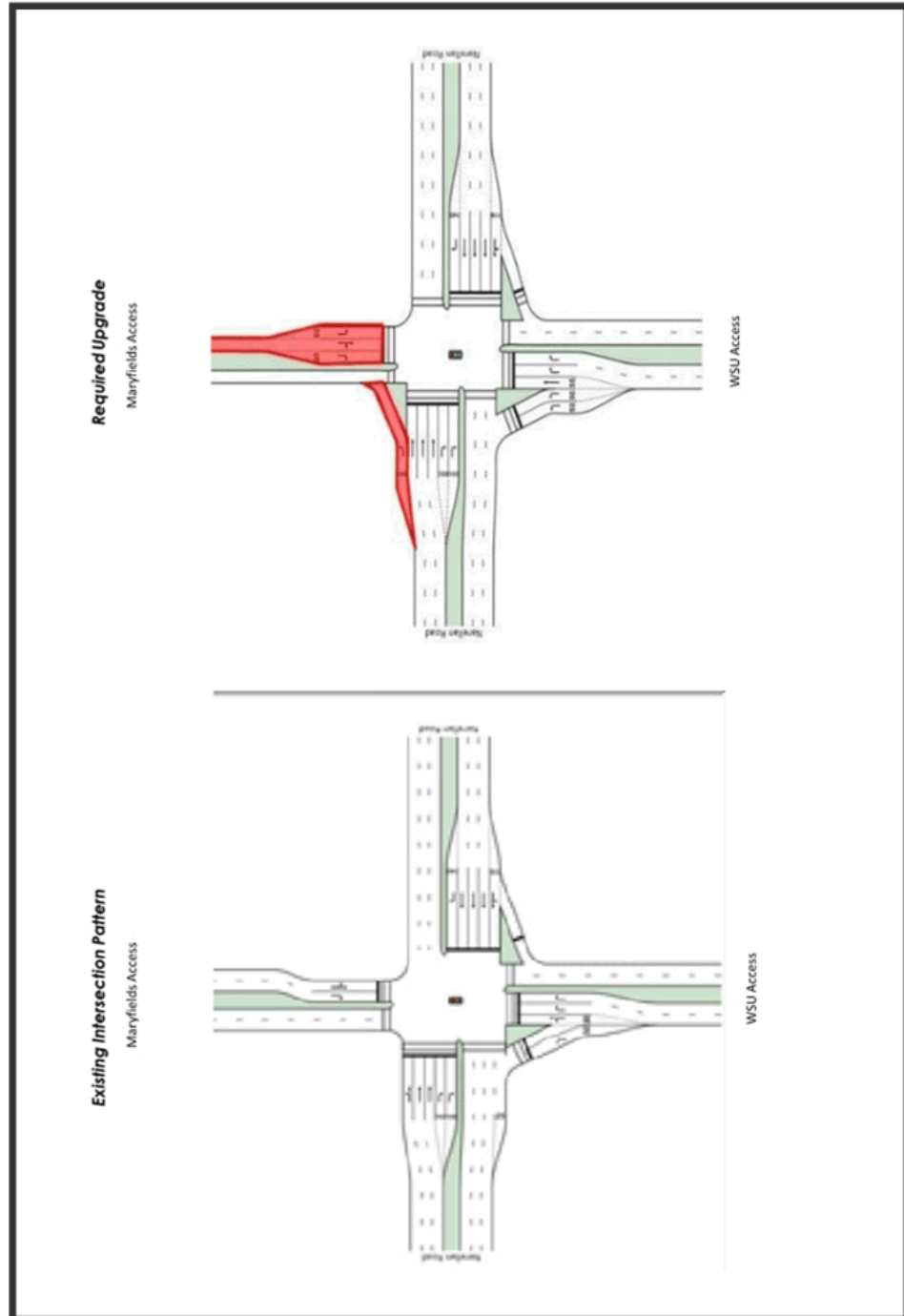


13.9

Appendix 2

13.9 Appendix 2- Indicative Intersection Upgrade Works

Indicative Intersection Upgrade Works - Narellan Road (Subject to RMS Requirements).





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

8.4 Quarterly Legal Status Report 1 January 2019 to 31 March 2019

Reporting Officer

Manager City Standards and Compliance
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

That the information be noted.

Purpose

To update Council on the current status of the City Development Division's legal matters.

Report

This report contains total costs to date for each matter and the status of the Division's current legal matters for the period of 1 January to 31 March 2019 as they relate to:

- the Land and Environment Court
- the Supreme Court
- the District Court
- the Local Court
- matters referred to Council's solicitor for advice.

A summary of year-to-date costs is also included.

Attachments

1. Quarterly Legal Status Report - 1 January to 31 March 2019 (contained within this report)

1. Land and Environment Court Class 1 Matters – Appeals Against Council's Determination of Development Applications
--

Ongoing Class 1 DA appeal matters for the period (updated to 18/06/2019)	5
Costs for 2018/19 financial year for Class 1 DA appeal matters:	\$284,464.32

1 (a)**AUCHENFLOWER INVESTMENTS PTY LTD**

Issue: Appeal against Council's (Sydney Western City Planning Panel) refusal of development application No. 493/2016/DA-RA that sought consent for restoration of and additions to existing heritage-listed former CBC Bank building, demolition of existing commercial building at the rear of the site and erection of a new 21 storey residential apartment building including basement car parking and landscaping at 263 Queen Street, Campbelltown.

Property: Lots 1 & 2 SP 41598, 263 Queen St, Campbelltown

Property Owner: Auchenflower Investments Pty Ltd

Council File: Development Application No: 493/2016/DA-RA

Court Application: Filed on 22 December 2017 - File No. 2018/182961

Applicant: Auchenflower Investments Pty Ltd

Costs Estimate: \$26,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Progressive Costs: \$30,577.70

Status: Ongoing – listed for hearing on 28 to 30 October 2019.

Progress: The Applicant filed an appeal in the Land and Environment Court of NSW against Council's (Sydney Western City Planning Panel) refusal of development application No. 493/2016/DA-RA that sought consent for restoration of and additions to existing heritage-listed former CBC Bank building, demolition of existing commercial building at the rear of the site and erection of a new 21 storey residential apartment building including basement car parking and landscaping at 263 Queen Street, Campbelltown. The Planning Panel has been notified of the appeal.

The proceedings were originally listed for first directions hearing on 11 July 2018, however the Applicant filed a notice of motion to amend the development application which was heard on 28 June 2018 where the Registrar adjourned the proceedings to 3 July 2018 for online directions hearing at which certain procedural directions were made requiring Council file a Statement of Facts and Contentions by 10 August 2018.

At a further directions hearing on 7 July 2018, the matter was listed for a conciliation conference on 13 February 2019 commencing onsite.

The proceedings were listed for mediation on 13 February 2019, where agreement between the parties could not be reached. The Commissioner terminated the mediation and adjourned the proceedings for directions hearing before the duty judge on 20

February 2019.

On 20 February 2019, the proceedings were adjourned for hearing on 28 to 30 October 2019. The Applicant indicated to Council that in the meantime they are likely to file a motion to amend the application based on feedback at the Conciliation Conference.

1 (b)

MENANGLE PARK 1 PTY LTD

Issue:	Appeal against Council's deemed refusal of development application No. 1580/2018/DA-SW that sought consent for demolition of existing structures, subdivision of 4 lots into 48 lots, construction of roads, drainage and 2 bio retention basins at Lots 52, 57 and 58 DP 10718 and Lot A 364350, known as 12 and 26 Fitzpatrick Street and 111 and 121 Cummins Road, Menangle Park.
Property:	Lots 52, 57 and 58 DP 10718 and Lot A 364350, known as 12 and 26 Fitzpatrick Street and 111 and 121 Cummins Road, Menangle Park.
Property Owner:	12 Fitzpatrick Street: Mr Peter and Mrs Wendy Gadsby; 26 Fitzpatrick Street: Mrs Emily Taylor; 111 Cummins Road: Lladnar Pty Ltd; and, 121 Cummins Road: Mr Nunzio Lo Castro, Mr Leonardo Danny Lo Castro, Mr Leonardo Joseph Lo Castro, and Mr Darryl Champness.
Council File:	Development Application No: 1580/2018/DA-SW
Court Application:	Filed on 19 July 2018 - File No. 2018/221745
Applicant:	Menangle Park 1 Pty Ltd
Costs Estimate:	\$28,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Final Costs:	\$17,051.74
Status:	Completed. Agreement reached between the parties at conciliation.
Progress:	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's deemed refusal of development application No. 1580/2018/DA-SW that sought consent for demolition of existing structures, subdivision of 4 lots into 48 lots, construction of roads, drainage and 2 bio retention basins at Lots 52, 57 and 58 DP 10718 and Lot A 364350, known as 12 and 26 Fitzpatrick Street and 111 and 121 Cummins Road, Menangle Park.</p> <p>The proceedings were listed for first directions hearing on 16 August 2018, where the Registrar made certain procedural directions for further directions hearing. Subsequently, the applicant filed a notice for amended plans with the Court which was listed for determination on 14 February 2019. The matter was subsequently listed for conciliation conference on 1 May 2019, where agreement between the parties was reached in respect of the amended plans and conditions of consent. Subsequently, orders of the court were made in the agreed terms. An Order was also made for Council's agreed costs for assessing the amended plans received in sum \$6,800.</p>

1 (c)	PHILIP ELLIS, CRAIG QUINSEY AND LUKE DOVEN
Issue:	Appeal against Council's refusal of development application No. 4212/2016/DA-C that sought consent for alterations and additions to an existing dwelling and change of use to a church meeting hall (place of public worship), construction of a 20 space car park and associated landscaping at Lots 329 and 321 DP 879911 known as 161-163 Englorie Park Drive, Glen Alpine.
Property:	Lots 329 and 321 DP 879911 known as 161-163 Englorie Park Drive, Glen Alpine.
Property Owner:	Philip Ellis, Craig Quinsey And Luke Doven
Council File:	Development Application No: 4212/2016/DA-C
Court Application:	Filed on 23 July 2018 - File No. 2018/226273
Applicant:	Philip Ellis, Craig Quinsey And Luke Doven
Costs Estimate:	\$28,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Final Costs:	\$6,373.34
Status:	Completed – proceedings discontinued by Applicant.
Progress:	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 4212/2016/DA-C that sought consent for alterations and additions to an existing dwelling and change of use to a church meeting hall (place of public worship), construction of a 20 space car park and associated landscaping at Lots 329 and 321 DP 879911 known as 161-163 Englorie Park Drive, Glen Alpine.</p> <p>The proceedings were listed for first directions hearing on 21 August 2018, where the Registrar adjourned the proceedings for conciliation conference commencing onsite.</p> <p>On 20 March 2019 the Applicant by consent discontinued the proceedings.</p>

1 (d)	KAVLANA PTY LIMITED
Issue:	Appeal against Council's refusal of development application No. 2466/2014/DA-S that sought consent for subdivision of Lot A DP 449151, Union Church Site at 15 Aberfoyle Road, Wedderburn into two Torrens title allotments.
Property:	Lot A DP 449151, Union Church Site at 15 Aberfoyle Road, Wedderburn
Property Owner:	Kavlana Pty Limited
Council File:	Development Application No: 2466/2014/DA-S
Court Application:	Filed on 2 November 2018 - File No. 2018/336789
Applicant:	Kavlana Pty Limited
Costs Estimate:	\$28,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Progressive Costs:	\$0.00
Status:	Ongoing – listed for hearing on 20 December 2019.

Progress: The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 2466/2014/DA-S that sought consent for subdivision of Lot A DP 449151, Union Church Site at 15 Aberfoyle Road, Wedderburn into two Torrens title allotments.

The proceedings were listed for first directions hearing on 30 November 2018, where the Registrar made certain procedural directions and adjourned the proceedings to 12 March 2019 for conciliation conference commencing onsite.

Agreement between the parties was not reached at the Conciliation Conference. Subsequently the Registrar made certain procedural directions and adjourned the proceedings to 20 December 2019 for hearing.

1 (h) PREM KUMAR MISRA

Issue: Appeal against Council's deemed refusal of Building Certificate application No. 2361/2018/BC-UW seeking to regularise 31 unauthorised concrete hardstand car parking spaces constructed on premises at Lot 23 DP 535651, 203 Eagleview Road, Minto.

Property: Lot 23 DP 535651, 203 Eagleview Road, Minto.

Property Owner: Prem Kumar Misra

Council File: 2108/2017/N-EPA, 2361/2018 BC-UW

Court Application: Filed on 10 December 2018 - File No. 2018/379909

Applicant: Prem Kumar Misra

Costs Estimate: \$20,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Progressive Costs: \$899.50

Status: Ongoing – listed for conciliation conference on 15 October 2019.

Progress: The Applicant filed an appeal in the Land and Environment Court of NSW against Council's deemed refusal of Building Certificate application No. 2361/2018/BC-UW seeking to regularise 31 unauthorised concrete hardstand car parking spaces constructed on premises at Lot 23 DP 535651, 203 Eagleview Road, Minto. The applicant had previously submitted a building certificate application to Council seeking to regularise the 31 concrete car parking spaces, which was refused under delegated authority, as the additional car parking spaces were incompatible with the approved use of the property.

The proceedings were listed for first directions hearing on 30 January 2019 where the Registrar made certain procedural directions and adjourned the proceedings to 15 February 2019 for further directions hearing.

At the directions hearing on 15 February 2019, the applicant advised the Court of a meeting arranged with Council to discuss a development proposal to regularise the use of the property. The Registrar made certain procedural directions and adjourned the proceedings to 1 March 2019 for further directions hearing.

At the directions hearing on 1 March 2019, the Registrar made certain procedural directions and adjourned the proceedings to 15 October 2019 for conciliation conference commencing on site. Discussions concerning development applications to permit temporary and limited use of the property for specified major festivals remain ongoing.

1 (i)	ANDREW PRIDHAM
Issue:	Appeal against the conditions imposed upon development application No. 1263/2017/DA-RS in respect of a 2-lot subdivision and construction of a dwelling at Lot 2 DP 864648 37B Sebastian Avenue, Rosemeadow.
Property:	Lot 2 DP 864648 37B Sebastian Avenue, Rosemeadow.
Property Owner:	Andrew Pridham
Council File:	Development Application No: 1263/2017/DA-RS
Court Application:	Filed on 15 November 2018 - File No. 2018/351091
Applicant:	Andrew Pridham
Costs Estimate:	\$20,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Progressive Costs:	\$1,346.90
Status:	Completed – agreement reached between parties at conciliation.
Progress:	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against the conditions imposed upon development application No. 1263/2017/DA-RS in respect of a 2-lot subdivision and construction of a dwelling at Lot 2 DP 864648 37B Sebastian Avenue, Rosemeadow.</p> <p>The proceedings were listed for first directions hearing on 10 December 2018, where the Registrar made certain procedural directions and adjourned the proceeding for Conciliation Conference commencing onsite on 11 February 2019.</p> <p>The proceedings were listed for mediation on 11 February 2019, where the applicant agreed to submit amended plans to Council for assessment, as discussed. The commissioner terminated the mediation and adjourned the proceeding for directions hearing before the duty judge on 22 March 2019.</p> <p>The proceedings were listed for directions hearing on 22 March 2019, where the Registrar adjourned the proceedings for Conciliation Conference.</p> <p>At the Conciliation Conference on 30 April 2019, agreement between the parties was reached in respect of the disputed conditions. Subsequently, orders of the court were made in the agreed terms.</p>

1 (j)	KENNARDS SELF STORAGE PTY LIMITED
Issue:	Appeal against Council's deemed refusal of development application No. 1292/2018/DA-C for construction and operation of a storage facility at Lot 1211 DP 1136122, Menangle Road, Campbelltown.
Property:	Lot 1211 DP 1136122, Menangle Road, Campbelltown.
Property Owner:	Storfund Macarthur Pty Ltd
Council File:	Development Application No: 1292/2018/DA-C
Court Application:	Filed on 7 December 2019 - File No. 2018/377630
Applicant:	Kennards Self Storage Pty Limited
Costs Estimate:	\$30,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Progressive Costs:	\$12,606.70
Status:	Ongoing - listed for Conciliation Conference on 11 September 2019.
Progress:	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's deemed refusal of development application No. 1292/2018/DA-C for construction and operation of a storage facility at Lot 1211 DP 1136122, Menangle Road, Campbelltown.</p> <p>The proceedings were listed for first directions hearing on 28 January 2019, where the Registrar made certain procedural directions and adjourned the proceeding for Conciliation Conference commencing onsite on 11 September 2019. The applicant has notified Council that they intend to modify the design proposal prior to the Conciliation Conference. Council has requested the amended design proposal be provided to Council at least 4 weeks prior to the Conciliation Conference.</p>

1 (k)	ANGLICAN COMMUNITY SERVICES
Issue:	Appeal against Council's deemed refusal of development application No. 4435/2018/DA-SL for staged seniors living development for 10 residential flat buildings comprising 315 independent living units, 32 attached villas, a 100 bed residential aged care facility, community facilities and associated car-parking at Lot 1 DP 620265, Lot 1 Pembroke Road, Minto.
Property:	Lot 1 DP 620265, Lot 1 Pembroke Road, Minto.
Property Owner:	Anglican Retirement Villages Diocese of Sydney
Council File:	Development Application No: 4435/2018/DA-SL
Court Application:	Filed on 5 April 2019 - File No. 2019/101308
Applicant:	Anglican Community Services
Costs Estimate:	\$30,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Progressive Costs:	\$4,972.90
Status:	Ongoing - listed for conciliation conference on 9 August 2019.

Progress: The Applicant filed an appeal in the Land and Environment Court of NSW against Council's deemed refusal of development application No. 4435/2018/DA-SC for staged seniors living development for 10 residential flat buildings comprising 315 independent living units, 32 attached villas, a 100 bed residential aged care facility, community facilities and associated car-parking at Lot 1 DP 620265, Lot 1 Pembroke Road, Minto.

The proceedings were listed for first directions hearing on 2 May 2019, where the Registrar made certain procedural directions and adjourned the proceeding for Conciliation Conference commencing onsite on 9 August 2019. Hearing dates have also been set aside for 2 to 5 December 2019 pending the outcome of the Conciliation Conference.

2. Land and Environment Court Class 1 and 2 Matters – Appeals Against Notices, Orders, or Directions issued by Council

Ongoing Class 1 & 2 appeal matters for the period (updated to 18/06/2019) 0
Costs for 2018/19 financial year for Class 1 & 2 appeal matters: \$35,455.99

3. Land and Environment Court Class 4 Matters – Civil Enforcement in respect of non-compliance with Planning Law or Orders issued by Council

Ongoing Class 4 matters for the period (updated to 18/06/2019) 0
Costs for 2018/19 financial year for Class 4 matters \$39,459.64

4. Land and Environment Court Class 5 - Criminal enforcement of development and environmental offences for breaches of planning and environment laws

Ongoing Class 5 matters for the period (updated to 18/06/2019) 0
Costs for 2018/19 financial year for Class 5 matters \$10,811.48

5. Land and Environment Court Class 6 - Appeals from convictions relating to environmental matters

Ongoing Class 6 matters for the period (updated to 18/06/2019) 0
Costs for 2018/19 financial year for Class 6 matters \$0.00

6. Supreme Court of NSW – Appeals and Civil Enforcement in respect of Council's regulatory enforcement activities

Ongoing Supreme Court matters for the period (updated to 18/06/2019)	0
Costs for 2018/19 financial year for Supreme Court matters	\$2,464.40

7. District Court of NSW – Appeals from the Local Court in respect of the Magistrate erred at law or severity of sentence/penalty imposed

Ongoing District Court matters for the period (updated to 18/06/2019)	0
Costs for 2018/19 financial year for District Court appeal matters	\$919.56

File No:	LP20/19 – Appeal against severity of penalty
Offence:	Stop in bus zone (in school zone)
Act:	<i>Road Rules 2014</i>
Final Costs:	\$919.56 – Matter dealt with by Council's Legal and Policy Officer instructing external solicitor.
Status:	Completed – Appeal dismissed
Progress:	Matter was before the Local Court for first mention of a penalty notice court election on 14 May 2019 where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and convicted the defendant imposing a \$200 fine.
	Council received notice of appeal to the District Court listed on 7 June 2019 for hearing.
	Appeal was before the District Court for hearing on 7 June 2019 where after considering submission the Judge dismissed the appeal. Council's application for its legal costs was denied.

8. Local Court prosecution matters

The following summary lists the current status of the Division's legal matters before the Campbelltown Local Court.

Ongoing Local Court Matters for the period (updated to 18/06/2019)	34
Costs for 2018/19 financial year for Local Court Matters	\$2,790.70

File No:	LP03/19 – Penalty Notice Court Election
Offence:	Stop within 10-metres of intersection (no traffic lights)
Act:	<i>Road Rules 2014</i>
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed
Progress:	Matter was before the court for first mention on 5 March 2019 where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and determined the matter without recording a conviction or imposing a penalty.

File No:	LP04/19 – Penalty Notice Court Election
Offence:	Stop within 10-metres of intersection (no traffic lights)
Act:	<i>Road Rules 2014</i>
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed
Progress:	Matter was before the court for first mention on 5 March 2019 where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and determined the matter without recording a conviction or imposing a penalty.

File No:	LP05/19 – Penalty Notice Court Election
Offence:	Stop on path/strip in built up area
Act:	<i>Road Rules 2014</i>
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed
Progress:	Matter was before the court for first mention on 26 February 2019 where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and determined the matter without recording a conviction or imposing a penalty.

File No: LP06/19 – Penalty Notice Court Election
Offence: Disobey no-stopping sign (school zone)
Act: *Road Rules 2014*
Final Costs: \$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Completed
Progress: The matter was listed for first mention on 5 March 2019 where the defendant did not enter a plea. The Registrar adjourned the proceedings to 2 April 2019 for plea/mention. On 2 April 2019, the defendant entered a not guilty plea and the Registrar adjourned the proceedings for hearing on 17 May 2019.

Matter was before the court for hearing on 17 May 2019 where the defendant maintained their not guilty plea. After considering the evidence and submissions the Magistrate found the offence proved and convicted the defendant imposing a \$337 fine.

