

2019

ORDINARY BUSINESS PAPER

CAMPBELLTOWN CITY COUNCIL



EARTH HOUR - SATURDAY 30 MARCH

12 March

COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BASIX	Building Sustainability Index Scheme
BC	Building Certificate
BCA	Building Code of Australia
BPB	Buildings Professionals Board
CLEP	Campbelltown Local Environmental Plan
CBD	Central Business District
CPTED	Crime Prevention Through Environmental Design
CSG	Coal Seam Gas
DA	Development Application
DCP	Development Control Plan
DDA	<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
LEP 2002	Local Environmental Plan 2002
LGA	Local Government Area
LG Act	<i>Local Government Act 1993</i>
LPP	Local Planning Panel
LTFP	Long Term Financial Plan
MSB	Mine Subsidence Board
NGAA	National Growth Areas Alliance
NOPO	Notice of Proposed Order
NSWH	NSW Housing
OEH	Office and 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 (incorporating previous Roads and Traffic Authority)
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
SSD	State Significant Development
STP	Sewerage Treatment Plant
SWCPP	Sydney Western City Planning Panel (Regional Planning Panel)
TCP	Traffic Control Plan
TMP	Traffic Management Plan
TNSW	Transport for NSW
VMP	Vegetation Management Plan
VPA	Voluntary Planning Agreement
SECTION 149 CERTIFICATE - Certificate as to zoning and planning restrictions on properties	
SECTION 603 CERTIFICATE - Certificate as to Rates and Charges outstanding on a property	
SECTION 73 CERTIFICATE - Certificate from Sydney Water regarding Subdivision	



05 March 2019

You are hereby notified that the next Ordinary Council Meeting will be held at the Civic Centre, Campbelltown on Tuesday 12 March 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 12 February 2019

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held 12 February 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 12 February 2019 are presented to Council for confirmation.

Attachments

1. Minutes of the Ordinary Meeting of Council held 12 February 2019 (contained within this report)

CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Ordinary Council Meeting held at 6.30pm on Tuesday, 12 February 2019.

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Minutes of the Ordinary Meeting of the Campbelltown City Council held on 12 February 2019

Present

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

1. ACKNOWLEDGEMENT OF LAND

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

Council Prayer

The Council Prayer was presented by the General Manager.

2. APOLOGIES

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

That the apology from Councillor R George be received and accepted.

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

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

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held 11 December 2018

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

That the Minutes of the Ordinary Council Meeting held 11 December 2018, copies of which have been circulated to each Councillor, be taken as read and confirmed with an amendment to Presentations by Councillors, point 41.

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

4. DECLARATIONS OF INTEREST

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

Pecuniary Interests

Nil

Non Pecuniary – Significant Interests

Nil

Non Pecuniary – Less than Significant Interests

Nil

Other Disclosures

Nil

5. MAYORAL MINUTE

6. PETITIONS

7. CORRESPONDENCE

7.1 Paediatric Intensive Care Units

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

That the letter be received and the information be noted.

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

7.2 Spraying of Noxious Weeds on the M31

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

That the letter be received and the information be noted.

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

7.3 Parking at Campbelltown Hospital

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

That the letter be received and the information be noted.

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

7.4 Council Purchase of The Coaching House and The Railway Hotel

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

That the letter be received and the information be noted.

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

7.5 Proposed Legal Precinct in the Campbelltown CBD

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

That the letter be received and the information be noted.

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

7.6 Emergency Veterinary Care for Injured Koalas

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

That the letters be received and the information be noted.

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

8. REPORTS FROM OFFICERS

8.1 Development Application Status

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

That the information be noted.

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

8.2 Draft Bow Bowing Bunbury Curran Creek Strategic Floodplain Risk Management Study and Plan

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

That Council adopt the Draft Bow Bowing Bunbury Curran Creek Strategic Floodplain Risk Management Study and Plan.

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

8.3 Policy - Asset Capitalisation

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

1. That the Asset Capitalisation Policy as attached to this report be adopted.
2. That the Asset Capitalisation Policy review date be set at 1 March 2021.

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

8.4 Investment and Revenue Report - November and December 2018

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

That the information be noted

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

8.5 National General Assembly of Local Government Motions

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

That Council endorse the attendance of the General Manager and/or delegate/s and any interested Councillors to the 2019 National General Assembly of Local Government in Canberra between 16-19 June 2019.

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

8.6 Conduct of the 2020 Local Government Election

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

1. That Campbelltown City Council resolves:
 - a) pursuant to s. 296(2) and (3) of the *Local Government Act 1993 (NSW)* ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
 - b) pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
 - c) pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.
2. That the NSW Electoral Commission be advised of Council's decision.

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

8.7 Quarterly Budget Review Statement as at 31 December 2018

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

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

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

8.8 Minutes of the Audit Risk and Improvement Committee Report

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

That the minutes of the Audit Risk and Improvement Committee held 20 November 2018 be noted.

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

8.9 Reports and Letters Requested

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

That the information be noted.

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

9. QUESTIONS WITH NOTICE

Nil

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION

Nil

12. URGENT GENERAL BUSINESS

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

That the following item of Urgent General Business be accepted.

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

12.1 Request for Leave - Councillor George

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

That Councillor Ralph George be granted a leave of absence incorporating all Council meetings from Tuesday 12 February 2019 until further notice and without pay from 1 March 2019.

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

13. PRESENTATIONS BY COUNCILLORS

1. Councillor Meg Oates on 16 January 2019 with the Council leadership team attended a Reconciliation Action Plan Artwork Workshop. The workshop involved participants creating an artwork designed by Aboriginal artist Aunty Jenny Shillingsworth which will be used for the Reconciliation Action Plan document. Councillor Oates appreciated the education gained from the workshop in learning about the meaning behind the artworks. It was a great example of reconciliation in action.
2. Councillor Darcy Lound passed on his thanks to the Executive staff, particularly to Director City Lifestyles and Sally Pratt for their work with the A-League to secure the Wellington Phoenix and Sydney FC to play at Campbelltown Sports Stadium on 23 February 2019. This is a great outcome for the City and builds on the momentum from Campbelltown's successful A-League bid.
3. Councillor Rey Manoto on 20 January attended the 22nd anniversary celebration of Sto Nino Festival at St John the Evangelist Church in Campbelltown. Sto Nino Festival is a religious festival celebrated in the Philippines. Councillor Manoto commended the Sto Nino Association of Macarthur for their success in organising this festival and their support of Project HOPE to help children in the Philippines.
4. Councillor Rey Manoto on 7 February attended Mount Carmel Catholic College for the Opening College Mass, to celebrate the start of the 2019 year and welcome the newest students into the community.
5. Councillor Ben Gilholme with Councillor Margaret Chivers on 16 January attended Quiet Hour at Water Wonderland at Bradbury Oval. Councillor Gilholme shared stories of the children and their families attending and expressed his thanks on behalf of the children for the wonderful opportunity they had to enjoy this event. Councillor Gilholme thanked both Council staff and the event staff in a successful event.
6. Councillor Margaret Chivers on 2 February attended a Meet and Greet that was hosted by the 2019 Citizen of the Year, Ricardo Lonza. The Meet and Greet brings local residents up to date with what is happening at all levels of Government regarding care for the local koalas.
7. Councillor Margaret Chivers along with Councillor George Brticevic on 6 February attended the Quota International, Inc. 100th Birthday Dinner at Hermitage Restaurant at Leumeah. The celebration was hosted by Quota International Ingleburn, Campbelltown, Macarthur and Liverpool. Quota International aims to advocate and empower women, improve child development, promote responsibility in youth and support people with hearing impairments. Councillor Chivers spoke about the enthusiasm the Quota clubs have and their support for The Shepherd Centre and making life easier for children and their families.
8. Councillor Margaret Chivers thanked the event staff for the organisation of the New Year's Eve celebrations at Koshigaya Park and commented on how well they handled the added pressures with the weather on the day. The event went really well and was appreciated by all in attendance.
9. Councillor Margaret Chivers attended Water Wonderland and commented to Council on how happy and helpful the staff were even in extreme heat conditions.

10. Councillor Margaret Chivers on 26 January attended the Australia Day Award and Citizenship Ceremony. Councillor Chivers passed on her thanks to the staff for their organisation as the ceremony was wonderful and no problems were encountered.
11. Councillor Paul Lake passed on his thanks to the Director City Governance, Phu Nguyen for taking the role as the acting General Manager over the Christmas period.
12. Councillor Warren Morrison on 7 February attended Club Menangle for the opening of the Miracle Mile which takes place on 16 and 23 February and 2 March. Councillor Morrison expressed how amazing the stables were looking and how wonderful it was to have so many supporters of harness racing. Councillor Morrison commented how good this is for the community and how lucky Campbelltown LGA is to be home to one of the biggest harness racing clubs in Australia.
13. Councillor Bob Thompson passed on his appreciation to the staff for always being keen to solve problems and respond to his requests in a timely manner.
14. Councillor George Greiss wished a Happy New Year to all Councillors and staff, noting that this would be the last full year as Councillors, with Council elections taking place next year and state and federal elections occurring this year.
15. The Mayor, Councillor George Bricevic welcomed everyone back for 2019 including those in the gallery and the media. Councillor Bricevic thanked the event staff for their successful organisation of Australia Day, with the Citizenship Ceremony at Ingleburn and New Year's Eve celebrations. Councillor Bricevic expressed he is looking forward to fantastic year ahead.

14. CONFIDENTIAL REPORTS FROM OFFICERS

Confidentiality Recommendation

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

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

Item 14.1 Update of the Tender for a Licence of Council Property

Item 14.1 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 14.2 Proposed Tender - Council Land

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.