File No: LP07/19 – Penalty Notice Court Election
Offence: Park continuously for longer than allowed – public carpark
Act: *Local Government Act 1993*
Final Costs: \$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Completed
Progress: Matter was before the Court for first mention on 22 January 2019 where the defendant entered a not guilty plea. The Registrar adjourned the proceedings to 22 March 2019 hearing.

The matter was before the Court on 22 March 2019 for hearing where Council made application to the court for the matter to be withdrawn and dismissed due to the unavailability of Council's witness to attend Court to give evidence. The Magistrate granted Council's application and marked the Court papers accordingly.

File No: LP08/19 – Penalty Notice Court Election
Offence: Not parallel park in direction of travel
Act: *Road Rules 2014*
Final Costs: \$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Completed
Progress: Matter was before the court for first mention on 12 March 2019 where the defendant entered a guilty plea with explanation by written notice. After considering the evidence and submissions the Magistrate found the offence proved and determined the matter without recording a conviction or imposing a penalty.

File No: LP09/19 – Penalty Notice Court Election
Offence: Stop on path/strip in built-up area
Act: *Road Rules 2014*
Final Costs: \$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Completed
Progress: Matter was before the court for first mention on 19 March 2019 where the defendant made no appearance. Council's application to proceed in the defendant's absence was granted and after considering the evidence and submissions the Magistrate found the offence proved and convicted the defendant imposing a \$120 fine.

File No: LP10/19 – Penalty Notice Court Election
Offence: Stop on path/strip in built-up area
Act: *Road Rules 2014*
Final Costs: \$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Completed
Progress: The matter was listed for first mention on 19 March 2019 where the defendant entered a not guilty plea. The Registrar adjourned the proceedings to 30 April 2019 for hearing.

 Matter was before the court for hearing on 30 April 2019 where the defendant changed plea to guilty with explanation. After considering the evidence and submissions the Magistrate found the offence proved and convicted the defendant imposing a \$100 fine.

File No: LP11/19 – Penalty Notice Court Election
Offence: Owner of dogs which attack person
Act: *Companion Animals Act 1998*
Final Costs: \$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Completed
Progress: Matter was before the court for first mention on 12 March 2019 where the defendant made no appearance. Council's application to proceed in the defendant's absence was granted and after considering the evidence and submissions the Magistrate found the offence proved and convicted the defendant imposing a \$1,200 fine.

File No: LP12/19 – Penalty Notice Court Election
Offence: Stop in bus zone (in school zone)
Act: *Road Rules 2014*
Final Costs: \$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Completed
Progress: Matter was before the court for first mention on 2 April 2019 where the defendant entered a guilty plea with explanation. After

considering the evidence and submissions the Magistrate found the offence proved and determined the matter without recording a conviction or imposing a penalty.

File No: LP13/19 – Penalty Notice Court Election
Offence: Stop on path/strip in built-up area
Act: *Road Rules 2014*
Final Costs: \$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Completed
Progress: Matter was before the court for first mention on 9 April 2019 where the defendant entered a guilty plea. After considering the evidence and submissions the Magistrate found the offence proved and convicted the defendant imposing a \$100 fine.

File No: LP14/19 – Penalty Notice Court Election
Offence: Stop in bus zone
Act: *Road Rules 2014*
Final Costs: \$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Completed
Progress: Matter was before the court for first mention on 9 April 2019 where the defendant entered a guilty plea. After considering the evidence and submissions the Magistrate found the offence proved and convicted the defendant imposing a \$75 fine.

File No: LP15/19 – Charge matter
Offence: Owner of dog which attacked person
Act: *Companion Animals Act 1998*
Progressive Costs: \$958.17 – Matter being dealt with by Council's Legal and Policy Officer instructing external solicitor.
Status: Ongoing
Progress: Matter was before the Court for first mention on 30 April 2019 where the defendant did not enter a plea and sought an adjournment in order to get legal advice. The Registrar adjourned the proceedings to 14 May 2019 further mention.

The matter was before the Court for further mention on 14 May 2019 where by consent the proceedings were adjourned to 2 July 2019 to allow the defendant sufficient time to have the dog assessed for temperament and for Council to consider the assessment and proposed control orders to be prepared by the defendant's solicitor.

File No:	LP16/19 – Charge matter
Offence:	Not comply with Swimming Pool Direction
Act:	<i>Swimming Pools Act 1992</i>
Final Costs:	\$1,674.60 – Matter dealt with by Council's Legal and Policy Officer instructing external solicitor.
Status:	Completed
Progress:	Matter was before the court for first mention on 30 April 2019 where the defendant made no appearance. Council's application to proceed in the defendant's absence was granted and after considering the evidence and submissions the Magistrate found the offence proved and convicted the defendant imposing a \$1,000 fine and an order for Council's legal costs in the sum of \$250.

File No:	LP17/19 – Penalty Notice Court Election
Offence:	Stop on path/strip in built-up area
Act:	Road Rules 2014
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed
Progress:	Matter was before the Court for first mention on 23 April 2019 where Council made application to the court for the matter to be withdrawn and dismissed as a review of the matter determined that in the circumstances (disabled driver's mistaken belief as to parking availability) it was not in the public interest to proceed with the matter. The Magistrate granted Council's application and marked the Court papers accordingly.

File No:	LP18/19 – Penalty Notice Court Election
Offence:	Stop on path/strip in built-up area (in school zone)
Act:	<i>Road Rules 2014</i>
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed
Progress:	Matter was before the court for first mention on 7 May 2019 where the defendant made no appearance. Council's application to proceed in the defendant's absence was granted and after considering the evidence and submissions the Magistrate found the offence proved and convicted the defendant imposing a \$500 fine.

File No:	LP19/19 – Penalty Notice Court Election
Offence:	Stop at side of road with continuous yellow edge line
Act:	<i>Road Rules 2014</i>
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed
Progress:	Matter was before the court for first mention on 30 April 2019 where the defendant entered a guilty plea. After considering the evidence

and submissions the Magistrate found the offence proved and convicted the defendant imposing a \$263 fine.

File No: LP20/19 – Penalty Notice Court Election
Offence: Stop in bus zone (in school zone)
Act: *Road Rules 2014*
Final Costs: \$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Completed – appeal filed in the District Court
Progress: Matter was before the court for first mention on 14 May 2019 where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and convicted the defendant imposing a \$200 fine.

Council has since received notice of appeal to the District Court which is listed on 7 June 2019 for hearing.

File No: LP21/19 to LP40/19 – Charge matters x 20
Offence: Owner of dangerous dog x 3 which:

- escaped premises where ordinarily kept;
- entered private property, attacked and killed another dog; and
- various owner fail to comply with dangerous dog control order requirements.

Seizure/destruction The three attacking dogs were seized by Council's authorised officers with the assistance of police in accordance with their powers under section 58G(1),(1A)&(2)(a) of the *Companion Animals Act 1998* to seize dangerous dogs in certain circumstances. The dogs were subsequently euthanised by Council's contracted veterinary surgeon in accordance with the authorised officer's powers section 58G(2)(b)&(3).
Act: *Companion Animals Act 1998*
Progressive Costs: \$380.00 – Matter being dealt with by Council's Legal and Policy Officer instructing external solicitor.
Status: Ongoing
Progress: Matter was before the Court for first mention on 28 May 2019 where the defendant made no appearance. The Registrar adjourned the proceedings to 25 June 2019 for plea/mention. Registrar to write to the defendant notifying that attendance on the next occasion is required otherwise the matter will proceed in the defendant's absence with relevant orders being made.

File No: LP41/19 – Penalty Notice Court Election matters x 5
Offence: Double park
Act: *Road Rules 2014*
Final Costs: \$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Completed
Progress: Matter was before the court for first mention on 14 May 2019 where the defendant made no appearance. Council's application to proceed in the defendant's absence was granted and after

considering the evidence and submissions the Magistrate found the offence proved and convicted the defendant imposing a \$250 fine.

File No: LP42/19 to LP46/19 – Penalty Notice Court Election
Offence: Owner of heavy vehicle/s:

- stopped on path/strip in built-up area x 4 offences; and
- stopped long/heavy vehicle longer than 1-hour x 1 offence.

Act: *Road Rules 2014*
Progressive Costs: \$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with Police Prosecutor.
Status: Ongoing
Progress: Matter was before the Court for first mention on 21 May 2019 where the defendant entered not guilty pleas. The Registrar adjourned the proceedings to 18 July 2019 for hearing.

File No: LP47/19 – Penalty Notice Court Election
Offence: Park vehicle for longer than maximum permitted time
Act: *Local Government Act 1993*
Final Costs: \$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with Police Prosecutor.
Status: Completed
Progress: Matter was before the Court for first mention on 28 May 2019 where the defendant entered a guilty plea. The Registrar adjourned the proceedings to 11 June 2019 for sentencing where after considering the facts and submissions the Magistrate found the offence proved and determined the matter without recording a conviction or imposing penalty.

File No: LP48/19 – Penalty Notice Court Election
Offence: Disobey no parking sign (in school zone)
Act: *Road Rules 2014*
Final Costs: \$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Completed
Progress: Matter was before the court for first mention on 28 May 2019 where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and convicted the defendant imposing a \$187 fine.

File No: LP49/19 – Penalty Notice Court Election
Offence: Vehicle obstruct access to ramp/path/passageway
Act: *Road Rules 2014*
Final Costs: \$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Completed
Progress: The matter was before the Court for first mention on 4 June 2019 where the defendant entered a guilty plea with explanation. After

considering the facts and submissions the Magistrate found the offence proved and determined the matter without recording a conviction or imposing penalty.

File No: LP50/19 – Penalty Notice Court Election
Offence: Parallel park close to dividing line or strip
Act: *Road Rules 2014*
Final Costs: \$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Completed
Progress: Matter was before the Court for first mention on 4 June 2019 where Council made application for the matter to be withdrawn and dismissed, as a review of the representation submitted by the defendant revealed that a caution in this instance would have been a more appropriate response in the circumstance. The Magistrate granted Council's application and marked the Court papers accordingly.

File No: LP51/19 – Penalty Notice Court Election
Offence: Not parallel park in direction of travel
Act: *Road Rules 2014*
Final Costs: \$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Completed
Progress: The matter was before the Court for first mention on 18 June 2019, where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and convicted the defendant imposing a \$175 fine.

File No: LP52/19 – Penalty Notice Court Election
Offence: Not parallel park in direction of travel
Act: *Road Rules 2014*
Final Costs: \$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Completed
Progress: The matter was before the Court for first mention on 18 June 2019, where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and determined the matter without recording a conviction or imposing penalty.

File No: LP53/19 – Penalty Notice Court Election
Offence: Disobey no stopping sign
Act: *Road Rules 2014*
Progressive Costs: \$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Ongoing
Progress: The matter was before the Court for first mention on 18 June 2019,

where the defendant entered a guilty plea. By consent, the Registrar adjourned the proceedings to 2 July 2019 for mention/sentence.

File No: LP54/19 – Penalty Notice Court Election
Offence: Park vehicle for longer than indicated
Act: *Road Rules 2014*
Progressive Costs: \$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Ongoing
Progress: The matter was before the Court for first mention on 18 June 2019, where the defendant entered a not guilty plea. The Registrar adjourned the proceedings to 5 August 2019 for hearing.

File No: LP55/19 – Penalty Notice Court Election
Offence: Park vehicle for longer than indicated
Act: *Road Rules 2014*
Progressive Costs: \$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Ongoing
Progress: The matter was before the Court for first mention on 18 June 2019, where the defendant entered a not guilty plea. The Registrar adjourned the proceedings to 9 August 2019 for hearing.

File No: LP56/19 – Penalty Notice Court Election
Offence: Double park in school zone
Act: *Road Rules 2014*
Progressive Costs: \$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Ongoing
Progress: The matter was before the Court for first mention on 18 June 2019, where the defendant entered a not guilty plea. The Registrar adjourned the proceedings to 9 August 2019 for hearing.

File No: LP57/19 – Penalty Notice Court Election
Offence: Fail to comply with terms of a development control order (land stabilisation/retaining works)
Act: *Environmental Planning and Assessment Act 1979*
Progressive Costs: \$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: New matter
Progress: Listed for first mention on 2 July 2019.

File No: LP58/19 – Penalty Notice Court Election
Offence: Not parallel park in direction of travel
Act: *Road Rules 2014*
Final Costs: \$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Completed
Progress: The matter was before the Court for first mention on 18 June 2019, where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and determined the matter without recording a conviction or imposing penalty.

File No: LP59/19 – Penalty Notice Court Election
Offence: Stop on path/strip in built-up area
Act: *Road Rules 2014*
Progressive Costs: \$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: New matter
Progress: Listed for first mention on 25 June 2019.

File No: LP60/19 – Penalty Notice Court Election
Offence: Stop across driveway to/from land (in school zone)
Act: *Road Rules 2014*
Final Costs: \$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Completed
Progress: The matter was before the Court for first mention on 18 June 2019, where the defendant entered a guilty plea with explanation. After considering the evidence and submissions, the Magistrate found the offence proved and convicted the defendant imposing a \$100 fine.

File No: LP61/19 – Penalty Notice Court Election
Offence: Parallel park close to dividing line/strip
Act: *Road Rules 2014*
Progressive Costs: \$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Ongoing
Progress: The matter was before the Court for first mention on 11 June 2019, where the defendant sought an adjournment. By consent the Registrar adjourned the proceedings to 25 June 2019 for plea/mention.

File No:	LP62/19 – Penalty Notice Court Election
Offence:	Owner of dog that attacked an animal
Act:	<i>Companion Animals Act 1998</i>
Progressive Costs:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	New matter
Progress:	Listed for first mention on 6 August 2019.

9. Matters referred to Council's solicitor for advice

Matters referred to Council's solicitors for advice on questions of law, the likelihood of appeal or prosecution proceedings being initiated, and/or Council liability.

Total of Advice Matters for the 2018/19 period (updated to 18/06/2019) **22**
Costs for 2018/19 financial year for legal advice matters **\$73,081.58**

10. Legal Costs Summary

The following summary lists the City Development Division's net legal costs for the 2018/2019 period.

Relevant attachments or tables	Costs Debit	Costs Credit
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$284,464.32	\$33,800.00
Class 1 and 2 Land and Environment Court - appeals against Orders or Notices issued by Council	\$35,455.99	\$600.00
Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or prosecutions	\$39,459.64	\$4,602.50
Class 5 Land and Environment Court - pollution and planning prosecution matters	\$10,811.48	\$85,000.00
Class 6 Land and Environment Court - appeals from convictions relating to environmental matters	\$0.00	\$0.00
Supreme Court hearing and appeal matters	\$2,464.40	\$0.00
District Court appeal matters	\$919.56	\$0.00
Consumer, Trader and Tenancy Tribunal matters	\$0.00	\$0.00
Local Court prosecution matters	\$2,790.70	\$300.00
Matters referred to Council's solicitor for legal advice	\$74,011.02	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$450,377.10	\$124,302.50
Overall Net Costs Total (GST exclusive)	\$326,074.60	

8.5 Outcome of the Public Exhibition of Draft Amendment No. 7 to Campbelltown (Sustainable City) Development Control Plan 2015

Reporting Officer

Executive Manager Urban Centres
City Development

Community Strategic Plan

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

Officer's Recommendation

1. That Council adopt draft Amendment No. 7 to the Campbelltown (Sustainable City) Development Control Plan 2015 as contained in attachment 1 of this report.
2. That Council give public notice of its decision in the two local newspapers, in accordance with the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Purpose

1. To inform Council of the outcome of the public exhibition of draft Amendment No. 7 to Campbelltown (Sustainable City) Development Control Plan 2015 (the SCDCP).
2. To seek Council's endorsement to adopt draft Amendment No. 7 to the SCDCP.

History

Council at its meeting held on 9 April 2019, considered a report on draft Amendment No. 7 to the SCDCP (shown as attachment 2 of this report). This report was in response to legislative changes introducing the new land use definition of "manor houses" and changes to the permitted size of boarding houses in the R2 low density residential zone. The report also discussed the opportunity to add controls relating to vehicular access to properties in Queen Street and to provide more detailed controls for places of public worship in residential zones. As a report the Council resolved as follows:

1. That Council endorse the public exhibition of draft Amendment No 7 to Volume 1 of Campbelltown (Sustainable City) Development Control Plan 2015.
2. That Council write to the Campbelltown Chamber of Commerce advising of the public exhibition of the draft amendment to the Campbelltown (Sustainable City) Development Control Plan 2015 of the proposed changes affecting Queen Street.

3. That a further report be provided to Council following the completion of the public exhibition of the draft amendment to the Campbelltown (Sustainable City) Development Control Plan 2015.

This report presents to Council the outcome of the public exhibition of draft Amendment No. 7 to the SCDCP. Notably, no submissions were received.

Report

This report proposes to amend the SCDCP to include the following provisions into Volume 1:

1. A new section added to Part 3 for manor house developments, which would become a permissible land use in certain residential zones after 1 July 2019 under State Environmental Planning Policy (Exempt and Complying Development Codes)2008.
2. A new section added to Part 6 (General Requirements for Commercial Development) which restricts vehicular access to/from Queen Street (Campbelltown CBD)
3. A new section added to Part 17 (Boarding Houses) which increases the number of boarding house rooms, maximum permitted in a R2 Low Density Residential Zone, from 8 to 12.
4. A new section added to Part 10 (Places of Public Worship) which ensures that any proposed Places of Public Worship, including all ancillary structures, are designed and developed to be consistent with the scale, character and built form of the surrounding residential area.

Following Council's resolution of 9 April 2019, draft Amendment No. 7 to the SCDCP was publicly exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* from Wednesday 8 May 2019 until Friday 7 June 2019.

Copies of draft Amendment No. 7 were made available at Council's Customer Service Centre, on Council's website and at all of Council's public libraries. A letter was sent to the Campbelltown Chamber of Commerce.

No submissions were received in response to the public exhibition of Amendment No. 7. It is recommended that Council endorse these new provisions.

If endorsed, an advertisement will then need to be placed in the two circulating local papers advising of Council's decision to adopt draft Amendment No. 7, prior to its commencement.

It is recommended that Council endorse and adopt Amendment No. 7 to the SCDCP.

Attachments

1. Amendment No 7 to the SCDCP (contained within this report)
2. Copy of Report to Council 9 April 2019 - Draft Amendment No 7 (contained within this report)

Amendment No 7 to Volume 1 of the Campbelltown (Sustainable City) DCP includes the following amendments:

1. Draft Section - 3.7.3 Manor Houses – Amendment to Part 3 Low and Medium Density Residential Development and Ancillary Residential Structures
2. Draft Section - 6.4.2.4 – Amendment to Part 6 Commercial Development
3. Draft Sections - 17.2.1 and 17.3.1 – Amendments to Part 17 Boarding Houses
4. Draft Section - 10.2.6 – Amendment to Part 10 Places of Public Worship

**1. Draft Section - 3.7.3 Manor Houses – Amendment to Part 3
Low and Medium Density Residential Development and
Ancillary Residential Structures**

3.7.3 Manor Houses - Zone R3

Objectives:

- Ensure that all Manor House developments are designed to enhance the streetscape character of established residential neighbourhoods.
- Ensure that all Manor House developments offer a high standard of internal and external amenity for its occupants in addition to maintaining the amenity of other residents in the locality.
- Encourage innovative designs and layout to produce a medium density style development with contemporary buildings that utilise facade modulation and incorporate shade elements, such as pergolas, verandahs and the like.

3.7 Medium Density Residential Development

3.7.3 Manor Houses

3.7.3.1 Site Requirements for Manor Houses - Zone R3

- a) The minimum lot area for a manor house is 600 square metres with a minimum frontage width of 15m, which is required to adequately achieve setback requirements and sufficient space for landscaping and car parking.
- b) This building type is best suited to corner lots or sites with rear lane access in order to adequately accommodate garages and car parking.
- c) The proposal may include a strata title subdivision, with a common entry and internal hallway.
- d) Like other medium density proposals within the Campbelltown LGA, manor houses shall only be permitted on a site where no part of that allotment is located within 50 metres of the commencement of a cul-de-sac head to which vehicular access has been retained.

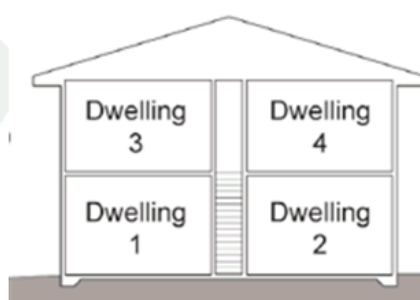


Figure 3.7.3.1 - An example of a cross section - Manor

3.7.3.2 - Strata title subdivision

- a) A manor house containing three or four dwellings on one lot may be strata titled to allow for separate ownership of each dwelling.
- b) Development that complies with this Section may receive concurrent

3.7

Medium Density Residential Development

3.7.3 Manor Houses

approval for both the development and strata title subdivision.

- c) Development that complies with this Section may receive concurrent approval for both the development and strata title subdivision.

3.7.3.3 - Setbacks for Manor Houses - Zone R3

- a) The development shall provide the following front and side boundary setback distances which reflect the existing and/or future intended character of the area in addition to an appropriate separation between buildings on adjoining sites.
- b) A manor house must be setback from the front boundary, or public space, so that it:
- defines the street edge;
 - creates a clear threshold and transition between common private areas of the site;
 - assists in achieving visual privacy to ground floor dwellings from the street;
 - contributes to the streetscape character and landscape; and
 - relates to the desired future streetscape pattern without any unreasonable, adverse impacts on the existing streetscape.
- c) Any infill development must reflect the average setback distance of the two nearest residential accommodation buildings, located on either side of the proposed site.
- d) A manor house development shall be set back a minimum of:
- 5.5 metres from the primary street boundary;
 - 2 metres from the secondary street boundary;
 - 0.9 metres from any side boundary;
 - 3 metres from the rear boundary for the ground level; and
 - 6 metres from the rear boundary for all levels above ground level.
- e) Notwithstanding Section (d) above, all car



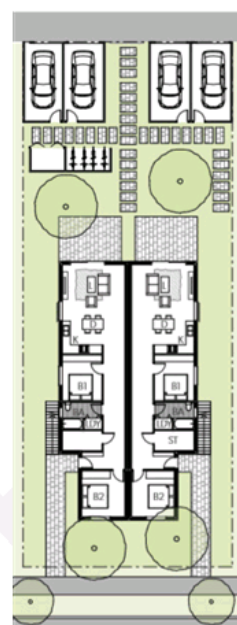
Figure 3.7.3.2 - An example of a ground floor Manor House

parking spaces shall be setback a minimum of 6 metres from the primary street setback.

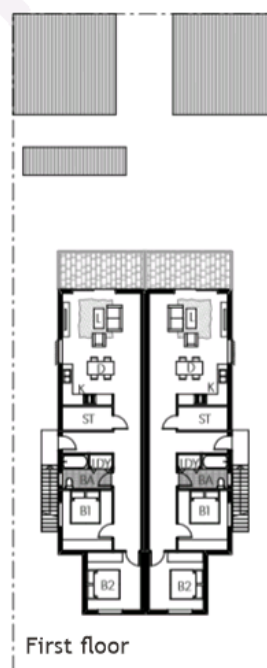
- f) Despite above, where car parking spaces/ garages are located and accessed from the back of the site (i.e via a rear lane), all manor house development shall be permitted to be setback by:
- i) 5.5 metres from the primary street boundary;
 - ii) 2 metres from the secondary street boundary;
 - iii) 0.9 metres from any side boundary;
 - iv) Where garages are located and accessed from the back of the site (i.e. via a rear lane) they shall not exceed 50% of the width of the rear elevation.

3.7.3.4 - The Size of Indoor Living Areas for Manor Houses - Zone R3

- a) Any dwellings that form part of a manor house development are required to have the following minimum internal floor areas:
- i) Studio = 35m²
 - ii) 1 bed = 50m²
 - iii) 2 bed = 70m²
 - iv) 3+ bed = 90m².
- b) The minimum area of any bedroom is 12m² which comprises a minimum length of 4m and width of 3m, excluding space for a wardrobe.
- c) The indoor living areas within a dwelling that forms part of a manor house development shall have combined, minimum living and dining room areas of:
- i) 1 and 2 bedrooms = 24m²
 - ii) 3+ bedrooms = 28m²
- d) All living / lounge rooms shall have a minimum length and width of 4m, which excludes any fixtures.
- e) Kitchens are not to be part of a circulation space such as a hallway, except in studio apartments.



Ground floor



First floor

Figure 3.7.3.3 - An example of a ground floor and a first floor design of a Manor House

3.7 Medium Density Residential Development

3.7.3 Manor Houses

3.7 Medium Density Residential Development

3.7.3 Manor Houses

3.7.3.5 - Rear Access for Manor Houses - Zone R3

- a) Where there is no access to a rear lane or rear street, directly available from the back of the proposed manor house, each ground floor dwelling shall be provided with a separate and direct access from the backyard to the front yard which does not pass through any habitable area of the dwelling.
- b) For these purposes, direct access from the rear to the front of the dwelling shall have a minimum width of 0.9 metres and shall not be obstructed by hot water systems, air conditioning units, gardens or anything that may result in the obstruction of the access way.

Note:

For more examples of Manor Houses designs, please refer to the 'Low Rise Medium Density Design Guide, 2018', which is available from the Department of Planning and environment website at the following link:

<https://www.planning.nsw.gov.au/Policy-and-Legislation/Housing/Medium-Density-Housing>

3.7.3.6 - Private Car Parking Requirements for Manor Houses - Zone R3

- a) A minimum of one (1) car parking space shall be provided for each dwelling proposed as part of a manor house development.
- b) All required car parking spaces must meet compliance with Australian Standard (AS) -AS2890.1 (2004) - "Parking facilities - Off -street car parking".
- c) The visual and/or environmental impacts of car parking and garages shall not dominate the streetscape.
- d) Basement car parking should not protrude more than 1m above finished ground level except at the entrance to the car park.
- e) The maximum dimensions of any basement car park entry will be 2.7m high by 3.5m wide.
- f) 'Studio' sized dwellings, located within 400 metres of a railway station, are exempt from having to provide any car parking spaces on-site.

Note:

All the figures used under Section 3.7.3 Manor Houses have been copied from the 'Low Rise Medium Density Design Guide, 2018', which is available from the Department of Planning and environment website at the following link:

<https://www.planning.nsw.gov.au/Policy-and-Legislation/Housing/Medium-Density-Housing>

3.7.3.7 - Private Open Space for Manor Houses - Zone R3

- a) All proposed manor houses shall provide appropriately sized private open space areas and balconies to enhance residential amenity.

- b) All dwellings shall have access to individual private open space , with a minimum length and width of 3m, in addition to meeting compliance with the following areas square metres requirements:

- i) 1 bedroom or a studio = 9 square metres
- ii) 2+ bedrooms = 12 square metres
- iii) Houses with ground level living areas = 16 square metres

- c) The principal private open space shall be located adjacent to the living room, dining room or kitchen in order to extend these living areas.
- d) A minimum 25% of all private open space areas shall be covered to provide shade and protection from rain.

3.7.3.8 - Presentation to Public Streets for Manor Houses - Zone R3

- a) A Design Verification Statement shall be submitted with any manor house application which comprehensively describes how the proposed building aesthetics and articulation will contribute to the existing streetscape and character of the local area.
- b) The development may have a primary road articulation zone that extends up to 1.5m forward of the minimum required setback from that primary road.
- c) The following elements can be located within the above mentioned articulation zone:
 - i) An entry feature or portico;
 - ii) A balcony, deck, terrace or verandah;
 - iii) window box treatment;
 - iv) A bay window or similar feature;
 - v) An awning or other feature over a window;
 - vi) A sun shading feature;
 - vii) An eave;
 - viii) An access ramp.
- d) Provide high level activation and passive surveillance to the public streets.

3.7

Medium Density Residential Development

3.7.3 Manor Houses

3.7

Medium Density Residential Development

3.7.3 Manor Houses

- e) Pedestrian entries shall be directly visible from the public domain (street).
- f) Windows from habitable rooms shall be positioned to overlook the public domain.
- g) Direct visibility shall be provided along paths and driveways from the public domain to the front door.
- h) Front fences and walls shall not dominate the public domain but complement the context and character of the area.
- i) Private courtyards within the front setback shall be located within the proposed building's articulation zone or behind the required front building line.
- j) The roof design shall be integrated harmoniously with the overall building form.
- k) Skylights and ventilation systems are integrated into the roof design.

3.7.3.9 - Landscaping and deep soil planting Requirements for Manor Houses - Zone R3

- a) All manor house proposals shall satisfy the following requirements relating to landscape:
 - i) a detailed landscape design plan shall be submitted by a suitably qualified person with the development application; and
 - ii) a minimum of 20% of the total site area shall be available for deep soil planting; and
 - iii) no more than 30% of the area forward of any building line, or between the building and a rear lane, shall be surfaced with impervious materials.

3.7.3.10 - Manor Houses and Waste Management - Zone R3

- a) Manor house development shall make provision for individual waste storage, allocated behind the primary and secondary building lines and out of public view, as per the following:
 - i) a 140 litre bin; and
 - ii) two (2) x 240 litre bins.

- iii) be located behind the primary and secondary building line;
 - iv) be no more than 25 metres from the street;
 - v) be covered;
 - vi) contain a hose connection;
 - vii) have an impervious floor that is connected to the sewer;
 - viii) be located no closer than 3 metres (in a horizontal direction) from an opening within a dwelling on the site or from the property boundary;
 - ix) incorporate appropriate design and construction materials (including colours and finishes) which complement the development;
 - x) Any bin storage facility shall be of a sufficient size to accommodate the following for each manor house domicile.
- b) Where waste storage is provided in the basement car park a maximum ramp gradient of 1:6 is to be provided to the waste collection point.
 - c) Where a rear lane has provision for waste collection trucks used by council, the collection point shall be undertaken from the rear lane.
 - d) Storage areas for rubbish and recycling bins are to be provided:
 - i) within garages;
 - ii) in a screened enclosure that is part of the overall building design; or
 - iii) in the basement car park.

3.7.3.11 - Site Services for Manor Houses - Zone R3

- a) The location, design and construction of utility services shall satisfy requirements of the relevant servicing authority and Council.
- b) Adequate provision shall be made available for all essential services such as water, sewerage, electricity, gas, telephone, internet and stormwater drainage.

3.7

Medium Density Residential Development

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- c) All site services shall be placed underground.
- d) All communication dishes, antennae and the like shall be located in a manner which minimises any visual impact on neighbouring properties and/or the public domain. These types of ancillary structures shall be limited to one per building, if visible from a public place

Draft

2. Draft Section - 6.4.2.4 – Amendment to Part 6 Commercial Development

6.4

6.4.2.4 Vehicular Access along the Queen Street, Campbelltown Commercial Core

General Requirements

6.4.2 Car Parking and Access

Objectives

- To ensure that new development does not compromise the effective and ongoing operation of the Queen Street, Campbelltown commercial core; and
- To prevent or reduce the potential impact of traffic on any commercial development adjacent to Queen Street.

Design Requirements

- a) Consent must not be granted to the development of land that has a frontage to Queen Street unless Council is satisfied that:
 - ii) where practicable, vehicular access to the land is provided by a road other than Queen Street; and
 - iii) The safety, efficiency and ongoing operation of Queen Street must not be adversely affected by the proposed development as a result of:
 - The design of the vehicular access to the land, or
 - The nature, volume or frequency of vehicles using Queen Street to gain access to the land.
- b) Any vehicular access must take into account the existing services within the Queen Street road reserve, such as power poles, drainage pits and existing street trees.
- c) If adjacent to an existing residential development, a minimum 1.5m setback must be provided from the relevant side property boundary.
- d) Vehicular access shall be designed to:
 - i) minimise any potential impact on Queen Street, the site layout and building façade design; and
 - ii) if located off the Queen Street frontage, be integrated into the building design; and
 - iii) enable all vehicle to the site and leave in

a forward direction without the need to make more than a three point turn.

- e) Access ways to underground parking should not be located adjacent to doors or windows of any habitable rooms which form part of a residential development.

6.4

General Requirements

6.4.2 Car Parking and Access

Draft

**3. Draft Sections - 17.2.1 and 17.3.1 – Amendments to Part 17
Boarding Houses**

17.2 General Requirements for Boarding Houses

17.2 General Requirements for Boarding Houses

Objectives:

- Ensure that boarding houses are of high quality design and consistent with the desired future character of the locality;
- Ensure that boarding houses do not adversely impact on the residential amenity of adjoining residents.
- Provide appropriate levels of amenity (internal and external) for residents within boarding houses.
- Ensure that boarding houses are designed to provide sufficient communal facilities for the occupants in terms of communal indoor and outdoor areas, kitchen and laundry facilities.

17.2.1 Site and Size Requirements

- a) Boarding houses located within low density residential areas shall only be located on sites with a minimum area of 700sqm and a road frontage of 15 metres.
- b) Boarding houses located within land zoned R2 Low Density Residential zone under the CELP or land zoned Zone 2(b) Residential B Zone under LEP 2002 shall have a maximum of 12 boarding rooms.
- c) Boarding houses shall not be erected on battle-axe allotment.
- d) Boarding houses shall only be permitted on a site where no part of the allotment is within 50 metres of the commencement of the head of a cul-de-sac to which vehicular access to the site is obtained.
- e) Boarding houses shall only be allowed on streets that provide for on street parking.
- f) Boarding houses within local, neighbourhood centres and mixed use areas are not permitted to be located at the ground floor level.

Note

For the purpose of this Part:

Low and medium density residential areas shall be taken to mean any land zoned R2 Low Density Residential, R3 Medium Density Residential, under the CLEP, or where relevant, any land zoned Zone 2(b) Residential B Zone under LEP 2002.

High density residential areas shall be taken to mean any land zoned R4 High Density Residential under the CLEP, or where relevant any land where residential apartment buildings are permissible under LEP 2002.

Local and neighbourhood centres shall be taken to mean any land zoned B1 Neighbourhood Centre or B2 Local Centre under the CLEP or where relevant areas zoned Zone 3(c) Neighbourhood Business Zone under LEP 2002.

Mixed use areas shall be taken to mean any land zoned B4 Mixed Use under the CLEP, or where relevant areas zoned Zone 10 (a) Regional Comprehensive Centre Zone under LEP 2002.

17.3 Car Parking and Access

17.3

Car Parking and Access

Objectives:

- Ensure that the location and design of driveways and parking areas, waste access and collection areas are practical, easily maintained, convenient, safe and suitably landscaped.
- Ensure that the surrounding street network and intersections continue to operate safely and effectively.
- Minimise parking arising from boarding houses on local streets.

17.3.1 Car Parking

Design Requirements

- a) Car parking areas shall be setback a minimum of 3 metres from the front boundary and any secondary boundary.
- b) Off street parking and loading shall be designed in accordance with *Australian Standards 2890 (as amended)*, except as otherwise provided by this Plan.
- c) No required car parking space shall be designed in a stacked configuration.
- d) A boarding house shall have a maximum of one ingress and one egress driveway.
- e) The minimum width of a driveway serving a boarding house shall be 3 metres.
- f) Driveways shall :
 - i) be located a minimum distance of 6 metres from the tangent point of any unsignalled intersection; and
 - ii) be sealed.

Note: In circumstances where an intersection is controlled by lights, a roundabout or the like, applicants are requested to contact Council for

Note:

Clause 29 (2) of the ARH SEPP states:

(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

‘(e) parking

if:

(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and

(ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and

(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,’.

Additionally, clause 30 (h) of the ARH SEPP states:

‘(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms’.

Please note: Car parking requirements for boarding houses except where provided by a social housing provider is 0.5 spaces per bedroom in all locations.

**4. Draft Section - 10.2.6 – Amendment to Part 10 Places of
Public Worship**

10.2.5 Fencing

Design Requirements

- a) Fencing along the primary and secondary street boundaries shall:
 - i) not be constructed of bonded sheet metal;
 - ii) not be higher than 1.2 metres;
 - iii) be articulated, incorporate landscape treatments and complement the design and finish of the development.
- b) Fencing to the rear and side boundaries shall:
 - i) be located behind the primary and secondary street setbacks; and
 - ii) be a maximum of 2.1 metres in height (excluding retaining walls).
- c) Despite Clause 10.2.5 b) above, fencing, where applicable, shall be designed to ensure that the privacy of adjacent residential developments is maintained.
- d) Bonded sheet metal fencing shall only be permitted where all of the following criteria have been met:
 - i) the fence is located behind a 1.5 metre deep landscaped buffer; and
 - ii) the fence is located behind the building line of all street frontages.

10.2.6 Places of public worship on land located within residential zones

- a) Newly proposed places of public worship (whether a newly proposed building is proposed to be built or a change of use of an existing building) located on land within residential zones shall not be located on a site that:
 - i) has an area less than 1,500 sqm;
 - ii) is within a no through road;

10.2

General Design Requirements

10.2

General Design Requirements

- iii) has principal vehicular access to a road where the carriageway is less than 6.5 metres; and
- iv) has a width less than 20 metres (measured at the front building line).
- b) For newly proposed places of public worship within residential zones, the indoor assembly area shall have a maximum total floor area of 160sqm. For the purpose of this clause, assembly area means the total floor space area of all buildings on the site excluding the areas of offices, library, kitchens, toilets, changing rooms and residential accommodation.
- c) Any area that is immediately adjacent to the assembly area and not fully separated from the assembly area by walls, shall be included in the calculations of the assembly area including open access corridors and areas between aisles.
- d) Any proposed Place(s) of public worship including all ancillary structures that are proposed to be located within the R2 and R3 residential zones shall be designed to be consistent with the scale, character and built form of the surrounding residential area.
- e) Buildings and structures comprising places of public worship shall be setback a minimum of:
 - i) 3 metres from any side boundary;
 - ii) 5.5 metres from the primary street boundary; and
 - iii) 10 metres from the rear boundary; and
 - iv) 5 metres from the secondary street boundary.
- f) Places of public worship shall not result in loss of solar access that would exceed the minimum requirements specified in clause 3.6 Solar Access.
- g) Places of public worship shall have



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8.3 Draft Amendment No. 7 - Campbelltown (Sustainability City) Development Control Plan 2015

Reporting Officer

Director City Development
City Development

Community Strategic Plan

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

Officer's Recommendation

1. That Council endorse the public exhibition of draft Amendment No 7 to Volume 1 of Campbelltown (Sustainable City) Development Control Plan 2015.
2. That Council write to the Campbelltown Chamber of Commerce advising of the public exhibition of the draft amendment to the Campbelltown (Sustainable City) Development Control Plan 2015.
3. That a further report be provided to Council following the completion of the public exhibition of the draft amendment to the Campbelltown (Sustainable City) Development Control Plan 2015.

Purpose

To advise Council of the need for the amending of the Campbelltown Sustainable City Development Control Plan 2015, and seek its approval to place the draft amendment on public exhibition for community input.

History

Council at its meeting held 16 February 2016 adopted Campbelltown Sustainable City Development Control Plan 2015 (SCDCP), which came into effect on 11 March 2016 to coincide with the commencement of Campbelltown Local Environmental Plan 2015 (CLEP 2015).

Since its commencement in March 2016, the SCDCP has been amended five times.

Amendment No. 6 to the SCDCP is currently in progress and applies to the 'Caledonia' site in Ingleburn.

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Report

This report proposes to amend the SCDCP to include the following provisions into Volume 1:

1. A new section added to Part 3 for manor house developments, which would become a permissible land use in certain residential zones after 1 July 2019 under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
2. A new section added to Part 6 (General Requirements for Commercial Development) which restricts vehicular access to/from Queen Street (Campbelltown CBD).
3. A new section added to Part 17 (Boarding Houses) which increases the number boarding house rooms, permitted in a R2 Low Density Residential Zone, from 8 to 12.
4. A new section added to Part 10 (Places of Public Worship) which ensures that any proposed Places of Public Worship, including all ancillary structures, are designed and developed to be consistent with the scale, character and built form of the surrounding residential area.

1. Proposed Amendment to Part 3 of the SCDCP (Volume 1) to include Manor House Development at Section 3.7.3

Draft Section 3.7.3 - Manor House development is proposed to be added after Section 3.7.2 – Multi Dwelling Housing of the SCDCP 2015.

The Department of Planning and Environment's proposed Low Rise Medium Density Housing Code (the Code) permits all dual occupancies, manor houses and terraces to be approved and constructed as complying development where multi dwelling housing is permitted within the R2 Low Density and R3 Medium Density Residential Zone, under Campbelltown Local Environmental Plan 2015. Complying development is a type of development that can be approved by a private certifier.

The Code separately defines manor houses and permits this land use with development consent from Council in certain residential zones where multi dwelling housing is permitted.

The operation of the Code with the Campbelltown (LGA) has been deferred by the State Government until 1 July 2019, to provide time for Council to address the impacts of permitting higher density development types within the R2 Low Density Residential Zone. This matter was considered by Council at its meeting of 10 July 2018, where Council resolved (in part) to prohibit multi dwelling housing in the R2 Low Density Residential Zone. Council is separately assessing and exhibiting a draft planning proposal, which intends on amending Councils CLEP 2015 in accordance with this resolution.

The Code is supported by the Low Rise Medium Density Design Guide for Development Applications (Design Guide) that provides design standards for dual occupancies, manor houses and terraces. For any development application submitted to any consent authority for manor houses or terraces, the Environmental Planning and Assessment Regulation 2000 (Clause 92(1)(e)) requires that consent authority to consider the 'Design Guide' but only if the consent authority is satisfied that there is not an active development control plan that applies and adequately addresses such development.

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Campbelltown City Council's SCDCP already includes development controls for terraces (as a type of multi dwelling housing), however there are no provisions for manor houses. Under present arrangements, development applications for terraces would be assessed by Council under the SCDCP, however development applications for manor houses would need to be assessed under the State Government's Design Guide, as there is no reference to a manor house in its controls.

The inclusion of specific controls for manor houses within the SCDCP would therefore standardise the development application assessment process by ensuring Council's SCDCP prevails over the State Government's Design Guide for both manor houses and terraces. This would also allow Council to provide additional development controls to address local design issues.

Draft Section 3.7.3 – Manor House development is shown as attachment 2 to this report. A brief explanation of the proposed provisions, proposed under each section, is provided below:

Proposes Section 3.7.3 - Applications

Draft 3.7.3 – Manor House developments are a permissible land use within the R3 Zone of CLEP 2015.

Objectives

This section aims to:

- ensure that all Manor House developments are designed to enhance the streetscape character of established residential neighbourhoods.
- ensure that all Manor House developments offer a high standard of internal and external amenity for its occupants in addition to maintaining the amenity of other residents in the locality.
- encourage innovative designs and layout to produce a medium density style development with contemporary buildings that utilise facade modulation and incorporate shade elements, such as pergolas, verandahs and the like.

Proposed Section 3.7.3.1 – Site Requirements for Manor Houses – R3 Zone

This section proposed the following development controls:

- restrict the development of manor houses to allotments that have a site area of not less than 600m² with a minimum frontage width of 15 metres
- restrict the development of manor houses within 50 metres of the commencement of any cul-de-sac with vehicular access
- provide development controls for setbacks for manor houses within R3 zoned residential areas as proposed in the Table below:

Table 1: Proposed Setbacks for Manor Houses within R3 Zoned areas

Area	Setbacks
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Medium density residential areas	<ul style="list-style-type: none"> • 5.5 metres from the primary street boundary • 2 metres from the secondary street boundary • 0.9 metres from any side boundary for the ground level • 1.5 metres from any side boundary for all levels above the ground level • 6 metres from the rear boundary for the ground level • 6 metres from the rear boundary for all levels above ground level within land zoned Zone R3 under the CLEP • 6 metres from any street boundary for garages
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Proposed Section 3.7.3.5 - Car Parking Requirements for Manor Houses

This section includes development controls for driveways widths in addition to those which specify how vehicles are to enter and exit a manor house site.

Proposed Sections 3.7.3.7 & 9 – Private Open Space (POS) and Landscaping requirements for Manor Houses

This section details the minimum landscaping and private open space area requirements for manor houses. In this regard any proposed manor house shall be provided with a three metre wide landscaping strip along the primary and secondary street frontages (other than vehicle driveways) in addition to the provision of individual POS areas, depending on the number of bedrooms proposed, for each dwelling.