2. Council considers that discussion of the business in open meeting would be, on

balance, contrary to the public interest.

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

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

Recommendations of the Confidential Committee

14.1 Update of the Tender for a Licence of Council Property

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

1. That Council approve the additional recommended licence term, as outlined in the body of this report.
2. That the matter otherwise proceeds in accordance with the Council endorsement of 11 September 2018.

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

14.2 Proposed Tender - Council Land

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

1. That Council approves a tender of the land described below, on the terms and conditions outlined in this report.
2. That a final recommendation is made to Council post completion of the tender process and evaluation of any tenders received.

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

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

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

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

At the conclusion of the meeting of the Confidential Committee the Open Council Meeting was reconvened at 7.51pm

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

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

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

There being no further business the meeting closed at 7.52pm.

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 Planning Proposal - Reclassification of land at 21 Deans Road, Airds from Community to Operational Land

Reporting Officer

Director City Development
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

That Council forward the Planning Proposal for the Reclassification of 21 Deans Road, Airds to the Minister for Planning for finalisation pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979*.

Purpose

The purpose of the report is to advise Council of the outcome of the recent public exhibition and public hearing for the reclassification of land at 21 Deans Road, Airds, and to seek endorsement to forward the planning proposal to the NSW Department of Planning and Environment for finalisation.

The subject site is currently owned by Council and leased to the Tharawal Aboriginal Medical Centre. It is proposed to convert the land from long term lease to freehold title to transfer it to the Tharawal Aboriginal Medical Centre.

Property Description	Lot 21 DP 1180338, 21 Deans Road, Airds
Applicant	Council
Owner	Council
Land use permissibility	R2 Low Density Residential (under Campbelltown LEP 2015) Current use is permissible under SEPP (Infrastructure) 2007, which overrides the Campbelltown LEP 2015
Provisions	<i>Environmental Planning and Assessment Act 1979</i> (EPA Act 1979) <i>Local Government Act 1993</i> (LG Act 1993) State Environmental Planning Policy (Infrastructure) 2007 Airds Bradbury Renewal Project Planning Agreement

History

The subject site is classified as Community Land, owned by Council and occupied by the Tharawal Aboriginal Medical Centre under a lease of 21 years agreed to by the Council. Council at its meeting of 14 August 2018 resolved to:

1. Support the draft planning proposal to reclassify land at Lot 21 DP 1180338, 21 Deans Road, Airs by way of an amendment to the Campbelltown Local Environmental Plan 2015.
2. That subject to recommendation No. 1, Council forward the draft Planning Proposal to the Greater Sydney Commission for a gateway determination.
3. That subject to no major issues raised by the gateway determination, Council proceed to public exhibition of the draft Planning Proposal.
4. That Council request that the gateway determination require that the public exhibition of the draft Planning Proposal be for a maximum period of 28 days.
5. That Council request delegation from the Department of Planning and Environment to allow Council to finalise the draft Planning Proposal.

The draft planning proposal was previously supported by the Campbelltown Local Planning Panel on 27 June 2018.

Gateway Determination was issued on 9 October 2018 by the Greater Sydney Commission. However delegation from the Department of Planning and Environment to allow Council to finalise the draft Planning Proposal was declined due to the ownership of the land by Council.

Report

Classification of Council land

The *Local Government Act 1993* establishes the concept of classifying Council land as being either Community land or Operational land.

- Community land is generally Council land made available for use by the general public, for example parks, reserves or sports grounds.
- Operational land is generally Council land that facilitates the functions of Council, and may not be open to the general public, for example a works depot or Council garage. Operational land can be sold without the need for public comment.

The land at 21 Deans Road, Airs is currently classified as Community land.

The *Local Government Act 1993* recognises that there will be situations where it will be reasonable for Council to sell Community land. It establishes a procedure to ensure opportunities for public comment as part of the reclassification process.

The procedure involves inviting public comment by using the public exhibition process for LEP amendments under the EP&A Act 1979. The *Local Government Act 1993* also requires that a public hearing be held subsequent to the public exhibition of the proposed reclassification.

The subject site is within the area of the Airds Bradbury Renewal Project Planning Agreement and the proposed reclassification would not be in contravention of this.

Public Participation

The Planning Proposal was publicly exhibited from Wednesday 31 October 2018 until Friday 30 November 2018.

No submissions were received.

Public Hearing

A public hearing, chaired by an independent facilitator, as required by the *Local Government Act 1993*, was held at the Council Administration Centre on 30 January 2019.

Five people attended the meeting.

While various matters were discussed at the public hearing, no issues were raised that suggested that Council should not proceed with the proposed reclassification of the land from Community to Operational.

A report on the public hearing has been prepared by the independent facilitator and is attached to this report.

Attachments

1. Planning Proposal (contained within this report)
2. Public Hearing Report (contained within this report)



Planning Proposal

Proposed amendment of Campbelltown Local Environmental Plan 2015 Reclassification of 21 Deans Road, Airds

Background

The subject site is currently owned by Council and leased to the Tharawal Aboriginal Medical Centre. It is proposed to convert the land from long term lease to freehold title to transfer it to the Tharawal Aboriginal Medical Centre.

The site is located within the Airds Bradbury Renewal Project. Council gave its final endorsement to the project in July 2012 and the Minister for Planning and Infrastructure subsequently issued approval to the Concept Plan in August 2012.

Definitions and abbreviations

CLEP 2015 means Campbelltown Local Environmental Plan 2015.

PP means Planning Proposal.

SEPP means State Environmental Planning Policy.

Community land has the same meaning as in the Local Government Act 1993. It is land council makes available for use by the general public, for example, parks, reserves or sports grounds.

Operational land has the same meaning as in the Local Government Act 1993. It is land which facilitates the functions of council, and may not be open to the general public, for example, a works depot or council garage.

LEP means Local Environmental Plan.

Proposed Amendment to
Campbelltown Local Environmental
Plan 2015

Planning Proposal – 21 Deans Road,
Airds

The Site

The subject site is located at Lot 21 DP 1180338, 21 Deans Road, Airds and is shown on Figure 1.



Figure 1 Location Map

Proposed Amendment to Campbelltown Local Environmental Plan 2015

Planning Proposal – 21 Deans Road, Airds

Existing Zoning

The subject site is in the Zone R2 Low Density Residential under CLEP 2015. Figure 2 shows the subject in relation to the surrounding land use zones.

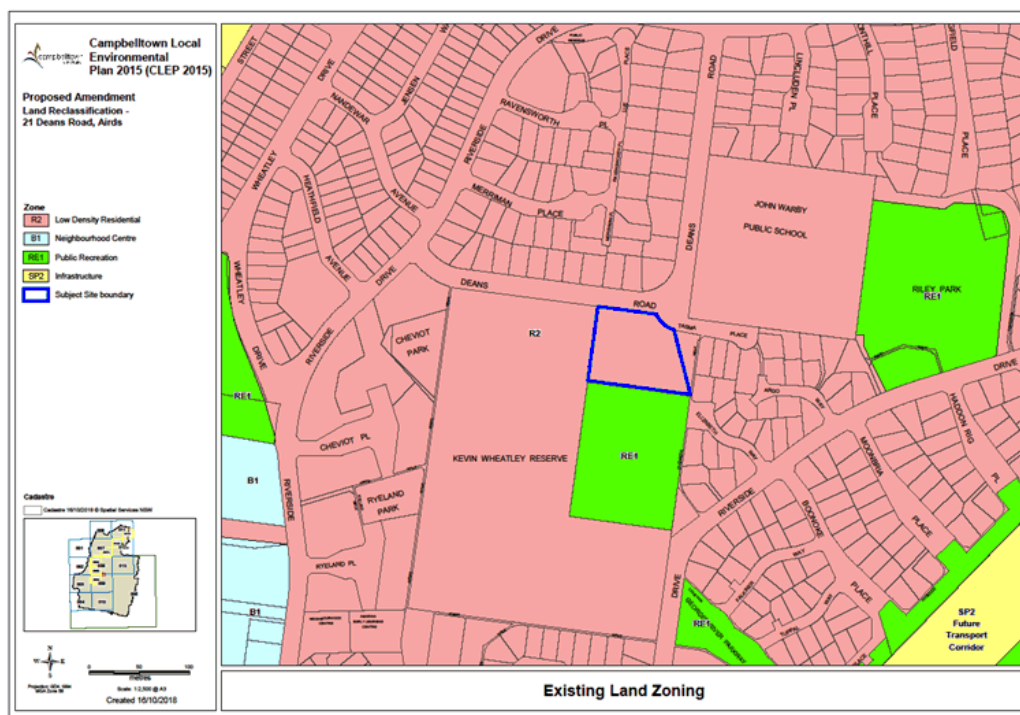


Figure 2 Surrounding Zoning

Part 1 – Objectives or Intended Outcomes

It is proposed to convert the land from long term lease to freehold title and to transfer it to the Tharawal Aboriginal Medical Centre. It is expected that the land would be transferred for a nominal amount. The land, being owned by Council is currently classified "Community" under the Local Government Act 1993. In order for the land to be sold it must be classified as "Operational", which is done by a Local Environmental Plan (LEP) under the Environmental Planning and Assessment Act 1979.

It is not proposed to amend the zoning to permit the existing operation as it is a permissible use under SEPP (Infrastructure) 2007, being a health services facility.

The objective of the PP is thus to amend the CLEP 2015 to enable the subject site to be reclassified from Community land to Operational land and permit subsequent transfer to the Tharawal Aboriginal Medical Centre.

Part 2 - Explanation of provisions

It is proposed that CLEP 2015 be amended to reflect the reclassification by inclusion of the property description of the subject land in Part 1 in Schedule 4.