Proposed Section 3.7.3.11 - Waste Management for Manor Houses

This section specifies detailed requirements in relation to waste and recycling bin rates and the location of bins, for any manor house proposal.

A copy of the proposed draft Part 3.7.3 – Manor House developments has been included as part of Attachment 1 of this report.

2. Proposed Amendment to Volume 1 of the SCDP 2015 to restrict vehicular access to/from Queen Street (Campbelltown CBD)

Some sections of Queen Street have frontage to both Queen Street and a rear laneway. Additionally it has been identified that there are many properties in the one way section of Queen Street which do not have alternate access. The construction of vehicular access to the premises along this busy thoroughfare has the potential of leading to intensified traffic congestion and pedestrian safety issues.

While the limitation of vehicular access to Queen Street in the CBD is desirable, there are no current planning controls that reinforce this requirement.

The main objective of this proposed amendment is to ensure that any new development, proposed along Queen Street, does not compromise the effective and ongoing operation of the Campbelltown CBD, for both pedestrians and vehicles, in addition to reducing the potential impact of additional traffic on any commercial development in the vicinity of these sites.

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A copy of the proposed draft amendment to Part 6 – Restriction to Vehicular access to/from Queen Street (Campbelltown CBD) has been included as part of attachment 1 contained in this report.

3. Proposed Amendment to Part 17 (Boarding Houses) of the SCDCP 2015 (Vol. 1)

In February 2018, the Affordable Residential Housing SEPP (ARHSEPP) was amended so to permit boarding houses to increase the number of proposed rooms on site, within the R2 Low Density Residential zone, from 8 to 12. The revised changes were adopted in order to better reflect the scale and built form of the surrounding area while also facilitating the management of any of the potential impacts on neighbouring properties such as overlooking, overshadowing and/or car parking. It is proposed to align the SCDCP 2015 with this change.

In June 2018, the ARHSEPP was amended to increase the number of car parking spaces required on site for all boarding houses developments. Car parking standards for boarding houses, except where provided by a Social Housing Provider, are now 0.5 spaces per room in all locations. This follows requests from Council to increase the parking requirements for Boarding Houses. This provision also remains a 'standard which cannot be used to refuse consent'. This means councils are unable to refuse a boarding house proposal if it successfully meets this standard.

In this regard, it is proposed to amend the 'Note', which refers to car parking, as specified in Part 17 in order to accurately reflect these new amendments. The former car parking rates of 0.2 spaces per room in accessible areas, and 0.4 spaces in non-accessible areas will continue to apply where boarding houses are developed by or on behalf of a Social Housing Provider, as defined in the ARHSEPP.

Parts 17.2.1(b) (Site and Size Requirements) and 17.3.1 (Car Parking) have been included as an attachment to this report.

4. Proposed Amendment to Part 10 (Places of Public Worship) of the SCDCP 2015.

Draft Section 10.2.6(d) (Places of public worship on land located within residential zones) is proposed to be added to Part 10 (Places of Public Worship) of the SCDCP 2015.

The amendment to this clause proposes to add Section 10.2.6(d) which will ensure that any proposed Place(s) of Public Worship, including all ancillary structures, are designed and developed to be consistent with the scale, character and built form of the surrounding R2 and R3 residentially zoned precincts.

Public Exhibition of Draft Amendment No 7

It is recommended that the Draft Amendment 7 to the SCDCP 2015 be publicly exhibited for a period of 28 days, in line with the legislative requirements under the Act and its Regulation at a number of locations across the city including Council's Civic Centre, all libraries and on Council's website. An advertisement will be placed in the local newspapers advising of the details of the public exhibition of Draft Amendment No 7 to SCDCP 2015.

In addition, Council will write to the Campbelltown Chamber of Commerce requesting their feedback on these amendments, in particular, the proposed amendment to Part 6 (Commercial Development) which relates to restricting vehicular access to/from Queen Street.

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It is proposed to report back to Council to advise on the outcomes of the public exhibition period following its completion.

Attachments

1. Amendment No 7 to Volume 1 of the Campbelltown (Sustainable City) DCP (contained within this report)

8.6 Result of Pre-Gateway Review - 194 Campbelltown Road, Denham Court

Reporting Officer

Executive Manager Urban Centres
City Development

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.7 - Public funds and assets are managed strategically, transparently and efficiently

Officer's Recommendation

1. That Council note the decision of the Sydney Western City Planning Panel to support the submission of a draft Planning Proposal for a Gateway determination to enable long vehicles to access an approved service station at 194 Campbelltown Road Denham Court to the Gateway.
2. That Council notify the Department of Planning and Environment that it declines the offer of undertaking the role of Planning Proposal Authority in this instance.

Purpose

1. To advise Council of a decision made by the Sydney Western City Planning Panel to forward a draft Planning Proposal to the Gateway for a determination, that would enable long vehicles to access an approved service station at 194 Campbelltown Road, Denham Court. This decision was made subsequent to the Council's previous decision not to support a request for the same proposal.
2. To advise the Council of a formal offer made by the Sydney Western City Planning Panel for the Council to undertake the role of Planning Proposal Authority and prepare and submit a draft Planning Proposal to the Gateway for a determination.
3. To seek Council's decision as to whether to accept the offer to undertake the role of Planning Proposal Authority.

History

At its meeting of 11 December 2018, Council considered a report relating to a Planning Proposal Request to amend Campbelltown Local Environmental Plan 2015 (CLEP 2015) in order to remove a prohibition on long or heavy vehicles accessing a service station on land at 194 Campbelltown Road, Denham Court.

Following its detailed consideration of the matter, Council resolved as follows:

That Council not support the Planning Proposal Request (Application No. 35/2018) to amend the Schedule 1 'additional permitted uses' provisions of Campbelltown Local Environmental Plan 2015 for 194 Campbelltown Road, Denham Court.

The Planning Proposal Request was not supported for a number of reasons, including adverse impacts on the safe movement of traffic on local roads, road maintenance issues, potential traffic congestion from trucks queuing, adverse impacts related to the increase in heavy and long vehicle traffic, increased noise and air pollution, inconsistencies with the objectives of E4 zone, and potential land use conflict with adjoining rural-residential development.

On 24 January 2019, the Department of Planning and Environment (DPE) advised Council that a request for a rezoning review (review of the Council's decision) had been submitted by the proponent to the Sydney Western City Planning Panel. This process enables an independent review of rezoning applications (Planning Proposal Requests) that have not proceeded to the next stage of assessment (Gateway). This could be in the circumstances where a Council has either formally decided not to support a Planning Proposal Request or there has been no decision by the Council within 90 days of the Planning Proposal Request being lodged.

Report

Subsequent to Council's decision to not support the Planning Proposal Request, the proponent lodged a formal application for a review of Council's decision with the Department of Planning and Environment (DPE). This action was communicated in the Councillor Weekly Bulletin of 22 February 2019.

At its meeting of 18 June 2019, the Sydney Western City Planning Panel (the Panel) considered a report on the review request prepared by the DPE. The Panel held separate discussions with DPE staff, Council staff and the proponent. The Panel subsequently determined that the proposal had sufficient strategic and site specific merit to be submitted to the DPE for a Gateway Determination. A copy of the Panel's decision is attached.

The DPE has now invited Council to be the Planning Proposal Authority (PPA) for this proposal.

The PPA is responsible for ensuring that the level of detail in the draft Planning Proposal documentation being forwarded to the Gateway is sufficient to respond to the statutory requirements of the *Environmental Planning and Assessment Act 1979* and the requirements set out in DPE guidelines. The PPA would also be responsible for ongoing work with the proposal including agency and public consultation and reviewing any required studies. A copy of the correspondence inviting Council to be PPA is attached.

On considering the Panel's decision to support a draft Planning Proposal being submitted for Gateway determination, it appears contrary to Council's resolution to not proceed with the Planning Proposal Request for the reasons outlined in the Council report of 11 December 2018.

On review, the reasons for Council's decision remain valid and as such, it is unclear how these issues would be resolved should Council accept the role of PPA for this matter. Further to this, it may not be unreasonable for some to form the opinion that the Council is conflicted given its recent decision on the same matter.

Should Council agree to undertake the role of PPA, it will need to prepare a draft Planning Proposal under section 3.33 of the *Environmental Planning and Assessment Act 1979* and submit it to the DPE for a Gateway determination within 42 days after accepting the role. In considering this aspect, there is a very high risk that the Council, acting as the PPA, would not be in a position to submit a draft Planning Proposal for a Gateway determination within the 42 day statutory period given its commitment to other higher order strategic work it is currently undertaking including but not limited to the Campbelltown LEP2015 review, the implementation of the precinct plans for the Glenfield to Macarthur Urban Renewal Area and other strategically significant planning work for the Greater Macarthur Growth Area.

It is therefore recommended that Council not accept the role of PPA in this instance. If Council does not take on this role it is the normal practice that the DPE would still consult with Council during the planning proposal process.

Attachments

1. Rezoning Review Letter to Council advising of Panel decision (contained within this report)
2. Panel Decision (contained within this report)
3. Council Report Draft Planning Proposal 194 Campbelltown Rd (contained within this report)



Ms Lindy Deitz
General Manager
Campbelltown City Council
P O Box 57
Campbelltown NSW 2560

Attn: David Smith (Manager, Strategic Planning)

25 June 2019

Dear Ms Deitz

Request for a Rezoning Review - Panel Ref – 2019WCI012 - RR_2019_CAMPB_001_00

I refer to the request for a Rezoning Review for a proposal at 194 Campbelltown Road, Denham Court to amend the Campbelltown Local Environmental Plan 2015 to amend the Campbelltown Local Environmental Plan 2015 by altering the existing additional permitted use for land at 194 Campbelltown Road, Denham Court to remove the prohibition for long or heavy vehicles at the service station.

The Sydney Western City Planning Panel (Planning Panel) has recommended that the proposal should be submitted for a Gateway determination. In making this decision, the Planning Panel considered the request and advice provided by Council. A copy of the Panel's decision is attached.

Consequently, Council is invited to be the Planning Proposal Authority (PPA) for this proposal and to advise the Planning Panels Secretariat within 42 days of the date of this letter whether it will undertake the role of PPA for this proposal. Should Council agree to be the PPA, it will need to prepare a planning proposal under section 3.33 (formerly section 55) of the *Environmental Planning and Assessment Act 1979* and submit it for a Gateway determination within 42 days after accepting this role.

If Council does not wish to progress this matter, the Planning Panel will be appointed to prepare the planning proposal.

If you have any queries on this matter, please contact Stuart Withington, Manager, Planning Panels Secretariat on (02) 8217 2062 or via email to stuart.withington@planning.nsw.gov.au

Planning Panels Secretariat

320 Pitt Street Sydney | GPO Box 39 Sydney NSW 2001 | T 02 8217 2060 | www.planningpanels.nsw.gov.au

Yours sincerely



Justin Doyle

Chair, Sydney Western City Planning Panel

encl. Rezoning Review Record of Decision



**Planning
Panels**

**REZONING REVIEW
RECORD OF DECISION
SYDNEY WESTERN CITY PLANNING PANEL**

DATE OF DECISION	21 June 2019
PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald, Nicole Gurran
APOLOGIES	George Greiss
DECLARATIONS OF INTEREST	Councillor D Lound advised he voted on this matter at council meeting in 2015. Councillor M Oates advised she voted on this matter at council meeting in December 2015.

REZONING REVIEW

Panel Ref – 2019WCI012 - LGA – Campbelltown - RR_2019_CAMPB_001_00 AT
194 Campbelltown Road, Denham Court (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has
- ☐ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

Strategic merit

The Panel sees strategic merit in Gateway approval being granted for the proposed amendment to Campbelltown LEP 2015 which would allow for this approved service station accommodating the refuelling of heavy vehicles.

Allowing an approved service station to accommodate heavy vehicles travelling on Campbelltown Road to access nearby industrial estates would be consistent with Western City District Plan "Planning Priority no. 10 - Maximising freight and logistics opportunities and planning and managing industrial and urban services land".

Site specific merit

The site is well positioned to provide refuelling services to heavy vehicles if (upon further detailed examination) issues of safety and other associated environmental impacts can be satisfactorily resolved.

Gateway approval will allow for examination of those issues through exhibition and further assessment by Council to be considered by the planning authority.

The Council reported concerns that the use of the service station by heavy vehicles risked a significant increase in the use of Council roads, with consequences to wear and tear of those roads.

While the Panel saw some prospect of heavy vehicles leaving the Hume Highway to fill up at the site before continuing northbound back on the Highway towards Sydney (rather than to the local industrial areas), the Panel did not expect the facility to make a significant contribution in that regard.

The Panel observed that there was already a service station which could accommodate heavy vehicles on the route that a northbound vehicle would likely travel to get back on the Highway (which involved first heading back south to cross the Highway to loop back via Williamson Road and Brooks Road).

In that regard, the Panel notes that RMS has taken these issues into account in its assessment of the planning proposal when indicating that it "raises no objection" to the amendments proposed to Campbelltown LEP 2015. The RMS response included the following reasoning:

"The proposed service station would be significantly more desirable for use by motorists/driver with a destination within this District as it would be a circuitous route for motorists after accessing the site via the Hume Highway off-load ramp to then continue their journey on the Hume-Highway via a detour in excess of 2km at a minimum.

The Panel therefore saw (on balance) sufficient site specific merit of the proposal to warrant further assessment through the statutory rezoning process.

However, the Panel agreed with the assessment by Council staff and the RMS that the documentation currently provided by the proponent was insufficient and inadequate for a proper final consideration of the planning proposal.

The RMS in its response listed the following matters concerning which information ought to be available for assessment:


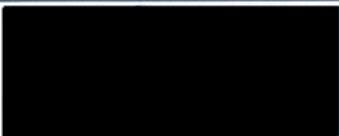

- Assessment of compliance of design vehicle swept paths to/from the subject site, as well as manoeuvrability with the site, to Australian Standards.
- Adequate storage of vehicles queuing to access the fuelling points without impacting the network operation of Campbelltown Road.
- Impact of design vehicle entering the site on the operational performance on the intersection of Campbelltown Road/Hume Highway off-load ramp.
- Design of driveways of accommodate the design vehicle.

The Panel expected that such information would be provided in the form of an updated traffic engineer's report prior to exhibition, together with an acoustic report updated to take the final traffic engineering report into account. That material should be provided to the RMS for a

response at an appropriate stage, noting that both Campbelltown Road and the egress way from the Highway onto Campbelltown Road are both classified roads.

There were a number of other issues with the planning for the site raised by the Council, including questions of whether the construction certificate plans for the approved service station and the DA approved plans tabled at the meeting were consistent, and whether the café and sales area, and carwash, introduced in the certified plans potentially impermissibly expanded the use beyond the "service station" allowed by the previous LEP amendment. The Council also pointed to removal of trees potentially removed from the site in breach of the development consent granted for the service station, and issues surrounding the management of waste water.

While those issues may be serious matters to be considered in other forums and through other statutory processes (see s.78 of the Sydney Water Act 1994 for example), they did not seem to be central to the question of whether the specific LEP amendment advanced in the planning proposal has strategic or site specific merit.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Bruce McDonald
 Nicole Gurran	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	Panel Ref – 2019WCI012 - LGA – Campbelltown RR_2019_CAMPB_001_00 AT Address - 194 Campbelltown Road, Denham Court
2	LEP TO BE AMENDED	Campbelltown Local Environmental Plan 2015
3	PROPOSED INSTRUMENT	The rezoning review request seeks to amend the Campbelltown Local Environmental Plan 2015 by altering the existing additional permitted use for land at 194 Campbelltown Road, Denham Court to remove the prohibition for long or heavy vehicles at the service station.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Briefing report from Department of Planning and Environment
5	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 18 June 2019 <ul style="list-style-type: none"> Panel members in attendance: Justin Doyle (Chair), Bruce McDonald and Nicole Gurran Department of Planning and Environment (DPE) staff in attendance: Amar Saini and Chantelle Chow Briefing meeting with Department of Planning and Environment

		<p>(DPE): 18 June 2019 from 2.00pm</p> <ul style="list-style-type: none">○ Panel members in attendance: Justin Doyle (Chair), Bruce McDonald and Nicole Gurran○ DPE staff in attendance: Amar Saini and Chantelle Chow● Briefing meeting with Council: 18 June 2019, from 3.00pm<ul style="list-style-type: none">○ Panel members in attendance: Justin Doyle (Chair), Bruce McDonald and Nicole Gurran○ DPE staff in attendance: Amar Saini and Chantelle Chow○ Council representatives in attendance: Jeff Burton, Ritesh Shrestha, Belinda Borg and David Smith● Briefing meeting with Proponent: 18 June 2019, from 4.00pm<ul style="list-style-type: none">○ Panel members in attendance: Justin Doyle (Chair), Bruce McDonald and Nicole Gurran○ DPE staff in attendance: Amar Saini and Chantelle Chow○ Proponent representatives in attendance: Michael Brown, Joshua Hollis and Mark Bassal.
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Ordinary Council Meeting

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8.8 Draft Planning Proposal - 194 Campbelltown Road Denham Court (App No. 35/2018)

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

That Council not support the Planning Proposal request (Application No. 35/2018) to amend the Schedule 1 'additional permitted uses' provisions of Campbelltown Local Environmental Plan 2015 for 194 Campbelltown Road, Denham Court.

Executive Summary

This report relates to a site at 194 Campbelltown Road, Campbelltown which is adjacent to the northbound exit ramp from the M31 Hume Motorway to Campbelltown Road, Denham Court. The site is in an Environmental Living Zone.

Council has previously supported a service station for this site by amending the LEP. This support did not include long vehicles over 7.5 metres in length. Development consent has been issued for a service station consistent with this restriction.

A planning proposal request has now been received to remove the restriction for long vehicles. There are concerns with the use of this site by vehicles over 7.5 metres and it is recommended that Council not support the request.

Purpose

The purpose of the report is to consider a Planning Proposal Request (the Request) to amend the Schedule 1 'additional permitted uses' provisions of Campbelltown Local Environmental Plan 2015 for 194 Campbelltown Road, Denham Court, so as to permit truck access and parking for a service station on the land.

History

The subject site is located at the junction of Campbelltown Road and the Hume Motorway exit ramp at Denham Court, and is zoned E4 Environmental Living under Campbelltown Local Environmental Plan 2015 (CLEP 2015). Service stations are prohibited in the E4 Environmental Living Zone under CLEP 2015.

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At its meeting of 17 March 2015 Council supported a planning proposal request for the amendment of Campbelltown (Urban Area) LEP 2002 to permit a service station as an additional permitted use on the subject land, subject to a restriction to deny access to long vehicles over 7.5 metres in length. Campbelltown (Urban Area) LEP 2002 was amended to this effect on 22 May 2015, and the subject clause enabling a service station on the site (without truck access) has been carried over to Schedule 1 of the prevailing instrument CLEP 2015 as follows:

Schedule 1 Additional permitted uses**17 Use of certain land at 194 Campbelltown Road, Denham Court**

- (1) This clause applies to land at 194 Campbelltown Road, Denham Court, being Lots 73 and 74, DP 22711.
- (2) Development for the purpose of a service station is permitted with development consent, if the service station:
 - (a) does not include a diesel or gas fuelling point for long vehicles (within the meaning of rule 200 of the Road Rules 2014), and
 - (b) is not designed or constructed to be used by such long vehicles, and
 - (c) is designed and constructed to be used by heavy vehicles (within the meaning of the Road Rules 2014) only for the purpose of fuelling, and
 - (d) is not able to be accessed from a freeway.

On 23 November 2017, Council approved Development Application 3253/2015 for a service station development on the site, described as demolition of an existing dwelling and associated structures, removal of trees, construction and operation of a 24 hour service station with ancillary sales of convenience food, car wash, vehicle repair workshop, associated civil and landscaping works. The development consent excluded access for trucks and long vehicles in accordance with the abovementioned additional permitted uses clause.

On 26 July 2018, a construction certificate was issued by a private certifier for the approved service station development. The proponent has undertaken demolition and civil works on the subject land.

On 26 September 2018, the Local Planning Panel considered the subject planning proposal and provided comments as outlined in the body of this report. In response to the comments of the Panel, the proponent submitted a separate S4.55 application on 11 October 2018 to modify Development Application 3253/2015. The modification application is being separately assessed.

Report**Site Description**

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The subject site has an area of 1.241 hectares and is located at the junction of Campbelltown Road and the Hume Motorway exit ramp at Denham Court. The site is surrounded by Campbelltown Road to the west, the Hume Motorway to the east and south, and the Denham Court exit off-ramp from the Hume Motorway to the north.

The subject land is vacant, with bulk earthworks and site benching commenced by the proponent. A construction certificate has been issued by a private certifier for the service station development (DA 3253/2015).



Location Image - 194 Campbelltown Road, Denham Court

CLEP 2015 - Relevant Provisions

The main provisions of CLEP 2015 that are relevant to the assessment of the subject planning proposal are discussed below.

- **E4 Environmental Living Zone**

The site is zoned E4 Environmental Living under Campbelltown Local Environmental Plan 2015 (CLEP 2015). The objectives of the zone are:

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- to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values
- to ensure that residential development does not have an adverse effect on those values
- to conserve the rural and bushland character of land that forms the scenic eastern edge of Campbelltown's urban area
- to protect and enhance areas of scenic value and the visual amenity of prominent ridgelines
- to maintain significant stands of native vegetation and wildlife and riparian corridors
- to ensure the preservation and maintenance of environmentally significant and environmentally sensitive land

CLEP 2015 prohibits a number of land uses within the E4 Environmental Living Zone, including service stations defined as follows:

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles
- (b) the cleaning of motor vehicles
- (c) installation of accessories
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration)
- (e) the ancillary retail selling or hiring of general merchandise or services or both

• **Additional Permitted Uses for Particular Land - Clause 2.5**

Clauses 2.5 of CLEP 2015 permits additional land uses for particular sites, over and above those uses identified within the relevant zoning table. Additional permitted uses for nominated sites are identified under Schedule 1 of CLEP 2015.