No changes are proposed to any maps.

There is an easement for padmount substation of variable width affecting part of the site and located at the frontage to Tasma Place. This interest will not be discharged as a result of this planning proposal.

There is no public reserve status that applies to the site.

A checklist is provided in Part 3, Item 4 as required by LEP Practice Note PN 16-001, "Classification and reclassification of public land through a local environmental plan" issued by the NSW Department of Planning and Environment.

Part 3 - Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

The subject site is currently in Council ownership. It is not a "public reserve" that is currently available for use by the general public. The reclassification would not result in the loss of open space or the removal of any public reserve status.

It is proposed that the land would be transferred to the Tharawal Aboriginal Medical Centre for a nominal amount following gazettal of the amendment to the Campbelltown LEP 2015.

The subject site is in the R2 – Low Density Residential zone. It is currently occupied by the Tharawal Aboriginal Medical Centre. This would be within the scope of the definition of "health services facility", which is permissible in the R2 zone pursuant to the SEPP (Infrastructure) 2007. The SEPP overrides the provisions of the Campbelltown LEP 2015.

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2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is considered to be the most appropriate means of achieving the planning objective and intended outcomes detailed in Part 1. It follows the LEP practice note for Classification and reclassification of public land through a local environmental plan issued by the NSW Department of Planning and Environment.

The subject site is already in the R2 – Low Density Residential zone, which amongst other uses permits community facilities.

Section B – Relation to Strategic Planning Framework

3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft Strategies)?

Greater Sydney Region Plan 2018

The Greater Sydney Region Plan 2018 was released in March 2018. The PP is considered to be consistent with the Plan in that it is consistent with the following objectives in the plan as shown in Table 1.

Table 1

Objective	Comments on consistency
<p>Objective 6</p> <p>Services and infrastructure meet communities' changing needs</p> <p>Strategy 6.1</p> <p>Deliver social infrastructure that reflects the needs of the community now and in the future.</p> <p>Strategy 6.2</p> <p>Optimise the use of available public land for social infrastructure.</p>	<p>The reclassification to operational land to permit transfer to the Tharawal Aboriginal Corporation is consistent with the objective and strategies.</p>
<p>Objective 8</p> <p>Greater Sydney's communities are culturally rich with diverse neighbourhoods</p> <p>Engagement with Aboriginal communities should be founded on self-determination, economic participation and mutual respect.</p> <p>This includes facilitating the ability of Local Aboriginal Land Councils to more readily derive economic, community and cultural use of Aboriginal land acquired under the Aboriginal Land Rights Act 1983.</p>	<p>The reclassification to operational land to permit transfer to the Tharawal Aboriginal Corporation is consistent with the objective and the strategy.</p>

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Western City District Plan

The draft Western City District Plan was released in March 2018. The PP is considered consistent with the Plan in that it is consistent with the following planning priorities in the plan as shown in Table 2.

Table 2

Planning Priority	Comments on consistency
<p>Planning Priority W4</p> <p>Fostering healthy, creative, culturally rich and socially connected communities</p> <p>Supporting Aboriginal self-determination, economic participation and contemporary cultural expression through initiatives such as the development of culturally-appropriate social infrastructure, will strengthen the District's identity and cultural richness.</p>	<p>The reclassification to operational land to permit transfer to the Tharawal Aboriginal Corporation is consistent with the Planning Priority and the strategy.</p>

4. Is the Planning Proposal consistent with Council's local strategy or other local strategic plan?

Campbelltown Community Strategic Plan – Campbelltown 2027

This overarching Community Strategic Plan represents the principal community outcome focused strategic plan guiding Council's policy initiatives and actions.

The PP may be considered to not be inconsistent with the relevant objectives headed accordingly.

- Outcome 1: A vibrant, liveable city
- Outcome 2: A respected and protected natural environment
- Outcome 3: A thriving, attractive city
- Outcome 4: A successful city

Campbelltown Local Planning Strategy 2013

The strategy makes reference to the redevelopment of the Airds Bradbury Public Housing Area is one of a number infill opportunities. The PP is consistent with the Campbelltown Local Planning Strategy 2013.

Campbelltown Residential Development Strategy 2013

This does not apply as no additional residential development is proposed and no existing residential development is lost.

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Checklist in Practice Note PN 16-001

The PP is considered to satisfy the checklist for proposals to classify or reclassify public land through an LEP as required by Practice Note PN 16-001. See Table 3 below.

Table 3

Checklist items	Comments
The current and proposed classification of the land	Current classification – Community Proposed classification – Operational
Whether the land is a 'public reserve' (defined in the LG Act)	The subject site is not a public reserve.
The strategic and site specific merits of the reclassification and evidence to support this	The subject site, while in Council ownership is currently occupied by the Tharawal Aboriginal Medical Centre. It is not land that is available for use by the general public, such as parks, reserves or sports grounds as envisaged by the concept of Community land under the Local Government Act 1993. It is considered unlikely that the transfer of the land to the Tharawal Aboriginal Medical Centre will have an adverse impact on the community of Airds for the following reasons: a) The extent of land available for use by the general public will remain unchanged; and b) The operation of the Tharawal Aboriginal Medical Centre would remain unchanged.
Whether the PP is the result of a strategic study or report	The PP is in response to a decision by Council to provide the land to Tharawal Aboriginal Corporation for an indigenous medical facility.
Whether the PP is consistent with council's community plan or other local strategic plan	The PP is considered consistent with the Community Strategic Plan, particularly Strategy 3.2 – <i>Ensure that service provision supports the community to achieve and meets their needs.</i>
A summary of council's interests in the land, including:	
<ul style="list-style-type: none"> How and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution). 	The land currently comprising Lot 21 DP 1180338 was transferred to Council by the Macarthur Development Corporation on 28 January 1988 as part of a larger land parcel that was subsequently subdivided to create the current lot 21.
<ul style="list-style-type: none"> If council does not own the land, the land owner's consent. 	The subject site is owned by Council.
<ul style="list-style-type: none"> The nature of any trusts, dedications etc. 	There are no known trusts or dedications.

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Checklist items	Comments
Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why.	<p>There is an easement for padmount substation of variable width affecting part of the site and located at the frontage to Tasma Place.</p> <p>This interest will not be discharged as a result of this planning proposal.</p>
The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged).	<p>The subject site, while in Council ownership is currently occupied by the Tharawal Aboriginal Medical Centre. It is not land that is available for use by the general public, such as parks, reserves or sports grounds as envisaged by the concept of Community land under the Local Government Act 1993.</p> <p>It is considered unlikely that the transfer of the land to the Tharawal Aboriginal Medical Centre will have an adverse impact on the community of Airds for the following reasons:</p> <p>a) The extent of land available for use by the general public will remain unchanged; and</p> <p>b) The operation of the Tharawal Aboriginal Medical Centre would remain unchanged.</p>
Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. Electronic title searches, notice in a government gazette, trust documents).	The land is not identified as a public reserve.
Current use(s) of the land, and whether uses are authorised or unauthorised.	The subject site, while in Council ownership is currently leased to the Tharawal Aboriginal Corporation as a Medical Centre.
Current or proposed lease or agreements applying to the land, together with their duration, terms and controls.	The subject site is leased to the Tharawal Aboriginal Corporation to 3 September 2036 for a nominal rent.
Current or proposed business dealings (e.g. Agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning / reclassification or at a later time).	It is proposed to transfer the ownership of the land to the Tharawal Aboriginal Corporation at a date subsequent to gazettal of this proposed amendment to the Campbelltown Local Environmental Plan 2015.
Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy).	No change of zoning is proposed.
How council may or will benefit financially, and how these funds will be used.	There will be no financial benefit to Council.
How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.	Not applicable as there will be no financial benefit to Council.

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Checklist items	Comments
A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot.	Not applicable as the PP applies to the entire lot.
Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	Not applicable.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is consistent with applicable SEPPs. See Table 4 below.

Table 4

State Environmental Planning Policies	Comments on consistency
SEPP No 1 Development Standards	Not applicable as CLEP 2015 is a Standard Instrument LEP & incorporates Clause 4.6 - Exceptions to Development Standards, which negates the need for consistency with SEPP 1.
SEPP No. 19 - Bushland in Urban Areas	Not applicable as there is no bushland on site.
SEPP No. 21 - Caravan Parks	Not applicable to this PP.
SEPP No. 30 - Intensive Agriculture	Not applicable to this PP.
SEPP No. 33 - Hazardous and Offensive Development	Not applicable to this PP.
SEPP No. 36 - Manufactured Home Estates	Not applicable in the Campbelltown LGA.
SEPP No. 44 - Koala Habitat Protection	Not applicable to this PP.
SEPP No. 47 - Moore Park Showground	Not applicable in the Campbelltown LGA.
SEPP No. 50 - Canal Estate Development	Not applicable to this PP.
SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable in the Campbelltown LGA.
SEPP No. 55 - Remediation of Land	Not applicable to this PP as no development is proposed as a result of this PP.
SEPP No. 62 - Sustainable Aquaculture	Not applicable to this PP.
SEPP No. 64 - Advertising and Signage	Not applicable to this PP.
SEPP No. 65 - Design Quality of Residential Flat Development	Not applicable to this PP as residential flat buildings are not proposed on the site.
SEPP No. 70 - Affordable Housing (Revised Schemes)	Not applicable in the Campbelltown LGA
SEPP (Affordable Rental Housing) 2009	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent as the PP does not propose any provisions contrary to the SEPP.

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State Environmental Planning Policies	Comments on consistency
SEPP (Coastal Management) 2018	Not applicable in the Campbelltown LGA.
SEPP (Educational Establishments and Child Care Facilities) 2017	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Gosford City Centre) 2018	Not applicable in the Campbelltown LGA.
SEPP (Housing for Seniors or People with a Disability)	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Infrastructure) 2007	Consistent as the PP does not propose any provisions contrary to the SEPP. The current use is permissible pursuant to the SEPP.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not applicable in the Campbelltown LGA.
SEPP (Kurnell Peninsula) 1989	Not applicable in the Campbelltown LGA.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable to this PP.
SEPP (Miscellaneous Consent Provisions) 2007	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Penrith Lakes Scheme) 1989	Not applicable in the Campbelltown LGA.
SEPP (Rural Lands) 2008	Not applicable in the Campbelltown LGA.
SEPP (State and Regional Development) 2011	Not applicable to this PP.
SEPP (State Significant Precincts) 2005	Not applicable to this PP.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable in the Campbelltown LGA.
SEPP (Sydney Region Growth Centres) 2006	Not applicable to this PP.
SEPP (Three Ports) 2013	Not applicable in the Campbelltown LGA.
SEPP (Urban Renewal) 2010	Not applicable in the Campbelltown LGA.
SEPP (Vegetation in Non - Rural Areas) 2017	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Western Sydney Employment Area) 2009	Not applicable in the Campbelltown LGA.
SEPP (Western Sydney Parklands) 2009	Not applicable in the Campbelltown LGA.
REP No.2 – Georges River Catchment	Consistent, as the PP has minimal impact on the issues of REP No.2 – Georges River Catchment.
REP No.9 - Extractive Industry (No 2)	Not applicable to this PP.
REP No.20 - Hawkesbury-Nepean River (No 2 1997)	Not applicable to this PP.

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6. Is the Planning Proposal consistent with applicable Ministerial Directions (S9.1 directions)?

The PP is either considered consistent, justifiably inconsistent or the inconsistency is of minor significance with the applicable Ministerial Directions (S9.1 directions). See Table 5 for an assessment of the PP against the S9.1 Ministerial Directions.

Table 5

Ministerial Direction	Comments on consistency
1. Employment and Resources	
1.1 Business and industrial Zones	Not applicable to this PP.
1.2 Rural Zones	Not applicable to this PP.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable to this PP.
1.4 Oyster Production	Not applicable to this PP.
1.5 Rural Lands	Not applicable to this PP.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Not applicable to this PP. There is no vegetation on the site.
2.2 Coastal Protection	Not applicable to this PP.
2.3 Heritage Conservation	Not applicable to this PP.
2.4 Recreation Vehicle Area	Not applicable to this PP.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable in the Campbelltown LGA.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Not applicable to this PP as no residential development is proposed as a result of this PP.
3.2 Caravan Parks & Manufactured Home Estates	Not applicable to this PP.
3.3 Home Occupations	Not applicable to this PP.
3.4 Integrating Land Use & transport	Not applicable to this PP.
3.5 Development Near Licensed Aerodromes	Not applicable to this PP.
4. Hazard and Risk	
4.1 Acid Sulphate Soils	Consistent as the land is not known to exhibit acid sulphate qualities.
4.2 Mine Subsidence and Unstable Land	Not applicable to this PP.
4.3 Flood Prone Land	Not applicable to this PP as the land is not identified as being flood liable.
4.4 Planning for Bushfire Protection	Not applicable to this PP as the land is not identified as being bushfire prone.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable in the Campbelltown LGA

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Ministerial Direction	Comments on consistency
5.2 Sydney Drinking Water catchments	Not applicable in the Campbelltown LGA
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable in the Campbelltown LGA.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable in the Campbelltown LGA.
5.5 -5.7	Revoked.
5.8 Second Sydney Airport	Not applicable in the Campbelltown LGA
5.9 North West Rail Link Corridor Strategy	Not applicable in the Campbelltown LGA.
5.10 Implementation of Regional Plans	Consistent with the Regional and District Plans.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent as the PP does not alter the provisions relating to approval and referral requirements.
6.2 Reserving Land for Public Purposes	Not applicable to this PP as the land is not identified for acquisition.
6.3 Site Specific Provisions	Not applicable in the Campbelltown LGA
7. Metropolitan Planning	
7.1 Implementation of a Plan for Growing Sydney	Consistent, see comments on consistency with Greater Sydney Region Plan 2018 and Western City District Plan.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable to this PP.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable in the Campbelltown LGA.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable in the Campbelltown LGA.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable in the Campbelltown LGA.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable in the Campbelltown LGA.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable to this PP.

Section C – Environmental, Social or Economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There is no critical habitat or threatened species, populations or ecological communities, or their habitats on the subject site.

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Airds****8. Are there any other likely environmental effects as a result of the rezoning submission and how are they proposed to be managed?**

No environmental effects are expected as no major development works are expected as a result of the PP.

9. How has the rezoning submission adequately addressed any social and economic effects?

The PP does not propose any rezoning of land. It will allow the transfer of an existing community facility to be transferred to the Tharawal Aboriginal Corporation with no adverse effects expected on the social or economic values of the Campbelltown community.

Section D – State and Commonwealth interests**10. Is there adequate public infrastructure for the planning proposal?**

The PP will not result in the need for any additional public infrastructure such as public utilities or road works.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Gateway determination did not require consultation with any State or Commonwealth public authorities. Nevertheless the NSW Land & Housing Corporation and NSW Department of Education & Training were advised of the exhibition of the planning proposal being nearby land owners. No responses were received.

No submissions were received from any State or Commonwealth public authorities in conjunction with the public hearing.

Part 4: Mapping

No alterations are required to the maps that accompany the Campbelltown LEP 2015.

Part 5 - Community Consultation

The Planning Proposal was publicly exhibited from Wednesday 31 October 2018 until Friday 30 November 2018. No submissions were received.

A public hearing, chaired by an independent facilitator, as required by the Local Government Act 1993, was held at the Council Administration Centre on 30 January 2019. 5 people attended the meeting.

While various matters were discussed at the public hearing, no issues were raised that suggested that Council should not proceed with the proposed reclassification of the land from Community to Operational.

A report on the public hearing was prepared by the independent facilitator and is attached.

Part 6 Project Timeline

Table 6

Milestone	Timeline
Local Planning Panel endorsement	June 2018
Council endorsement	August 2018
Referral for Gateway Determination	August 2018
Gateway Determination	October 2018
Completion of additional supporting documentation	October 2018
Public Exhibition	November 2018
Public Hearing	February 2019
Consideration of submissions (Report to Council)	March 2019
Finalisation of LEP amendment	April 2019
Plan amendment made	May 2019



PUBLIC HEARING REPORT

PROPOSED RECLASSIFICATION OF COMMUNITY LAND AT 21 DEANS ROAD, AIRDS

FINAL REPORT

7 FEBRUARY 2019



CAMPBELLTOWN CITY COUNCIL

PUBLIC HEARING REPORT

PROPOSED RECLASSIFICATION OF COMMUNITY LAND AT 21 DEANS ROAD, AIRDS

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Parkland Planners

ABN: 33 114 513 647

PO Box 41
FRESHWATER NSW 2096

tel: (02) 9938 1925
mob: 0411 191 866

sandy@parklandplanners.com.au

www.parklandplanners.com.au

DIRECTOR:
Sandy Hoy

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Appendices

- A BACKGROUND INFORMATION DOCUMENT
- B WRITTEN SUBMISSION

ACKNOWLEDGEMENTS

Campbelltown City Council

Barry Millwood

Consultant Strategic Planner

1 INTRODUCTION

1.1 Purpose of this report

This report has been prepared under Section 29 of the *Local Government Act 1993* to report to Campbelltown City Council on the submissions made at the public hearing in relation to the proposed reclassification of 21 Deans Road in Airds from community land to operational land.

1.2 Background

Campbelltown City Council resolved on 13 December 2011 to approve the lease of community land at 21 Deans Road, Airds to the Tharawal Aboriginal Corporation to facilitate construction of an Aboriginal medical/clinical centre on the site. Funding for the development of the centre was obtained from the Commonwealth Government, and the facility has been constructed and is in full operation. However the land is owned by Campbelltown City Council, and it is proposed to reclassify the land from community to operational land to facilitate transfer of the land to the Tharawal Aboriginal Corporation.

Council prepared a draft Planning Proposal to reclassify 21 Deans Road in Airds from community to operational land and amend the Campbelltown Local Environmental Plan 2015, which was considered by the Campbelltown Local Planning Panel on 27 June 2018. The Panel unanimously supported the proposal to reclassify land at 21 Deans Road, Airds as operational land.

On 14 August 2018 Council resolved to support the draft Planning Proposal, and forwarded the draft Planning Proposal to the NSW Department of Planning and Environment on 23 August 2018 for a Gateway Determination. The Minister determined the Planning Proposal to reclassify 21 Deans Road in Airds from community to operational land should proceed, and issued the Gateway Determination on 9 October 2018.

Council placed copies of the Planning Proposal and supporting information on public exhibition for comment for 30 days between Wednesday 31 October 2018 and Friday 30 November 2018. Copies were available at Council's Civic Centre, Campbelltown HJ Daley Library, and Greg Percival Library in Ingleburn. No public submissions were received.

The public hearing to receive public submissions on the proposed reclassification of 21 Deans Road in Airds from community to operational land was held on 30 January 2019. The public was notified of the public hearing on 7 and 14 January 2019 in the News section of Council's website, and in local newspapers.

It is anticipated that a decision about the proposed reclassification of community land would be made at a Council meeting later in 2019.

1.3 Description of 21 Deans Road, Airds

Lot 21 DP 1180338 at 21 Deans Road in Airds is located 3 kilometres south-east of the Campbelltown central business district. The location of 21 Deans Road is in Figures 1 and 2.