The subject land is identified under Schedule 1 of CLEP 2015 as follows:

17 Use of certain land at 194 Campbelltown Road, Denham Court

- (1) This clause applies to land at 194 Campbelltown Road, Denham Court, being Lots 73 and 74, DP 22711.
- (2) Development for the purpose of a service station is permitted with development consent, if the service station:
 - (a) does not include a diesel or gas fuelling point for long vehicles (within the meaning of rule 200 of the Road Rules 2014), and

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- (b) is not designed or constructed to be used by such long vehicles, and
- (c) is designed and constructed to be used by heavy vehicles (within the meaning of the Road Rules 2014) only for the purpose of fuelling, and
- (d) is not able to be accessed from a freeway.

Description of Planning Proposal Request

The Planning Proposal Request (the Request) is attached to this report and comprises the following documentation:

1. Submission to Campbelltown City Council - Planning Proposal Request (Amended) - Removal of Restrictions. Land situated at Lot 100 DP 1176622 No 194 Campbelltown Road, Denham Court. Michael Brown Planning Strategies, dated June 2018
2. 'Acoustic DA Assessment' Report – Acouras Consultancy dated 25/06/2018
3. 'Traffic Report for Proposed LEP Amendment for Service Station Site' – Colston Budd Rogers & Kafes Pty Ltd. Dated April 2018 ref: 10909

The Request seeks to amend of the additional permitted uses clause for the subject land under CLEP 2015, by removing the restrictions relating to long vehicles (trucks) accessing a service station on the subject land. In this respect, the proponent has requested that the Schedule 1 clause that permits a 'service station' on the land be amended to read as follows:

17 Use of certain land at 194 Campbelltown Road, Denham Court

- (1) This clause applies to land at 194 Campbelltown Road, Denham Court, being Lots 73 and 74, DP 22711.
- (2) Development for the purpose of a service station is permitted with development consent, if the service station is not able to be accessed from a freeway.

Should the abovementioned restriction on truck access be removed from the LEP amendment, the proponent has advised that their intention is to expand the use of the approved service station (DA 3253/2015) to provide access for truck refuelling and parking activities.

Planning Assessment**• Reasons for Truck Parking Restrictions**

At its meeting of 17 March 2015 Council supported a planning proposal request for the amendment of Campbelltown (Urban Area) LEP 2002 to permit a service station as an additional permitted use on the subject land, subject to a restriction to deny access to long vehicles (trucks) over 7.5 metres in length. Campbelltown (Urban Area) LEP 2002 was amended to this effect on 22 May 2015, and the subject clause enabling a service station on the site (without truck access) has been carried over to Schedule 1 of the prevailing instrument CLEP 2015.

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The decision by Council at its meeting of 17 March 2015 to only support an LEP amendment to permit a service station without truck access followed consideration of traffic and acoustic reports lodged by the proponent at that time which, similar to the current planning proposal, advised truck access could be provided to a service station on the site without causing adverse impacts.

The reasons stated in the Council report of 17 March 2015 to only support an additional permitted use on the site for a service station without truck access are summarised as follows:

- potential to unnecessarily increase the volume of 'passing by' heavy vehicle traffic on the surrounding local roads
- potential increase in road maintenance costs
- increased noise and air pollution
- potential for traffic congestion on both Campbelltown Road and the Hume Motorway associated with trucks queuing for access to the service station site
- potential land use conflict with adjoining rural-residential development and inconsistencies with the objective of the E4 Environmental Living zone
- adverse impacts on the aesthetic and scenic values of the locality

For the above reasons, Council did not assent to the applicant's position and sought legal advice on a mechanism to ensure that a service station at this location would not be utilised by heavy vehicles. The legal advice suggested the inclusion of a prohibition clause similar to that presently included in CLEP 2015.

It is apparent that Council's decision to introduce a land use type which would normally be prohibited had strong regard to the potential land use conflict with adjoining rural-residential development and inconsistencies with the objectives of the E4 Environmental Living zone. As such, there was a clear position made to only permit a limited service station with restricted heavy and long vehicle movements. Accordingly, it is considered that the abovementioned reasons for Council's decision in 2015 to deny truck access for a service station on the site remain valid considerations for the assessment of the current Planning Proposal Request.

Campbelltown Local Planning Panel Comments

A report on the Planning Proposal Request was considered by the Campbelltown Local Planning Panel (the Panel) at its meeting on 26 September 2018. Following its detailed consideration of the proposal, including representation by the proponent at the meeting, the Panel provided the following comments:

- **Panel Considerations and Reasons for Decision**

The panel considered the officers report and inspected the site and was concerned that the original reasons for restricting truck access to the proposed service station were matters that ought to be dealt with at Development Applications stage. The views of the RMS on the removal of the long vehicles restriction imposed in the LEP ought to have been sought prior to approaching Council and the inspection of the site revealed what appeared to be large amounts of fill at a level that appeared to be inconsistent with easy access from Campbelltown Road.

- **Advice of the Panel**

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This matter would be best dealt with by utilisation of the provisions of section 3.38 of the *Environmental Planning and Assessment Act, 1979* which provides for a development application to be submitted and assessed concurrently with a planning proposal. The Panel advises Council that it should invite a development application from the applicant in respect of the matter and that the application should be accompanied by a traffic study assessing the suitability of the proposed long vehicle movements and access and egress arrangements.

- **Deferral Issues**

The applicant has been invited to address a number of issues and concerns relating to the proposal, including consideration of the comments provided by the Panel. The response by the applicant to these issues is outlined below.

Council Resolution 17 March 2015

As noted above, the Council report of 17 March 2015 states that the reasons behind Council's decision to restrict the provision of refuelling services to heavy vehicles, includes: impacts of additional volumes of heavy traffic on local roads, road maintenance issues, potential traffic congestion from trucks queuing, increased noise and air pollution, inconsistency with objective of zone and potential land use conflict with adjoining rural-residential development.

A copy of the formal response by the applicant to the issues discussed in the Council report of 17 March 2015 is provided at attachment 3.

The general position stated by the applicant is that the issue of heavy vehicles accessing the service station safely is addressed by the RMS approval. Further, the applicant relies upon their traffic consultant's report which states that the proposal would not adversely impact upon the local road network given a predicted additional traffic generation of five to ten trucks per hour at peak times.

The response of the applicant regarding a RMS approval is not accurate as it is a reference to the concurrence of the RMS to the service station plans approved by Council under DA 3253/2015, which did not provide for truck access (vehicles over 7.5 metres long or over 4.5 tonnes GVM). Accordingly, there is no RMS approval for the subject planning proposal and/or a service station design with unrestricted truck access.

The applicant also relies upon statements made in their traffic report (April 2018) to address the concerns of additional heavy traffic volumes on local roads. A main shortcoming of the traffic report is that there are no traffic counts or traffic analysis provided in the report to support the claims that the predicted impacts of five to ten additional vehicles per hour would have no noticeable effects on the operation of the surrounding network.

Local Planning Panel

The comments of the Local Planning Panel have been put to the applicant and are considered to be generally unresolved given that no advice from the RMS has been provided, no development application has been lodged for a concurrent assessment under section 3.38 of the *Environmental Planning and Assessment Act 1979*, and the traffic study has not been updated to respond to the issues raised by the Panel.

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Notwithstanding, the applicant has responded to the comments of the Panel by submitting a S4.55 application to modify the existing DA approval (DA 3253/2015) for the service station. Whilst this application will be subject to a separate assessment, it is noted that the lodgement of a S4.55 application does not constitute a development application under the *Environmental Planning and Assessment Act 1979* and therefore does not allow for the concurrent assessment under section 3.38 of the Act as requested by the Panel.

Conclusion

The subject site has an area of 1.241 hectares and is located at the junction of Campbelltown Road and the Hume Motorway exit ramp at Denham Court. The land is zoned E4 Environmental Living under the provisions of CLEP 2015.

At its meeting of 17 March 2015 Council supported a proposal to amend the Campbelltown LEP to permit a service station on the site as an additional permitted use, comprising a land use which would in normal circumstances be prohibited in the zone. Council's decision was subject to a restriction that any service station would not accommodate long vehicles (trucks) over 7.5 metres in length. Campbelltown (Urban Area) LEP 2002 was amended to this effect and the additional permitted uses clause for the site has been carried over to the prevailing instrument CLEP 2015.

The reasons behind Council's decision to restrict the provision of refuelling services to heavy vehicles for a service station on the site related to a number of concerns, including impacts of additional volumes of heavy traffic on local roads, road maintenance issues, potential traffic congestion from trucks queuing, increased noise and air pollution, inconsistencies with the objectives of E4 zone, and potential land use conflict with adjoining rural-residential development.

The current proposal requests the amendment of the additional permitted uses clause under CLEP 2015 to remove the restriction on long vehicles (trucks) accessing a service station on the land. A number of concerns have been raised with the applicant regarding the suitability of the proposal, including the reasons outlined by Council in the report of 17 March 2015, and comments provided by the Campbelltown Local Planning Panel.

The information provided by the applicant in response to these concerns is considered to be insufficient for Council to justify altering its position to restrict truck access to a service station on the site. Accordingly, it is considered that there is insufficient merit for Council to support the Planning Proposal Request as submitted by the applicant.

Attachments

1. Planning Proposal Request (distributed under separate cover)
2. Extract from Council Report 17 March 2015 (contained within this report)
3. Applicants response letter 25 July 2018 (contained within this report)
4. Extract from Campbelltown Local Planning Panel Minutes 26 September 2018 (contained within this report)

8.7 Campbelltown 2020 Bicentenary Program Update

Reporting Officer

Executive Manager Community Life
City Lifestyles

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.7 - Promote the city's heritage and history, with strong respect for our Aboriginal and Torres Strait Islander history

Officer's Recommendation

That the information be noted and a further report be presented to Council providing an update on the draft Campbelltown 2020 program in September 2019.

Purpose

To update Council on the progress of the planning of the Campbelltown 2020 Bicentenary Program and the key projects for delivery to mark the City's 200th anniversary.

History

Council commenced active planning in 2018 to commemorate the 200 years since the naming of the City in 1820.

A Community Advisory Group was established by Council resolution to oversee the planning and development of the Campbelltown 2020 Bicentenary Program and a Program Coordinator was appointed in early 2019.

Planning has been ongoing to date and an update was provided to Council via a Council briefing on Tuesday 5 March 2019.

Program Update

Planning for the Campbelltown 2020 Bicentenary Program is progressing under the guidance of the Campbelltown 2020 Bicentenary Advisory Group. The group has established a vision and a number of strategic objectives (see attachment 1) to guide the development of partnerships and specific projects. Further community consultation has also been undertaken with specific groups, organisations and key individuals. A staff briefing has been conducted which identified a number of opportunities for cross-departmental programs.

Initial projects include:

- Yarning Circle – a partnership with the Dharawal Men's Aboriginal Corporation to create a yarning circle in Campbelltown CBD specifically designed for Aboriginal and non-Aboriginal communities to engage with and celebrate Indigenous culture. This program has received funding through the Office of Environment & Heritage's Aboriginal Cultural Heritage Grant and will be delivered by Council's Open Space team.
- Remembrance Flower - the adoption of a Remembrance Flower for the Campbelltown 2020 Program. Through consultation with community including local Elders and the Advisory Group, the Fringe Lily has been identified as a potential flower of local significance. The Fringe Lily is indigenous to the local region and within Dharawal culture is connected to narratives relating to the value and importance of remembrance. Council officers are in conversation with the Mount Annan Botanic Garden to partner on the propagation of a large number of Fringe Lilies and promotion of a Remembrance Flower to wider audiences. This project will involve cross-departmental collaboration across Council in addition to external partnerships.
- Campbelltown Children's Storybook Project - a partnership with a local Community Arts organisation to provide training to Council's Family Education and Care workers in digital storytelling programs. These programs would then be delivered to children and their families to document and celebrate the Bicentenary of Campbelltown. The Storybook Project will celebrate the cultural diversity of Campbelltown and its communities through digital story telling.
- Campbelltown Literacy Initiative for Diverse Writers - an initiative for young people (12-15 years old) interested in literacy and literature. The program will be delivered by Sweatshop: Western Literacy Movement and provide a 10 week program of in-school workshops (in up to three local high schools) as well as extracurricular excursions. Outcomes will include an annual anthology of published literary works by local writers as well as podcasts and live performances showcasing local history, storytelling and aspirations for the future of the City. Council has applied to the Crown Foundation's Western Sydney Arts Initiative for funding.
- Hurley Park Cattle Tank/Reservoir Community Event - a community event that will celebrate cultural and built heritage in Campbelltown, and would be located at the site of the historic Hurley Park Cattle Tanks. The event will include the public launch of community-created multimedia and Augmented Reality content developed through intergenerational collaboration. The event will also feature newly installed balustrades adjacent to heritage items to facilitate greater community access.

Launch

In the Dharawal seasonal calendar September to October is known as 'Time of Ngoonungi' or a time of significant ceremonies. With this in mind the project team is working towards a public launch event in October 2019. This date would allow the Campbelltown 2020 program to capitalise on promotional opportunities at existing community events such as Fisher's Ghost and Christmas Carols, while allowing sufficient opportunity for local community groups and service providers to engage with the program.

Other key planning dates include:

- July 2019: The development of branding and a marketing and communications strategy
- July – August 2019: Further development of programs and partnerships
- October 2019: Proposed Public Launch of Campbelltown 2020 including program highlights
- January – December 2020: Delivery of Campbelltown 2020 Program.

A further report will be provided to Council in September to update on the next quarter's progress on the program, the projects and the proposed launch.

Attachments

1. Campbelltown 2020 Vision and Program Objectives (contained within this report)

Vision & Strategic Objectives



Vision

To recognise and celebrate the history and journey of Campbelltown

Strategic Objectives

- Create an inclusive and welcoming program for all members of the community
- Focus on the shared history with the Dharawal People, the traditional custodians of the land
- Celebrate the cultural diversity of Campbelltown and its communities
- To maximise engagement across a broad cross-section of community and industries
- Inscribe for future generations positives stories of Campbelltown and its communities.

8.8 Reports and Letters Requested

Reporting Officer

Director City Governance
City Governance

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.3 - Ensure that Campbelltown is an inclusive city

Officer's Recommendation

That the information be noted.

Report

Attached for the information of Councillors is a status list of reports and letters requested from Council as at 2 July 2019.

Attachments

1. Reports requested listing (contained within this report)
2. Letters requested listing (contained within this report)

Reports Requested effective 2 July 2019

*Date of Decision *Mover *DocSet	Action Item	Comments / updates	Expected completion date
City Lifestyles			
11.12.18 MC	<p>ORD - NM 11.1 - Improvements to Minto Sports Centre</p> <ol style="list-style-type: none"> 1. That a report be presented on the feasibility of improvements to the exterior of Minto Sports Centre. 2. That the report should include options to improve the exterior facade and entrance, such as new signage and flags to enhance the visual appeal of the facility to the community, and the associated costs. 3. That the exterior wall facing the railway line should be included in any enhancement works. 	<ul style="list-style-type: none"> • Exterior sign has been installed. • Costings on other improvements will be provided in a report for Executive Manager of Sport, Recreation and Leisure review. • Working with the operations team on the feasibility to the exterior of the centre. 	August 2019
14.05.19 MC	<p>ORD - 14.1 Commercial Opportunity</p> <ol style="list-style-type: none"> 2. That a further report is provided to Council with the outcome of the Expression of Interest process to make a decision about proceeding to a select tender process for a naming rights sponsor. 	Procurement are currently drafting the EOI document and is currently in the evaluation stage whereby agreement is decided on the evaluation criteria and confirmation around the scope of requirements.	August 2019
11.06.19 BG	<p>ORD - NM 11.3 Pop Culture Convention Event</p> <ol style="list-style-type: none"> 1. That Council investigate the feasibility of a Pop Culture Convention event to be held in Campbelltown LGA. 2. That the outcome of the feasibility investigation be reported back to Council. 		

Reports Requested effective 2 July 2019

*Date of Decision *Mover *DocSet	Action Item	Comments / updates	Expected completion date
City Lifestyles			
11.06.19 MC	<p>ORD - NM 11.4 Women's Domestic Violence Service</p> <p>2. That a report be provided detailing the outcomes of the investigations including potential corporate and service provision partners, advise relevant Government bodies, project feasibility, location options, service delivery models and funding implications and strategies.</p>		
City Delivery			
14.08.18 RM	<p>ORD - NM - 11.6 Avenue of Native Trees</p> <p>1. That Council prepare a feasibility report to consider the development of an avenue of native trees, such as Angophora and Claret Ash or any other appropriate local native species to be planted contiguously on the nature strip and either side of Appin Road, between Narellan Road and Fitzgibbon Lane or other suitable areas, to create a prominent entrance into the City.</p> <p>2. The report to include the potential to maintain the current road name but to call the new planted area 'Angophora Ave' or 'Claret Ash Lane' or other name appropriate to the selected native species with appropriate signage and well developed wider footpaths to complement the new planting section.</p>	<p>Council is currently liaising with the RMS and investigating native plant species. At the conclusion of the investigation a report will be presented to Council.</p>	August 2019

Reports Requested effective 2 July 2019

*Date of Decision *Mover *DocSet	Action Item	Comments / updates	Expected completion date
City Delivery			
12.03.19 BM	ORD - NM 11.1 Weed Control Methods That a report be presented to Council investigating weed control methods without the use of glyphosate herbicide, such as foam weeding or steam weeding, their potential costs and benefits, as well as their potential applicability to other Council functions such as cleaning and sanitisation.	Council is currently investigating alternative herbicide products and a report will be presented with the findings.	August 2019
City Governance			
11.12.18 BM	ORD - 14.4 - Engagement of Architects for Construction of a New Childcare Centre 1. That Council approves the engagement of the preferred Architects based on their fee proposal submitted to Council – subject to legal confirmation that the negotiated contract terms are satisfactory 2. That the scope of works and risk mitigation strategies are undertaken in accordance with this report and within the cost estimates 3. That a further report be submitted to Council once a Development Approval has been obtained consistent with the analysis contained in this report.	Council has engaged the architect and commenced Stage one of the scope works.	May 2020

Reports Requested effective 2 July 2019

*Date of Decision *Mover *DocSet	Action Item	Comments / updates	Expected completion date
City Governance			
11.06.19 BG	ORD NM - 11.1 Legal Advice - Standard Contracts 1. That legal advice be sought on making amendments, if necessary, to Council's existing standard contract clauses to ensure they are providing the best value and flexibility for rate payers of Campbelltown. 2. That a report be presented on the findings and any recommended changes.	Council has engaged an external legal expert to undertake a review of Council's suite of standard contracts.	October 2019
City Development			
19.04.16 MO 4770730	CS8.1- Old Clinton's development site That a report be presented outlining any action taken by Council with regards to the dead trees on the old Clinton's development site - Queen Street, Campbelltown.	Further discussions currently being organised with development representatives to discuss financial contribution for street tree damage. Estimate of financial contribution prepared for further consideration and consultation.	September 2019
13.11.18 GB	ORD - 8.3 Household E-Waste Drop Off Event 2. That a further report be provided to Council on the future recycling arrangements for e-waste upon confirmation of the completion timeframe for the construction of the Community Recycling Centre.	This report is subject to the time frame of the Community Recycling Centre.	November 2019
09.04.19 WM	ORD - 8.2 Planning Proposal - Ingleburn CBD 4. That a further report be provided to Council after the Gateway Determination with public exhibition with the planning proposal a draft Development Control Plan for Ingleburn CBD to be placed on public exhibition with the draft planning proposal.		August 2019

Reports Requested effective 2 July 2019

*Date of Decision *Mover *DocSet	Action Item	Comments / updates	Expected completion date
City Development			
09.04.19 WM	ORD - 8.3 Draft Amendment No.7 - Campbelltown (Sustainability City) Development Control Plan 2015 3. That a further report be provided to Council following the completion of the public exhibition of the draft amendment to the Campbelltown (Sustainable City) Development Control Plan 2015.	The report was prepared and presented to Council at the July 2019 meeting.	July 2019
09.04.19 BG	ORD 8.4 Re-establishment of North Area Alcohol Free Zones 4. That a further report be provided to Council on the re-establishment of the Alcohol Free Zones specified in Recommendation 1 at the completion of the period for comment by the organisations/groups listed in Recommendation 3.		September 2019
09.04.19 BT	ORD 8.6 Submission Report - Amendment to Campbelltown Sustainable City Development Control Plan (Caledonia Precinct) 5. That a further report be submitted to Council in regard to the acquisition of No. 306 Bensley Road, Ingleburn for open space purposes.	To be included in the next amendment to the Contributions Plan.	February 2020
11.06.19 MC	ORD 8.10 Planning Proposal 22-32 Queen St, Campbelltown 2. That subject to the Gateway Determination and prior to public exhibition, a further report be presented to Council with a draft development control plan for the site.		August 2019

Reports Requested effective 2 July 2019

*Date of Decision *Mover *DocSet	Action Item	Comments / updates	Expected completion date
City Development			
11.06.19 KH	ORD 8.11 Proposed Biodiversity Certification Process Mount Gilead Stage 2 2. Prior to making a formal application, a further report be presented to Council which is to include a draft Biodiversity Certification Assessment Report and the Bio-Certification Strategy for the Council's evaluation.		August 2019
City Growth			
11.09.18 MC	ORD – NM 11.3 Campbelltown Arts Centre Shop 1. That a report be returned to council on the feasibility of expanding the shop at Campbelltown Arts Centre. a) The report should consider expanding the retail offering of goods from local artists and makers and consider the size, location and appearance of the current shop as well as social media marketing opportunities to highlight the offerings from the shop. b) The report should also explore the future feasibility of an online retail platform or ecommerce store that acts as an extension of the physical store, highlighting local handmade products and makers and showcasing Campbelltown Arts Centre.	A review of the retail shop was undertaken by a Cultural Commerce Consultant and the team is waiting on a report from his findings.	August 2019

Reports Requested effective 2 July 2019

*Date of Decision *Mover *DocSet	Action Item	Comments / updates	Expected completion date
City Growth			
11.06.09 BG	<p>ORD NM 11.2 Local Youth Art Showcase</p> <p>1. That Council investigate the feasibility of partnering with schools to showcase the art of local young people at locations across the LGA, such as Council libraries, or any other participating facilities.</p> <p>2. That the outcome of the feasibility investigation be reported back to Council.</p>		
11.06.09 BM	<p>ORD NM 11.5 Global Climate Change</p> <p>That a report and briefing be provided to Council detailing the IPCC and IPBES reports and what actions other Councils have taken in regards to declarations of climate emergency.</p>		
11.06.09 BG	<p>ORD 12.1 Draft Local Strategic Planning Statement</p> <p>3. That a further report be presented to Council at the completion of the public exhibition period detailing outcomes of exhibition.</p>		

Letters requested effective 2 July 2019

*Date of Decision *Mover	Action Item	Comments / updates
City Development		
14.05.19 KH	<p>ORD - 7.1 - Emergency Veterinary Care for Injured Koalas</p> <ol style="list-style-type: none"> 1. That the letters be received and the information be noted. 2. As a result of the recent State election and the imminent Federal election, the General Manager write again to the new State Ministers with appropriate portfolio responsibilities, including the Treasurer, and any new Federal Ministers, if required; and 3. That Council continue to emphasise the importance of our local koalas being the only disease-free colony in the State and lobby for emergency veterinary care for injured koalas. 	Letters are currently being drafted.
11.06.19	<p>ORD - 8.8 - Greater Macarthur Koala Partnership Forum</p> <ol style="list-style-type: none"> 4. That representations be made to the relevant Federal, State and Local members of parliament in support of the priority issues identified. 	
11.06.19 KH	<p>ORD 8.11 Proposed Biodiversity Certification Process Mount Gilead Stage 2</p> <ol style="list-style-type: none"> 3. That a letter be sent to the Department of Planning and Infrastructure noting our previous stated objections to the state Governments treatment of Beulah and Noorumba reserves and seek commitment that future bio banking sites will remain accessible to local wildlife populations. 	

8.9 Privacy Management Policy

Reporting Officer

Executive Manager Corporate Services and 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 adopt the Privacy Management Policy.
2. That Council provide a copy of the Council's Privacy Management Policy to the Privacy Commissioner.

Purpose

Section 33 of the *Privacy and Personal Information Protection Act 1998* (PIIP Act) prescribes that each public sector agency must prepare and implement a Privacy Management Plan.

The agency's Privacy Management Plan must include provisions relating to the following:

- a) The devising of policies and practices to ensure compliance by the agency with the requirements of the PIIP Act.
- b) The dissemination of those policies and practices to persons within the agency.
- c) The procedures that the agency proposed to provide in relation to internal review under Part 5 of the PIIP Act.
- d) Such other matters as are considered relevant by the agency in relation to privacy and the protection of personal information held by the agency.

Report

Council first looked at drafting a Privacy Management Plan in 2013 which was based on the Revised Model Privacy Management Plan for Local Government released by the Office of Local Government (OLG) in January 2013. The OLG provided Councils with discretion to adopt the Model Plan or prepare its own. Based on this advice, Council deemed that the OLG's Model Plan, at 62 pages long, was too lengthy to be a practical and effective resource for Councillors, Staff, Contractors and external stakeholders to understand and, therefore, comply with.

Consequently, a Privacy Management Policy has been drafted in lieu of adopting the Model Privacy Management Plan. The Policy aims to capture the requirements of the PPIP Act in a manner which will improve readability and accessibility therefore ensuring the general understanding and compliance with the PPIP Act.

The Privacy Management Policy has been designed to achieve the following:

- 1) Streamline the document and make it more understandable and relatable;
- 2) Clarify the roles of all stakeholders with respect to privacy in their respective roles;
- 3) To act as a clearer resource for all staff to use;
- 4) To be a resources for members of the public to help understand their rights with respect to the protection of their personal information retained by Council.

Other Councils and Public Sector Agency's Privacy Management Plans and Policies were used as benchmarks and reference tools to complete. Additionally, Council utilised resources from the Information Privacy Commission (IPC) such as the IPC checklist for Privacy Management Plans.


The Privacy Management Policy will be reviewed every three years as per Council's Document Control – Corporate Documents Authorised Statement. The adoption of the Policy will be the overarching document for the strategic rollout of a new privacy management framework within Council.

It is intended that Council's Privacy Management Policy will be able to be used as a succinct resource for training new and existing staff in privacy matters. It will also compliment Council's key related policies such as the Access to Information Policy.

Once adopted by Council, a copy of the Privacy Management Policy will be provided to the Privacy Commissioner pursuant to the requirements in Section 33 (5) of the PPIP Act.

Attachments

1. Privacy Management Policy (contained within this report)

		POLICY
Policy Title	Privacy Management	
Related Documentation	Access to Information Policy Records Management Policy Campbelltown City Council Information Guide Councillor's Access to Information and Interaction with Staff Policy	
Relevant Legislation	<i>Privacy and Personal Information Protection Act 1998</i> <i>Health Records and Information Privacy Act 2002</i> <i>Government Information (Public Access) Act 2009</i> <i>Government Information (Public Access) Regulation 2018</i> <i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2005</i> <i>Copyright Act 1968 (Cth)</i> <i>Environmental Planning and Assessment Act 1979</i> <i>State Records Act 1998</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

The main objective of this policy is to inform the community and educate staff on access to personal information and introduce Council policies and procedures to maximise compliance with the *Privacy and Personal Information Protection Act 1998* (the PPIP Act) and the *Health Records and Information Privacy Act 2002* (the HRIP Act).

Policy Statement

Campbelltown City Council is committed to protecting the privacy of our customers, business contacts, Councillors, employees, contractors and volunteers.

This policy aims to ensure Campbelltown City Council manages the personal and health information it collects, stores, accesses, uses and discloses in the course of its business activities.

This policy has been developed in order to outline that Council collects and retains personal and health information for the purpose of facilitating its business. It is important that the use of this information is confined to the purpose for which it is acquired. In order to properly manage the personal information it retains, it is essential for the provisions of this policy to be observed by Councillors, employees, contractors and external stakeholders.

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Scope

The Privacy Management Policy applies to the public, Campbelltown City Council staff and Councillors.

Legislative Context

The PPIP Act requires all public sector agencies to prepare, implement and review their Privacy Management Plan on a regular basis. The Information and Privacy Commission guidelines for Privacy Management Plans recommend review at least every two years. This policy outlines how Campbelltown City Council complies with the legislative requirements of the PPIP Act, the HRIP Act and the Privacy Code of Practice for Local Government [Code].

Effectiveness of this Policy

The Policy will be reviewed in accordance with Council's adopted Procedure for Policy Development and Review to ensure the framework to manage disclosures is effective and meets current legislative requirements.

PART 1 - INTRODUCTION**1.1 What is Personal Information?**

Personal information is defined in section 4 of the PPIP Act as:

"information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. This information can be on a database and does not necessarily have to be recorded in a material form".

1.2 What is not Personal Information?

Personal information does not include information about an individual that is contained in a publicly available publication. Personal information, once it is contained in a publicly available publication, ceases to be covered by the PPIP Act.

Where the Council is requested to provide access or make a disclosure and that information has already been published, then the Council will rely on the provisions of the relevant Act that authorises Council to hold that information and not the PPIP Act (for example, a formal or informal request under the *Government Information (Public Access) Act 2009* [the GIPA Act]).

In accordance with the GIPA Act, when inviting public submissions Council will advise people that their submission, including any personal information in the submission, may be made publicly available.

1.3 What is Health Information?

Health information is defined in section 6 of the HRIP Act as:

"personal information that is information or an opinion about the physical or mental health or a disability (at any time) of an individual or an individual's express wishes about the future provision of health services to him or her or a health service provided or to be provided to an individual".

1.4 Application of this Policy

The PPIP Act, HRIP Act and this Policy apply, wherever practicable, to:

- Councillors
- Council employees
- Consultants and contractors of the Council

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- Volunteers
- Council owned businesses and
- Council Committees (including those which may be established under section 355 of the *Local Government Act 1993* [the LG Act]).
- Customers, ratepayers and residents

1.5 Personal and Health Information held by Council

The Council holds personal information concerning Councillors, such as but not limited to:

- personal contact information
- complaints and disciplinary matters
- disclosure of interest returns and
- entitlements to fees, expenses and facilities

The Council holds personal and health information concerning its customers, ratepayers and residents, in records such as but not limited to:

- rates records
- customer requests, complaints and claims
- library lending records
- fitness records
- community service utilisation e.g. Community Transport
- CCTV footage
- donation, grant and sponsorship applications
- submissions and information collected as part of Council's community engagement and consultation activities
- public access forum applications and
- development applications and related submissions.

The Council holds personal and health information concerning its current and former employees in records such as but not limited to:

- recruitment material
- pre-employment medical information
- workers compensation investigations
- public interest disclosure investigations
- leave and payroll data
- personal contact information
- performance management plans
- disciplinary matters
- disclosure of interest returns and
- wage and salary entitlements.

1.6 Unsolicited Information

Unsolicited information is personal or health information received by Council in circumstances where Council has not asked for or required the information to be provided. It includes gratuitous or irrelevant information received.

Such information is not deemed to have been collected by Council but the retention, use and disclosure principles of the information will apply to any such information in Council's possession. Personal information contained in petitions received in response to a call for submissions or unsolicited petitions tabled at Council meetings will be treated the same as any other submission and be made available for release to the public.

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1.7 Applications for Access to own Personal or Health Information

Pursuant to Section 14 of the PPIP Act, Council must at the request of the individual to whom the information relate and without excessive delay or expense, provide the individual with access to the information.

Additionally, Section 15 of the PPIP Act requires Council, at the request of the individual to whom the information related, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information:

- a) Is accurate, and
- b) Having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.

Individuals wanting to access Council's records to confirm or amend their own personal or health information, such as updating contact details can do so by contacting Council either in person or in writing. Council will take steps to verify the identity of the person requesting access or changes to information.

Where a person makes an application for access under the PPIP Act which is involved or complex, and requires a formal determination, Council will provide a response within 20 working days of the application being made.

1.8 Accessing or Amending other People's Personal or Health Information

Council is restricted from giving individuals access to someone else's personal and health information unless that person provides us with written consent. An "authorised" person must confirm their identification to act on behalf of someone else by providing proof of identity a valid power of attorney to act on the individual's behalf.

There may be other reasons Council may be authorised to disclose personal and health information, such as in the event of a serious and imminent threat to the life, health and safety of the individual, to find a missing person or for compassionate reasons.

Council will not provide access to a person's personal or health information records for any private matter unless compelled to do so for a statutory purpose or to comply with a court order.

PART 2 - PUBLIC REGISTERS

2.1 Definition

A public register is defined in section 3 of the PPIP Act as "a register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee)".

Council holds public registers under the LG Act including:

- Land Register
- Records of Approvals
- Register of Disclosures of Interests

Note — this is purely indicative. Council may, by virtue of its own practice, hold other public registers, to which the PPIP Act applies.

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Council holds public registers under the *Environmental Planning and Assessment Act 1979* [the EPA Act]:

- Register of consents and certificates
- Record of building certificates

Council holds a public register under the *Protection of the Environment Operations Act 1997* [the POEO Act]:

- Public register of licences

Council holds a public register under the *Impounding Act 1993*:

- Record of impounding

The purpose for each of these public registers is set out in this Policy.

2.2 Disclosure of Personal Information Contained in Public Registers

Pursuant to Section 57 of the PPIP Act, Personal information contained in a public register, other than where required by legislation, will only be disclosed where Council is satisfied that it is to be used for a purpose relating to the purpose of the register.

Disclosure in relation to personal information not contained in a public register must comply with the Information Protection Principles as outlined in this Policy.

A person seeking a disclosure concerning someone else's personal information from a public register must give particulars, in the form of a statutory declaration, as to the intended use of any information obtained from the inspection.

2.3 Purposes of Public Registers

In the following section, by way of guidance only, what might be called the "primary" purpose (or "the purpose of the register") has been specified for each identified register. In some cases, a "secondary purpose" has also been specified, by way of guidance as to what might constitute "a purpose relating to the purpose of the register".

Land Register

The primary purpose is to identify all land vested in Council, or under its control. The secondary purpose includes a consideration of public accountability as to the land held by Council. Third party access is therefore a secondary purpose.

Records of Approvals

The primary purpose is to identify all approvals granted under the LGA.

Register of Disclosures of Interests

The primary purpose of this register is to determine whether or not a Council official has a pecuniary interest in any matter with which the council is likely to be concerned. There is a corresponding public accountability purpose and third party access is a secondary purpose.

Register of consents and certificates

The primary purpose is to identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates.

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Record of building certificates

The primary purpose is to identify all building certificates.

Public register of licences

The primary purpose is to identify all licences granted under the POEO Act.

Record of impounding

The primary purpose is to identify any impounding action by Council.

2.4 Secondary purpose of all Public Registers

Council aims to be open and accountable and it is considered that a secondary purpose for which all public registers are held by Council includes the provision of access to members of the public. Disclosure of specific records from public registers would normally be permitted.

Requests for access, copying or the sale of the whole or a substantial part of a public register will not necessarily fit within this purpose. Council will make an assessment as to the minimum amount of personal information that is required to be disclosed with regard to any request.

2.5 Other Registers

Council may keep other registers that are not public registers. The Information Protection Principles, this Policy, the Code and the PPIP Act apply to the use and disclosure of information in those registers.

A register that Council keeps that is not a public register is the rates record and Council's position on this record is as follows:

Rates Record

The primary purpose is to record the value of a parcel of land and record rate liability in respect of that land. The secondary purpose includes recording the owner or lessee of each parcel of land. For example, a disclosure on a rating certificate that a previous owner was a pensioner is considered to be allowed, because the secondary purpose is "a purpose relating to the purpose of the register". Public access to the rates record will only be granted where the purpose of the access is to obtain information necessary for a statutory purpose for which Council has an obligation to comply with such as notifying relevant land owners of development applications and other matters where Council is required or wishes to consult its local community.

2.6 Applications for Suppression of Personal Information in a Public Register

Pursuant to Section 58 of the PIPP Act, a person about whom personal information is contained (or is proposed to be contained) in a public register, may request Council to have the information removed from or not placed on the register by submitting an application in the form of a Statutory Declaration.

If Council is satisfied that the safety or well-being of any person would be affected by not suppressing the person's personal information, Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information.

The information may still be used in the exercise of Council functions, but it cannot be disclosed to third parties.

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PART 3 – POLICIES AND LEGISLATION

Policies and legislation affecting the processing of information and related to this Policy include:

- Council's Access to Information policy

Public access to information and documents held by Council is facilitated by Council's Access to Information policy. This policy has regard to the GIPA Act, Government Information (Public Access) Regulation 2009 and the LG Act.

This Policy should be read in conjunction with the Access to Information Policy, the Privacy Code of Practice for Local Government and Council's Information Guide.

The above documents are available for viewing at Council's website - www.campbelltown.nsw.gov.au.

- *Environmental Planning and Assessment Act 1979* (EPAA)

The EPA Act contains provisions that require Council to make development applications and accompanying information publicly available and provides a right for people to inspect and make copies of elevation plans during the submission period.

The EPA Act is available for viewing at <https://www.legislation.nsw.gov.au/#/view/act/1979/203>

- *Health Records and Information Privacy Act 2002* (HRIPA)

The HRIP Act governs both the public and private sector in NSW. It contains a set of 15 Health Privacy Principles and sets up a complaints mechanism to ensure agencies abide by them.

The HRIP Act is available for viewing at <https://www.legislation.nsw.gov.au/#/view/act/2002/71>

- *Privacy and Personal Information Protection Act 1998* (PPIPA)

In addition to requirements covered in this Policy, the PPIP Act prohibits disclosure of personal information by public sector officers that are not done in accordance with the performance of their official duties. These provisions are generally directed at corrupt or irregular disclosure of personal information staff may have access to at work and not inadvertent failure to follow procedures or guidelines. Corrupt or irregular disclosure can include intentionally disclosing or using personal information accessed in doing our jobs for an unauthorised purpose, or to offer to supply personal information that has been disclosed unlawfully. Offences can be found listed in sections 62-68 of the PPIP Act, are considered serious and may, in some cases, lead to imprisonment.

The PPIP Act is available for viewing at <https://www.legislation.nsw.gov.au/#/view/act/1998/133>

- *Public Interest Disclosures Act 1994* (the PID Act)

The definition of personal information under the PPIP Act excludes information contained in a public interest disclosure. This means that a person cannot seek review of the use or disclosure of a public interest disclosure or be prosecuted for unauthorised disclosure of public interest disclosure information under the PPIP Act.

However, this plan is still able to address strategies for the protection of personal information disclosed under the PID Act.

The PID Act is available for viewing at www.legislation.nsw.gov.au – further information can be obtained from the NSW Ombudsman at www.ombo.nsw.gov.au

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PART 4 - INFORMATION PROTECTION PRINCIPLES

4.1 Council complies with the Information Protection Principles (IPPs) prescribed under the PPIP Act and Health Privacy Principles (HPPs) prescribed under the HRIP Act as follows:

IPP 1 and HPP 1 Lawful collection

Council will collect personal and/or health information that is reasonably necessary for a lawful purpose that is directly related to its functions and/or activities. Such personal and health information may include names, residential address, phone numbers, email addresses, signatures, medical certificates, photographs and video footage (CCTV).

IPP 2 and HPP 2 Direct collection

Personal information will be collected directly from the individual, unless that person consents otherwise. Parents or guardians may give consent for minors.

Health information will be collected directly from the person concerned, unless it is unreasonable or impracticable to do so.

Collection may occur via phone, written correspondence to Council, email, facsimile, Council forms or in person.

IPP 3 and HPP 3 Requirements when collecting

Council will inform individuals that their personal information is being collected, why it is being collected and who will be storing and using it. Council will also inform the person how they can view and correct their information. A Privacy Statement is published on Council's website, intranet and included on forms where personal or health information is collected

Council will inform persons why health information is being collected about them, what will be done with it and who might see it. Council will also inform the person how they can view and correct their health information and any consequences if they do not provide their information. If health information is collected about a person from someone else, reasonable steps will be taken to ensure that the person has been notified as above.

IPP 4 and HPP 4 Relevance of collection

Personal and health information collected will be relevant to Council's functions and services, accurate, up-to date, complete and not excessive. The collection will not unreasonably intrude into the individual's personal affairs.

Council will rely on the individual to supply accurate, complete information, although in special circumstances some verification processes may be necessary.

IPP 5 and HPP 5 Secure storage

Council will store personal information securely, for no longer than as required by the General Retention and Disposal Authorities for Local Government Records issued by State Records Authority of NSW, and will be disposed of appropriately. It will be protected from unauthorised access, use or disclosure by application of appropriate access levels to Council's electronic data management system and staff training.

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If it is necessary for the information to be given to a person in connection with the provision of a service to the Council (e.g. consultants and contractors), everything reasonably within the power of the Council is done to prevent unauthorised use or disclosure of the information.

IPP 6 and HPP 6 Transparent access

Council stores information for the purpose of carrying out its services and functions and in order to comply with relevant records keeping legislation.

Individuals have a right to request access to their own information to determine what, if any information is stored, how long it will be stored for and how it is stored (e.g. electronically with open or restricted access to staff, in hard copy in a locked cabinet etc.).

Council will provide reasonable details about what personal and/or health information is stored on an individual if they receive an access application from the individual which the information pertains to.

IPP 7 and HPP 7 Access to own information

Council will ensure individuals are allowed to access their own personal and health information without unreasonable delay or expense by way of implementation of appropriate procedures for access to this information.

IPP 8 and HPP 8 Right to request to alter own information

Council will, at the request of a person, allow them to make appropriate amendments (i.e. corrections, deletions or additions) to their own personal and health information.

Changes of name, address and other minor amendments require appropriate supporting identification or documentation.

Where substantive amendments are involved, an application form will be required and appropriate evidence must be provided as to why the amendment is needed.

IPP 9 and HPP 9 Accurate use of information collected

Taking into account the purpose for which the information is proposed to be used, Council will ensure that personal and health information is accurate before using it. Council will ensure that the information it proposes to use is the most recent information kept on file, is not unreasonably out of date or where it is reasonable and necessary to do so, write to the individual to whom the information relates to confirm the accuracy of the information.

IPP 10 and HPP 10 Limits to use of information collected

Council will only use personal and health information for the purpose for which it was collected, for a directly related purpose or for a purpose for which a person has given consent. It may also be used without consent in order to deal with a serious and imminent threat to any person's life, health or safety, for the management of a health service, for training, research or to find a missing person. Additionally, a secondary purpose includes investigation of suspected unlawful activity, to exercise complaint handling functions or investigative functions.

IPP 11 and HPP 11 Restricted and Limited disclosure of personal and health information

Council will only disclose personal and health information with the individual's consent or if the individual was told at the time of collection that it would do so. Council may also disclose information if it is for a related purpose and it considers that the individual would not object.

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Personal and health information may also be used without the individual's consent in order to deal with a serious and imminent threat to any person's life, health, safety, for the management of a health service, for training, research or to find a missing person.

Additionally, a secondary purpose includes investigation of suspected unlawful activity, to exercise complaint handling or investigation functions.

IPP 12 Special limits on disclosure

Council will not disclose sensitive personal information relating to an individual's:

- ethnic or racial origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.

Council will not disclose this information to any person or body that is in a jurisdiction outside New South Wales unless:

- a relevant privacy law that applies to the personal information concerned is in force in that jurisdiction, or
- the disclosure is permitted under a Privacy Code of Practice.

Specific Health Information Privacy Principles

Health information is given a higher level of protection regarding use and disclosure than is other personal information. In addition to the privacy principles, above, that apply to both personal and health information, the following four additional principles apply specifically to health information. The specific Health Privacy Principles are:

HPP 12 Unique Identifiers

Council will only assign identifiers to individuals if the assignment of identifiers is reasonably necessary to enable the Council to carry out any of its functions efficiently.

HPP 13 Anonymity

Wherever it is lawful and practicable, individuals must be given the opportunity to not identify themselves when entering into transactions with or receiving any health service(s) from Council.

HPP 14 Transborder data flow

Health information must only be transferred outside NSW if Council reasonably believes that the recipient is subject to laws or obligations substantially similar to those imposed by the HRIP Act or consent has been given or transfer is under a contract between Council and the individual or transfer will benefit the individual or to lessen a serious threat to an individual's health and welfare, or steps have been taken to ensure that the information will not be handled inconsistently with the HRIP Act or transfer is permitted or required under any other law.