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Figure 1 Location of 21 Deans Road, Airs

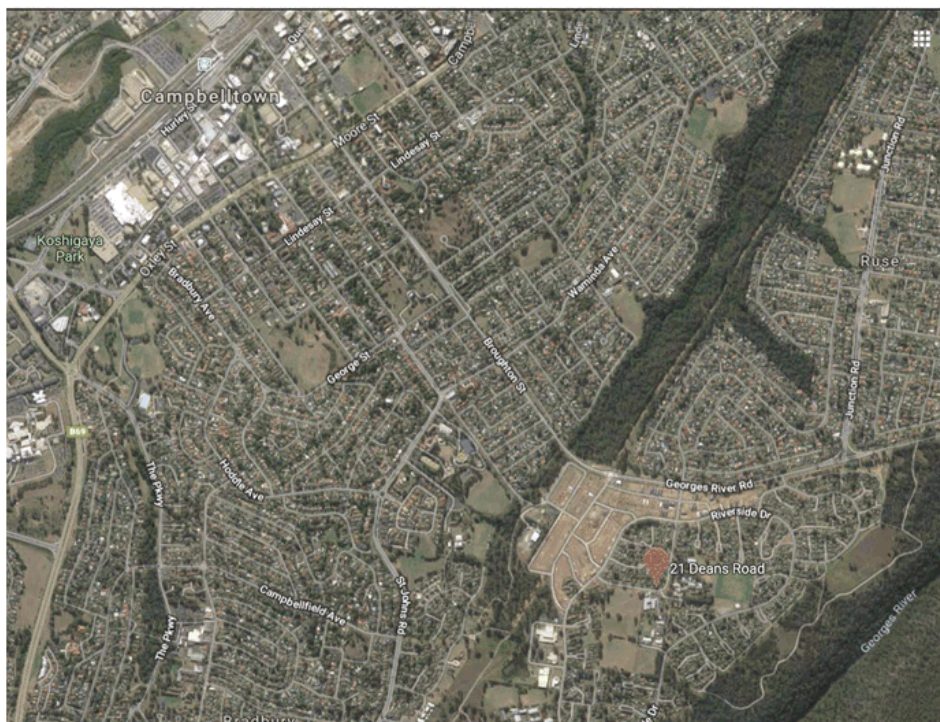


Figure 2 Local site context



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21 Deans Road in Airds is currently:

- ☐ owned by Campbelltown City Council
- ☐ classified as community land under the *Local Government Act 1993*
- ☐ zoned R2 Low Density Residential under the Campbelltown Local Environmental Plan 2015. An additional permissible use of the land is aboriginal community and health facilities.
- ☐ leased to the Tharawal Aboriginal Corporation for 21 years to 3 September 2036 for a nominal rent.

Further information about the site can be obtained from the Planning Proposal - Proposed amendment of Campbelltown Local Environmental Plan 2015: Reclassification of 21 Deans Road, Airds.

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1.4 Proposed reclassification of 21 Deans Road, Airds

1.4.1 What is reclassification of community land?

Under the *Local Government Act 1993*, Council owned land is classified as either 'operational' or 'community'. The subject land is classified as community land under the *Local Government Act 1993*. Community land would ordinarily comprise land accessible to the public, such as a park or a community centre. Operational land would ordinarily comprise land held as a temporary asset or as an investment, land which facilitates the carrying out by a Council of its functions, or land which may not be open to the general public, such as a works depot.

Under the Act community land is generally kept for use by the general public, and conversely operational land need not be kept for use by the general public. The Act goes on to state that community land must not be sold (except in the limited circumstances referred to in Section 45 (4)). Community land may only be leased or licensed for up to 30 years, and may only be leased or licensed for more than 5 years if public notice of the proposed lease or licence is given and, in the event that an objection is made to the proposed lease or licence, the Minister's consent is obtained. No such restrictions apply to operational land.

Classification or reclassification of land does not affect any estate or interest a council has in the land.

1.4.2 Why is 21 Deans Road, Airds proposed to be reclassified?

Council proposes to convert the land from long term lease to freehold title to transfer it to the Tharawal Aboriginal Medical Centre. Council is seeking to reclassify 21 Deans Road in Airds from community land to operational land to permit a subsequent transfer of the land to the Tharawal Aboriginal Corporation for a nominal amount following gazettal of the amendment to the Campbelltown Local Environmental Plan 2015.

1.4.3 Process of reclassification of community land

The *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979* set out requirements that Councils must follow when reclassifying community land. Relevant legislation is in Appendix A, or it can be accessed at www.legislation.nsw.gov.au.

The process of reclassifying 21 Deans Road in Airds from community to operational land by changes to the Campbelltown Local Environmental Plan 2015 is in Table 1.

Table 1 Process of reclassifying 21 Deans Road in Airds by local environmental plan

Process	Relevant legislation
Lot 21 DP 1180338 was transferred to Council by the Macarthur Development Corporation on 28 January 1988 as part of a larger land parcel that was subsequently subdivided to create the current Lot 21.	
The land was classified as community land when the <i>Local Government Act 1993</i> came into force.	Sections 25, 26 of <i>Local Government Act 1993</i>
Council resolved on 13 December 2011 to reclassify the subject land from community to operational land, to provide the land to the Tharawal Aboriginal Corporation for an indigenous medical facility.	

Process	Relevant legislation
A Planning Proposal was prepared to amend the Campbelltown Local Environmental Plan 2015 to enable 21 Deans Road in Airds to be reclassified from community land to operational land to permit subsequent transfer to the Tharawal Aboriginal Medical Centre.	Section 3.33 of <i>Environmental Planning and Assessment Act 1979</i>
The Campbelltown Local Planning Panel considered a report on the draft Planning Proposal on 27 June 2018. The Panel unanimously supported the proposal to reclassify land at 21 Deans Road, Airds as operational land.	
On 14 August 2018 Council resolves to support the draft Planning Proposal and to forward the draft Planning Proposal to the Greater Sydney Commission for a Gateway Determination.	
Council requested a Gateway Determination in respect of the Planning Proposal to reclassify 21 Deans Road in Airds from community to operational land. Council submits the Planning Proposal to the NSW Department of Planning and Environment 23 August 2018.	Section 3.34(1) of the <i>Environmental Planning and Assessment Act 1979</i>
Minister determines the Planning Proposal to reclassify 21 Deans Road in Airds from community to operational land should proceed, and issues Gateway Determination on 9 October 2018.	
Council places copies of the Planning Proposal and supporting information on public exhibition for comment for 30 days between Wednesday 31 October 2018 and Friday 30 November 2018. Copies were available at Council's Civic Centre, Campbelltown HJ Daley Library, and Greg Percival Library in Ingleburn. No public submissions were received.	Section 3.34(2) of <i>Environmental Planning and Assessment Act 1979</i>
Public notification of the public hearing on 7 and 14 January 2019 in the News section of Council's website and local newspapers.	
Council holds public hearing into proposed reclassification on 30 January 2019. The person presiding at a public hearing must not be a councillor or employee of the council holding the public hearing, or a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.	Section 29 of <i>Local Government Act 1993</i> Department of Planning and Infrastructure Practice Note PN09-003 Section 47G of <i>Local Government Act 1993</i>
Independent chairperson at public hearing prepares public hearing report and issues it to Council.	
Council must make a copy of the public hearing report available for inspection by the public at a location within the area of the council no later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing.	Section 47G of <i>Local Government Act 1993</i>
Consideration of the public hearing report and public submissions by Council.	
<i>If Council decides to proceed with the reclassification:</i>	
Report to Council on the public hearing and submissions.	
Council requests the Department of Planning and Environment to prepare the draft Local Environmental Plan to give effect to the Planning Proposal.	

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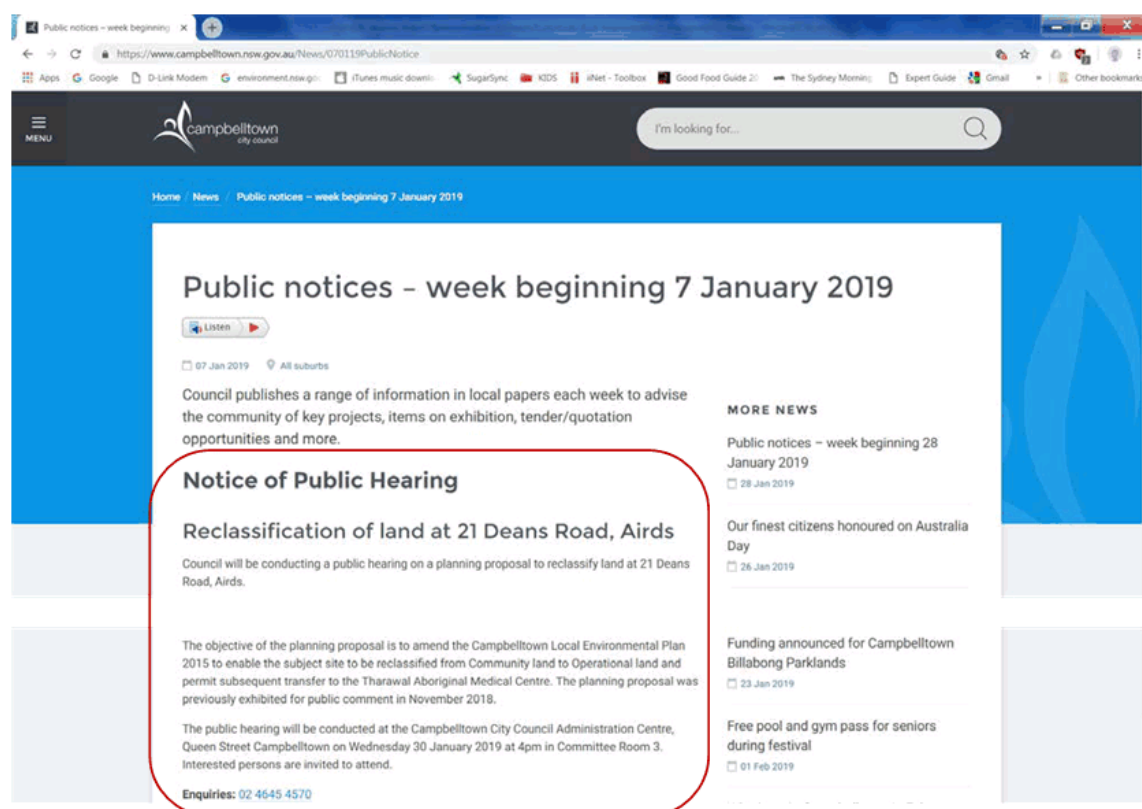
Process	Relevant legislation
Amendment made to the Campbelltown Local Environmental Plan 2015 to reclassify the community land as operational land may make provision to the effect that, on commencement of the plan, the land ceases to be a public reserve, and that the land is by operation of the plan discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land.	Section 27 of <i>Local Government Act 1993</i>
Reclassification of the land to operational land.	Section 30(1) of <i>Local Government Act 1993</i>