HPP 15 Cross-organisational linkages

Council will seek the express consent of individuals before participating in any system that links health records across more than one organisation. Health information or the disclosure of their

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identifier for the purpose of the health records linkage system will only be included if the person has given express consent.

4.2 How the Privacy Code of Practice for Local Government affects the IPPs

The Privacy Code of Practice for Local Government makes provisions from Councils to depart from IPP's.

The Privacy Code of Practice for Local Government is available for viewing at:
<https://www.olg.nsw.gov.au/content/0044-privacy-code-practice-local-government>

PART 5 – DISSEMINATION OF THE PRIVACY MANAGEMENT POLICY**5.1 Compliance strategy**

During induction and on a regular basis all employees will be made aware of this Policy and it will be made available for on Council's Intranet and Council's website.

Councillors, employees, contractors and volunteers will be regularly acquainted with the general provisions of the PPIP Act and HRIP Act and, in particular, this Policy, the Information Protection Principles, the Public Register provisions, the Privacy Code of Practice for Local Government and any other applicable Code of Practice.

5.2 Communication strategy

Council informs its employees, Councillors and the community of their rights under the PPIP Act and this Policy by:

- publishing the Privacy Management Policy and associated documents on Council's website together with a link to the Information & Privacy Commission website.
- including privacy statements on application forms and invitations for community engagement

PART 6 – COMPLAINTS AND PROCEDURES FOR INTERNAL REVIEW**6.1 Internal Review**

Pursuant to section 53 of the PPIP Act, if an individual is not satisfied with Council's conduct in relation to their privacy request, disclosure of personal information on a public register or believe Council is contravening a privacy principle or privacy code of practice they can make an application for internal review of Council's conduct or decision by writing to Council's Privacy Contact Officer.

The written application must be addressed to Council, include a return postal address in Australia and be received by Council within six months of the individual becoming aware of the conduct or decision that is the subject of the application.

6.2 How does the process of Internal Review operate?

The Privacy Contact Officer will appoint a Reviewing Officer to conduct the internal review. The Reviewing Officer will report their findings to the Privacy Contact Officer.

The review is to be completed within 60 calendar days of receipt of the application. The applicant will be notified of the outcome of the review within 14 calendar days of its determination.

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Pursuant to section 54 of the PIPP Act, the NSW Privacy Commissioner will be notified by the Privacy Contact Officer of a review application as soon as is practicable after it is received. Council will brief the NSW Privacy Commissioner on the progress of an internal review and notify them of the outcome.

The NSW Privacy Commissioner may make submissions to Council in relation to the subject matter of the application for internal review. Council may, if it deems it appropriate, ask the NSW Privacy Commissioner to conduct the internal review.

6.3 What happens after an Internal Review?

Pursuant to section 55 of the PPIP Act, if the applicant remains dissatisfied with the outcome of a review, an application may be made to the NSW Civil and Administrative Tribunal for a review of Council's conduct.

6.4 Alternative to lodging an application for internal review

If a person does not want to lodge an application for internal review with Council, they may contact the Privacy Commissioner directly through the Information and Privacy Commission.

PART 7 - SPECIFIC EXEMPTIONS IN THE PPIP ACT AND HRIP ACT RELEVANT TO COUNCIL

There are a number of exemptions from compliance with the PPIP Act and HRIP Act that apply directly to Council.

These relate to situations where:

- information is collected in connection with proceedings (whether commenced or not) before any Court or Tribunal
- information is collected for law enforcement purposes
- information is used for a purpose reasonably necessary for law enforcement purposes or to protect the public revenue
- Council is authorised or required by a subpoena or search warrant or other statutory instrument
- Council is investigating a complaint that may be referred or made to an investigative agency
- Council is permitted by a law or statutory instrument not to comply
- compliance would prejudice the interests of the individual to whom the information relates
- the individual to whom the information relates has given express consent to Council not to comply
- disclosure is permitted under the Privacy Code of Practice for Local Government.

PART 8 - OTHER INFORMATION

Campbelltown City Council
Privacy Contact Officer
Manager, Governance and Risk
Phone: (02) 4645 4000
Fax: (02) 4645 4387
Email: council@campbelltown.nsw.gov.au

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Information & Privacy Commission

GPO Box 7011

SYDNEY NSW 2001

Phone: 1800 472 679

Email: ipcinfo@ipc.nsw.gov.auWeb: www.ipc.nsw.gov.au**NSW Civil and Administrative Tribunal (NCAT)**

Address: 86 - 90 Goulburn St

Sydney NSW 2000

Phone: 1300 006 228

END OF POLICY STATEMENT

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8.10 Revised Access to Information Policy

Reporting Officer

Executive Manager Corporate Services and 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

That Council approve the revised Access to Information Policy.

History

The Access to Information Policy was first adopted by Council in 2013. The objectives of the policy are to:

1. Provide an open and transparent means of providing access to information that is held by Council taking into consideration any constraints and obligations prescribed by relevant legislation; and
2. To clarify Council's obligation with respect to the disclosure of information as set out in the *Government Information (Public Access) Act*, the *Local Government Act*, the *Environmental Planning and Assessment Act* and the *Privacy and Personal Information Protection Act*.

To ensure compliance with statutory requirements and alignment with best practice within the Local Government Sector, a review of the Policy has been undertaken.

Report

Council's existing Access to Information Policy, along with its associated documents, have been reviewed to be consistent with legislative obligations and Council operations.


Notable updates to the Policy include:

- Council's position on access to information with respect to the handling of formal and informal applications.
- providing a greater explanation of the legislative context around access to information and how it relates to the requirements of other statutory instruments.
- updating the roles and responsibilities to be consistent with Council's current organisational structure.

Associated documentation has also been revised and drafted which underpins the policy and ensure that a robust access to information framework is implemented operationally.

Attachments

1. Current Access to Information Policy (contained within this report)
2. Proposed Access to Information Policy (contained within this report)

 campbelltown city council		POLICY
Policy Title	Access to Information	
Related Documentation	Records Management Policy Privacy Management Policy Guidelines for the Disclosure of Personal Information Access to Information Guidelines	
Relevant Legislation/ Corporate Plan	<i>Government Information (Public Access) Act 2009</i> <i>Government Information (Public Access) Regulations 2018</i> <i>Local Government Act 1993</i> <i>Copyright Act 1968 (Cth)</i> <i>Environmental Planning and Assessment Act 1979</i> <i>Environmental Planning and Assessment Regulation 2000</i> <i>Privacy and Personal Information Protection Act 1998</i> <i>Health Records and Information Privacy Act 2002</i> <i>State Records Act 1998</i>	
Responsible Officer	Manager Governance and Administration Risk	

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

Objectives

The objectives of this Policy are to:

1. To provide an open and transparent means of providing access to information that is held by Council taking into consideration any constraints and obligations prescribed by relevant legislation.
 2. To clarify Council's obligations with respect to the disclosure of information, as set out in the *Government Information (Public Access) Act* (the GIPA Act), the *Local Government Act* (LGA), the *Environmental Planning and Assessment Act* (the EP&A Act), and the *Privacy and Personal Information Protection Act* (the PPIP Act).
- provide the public with a transparent process to access documents and information held by Council
 - provide direction to Council staff in managing and providing documents and information to the public
 - provide guidelines for managing access to documents and information having regard to the legislative framework
 - ensure applicants are advised of exemptions to access and the public interest considerations in determining requests for access to documents and information
 - ensure applicants are advised of the rights of review and appeal available under the *Government Information (Public Access) Act 2009 (GIPPA)*

Policy Statement

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Campbelltown City Council

Public access to documents and information held by Council is facilitated by the *Government Information (Public Access) Act 2009*, *Government Information (Public Access) Regulation 2009* and the *Local Government Act 1993*, subject to certain restrictions as set out in the Acts and Regulation and summarised in this Policy. Council is committed to promoting transparency in its public functions, decision making processes, initiative, operations and plans. Council acknowledges that the information it holds is of public interest.

Council is committed to the presumption in favour of disclosure of information unless there is an overriding public interest against disclosure and, these considerations outweigh the public interest considerations in favour of disclosure.

Council is required to comply with the Information Protection Principles prescribed by the *Privacy and Personal Information Protection Act 1998* relating to the management of personal information held by Council. Council is committed to complying with relevant regulatory requirements such as the GIPA Act and the PPIP Act when releasing information it holds, either proactively or in response to requests for information. Should Council determine to withhold information (in full, or in part), the reasons of the determination will be identified to the applicant and documented.

Scope

Campbelltown City Council is committed to being an open and accessible organisation. Managing and providing documents and information to the public is a complex issue having regard to the public interest and the obligations imposed upon Council by a range of legislation relating to privacy and access to Council information. This policy applies to requests received from the public, private businesses, companies, organisations and public sector agencies seeking access to information held by Council. All staff employed by Council have obligations under the GIPA Act and the PPIP Act.

Definitions

Access application means an application for access to government information under Part 4 of the GIPPA Act that is a valid access application under that Part.

Informal access request means a request for access to government information under Part 2 of the GIPA Act.

A Record as defined by the GIPA Act is a document or other source of information compiled, recorded or stored in written form or by electronic process, or in any other manner or by any other means.

Document shall mean any written instrument such as a letter, facsimile, memorandum, form, report, policy certificate and the like.

Government Information means is defined in the GIPA Act as information contained in a report record held by an agency.

Personal Information is defined by the PPIP Act as information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.

Legislative Context

The GIPPA Act and the GIPPA Regulation provide rights of access to certain documents held by Council unless there is an overriding public interest not to do so. On 1 July 2010 the GIPA Act

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Campbelltown City Council

replaced the *Freedom of Information Act 1989*. The GIPA Act is designed to meet the community expectations of a more open and transparent government. The GIPA Act sets a presumption in favour of disclosure of government information and makes provisions for the public to be able to access relevant government information.

The *Local Government Act 1993* LGA contains provisions that confer rights of access on members of the public to information and documents.

The *Copyright Act 1968* (Cth) governs the copying of information and contains provisions which confer exclusive rights to copyright owners which have the effect of prohibiting publication of copyright material on websites or provision of copies unless the copyright owner has expressly consented.

~~The *Environmental Planning and Assessment Act 1979* The *Environmental Planning and Assessment Regulation 2000* (the EP&A Regulation)(EPA, section 91) contain provisions which require Council to make development applications and accompanying information, including plans, publicly available, and provides a right for people to inspect and make copies of the plans during the submission period. states that a consent authority must ensure that a development application is publically notified in accordance with the relevant requirements and any accompanying information is available for inspection during the relevant submission period. During this period the EP&A Regulation provides that any person may inspect the development application and any accompanying information and make extracts from or copies of them.~~

The PPIP Act provides for the protection of personal information and limits the circumstances in which personal information held by Council be disclosed to other parties. However, it also provides for the rights of the individual to access their own personal information held by Council and for Council to provide same without delay.

~~The *Environmental Planning and Assessment Regulation 2000* provides that councils and other persons using the DA plans and documents in accordance with the EPA Act are entitled to claim an indemnity from the person who applied for the DA to cover costs they incur arising from claims they have infringed copyright in the plans and the DA, where these materials were being used in accordance with the EPA Act.~~

Other forms of legislation or documents which have an impact upon access to documents include:

- Privacy Code of Practice for Local Government
- ~~*Privacy and Personal Information Protection Act 1998*~~
- *Health Records and Information Privacy Act 2002*
- *State Records Act 1998*

Principles

~~Campbelltown City Council will make available upon application any record of the Council for viewing by any person at the Civic Centre, during normal business hours, subject to the exceptions listed within the GIPPA Act and Regulation.~~

~~Information accessible under this Policy includes any record of information stored in a physical (paper) file or as a document, email/web request, customer request, map, plan, drawing or photograph in Council's electronic document management system. Customer requests are logs used to record information in Council's system which may have been received from a telephone call, an in-person request or in any other form where a 'true' document does not exist.~~

~~Copies of most documents may be taken at the cost of photocopying prescribed in Council's Fees and Charges document. Some documents such as Building Certificates and plans of internal configurations of residential developments can be viewed but cannot be copied without owner's consent. Some documents will be subject to copyright laws.~~

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Campbelltown City Council

Campbelltown City Council publishes a wide range of information on its website, including open access information under the GIPA Act unless to do so would impose unreasonable additional costs to Council. Part 3 of the GIPA Act and Schedule 1 of the *Government Information (Public Access) Regulation 2018* (the GIPA Regulation) list information that is open access information.

Any member of the public has a legal right to make an application to Campbelltown City Council for access to information that Council holds

Informal Access to Information

The Council will make as much other information as possible, publicly available in an appropriate manner, including on its website. Such information is also available free of charge or at the lowest reasonable cost.

Council will allow access to information unless there is an overriding public interest against disclosure of the information. There is no fee required for an informal access request, however photocopying fees may be payable for applications that cannot be responded to electronically.

Should a member of the public request access to information that is not listed on the register of open access information or if they are seeking access to large volume of information, they may be required to complete a formal GIPA application.

Broad requests for access to a large number of unspecified documents which, if processed would divert substantial Council resources from dealing with other requests or from performing other Council functions, may be refused on the grounds that such a diversion of resources is contrary to the public interest. Council will endeavour to assist in defining such requests to make them more manageable.

A member of the public who is refused access to information in response an informal access request will be informed of their right to make an formal GIPA application under Part 4 of the GIPA Act.

Formal GIPA Application

If information cannot be accessed informally then a formal GIPA application pursuant to Part 4 of the GIPA Act may be necessary.

A formal GIPA application would be required when:

- A large volume of information is being sought.
- Extensive searches are required to locate the relevant records.
- The information sought involves personal information of various parties.
- The information sought involves business information of third parties that must be consulted before any information can be released.
- The records sought are of a sensitive nature.

~~Some documents are available as a matter of routine and can be inspected without any formal application. These would include agendas and minutes of open Council and Committee meetings, policy documents, the Management Plan, the Annual Report, publicly exhibited development applications and associated documents, other publicly exhibited issues, and Council's public registers. Most of these documents are available online at Council's website.~~

A formal access application incurs a lodgement fee of \$30. Additionally, pursuant to section 64 of the GIPA Act, Council may impose a processing fee of \$30 per hour of time taken by any Council officer to efficiently deal with the application (including consideration of the application, searching

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for records, consultation, decision-making and any other function exercised in connection with deciding the application).

Responsibility

The Public officer has a responsibility to assist the public in gaining access to public documents of the Council. Governance Officer – Access to Information has the responsibility of facilitating access to Council records.

All staff and elected representatives have responsibilities under the GIPA Act, the GIPA Regulation, the PPIP Act and *State Records Act 1998* as detailed in the Records Management Policy.


Effectiveness of this Policy

Formal access applications will be published on a disclosures log of access on Council's website and reported upon annually.

The Policy will be reviewed in accordance with Council's adopted Procedure for Policy Development and Review to ensure the framework to manage disclosures is effective and meets current legislative requirements.

END OF POLICY STATEMENT

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 campbelltown city council		POLICY
Policy Title	Access to Information	
Related Documentation	Records Management Policy Privacy Management Policy Guidelines for the Disclosure of Personal Information Access to Information Guidelines	
Relevant Legislation/ Corporate Plan	<i>Government Information (Public Access) Act 2009</i> <i>Government Information (Public Access) Regulations 2018</i> <i>Local Government Act 1993</i> <i>Copyright Act 1968 (Cth)</i> <i>Environmental Planning and Assessment Act 1979</i> <i>Environmental Planning and Assessment Regulation 2000</i> <i>Privacy and Personal Information Protection Act 1998</i> <i>Health Records and Information Privacy Act 2002</i> <i>State Records Act 1998</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

The objectives of this Policy are to:

1. To provide an open and transparent means of providing access to information that is held by Council taking into consideration any constraints and obligations prescribed by relevant legislation.
2. To clarify Councils obligations with respect to the disclosure of information, as set out in the *Government Information (Public Access) Act* (the GIPA Act), the *Local Government Act* (LGA), the *Environmental Planning and Assessment Act* (the EP&A Act), and the *Privacy and Personal Information Protection Act* (the PPIP Act).

Council is committed to promoting transparency in its public functions, decision making processes, initiative, operations and plans. Council acknowledges that the information it holds is of public interest.

Council is committed to the presumption in favour of disclosure of information unless there is an overriding public interest against disclosure and, these considerations outweigh the public interest considerations in favour of disclosure.

Council is committed to complying with relevant regulatory requirements such as the GIPA Act and the PPIP Act when releasing information it holds, either proactively or in response to requests for

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information. Should Council determine to withhold information (in full, or in part), the reasons of the determination will be identified to the applicant and documented.

Scope

This policy applies to requests received from the public, private businesses, companies, organisations and public sector agencies seeking access to information held by Council. All staff employed by Council have obligations under the GIPA Act and the PPIP Act.

Definitions

Access application means an application for access to government information under Part 4 of the GIPPA Act that is a valid access application under that Part.

Informal access request means a request for access to government information under Part 2 of the GIPA Act.

A Record as defined by the GIPA Act is a document or other source of information compiled, recorded or stored in written form or by electronic process, or in any other manner or by any other means.

Government Information is defined in the GIPA Act as information contained in a record held by an agency.

Personal Information is defined by the PPIP Act as information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.

Legislative Context

On 1 July 2010 the GIPA Act replaced the *Freedom of Information Act 1989*. The GIPA Act is designed to meet the community expectations of a more open and transparent government. The GIPA Act sets a presumption in favour of disclosure of government information and makes provisions for the public to be able to access relevant government information.

The LGA contains provisions that confer rights of access on members of the public to information and documents.

The *Copyright Act 1968 (Cth)* governs the copying of information and contains provisions which confer exclusive rights to copyright owners which have the effect of prohibiting publication of copyright material on websites or provision of copies unless the copyright owner has expressly consented.

The Environmental Planning and Assessment Regulation 2000 (the EP&A Regulation), section 91, states that a consent authority must ensure that a development application is publically notified in accordance with the relevant requirements and any accompanying information is available for inspection during the relevant submission period. During this period the EP&A Regulation provides that any person may inspect the development application and any accompanying information and make extracts from or copies of them.

The PPIP Act provides for the protection of personal information and limits the circumstances in which personal information held by Council be disclosed to other parties. However, it also provides

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Campbelltown City Council

for the rights of the individual to access their own personal information held by Council and for Council to provide same without delay.

Other forms of legislation or documents which have an impact upon access to documents include:

- Privacy Code of Practice for Local Government
- *Health Records and Information Privacy Act 2002*
- *State Records Act 1998*

Principles

Campbelltown City Council publishes a wide range of information on its website, including open access information under the GIPA Act unless to do so would impose unreasonable additional costs to Council. Part 3 of the GIPA Act and Schedule 1 of the *Government Information (Public Access) Regulation 2018* (the GIPA Regulation) list information that is open access information.

Any member of the public has a legal right to make an application to Campbelltown City Council for access to information that Council holds.

Informal Access to Information

Council will make as much other information as possible, publicly available in an appropriate manner, including on its website. Such information is also available free of charge or at the lowest reasonable cost.

Council will allow access to information unless there is an overriding public interest against disclosure of the information. There is no fee required for an informal access request, however photocopying fees may be payable for applications that cannot be responded to electronically.

Should a member of the public request access to information that is not listed on the register of open access information or if they are seeking access to large volume of information, they may be required to complete a formal GIPA application.

Broad requests for access to a large number of unspecified documents which, if processed would divert substantial Council resources from dealing with other requests or from performing other Council functions, may be refused on the grounds that such a diversion of resources is contrary to the public interest. Council will endeavour to assist in defining such requests to make them more manageable.

A member of the public who is refused access to information in response an informal access request will be informed of their right to make a formal GIPA application under Part 4 of the GIPA Act.

Formal GIPA Application

If information cannot be accessed informally then a formal GIPA application pursuant to Part 4 of the GIPA Act may be necessary.

A formal GIPA application would be required when:

- A large volume of information is being sought.
- Extensive searches are required to locate the relevant records.
- The information sought involves personal information of various parties.

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- The information sought involves business information of third parties that must be consulted before any information can be released.
- The records sought are of a sensitive nature.

A formal access application incurs a lodgement fee of \$30. Additionally, pursuant to section 64 of the GIPA Act, Council may impose a processing fee of \$30 per hour of time taken by any Council officer to efficiently deal with the application (including consideration of the application, searching for records, consultation, decision-making and any other function exercised in connection with deciding the application).

Responsibility

Governance Officer – Access to Information has the responsibility of facilitating access to Council records.

All staff and elected representatives have responsibilities under the GIPA Act, the GIPA Regulation, the PPIP Act and *State Records Act 1998*.

Effectiveness of this Policy

Formal access applications will be published on a disclosures log of access on Council's website and reported upon annually.

The Policy will be reviewed in accordance with Council's adopted Procedure for Policy Development and Review to ensure the framework to manage disclosures is effective and meets current legislative requirements.

END OF POLICY STATEMENT

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8.11 Western Sydney University Scholarships

Reporting Officer

Manager Governance and Risk
City Governance

Community Strategic Plan

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

Officer's Recommendation

That the recipients of the 2019 Campbelltown City Council scholarships awarded by Western Sydney University be acknowledged.

Purpose

To advise Council of the recipients of the 2019 Campbelltown City Council scholarships awarded by Western Sydney University.

Report

Campbelltown City Council has supported local students who choose to study at Western Sydney University for more than 15 years through the John E Hely Engineering Scholarship, the Brenton Banfield Medical Scholarship and the Ian Porter Scholarship.

The aim of the scholarships is to encourage local students to study at Western Sydney University, as well as act as ambassadors for the local area and within the local community.

Scholarship applicants provide a statement in support of their application indicating how they believe the receipt of the scholarship will assist them with their studies and in their future career. This statement provides explanation of the applicant's background and current circumstances to enable the selection panel to judge their eligibility, need and merit.

Successful applicants are selected by a panel of representatives from Western Sydney University and Campbelltown City Council based on their written application, academic potential, their ability to meet the criteria and performance in an interview before a selection panel.

Ian Porter Scholarship

Campbelltown City Council established this scholarship in memory of Ian Slade Porter, General Manager of Campbelltown City Council 1988–1999. Ian's leadership and vision brought Campbelltown to the forefront of local government in New South Wales. He was committed to his community and to the principle of access to education for all of its citizens. In the field of education, Ian was a lecturer in local government administration, a longstanding member of the Western Sydney University Macarthur Council and Chair of the Western Sydney University Macarthur Consultative Committee.

The 2019 Ian Porter Scholarship has been awarded to:
Miss. Kayesha Ganem – Bachelor of Science.

Brenton Banfield Medical Scholarship

Campbelltown City Council established this scholarship to honour the former Mayor, the late Councillor Brenton Banfield. Mr Banfield was pivotal in starting plans for a dedicated School of Medicine at Western Sydney University. Mr Banfield was elected to Campbelltown City Council in 1991 and served three terms as Mayor between 2002 and 2005 before retiring from civic life in 2008. Mr Banfield was an established lawyer and respected businessman, a member of the board of the local health service, and a stalwart ambassador for Campbelltown and its people.

The 2019 Brenton Banfield Medical Scholarship has been awarded to:
Miss. Iesha Gavaghan – Doctor of Medicine.

John E Hely Engineering Scholarship

Campbelltown City Council established this scholarship to honour the former Director of City Works at Campbelltown City Council and seeks to recognise the outstanding contribution John E Hely made to Campbelltown and his dedication to improving infrastructure throughout his 35 year tenure. The scholarship supports students enrolled in the Bachelor of Engineering program in recognition of the importance of a qualified engineering workforce to design and build vital infrastructure to facilitate future growth in the region.

The 2019 John E Hely Engineering Scholarship has been awarded to:
Miss. Zahraa Alkhafaji – Bachelor of Engineering (Honours)/Bachelor of Business.

Attachments

Nil

8.12 Investments and Revenue Report - May 2019

Reporting Officer

Executive Manager Corporate Services and Governance
City Governance

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.7 - Public funds and assets are managed strategically, transparently and efficiently

Officer's Recommendation

That the information be noted.

Purpose

To provide a report outlining activity in Council's financial services portfolio for the month of May 2019.

Report

Investments

Council's investment portfolio as at 31 May 2019 stood at approximately \$221m. Funds are currently being managed by both Council staff and fund managers and are in accordance with the *Local Government Act 1993*, Local Government (General) Regulation 2005 and Council's Investment Policy.

All investments are placed with approved deposit taking institutions and no funds are placed with any unrated institutions.

The return on Council's investments is tracking in accordance with budget expectations; and continues to outperform the AusBond Bank Bill Index benchmark. For the month of May Council's return exceeded the benchmark by 60 basis points, which includes approximately 43 percent of the portfolio linked to the three month BBSW plus a margin. Whilst there was an overall drop in return performance relative to the benchmark for the month of May, this is directly attributable to a decrease in the three month BBSW of 15 basis points and is indicative of the methodology in calculating the running yield on the portfolio as a result of the decrease. This reduced level of performance is likely to be temporary and the performance relative to the benchmark should increase in the following month.

During the month, Council also invested in green tailored deposits that have been certified to meet the Climate Bonds Standard, an internationally recognised scheme. These deposits were placed with Westpac Banking Corporation and the current level is \$10m.

The portfolio is diversified with maturities ranging up to a period five years in accordance with Council's Investment Policy.

The official cash rate had remained steady and had not moved from 1.50 percent since August 2016 however, the Reserve Bank on 4 June cut the official interest rate a further 25 basis points to 1.25 percent. This decision is an attempt to move inflation into the preferred range of between two and three percent, which has not been the case largely due to wages stagnation and a slow growing economy.

The ASX200 closed at 6386.90 at the completion of May. This represents an annualised monthly performance result of 13.5 percent ex dividend. It is important to note that councils are restricted to conservative investments only in line with the Minister's Investment Order of 17 February 2011 and other relevant legislation including the *Local Government Act 1993* and the *Trustees Act 1925*. Investments in equities are prohibited under the legislation and therefore a benchmark such as the Bank Bill Index is used in line with Council's Investment Policy and the recommendations of the Office of Local Government Guidelines.

Rates

Rates and Charges levied for the period ending 31 May 2019 totalled \$114,798,610 representing 100 percent of the current budget estimate.

The rates and charges receipts collected to the end of May totalled \$106,606,750. In percentage terms 91.9 percent of all rates and charges due to be paid have been collected, compared to 92.2 percent collected in the same period last year.

Debt recovery action during the month involved the issue of 16 Statements of Claim to ratepayers with two or more instalments outstanding and a combined balance exceeding \$500. Further recovery on accounts with previous action resulted in 47 Judgments and seven Writs being served on defaulters that have not made suitable payment arrangements or failed on multiple occasions to maintain an agreed payment schedule.

Council staff continue to provide assistance to ratepayers experiencing difficulty in settling their accounts. This includes the monitoring of 229 ratepayers with a total arrears balance of \$535,449, who have made suitable payment arrangements.

Ratepayers who purchased property since the annual rates and charges notices are issued with a 'Notice to new owner' letter. During the month, 22 of these notices were sent to ratepayers advising them of the amount unpaid on their account and the amount levied in annual rates and charges.

Sundry Debtors

Debts outstanding to Council as at 31 May 2019 are \$2,116,128 reflecting an increase of \$378,434 since April 2019. During the month, 1170 invoices were raised totalling \$1,691,463. The majority of these are paid within a 30 day period. Those that are not paid within the 30 day period are reflected in the ageing report in attachment 3. Debts exceeding 90 days of age totalled \$225,628 as at 31 May 2019.

A significant portion of this debt relates to Various Sundry Items with an amount of \$30,447 outstanding for road and footpath occupancy fees for a development in Broughton Street. This debt has been referred to our agents for formal legal recovery action. Council is working closely with its agent to finalise the brief of evidence to secure the debt.

Also incorporated in sundry items are three claims relating to Council vehicles damaged in traffic accidents totalling \$22,124. Council has received payment on one account in early

June reducing this amount to \$14,414. Formal recovery in the form of a Statement of Claim has been registered for one vehicle damage debt through Council's agent and recovery negotiations are still continuing on the third vehicle damage debt. The amount of \$15,500 raised for costs involved relating to a motor vehicle accident and damage to Council property (bus shelter) in Ambarvale has been referred to Council's agents in order to locate the debtor.

Sportsground and field hire debt relates to the hiring of two separate corporate boxes. Regular contact has been made with the debtors and efforts will continue to recover the combined value of \$10,000. Public hall hire fees of \$46,122 are a result of debts that have been raised in advance and in accordance with council policy do not need to be finalised until two weeks prior to function.

Debt recovery action is undertaken in accordance with Council's Sundry Debtors Recovery Procedures Policy and commences with the issue of a tax invoice. A person or entity may be issued any number of invoices during the calendar month for any business, services or activities provided by Council. At the conclusion of each calendar month, a statement of transactions is provided with details of all invoices due and how payments or credit notes have been apportioned. Once an invoice is paid, it no longer appears on any subsequent statement.

All debts that age by 90 days or more are charged a statement administration fee of \$5.50 per statement. Debtors are contacted by telephone, email or in writing to make suitable arrangements for payment of the overdue debt. Where a suitable arrangement is not achieved or not maintained as agreed, a seven day letter is issued referencing referral to Council's debt recovery agents.

Matters referred to Council's recovery agent are conducted in accordance with relevant legislation and the *Civil Procedures Act 2001*. Formal legal recovery commences with a letter of demand (or letter of intent) providing debtors with at least 14 days to respond. In the event that no response is received, instructions are given to proceed to Statement of Claim allowing a further 28 days to pay or defend the action. Failing this, the matter will automatically proceed to judgment and continue through the *Civil Procedures Act 2001* process.

All costs associated with formal legal recovery are payable by the debtor and staff continue to make every effort to assist debtors to resolve their outstanding debt before escalating it through the local court.

During the month, six accounts were issued a letter of demand on Council's letterhead, advising that if the account was not settled or an appropriate arrangement was not made, the account will escalate to formal legal action through Council's agent.

Council officers continue to provide assistance to debtors experiencing difficulties in paying their accounts. Debtors are encouraged to clear their outstanding debts through regular payments where possible, to avoid any further recovery action.

Attachments

1. Summary of Council's Investment Portfolio - May 2019 (contained within this report)
2. Rates and Charges summary and statistics - May 2019 (contained within this report)
3. Debtors Summary and Ageing Report May 2019 (contained within this report)

Summary of Council's Investment Portfolio

Portfolio as at 31 May 2019

Product Type	Face Value	% of Total
At Call Deposits	1,201,429	0.54%
Term Deposits - Fixed Rate	71,828,978	32.54%
Term Deposits - Fixed/Floating	15,000,000	6.79%
Term Deposits - Floating Rate	70,000,000	31.71%
FRN	25,700,000	11.64%
Managed Funds - TCorp	37,029,702	16.77%
Grand Total	220,760,109	100.00%

Total Term Deposits (Fixed and Floating Rate) by Institution's Long-Term Credit Rating

Credit Rating	Holdings	% of Total
AAA	3,760,000	2.4%
AA-	123,567,855	78.8%
A+	4,199,359	2.7%
A- *-	8,000,000	5.1%
BBB+	11,301,764	7.2%
Baa1	2,000,000	1.3%
BBB	4,000,000	2.6%
Total Term Deposits	156,828,978	100.0%

Floating Rate Notes

ISIN	Issuer	Issuer Rating	Maturity Date	Coupon	Face Value
AU3FN0024014	CBA	AA-	18-Oct-19	3m BBSW + 0.85%	\$5,000,000
AU3FN0028189	CBA	AA-	17-Jul-20	3m BBSW + 0.90%	\$5,000,000
AU3FN0039160	ME Bank	BBB	9-Nov-20	3m BBSW + 1.25%	\$2,500,000
AU3FN0046769	Newcastle Perm	BBB	26-Feb-21	3m BBSW + 1.10%	\$500,000
AU3FN0031886	CBA	AA-	12-Jul-21	3m BBSW + 1.21%	\$5,000,000
AU3FN0044269	Credit Union Aus	BBB	6-Sept-21	3m BBSW + 1.25%	\$500,000
AU3FN0046793	Credit Union Aus	BBB	4-Mar-22	3m BBSW + 1.23%	\$3,200,000
AU3FN0046777	NAB	AA-	26-Feb-24	3m BBSW + 1.04%	\$4,000,000

Long-Term Credit Rating	Exposure of Entire Portfolio			
	Actual	Minimum	Maximum	Compliant
AA+, AA, AA- and above (or MTB*)	83.6%	50%	100%	Yes
A+, A, A- and above	89.1%	70%	100%	Yes
BBB+, BBB, BBB- and above	100.0%	100%	100%	Yes
TCorp Hour Glass Cash Fund	16.8%	0%	20%	Yes

Long-Term Credit Rating	Maximum Term	Compliant
AA+, AA, AA- and above (or MTB*)	5 years	Yes
A+, A, A- and above	3 years	Yes
BBB+, BBB, BBB- and above	3 years	Yes
TCorp Hour Glass Cash Fund	At Call	Yes

Portfolio Return

Council's investment portfolio (excluding At Call Deposits but includes TCorp Cash Fund) provided a weighted average return (running yield) of:

Portfolio as at	Portfolio Monthly Return	Portfolio Annualised Return
31-May-2019	0.22%	2.59%
Bloomberg AusBond Bank Bill Index	Benchmark - Monthly Return	Benchmark - Rolling 12 months
31-May-2019	0.15%	1.99%

RATES SUMMARY

STATEMENT OF ALL OUTSTANDING RATES AND EXTRA CHARGES

RATE - CHARGE	NET ARREARS 1/7/2018	NET LEVY FOR YEAR	PENSION REBATES	EXTRA CHARGES	TOTAL RECEIVABLE	CASH COLLECTED	NET AMOUNT DUE	POSTPONED RATES & INTEREST	GROSS AMOUNT DUE
RESIDENTIAL	2,322,157.05	63,936,141.87	1,406,075.97	752,674.29	65,604,897.24	59,187,871.50	6,417,025.74	281,217.00	6,698,212.10
BUSINESS	327,431.34	19,063,538.82		46,831.64	19,437,801.80	18,051,537.15	1,386,264.65		1,386,264.65
FARMLAND	0.00	491,554.39	459.05	588.01	491,683.35	512,424.90	-20,741.55	226,833.14	206,091.59
MINING	0.00	27,126.00		0.00	27,126.00	27,126.00	0.00		0.00
SR - LOAN	0.00	0.00		258.17	258.17	0.00	258.17	658.79	0.00
SR - INFRASTRUCTURE	284,463.25	6,317,357.83		9,846.89	6,611,667.97	5,934,870.37	676,797.60	51,554.44	729,269.00
TOTAL	\$2,934,051.64	\$89,835,718.91	\$1,406,535.02	\$810,199.00	\$92,173,434.53	\$83,713,829.92	\$8,459,604.61	\$560,263.37	\$9,019,837.34
GARBAGE	682,743.31	23,978,317.50	915,390.69	40,853.24	23,786,523.36	21,592,841.72	2,193,681.64		2,193,681.64
STORM WATER	52,436.22	1,390,512.99		401.87	1,443,351.08	1,300,078.69	143,272.39		143,272.39
GRAND TOTAL	\$3,669,231.17	\$115,204,549.40	\$2,321,925.71	\$851,454.11	\$117,403,308.97	\$106,606,750.33	\$10,796,558.64	\$560,263.37	\$11,356,791.37

Total from Rates Financial Transaction Summary	10,048,871.60
Overpayments	-1,307,919.77
Difference	0.00

ANALYSIS OF RECOVERY ACTION

Rate accounts greater than 6 months less than 12 months in arrears	273,000.00
Rate accounts greater than 12 months less than 18 months in arrears	293,603.15
Rate accounts greater than 18 months in arrears	83,478.86
TOTAL rates and charges under instruction with Council's agents	\$650,082.01

RATES STATISTICS

No. of documents Issued	July	August	September	October	November	December	January	February	March	April	May	June	May-18
Rate Notices	50,402			608			108						
Electronic - DoH	5,190												
Instalment Notices				47,031			47,254			42,662			
Electronic - DoH				5,245			5,147			5,095			
Missed Instalment Notices			8,136			6,504			6,086				
- Pensioners > \$15.00			719			723			677				
Notice to new owner	149	47	27	18	22	53	44	22	13	32	22		31
7-day Letters - Council issued			2,105			2,310			2,104				
- Pensioners > \$500.00			184			201			208				
7-day Letters - Agent issued			576				699						
Statement of Claim	108	16	12	156	13	8	263	21	2	199	16		45
Judgments	6	31	19	9	23	6	9	2	65	13	47		55
Writs	12	20	21	6	0	10	9	1	5	37	7		35
Electronic - eRates & BPAYView	4,316	4,629	4,679	4,820	4,941	4,966	5,130	5,262	5,279	5,366	5,285		4,200
Arrangements	311	259	425	223	301	412	389	298	503	331	229		247

DEBTORS SUMMARY 1 May 2019 to 31 May 2019

DEBTOR TYPE/DESCRIPTION	ARREARS AT 30/04/2019	RAISED THIS PERIOD	RECEIVED THIS PERIOD	BALANCE AT 31/05/2019	% DEBT RATIO
Corporate Administration	268,430	30,829	37,924	261,335	29.49%
Abandoned Items	1,068	0	0	1,068	0.35%
Education and Care Services	18,710	0	0	18,710	0.98%
Community Bus	89	0	0	89	0.01%
Sportsground and Field Hire	107,470	29,973	90,651	46,792	5.46%
Government and other Grants	706,390	1,069,821	673,781	1,102,430	12.87%
Public Hall Hire	174,293	113,396	87,467	200,222	1.39%
Health Services	350	0	0	350	0.02%
Land and Building Rentals	147,061	160,295	205,724	101,632	5.63%
Healthy Lifestyles	30,043	46,481	54,805	21,719	0.15%
Library Fines and Costs	0	0	0	0	0.00%
Licence Fees	43,944	19,274	16,742	46,477	1.85%
Pool Hire	26,908	31,521	23,376	35,052	0.39%
Private Works	2,612	0	0	2,612	0.52%
Road and Footpath Restoration	11,084	77,946	247	88,783	28.17%
Shop and Office Rentals	39,827	44,487	61,069	23,245	2.17%
Various Sundry Items	172,259	44,703	35,081	181,881	6.42%
Waste Collection Services	25,834	22,738	26,164	22,408	6.17%
	1,737,694	1,691,463	1,313,029	2,116,128	100%

AGEING OF SUNDRY DEBTOR ACCOUNTS - 31 May 2019

	Current Charges	Total 30 Days	Total 60 Days	Total 90+ Days	Balance Due	Previous Month 90+ days
Corporate Administration	17,698	215,910	5,038	22,690	261,335	19,989
Abandoned Items	0	0	0	1,068	1,068	1,068
Education and Care Services	18,710	0	0	0	18,710	0
Community Bus	89	0	0	0	89	0
Sportsground and Field Hire	25,820	4,466	4,548	11,959	46,792	12,379
Government and other Grants	1,102,430	0	0	0	1,102,430	0
Public Hall Hire	93,705	35,642	24,754	46,122	200,222	44,991
Health Services	0	0	0	350	350	350
Land and Building Rentals	83,157	18,475	0	0	101,632	0
Healthy Lifestyles	9,021	4,504	2,942	5,252	21,719	4,158
Licence Fees	16,103	5,819	6,350	18,206	46,477	20,458
Pool Hire	28,790	4,208	483	1,571	35,052	925
Private Works	1,189	0	0	1,423	2,612	1,423
Road and Footpath Restoration	77,946	5,397	0	5,440	88,783	5,687
Shop and Office Rentals	23,245	0	0	0	23,245	0
Various Sundry Items	41,490	27,098	1,746	111,547	181,881	98,337
Waste Collection Services	22,408	0	0	0	22,408	0
	1,523,123	321,517	45,860	225,628	2,116,128	209,764

8.13 2019 Local Government NSW Annual Conference

Reporting Officer

Manager Governance and Risk
City Governance

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.5 - Work in partnership with the State Government to achieve positive planning outcomes

Officer's Recommendation

1. That Council nominate nine voting delegates for determination of motions and the board election at the 2019 Local Government NSW Annual Conference.
2. That other interested Councillors also be authorised to attend together with the General Manager and/or delegate.
3. That the registration fees and travel expenses be met in accordance with Council's Policy.

Purpose

To provide Council with the opportunity to nominate voting delegates and attendance for the upcoming Local Government NSW (LGNSW) Annual Conference.

Report

The 2019 Local Government NSW Annual Conference will be held at the William Inglis Hotel, Warwick Farm, from Monday 14 to Wednesday 16 October 2019.

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.

Registration to attend the Conference

The 2019-2020 Council budget contains provision for all Councillors to attend the conference should they wish to do so.

As a member of Local Government NSW, Council is entitled to nominate nine Councillors as voting delegates for the determination of motions and nine voting delegates for the election of board members. It has also been Council's practice that any other interested Councillor be authorised to attend the Conference.

Conference Motions

Council is invited to submit motions for possible debate at the conference to advance the sector wide policy agenda. Motions are strategic local government issues which affect members state-wide and introduce new or emerging policy issues and actions.

Having regard to the motion requirements set out by the LGNSW Board, the draft motions should be submitted for consideration by Council by way of Notice of Motion in the following format:

Proposed motion

Motion category

Motion title

Motion Background note

Indicate if the motion conflicts with one or more of the Fundamental Principles

Important information on the motions process, including submitting motions, motion criteria and a sample submission form are available in the LGNSW Annual Conference 2019 [Motions Submission Guide](#).

Following a resolution by Council, motions will be submitted to the conference online by staff.

Motions should be submitted online by Monday 19 August 2019 to allow printing and distribution of the Business Paper before the conference. However, in line with the LGNSW rules, the latest date motions can be accepted for inclusion in the Conference Business Paper is Monday 16 September 2019.

Attachments

Nil

9. QUESTIONS WITH NOTICE

9.1 Requesting a Council Tree

Councillor Ben Moroney has given notice of the following Questions With Notice that will be asked at the Ordinary Meeting of Council held 09 July 2019.

1. How many residents have requested trees to be planted since the tree hotline initiative was launched?
2. How many trees have been planted under this initiative?
3. What is the average wait time between requests being received and actioned?
4. How many requests are currently outstanding?

9.2 Companion Animals Act

Councillor Ben Moroney has given notice of the following Questions With Notice that will be asked at the Ordinary Meeting of Council held 09 July 2019.

1. Are Council staff aware that "greenhounds," greyhounds which have passed behavioural testing, are not required to be muzzled in public under Section 15 of the *Companion Animals Act*?
2. Is there a specific reason Council still requires "greenhounds" to be muzzled in public along with untested greyhounds?

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION

11.1 Reimagining Campbelltown

Notice of Motion

Councillor Karen Hunt has given Notice in writing of her intention to move the following Motion at the next meeting of Council on 09 July 2019.

1. That as part of the Reimagining Campbelltown, Council investigates the feasibility and benefit of installing at appropriate locations the following:
 - [a] electric car charging stations
 - [b] energy- generating footpaths
-

11.2 Fisher's Ghost Festival

Notice of Motion

Councillor Karen Hunt has given Notice in writing of her intention to move the following Motion at the next meeting of Council on 09 July 2019.

1. That during our annual Fisher's Ghost Festival Council facilitate a dance event for Seniors 55 and over.
-

12. URGENT GENERAL BUSINESS

13. PRESENTATIONS BY COUNCILLORS

14. CONFIDENTIAL REPORTS FROM OFFICERS

14.1 Grant of Easements - Willowdale Precinct 15 Park

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

14.2 Tharawal Aboriginal Corporation Proposal for New Medical/Clinical Centre

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

14.3 Proposed Road Closure part of Culverston Road, Minto

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

14.4 Proposed Sale of Land, Macquarie Fields

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

14.5 Proposed Exclusivity Agreement - Council Land

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.



PO Box 57, Campbelltown NSW 2560

Phone: 02 4645 4000

Facsimile: 02 4645 4111

Visit our website at campbelltown.nsw.gov.au