1.5 Public hearing details

1.5.1 Advertising and notification

Council issued public notices about the public hearing on Council's website on 7 January and also on 14 January 2019 under 'Public Notices'
<https://www.campbelltown.nsw.gov.au/News/070119PublicNotice>

Figure 3 Campbelltown City Council Public Notices 7 January 2019



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 PROPOSED RECLASSIFICATION OF COMMUNITY LAND AT 21 DEANS ROAD, AIRDS
 FINAL REPORT
 PARKLAND PLANNERS

Council also placed public notices in local newspapers for the public hearing as follows:

- ❑ 8 January 2019 Macarthur Chronicle
- ❑ 9 January 2019 Campbelltown Macarthur Advertiser
- ❑ 15 January 2019 Macarthur Chronicle
- ❑ 16 January 2019 Campbelltown Macarthur Advertiser.

1.5.2 Timing of the public hearing

The public hearing was timed to occur after the public exhibition of and receipt of any written submissions regarding the planning proposal for the proposed reclassification of the land closed on 30 November 2018.

The public hearing to receive submissions on the proposed reclassification of community land at 21 Deans Road in AirDS was held on Wednesday 30 January 2019 from 4:00pm to 5:00 pm in Committee Room 3, Administrative Centre, Campbelltown City Council, Queen Street, Campbelltown.

1.5.3 Chairperson

As required under Section 47G of the *Local Government Act 1993*, Council appointed an independent chairperson, Sandy Hoy, Director of Parkland Planners, to chair the public hearing. Ms. Hoy has not at any time been either a Councillor or an employee of Campbelltown City Council.

1.5.4 Site inspections

Ms. Hoy inspected 21 Deans Road in AirDS prior to the public hearing.

1.5.4 Attendance at the public hearing

Council officer Barry Millwood (Consultant Strategic Planner) was present at the hearing to represent Council and to listen to verbal submissions.

Four members of the public representing the Tharawal Aboriginal Corporation, and one Tharawal community elder, attended the public hearing.

1.5.5 Agenda of the public hearing

A background information document was distributed to people attending the public hearing (refer to Appendix A). The agenda is on page 1 of the background information document. Ms. Hoy explained the purpose and process of the public hearing.

Verbal submissions regarding the proposed reclassification were received at the public hearing. A written submission from the Tharawal Aboriginal Corporation was received after the public hearing (refer to Appendix B). The content of submissions are outlined in more detail in Section 2 of this report.

With there being no further submissions or questions, Ms. Hoy closed the hearing at 5:00pm.

1.6 This report

This report presents verbal submissions made at the public hearing on 30 January 2019 regarding the proposed reclassification of community land at 21 Deans Road in Airds.

This report also makes recommendations to Council regarding the proposed reclassification.

Information included in the Appendices is:

- Appendix A: background information document which was available to everyone who attended the public hearing.
- Appendix B: written submission from the Tharawal Aboriginal Corporation.

2 ASSESSMENT OF SUBMISSIONS

All of the 5 community members who attended the public hearing and one written submission expressed support for the proposed reclassification of 21 Deans Road in AirDS from community land to operational land to occur as soon as possible.

Reasons for supporting the proposed reclassification that were raised at the public hearing and in the written submission are set out in Table 2 below.

Table 2 Assessment of submissions

Submission	Assessment
Question: could the transfer of land happen in this calendar year?	Mr. Millwood advised that could occur if the timetable set out in the Planning Proposal goes to plan.
The Tharawal Aboriginal Corporation has been established in AirDS for 35 years. The elders fought for land on which to build the medical centre. 21 Deans Road was a former bowling club until the medical centre was established.	Noted
The Medical and Clinical Training Centre has cultural significance to the local community which supports the medical centre. It is not just a medical centre, with the medical and other staff having a strong commitment to the local community. The medical centre helps to keep Aboriginal people out of emergency in hospitals.	Noted
The Medical and Clinical Training Centre is described as being the best in Australia, being a successful model for other Aboriginal medical services. The centre has positive impacts on universities and doctors	Noted
The Medical and Clinical Training Centre is a successful model for other Aboriginal services in general.	Noted
Tharawal does not have outright ownership of the Australian Government-funded improvements on the land to which it is contractually entitled. The Australian Government has expressed its deep concern at the prospect that that the building which it funded for the Tharawal (and South West Sydney) Aboriginal community will not be owned by Tharawal until Campbelltown City Council undertakes to transfer ownership of the land on which it was built to Tharawal. The 21 year lease to allow construction of the building is now irrelevant because the building was completed in 2014.	Noted. There is a strong imperative for the reclassification of the land to occur in order to facilitate the transfer of land from Campbelltown City Council to Tharawal Aboriginal Corporation to satisfy the desire of the Australian government and Tharawal Aboriginal Corporation for Tharawal to own the land.
If the land is not reclassified it would affect the future direction of the medical service.	Noted

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3 RECOMMENDATIONS

3.1 Recommendations regarding proposed reclassification

After considering the verbal submissions made at the public hearing outlined in Section 2, and the written submission received after the public hearing, there is a strong imperative for the reclassification of the land to occur in order to facilitate the transfer of land from Campbelltown City Council to Tharawal Aboriginal Corporation to satisfy the desire of the Australian government and Tharawal Aboriginal Corporation for Tharawal to own the land.

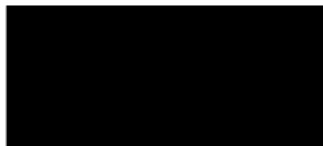
My recommendations to Campbelltown City Council regarding the proposed reclassification of 21 Deans Road in Airds from community land to operational land are to:

1. Note that the 5 people attending the public hearing supported the proposed reclassification of 21 Deans Road in Airds from community land to operational land.
2. Consider the viewpoints and issues raised in the verbal and written submissions outlined in Section 2 when making the decision whether to proceed with the proposed reclassification.
3. Reclassify the land from community to operational land to facilitate the transfer of the land from Campbelltown City Council to the Tharawal Aboriginal Corporation.

3.2 Recommendations regarding reporting

Within four days of receiving this report, Council is required under Section 47G(3) of the *Local Government Act 1993* to make a copy of this report available for inspection by the public. It is recommended that Council:

- ☐ send a copy of the public hearing report to the people who attended the public hearing.
- ☐ keep a copy of the public hearing report for inspection at its administration centre and at its libraries.
- ☐ post an electronic copy of the public hearing report on Council's website.



Sandy Hoy
Director
Parkland Planners

7 February 2019

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A BACKGROUND INFORMATION DOCUMENT

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PO Box 41
FRESHWATER NSW 2096
t: (02) 9938 1925
m: 0411 191866
e: sandy@parklandplanners.com.au
www.parklandplanners.com.au

Independent Chairperson:

Sandy Hoy

Director

Parkland Planners

PUBLIC HEARING UNDER SECTION 29 OF THE *LOCAL GOVERNMENT ACT 1993*

Proposed reclassification of community land at 21 Deans Road, AirDS

Wednesday 30 January 2019
4:00pm

Committee Room 3
Administrative Centre
Campbelltown City Council
Queen Street
Campbelltown

DESCRIPTION OF 21 DEANS ROAD, AIRDS

The subject site is located at Lot 21 DP 1180338, 21 Deans Road in Airds as shown in Figure 1 below.

Figure 1 Location map



21 Deans Road in Airds is currently:

- ☐ owned by Campbelltown City Council
- ☐ classified as community land under the *Local Government Act 1993*
- ☐ zoned R2 Low Density Residential under the Campbelltown Local Environmental Plan 2015. An additional permissible use of the land is aboriginal community and health facilities.
- ☐ leased to the Tharawal Aboriginal Corporation for 21 years to 3 September 2036 for a nominal rent.

Campbelltown City Council resolved on 13 December 2011 to approve the lease of 21 Deans Road, Airds to the Tharawal Aboriginal Corporation to facilitate construction of a medical/clinical centre. Upon Council's approval of the lease funding for the development of the centre was obtained from the Commonwealth Government. The facility has been constructed and is in full operation.

Further information about the site can be obtained from the Planning Proposal - Proposed amendment of Campbelltown Local Environmental Plan 2015: Reclassification of 21 Deans Road, Airds

WHAT IS RECLASSIFICATION OF COMMUNITY LAND?

Under the *Local Government Act 1993*, Council owned land is classified as either 'operational' or 'community'. Council owned land which is classified as 'community' land must be managed and kept for the purposes of the community and cannot be sold. Council owned land which is classified as 'operational' land may be sold/transferred. Under the *Environmental Planning and Assessment Act 1979* 'community' land can be reclassified to 'operational'.

WHY IS 21 DEANS ROAD PROPOSED TO BE RECLASSIFIED?

Council proposes to convert the land from long term lease to freehold title to transfer it to the Tharawal Aboriginal Medical Centre. Council is seeking to reclassify 21 Deans Road in Airds from community land to operational land to permit a subsequent transfer of the land to the Tharawal Aboriginal Corporation for a nominal amount following gazettal of the amendment to the Campbelltown Local Environmental Plan 2015.

WHAT ARE THE IMPLICATIONS OF RECLASSIFICATION?

It is not a "public reserve" that is currently available for use by the general public, such as community land used for parks or sportsgrounds as defined by the *Local Government Act 1993*. The proposed reclassification would not result in loss of open space or remove any public reserve status.

The extent of land available for use by the general public, and the operation of the Tharawal Aboriginal Medical Centre, will remain unchanged.

The site is zoned R2 Low Density Residential under the Campbelltown Local Environmental Plan 2015. Community facilities are permitted under this zoning. It is not proposed to amend the zoning to permit the existing operation of the medical centre as a health services facility, as it is a permissible use under *State Environmental Planning Policy (SEPP) Infrastructure 2007* which overrides the Campbelltown Local Environmental Plan 2015.

The reclassification will not result in any financial benefit to Council.

PROCESS OF RECLASSIFICATION

The *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979* set out requirements that Councils must follow when proposing to reclassify public land. For further information, refer to Appendix A.

Process	Relevant legislation
Lot 21 DP 1180338 was transferred to Council by the Macarthur Development Corporation on 28 January 1988 as part of a larger land parcel that was subsequently subdivided to create the current Lot 21.	
The land was classified as community land when the <i>Local Government Act 1993</i> comes into force.	Sections 25 and 26 of <i>Local Government Act 1993</i>
Council resolved on 13 December 2011 to reclassify the subject land from community to operational land, to provide the land to the Tharawal Aboriginal Corporation for an indigenous medical facility.	
A Planning Proposal was prepared to amend the Campbelltown Local Environmental Plan 2015 to enable 21 Deans Road in Airs to be reclassified from community land to operational land to permit subsequent transfer to the Tharawal Aboriginal Medical Centre.	Section 3.33 of <i>Environmental Planning and Assessment Act 1979</i>
The Campbelltown Local Planning Panel considered a report on the draft Planning Proposal on 27 June 2018. The Panel unanimously supported the proposal to reclassify land at 21 Deans Road, Airs as operational land.	
On 14 August 2018 Council resolves to support the draft Planning Proposal and to forward the draft Planning Proposal to the Greater Sydney Commission for a Gateway Determination.	
Council requested a Gateway Determination in respect of the Planning Proposal to reclassify 21 Deans Road in Airs from community to operational land. Council submits the Planning Proposal to the NSW Department of Planning and Environment 23 August 2018.	Section 3.34(1) of the <i>Environmental Planning and Assessment Act 1979</i>
Minister determines the Planning Proposal to reclassify 21 Deans Road in Airs from community to operational land should proceed, and issues Gateway Determination on 9 October 2018.	
Council places copies of the Planning Proposal and supporting information on public exhibition for comment for 30 days between Wednesday 31 October 2018 and Friday 30 November 2018. Copies were available at Council's Civic Centre, Campbelltown HJ Daley Library, and Greg Percival Library in Ingleburn. No public submissions were received.	Section 3.34(2) of <i>Environmental Planning and Assessment Act 1979</i>
Public notification of the public hearing on 7 and 14 January 2019 in the News section of Council's website and local newspapers.	
Council holds public hearing into proposed reclassification on 30 January 2019. The person presiding at a public hearing must not be a councillor or employee of the council holding the public hearing, or a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.	Section 29 of <i>Local Government Act 1993</i> Department of Planning and Infrastructure Practice Note PN09-003 Section 47G of <i>Local Government Act 1993</i>
Independent chairperson at public hearing prepares public hearing report and issues it to Council.	

PUBLIC HEARING - PROPOSED RECLASSIFICATION OF 21 DEANS ROAD, AIRDS

4

Process	Relevant legislation
Council must make a copy of the public hearing report available for inspection by the public at a location within the area of the council no later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing.	Section 47G of <i>Local Government Act 1993</i>
Consideration of the public hearing report and public submissions by Council.	
<i>If Council decides to proceed with the reclassification:</i>	
Report to Council on the public hearing and submissions.	
Council requests the Department of Planning and Environment to prepare the draft Local Environmental Plan to give effect to the Planning Proposal.	
Amendment made to the Campbelltown Local Environmental Plan 2015 to reclassify the community land as operational land may make provision to the effect that, on commencement of the plan, the land ceases to be a public reserve, and that the land is by operation of the plan discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land.	Section 27 of <i>Local Government Act 1993</i>
Reclassification of the land to operational land.	Section 30(1) of <i>Local Government Act 1993</i>

Appendix A – Relevant legislation

Local Government Act 1993

Part 2 Public land

Note. This Part requires all land vested in a council (except a road or land to which the *Crown Lands Act 1989* applies) to be classified as either “community” or “operational”.

The classification will generally be achieved by a local environmental plan but may, in some circumstances, be achieved by resolution of the council (see sections 31, 32 and 33).

The purpose of classification is to identify clearly that land which should be kept for use by the general public (community) and that land which need not (operational). The major consequence of classification is that it determines the ease or difficulty with which land may be alienated by sale, leasing or some other means.

Community land must not be sold (except in the limited circumstances referred to in section 45 (4)). Community land must not be leased or licensed for more than 21 years and may only be leased or licensed for more than 5 years if public notice of the proposed lease or licence is given and, in the event that an objection is made to the proposed lease or licence, the Minister’s consent is obtained. No such restrictions apply to operational land.

Classification or reclassification of land does not affect any estate or interest a council has in the land.

Community land would ordinarily comprise land such as a public park. Operational land would ordinarily comprise land held as a temporary asset or as an investment, land which facilitates the carrying out by a council of its functions or land which may not be open to the general public, such as a works depot or a council garage.

The use and management of community land is to be regulated by a plan of management. Until a plan of management is adopted, the nature and use of the land must not change.

Division 1 Classification and reclassification of public land

25 All public land must be classified

All public land must be classified in accordance with this Part.

26 What are the classifications?

There are 2 classifications for public land—“community” and “operational”.

Note. On the commencement of this Part, certain land that is vested in or under the control of a council is taken to have been classified as community land by the operation of clause 6 of Schedule 7.

27 How are the classifications made?

- (1) The classification or reclassification of public land may be made by a local environmental plan.
- (2) The classification or reclassification of public land may also be made by a resolution of the council under section 31, 32 or 33.

28 Forwarding of planning proposals to Minister for Planning

- (1) A council may not forward a planning proposal to the Minister for Planning under section 56 of the *Environmental Planning and Assessment Act 1979* which includes a proposal to classify or reclassify public land that is not owned by the council unless the council has obtained the consent of the owner to the proposed classification or reclassification of public land.

- (2) A local environmental plan that classifies or reclassifies public land may apply to one or more areas of public land.

29 Public hearing into reclassification

- (1) A council must arrange a public hearing under section 57 of the *Environmental Planning and Assessment Act 1979* in respect of a planning proposal under Part 3 of that Act to reclassify community land as operational land, unless a public hearing has already been held in respect of the same matter as a result of a determination under section 56 (2) (e) of that Act.
- (2) A council must, before making any resolution under section 32, arrange a public hearing in respect of any proposal to reclassify land as operational land by such a resolution.

30 Reclassification of community land as operational

- (1) A local environmental plan that reclassifies community land as operational land may make provision to the effect that, on commencement of the plan, the land, if it is a public reserve, ceases to be a public reserve, and that the land is by operation of the plan discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except for:
 - (a) any reservations that except land out of a Crown grant relating to the land, and
 - (b) reservations of minerals (within the meaning of the *Crown Lands*
- (2) A provision referred to in subsection (1) has effect according to its tenor, but only if the Governor has, before the making of the local environmental plan, approved of the provision.

Division 3 Miscellaneous

47G Public hearings

- (1) In this section, **public hearing** means any public hearing required to be arranged under this Part.
- (2) The person presiding at a public hearing must not be:
 - (a) a councillor or employee of the council holding the public hearing, or
 - (b) a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.
- (3) Not later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing, the council must make a copy of the report available for inspection by the public at a location within the area of the council.

Environmental Planning and Assessment Act 1979

3.33 Planning proposal authority to prepare explanation of and justification for proposed instrument—the planning proposal (cf previous s 55)

- (1) Before an environmental planning instrument is made under this Division, the planning proposal authority is required to prepare a document that explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument (the *planning proposal*).
- (2) The planning proposal is to include the following:
 - (a) a statement of the objectives or intended outcomes of the proposed instrument,
 - (b) an explanation of the provisions that are to be included in the proposed instrument,
 - (c) the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1),
 - (d) if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,
 - (e) details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.
- (3) The Planning Secretary may issue requirements with respect to the preparation of a planning proposal.

3.34 Gateway determination (cf previous s 56)

- (1) After preparing a planning proposal, the planning proposal authority may forward it to the Minister.
- (2) After a review of the planning proposal, the Minister is to determine the following:
 - (a) whether the matter should proceed (with or without variation),
 - (b) whether the matter should be resubmitted for any reason (including for further studies or other information, or for the revision of the planning proposal),
 - (c) the minimum period of public exhibition of the planning proposal (or a determination that no such public exhibition is required because of the minor nature of the proposal),

Note.

Under Schedule 1, the mandatory period of public exhibition is 28 days if a determination is not made under paragraph (c).

- (d) any consultation required with State or Commonwealth public authorities that will or may be adversely affected by the proposed instrument,
- (e) whether a public hearing is to be held into the matter by the Independent Planning Commission or other specified person or body,
- (f) the times within which the various stages of the procedure for the making of the proposed instrument are to be completed,
- (g) if the planning proposal authority is a council—whether the council is authorised to make the proposed instrument and any conditions the council is required to comply with before the instrument is made.

- (3) A determination of the community consultation requirements includes a determination under section 3.22 (or other provision of this Act) that the matter does not require community consultation.
- (3A) Before making a determination under subsection (2), the Minister must refer the planning proposal to the Greater Sydney Commission if:
- (a) the proposal relates to land within the Greater Sydney Region, and
 - (b) the Minister is of the opinion that the proposal is likely to significantly affect the implementation of a strategic plan affecting that Region.
- (3B) On referral of a proposal, the Greater Sydney Commission must, within the period specified by the Minister, advise the Minister as to whether or not the Commission supports the planning proposal.
- (4) The regulations may provide for the categorisation of planning proposals for the purposes of this section, and may prescribe standard community consultation requirements for each such category.
- (5) The Minister may arrange for the review of a planning proposal (or part of a planning proposal) under this section to be conducted by, or with the assistance of, the Independent Planning Commission or a Sydney district or regional planning panel:
- (a) if there has been any delay in the matter being finalised, or
 - (b) if for any other reason the Minister considers it appropriate to do so.
- (6) The planning proposal authority may, at any time, forward a revised planning proposal to the Minister.
- (7) The Minister may, at any time, alter a determination made under this section.
- (8) A failure to comply with a requirement of a determination under this section in relation to a proposed instrument does not prevent the instrument from being made or invalidate the instrument once it is made. However, if community consultation is required under Schedule 1, the instrument is not to be made unless the community has been given an opportunity to make submissions and the submissions have been considered under that Schedule.

B WRITTEN SUBMISSION

PUBLIC HEARING REPORT:
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THARAWAL
ABORIGINAL CORPORATION
 ABN 34 539 456 306 ICN 207

Funded by: Commonwealth Department of Health & Ageing,
 Department of Families & Community Services,
 NSW Department of Health &
 NSW Department of Community Services

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

Dear Lindy

**Transfer to Tharawal of a part of Kevin Wheatley Reserve being part of Lot 2
 DP537620 Deans Road, Airds, currently subject of an Agreement to Lease**

I wish to raise with you a matter which is very long overdue for Council rectification and which is increasingly important to Tharawal.

In Financial Year 2011-2012, Campbelltown Council required an increase in the number of parking spaces provided as part of the construction on Tharawal land of a new Medical and Clinical Training Centre funded by the Australian Government under a grant to Tharawal. This requirement brought to light the fact that Tharawal's own land then set aside for the new building, would not be sufficient to meet this substantial increase in parking spaces.

This issue was communicated to Campbelltown Council which agreed that a lease of 21 years over then Community Land in Deans Road, Airds (which backs onto Tharawal's own land) would be granted to Tharawal, providing access to land sufficient to meet the new increased parking requirements and giving more than enough time for the construction of the new building to be completed. This lease arrangement would also allow Council ample time to set in motion a rezoning and reclassification process to seek agreement to this Community Land being re-classified as Operational Land, being a classification under which Council said it would be able to transfer the land outright to Tharawal.

Through subsequent various communications between Tharawal and Council, both verbal and written, assurances were received that Council would be doing all in its power to transfer the subject land outright to Tharawal within a period of 18 months from 22 February 2012, this being the date (now over five years ago) on which senior Council officers (yourself and Mr Bruce McCausland) attended a meeting of Tharawal's Board of Directors in order to provide these assurances in person.

In the event, construction of the Australian Government-funded Medical and Clinical Training Centre was completed on 19 December 2014. This date was well before registration of Tharawal's lease over the subject land which did not occur until January 2016 - and which provides for a lease period extending until 3 September 2036. Thus the 21 year lease concept in order to allow construction was and remains clearly irrelevant.

*"Your health,
 Our commitment"*

Postal Address:
 PO Box 290
 Campbelltown NSW 2560

Medical Building entrance from:
 21 Deans Road
 Airds NSW 2560

Access to Tharawal:
 187 Riverside Drive,
 Airds NSW 2560

Phone: 02 4628 4837
 Email: TharawalAMS@tacams.com.au

Administration Fax: 02 4625 6278
 Medical Fax: 02 4627 8066

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However, the stark fact remains that Tharawal still does not have outright ownership of the Australian Government-funded improvements on the subject land to which it is contractually entitled (a new Medical and Clinical Training Centre).

The Australian Government has expressed its deep concern at the prospect that the building which it funded for the Tharawal (and South West Sydney) Aboriginal community will not be owned by Tharawal until Council makes good on its undertaking to transfer ownership of the land on which it was being built, to Tharawal.

This matter requires urgent action. It is a matter of justice for the Tharawal and South West Sydney Aboriginal communities that the Australian Government's funding intentions, namely a new state-of-the-art Medical and Clinical Training Centre for Tharawal and the South West Sydney Aboriginal community, be followed in good faith to assist in "Closing the Gap" on Aboriginal health inequality.

On behalf of the Tharawal Board and community I look forward to hearing from you in a definitive way in relation to this long overdue matter, including an indication from Council of the deadline by when ownership of the subject land will transfer outright to Tharawal.

With kind regards
Yours sincerely



DC Wright
Chief Executive Officer
Tharawal Aboriginal Corporation

31st August 2017

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8.2 Exhibition of Greater Macarthur 2040 and Special Infrastructure Levy

Reporting Officer

Director City Development
City Development

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.1 - Provide opportunities for our community to be engaged in decision making processes and to access information

Officer's Recommendation

That a copy of this report outlining the major issues identified, be forwarded to the Department of Planning and Environment as Council's formal submission to the Greater Macarthur 2040: An Interim Plan for the Greater Macarthur Growth Area and the Greater Macarthur Special Infrastructure Contribution Plan including:

1. The need for additional east-west koala habitat corridors
2. Provision of viable and effective fauna / koala crossings to link key habitat corridors
3. Specific actions to increase the ratio of local jobs above the current baseline
4. Appin Road to serve a regional arterial and not State road function
5. Greater commitment to early delivery of public transport to new communities
6. Alignment of the Special Infrastructure Contributions levy with the provision of housing diversity.

Purpose

The purpose of this report is to provide the Council a summary of the key issues for the Campbelltown Local Government Area as a result of the Greater Macarthur 2040 Interim Plan and Special infrastructure Contribution and seek an endorsement for a submission to the Department of Planning and Environment.

Background

In November 2018, the Department of Planning and Environment released its draft Greater Macarthur 2040: An Interim Plan for the Greater Macarthur Growth Area, followed by the associated Greater Macarthur Special Infrastructure Contribution Plan for public comment.

Greater Macarthur 2040 is a land use and infrastructure implementation plan that will guide precinct planning within the Growth Area. The Plan is supported by strategies for major items of State and local infrastructure and includes an updated structure plan for the land release areas of South Campbelltown. Future land use plans will need to be consistent with the document which may proceed as either land owner initiated proposals or State led.

The plan builds on previous studies and strategies developed for the Growth Area including:

- 2015 Greater Macarthur Land Release Investigation: Preliminary Strategy and Action Plan
- 2015 Greater Macarthur Land Release Investigation: Land Use and Infrastructure Analysis
- 2015 Glenfield to Macarthur Urban Renewal Corridor Strategy
- 2017 Precinct Plans for each renewal precinct (except Glenfield)

A Memorandum of Understanding (MOU) was also executed between Council and the Department in 2016 to advance an infrastructure funding mechanism via the preparation of a Special Infrastructure Contribution levy (SIC).

Councillors received a briefing on the draft Plan and the SIC levy by the Director City Development on 26 February 2019, where it was agreed that a submission report be considered at the next Ordinary meeting of Council.

Report

This section provides an overview of the Greater Macarthur 2040: An interim plan for the Greater Macarthur Growth Area (the Plan) and the SIC levy and identifies what are considered to be the key implications for Campbelltown.

1. Context

The Plan provides a strategic framework to facilitate and manage growth of the Greater Macarthur over a 20 year planning horizon to 2040.

The Plan is intended to guide strategic land use planning by informing the preparation of local environmental plans and planning proposals in accordance with Part 3 of the *Environmental Planning and Assessment Act 1979*. A new Section 9.1 Direction is proposed to require that all local or State planning proposals are to be consistent with the Plan. This direction will also apply to the current preparation of Council's Local Strategic Planning Statement which is required to be consistent with the vision, objectives and directions of the Plan.

2. Structure Of The Plan

The key themes of the Plan are place, landscape, built form, land use and movement which form part of the overall vision statement. Each theme contains objectives and planning principals that will need to be addressed in future amendments to local or State planning instruments.

3. Issues

The Department of Planning and Environment is seeking feedback on the Plan and proposed SIC levy. Accordingly, it is recommended that Council's submission be based on the following issues in accordance with the key themes:

3.1. Place

The Greater Macarthur is comprised of 12 precincts, including seven urban renewal precincts and five land release precincts. The place objectives and principles provide for precincts that will be great places to live and work, recognise local character of places, people and the environment.

The Growth Area within the Campbelltown Local Government Area (LGA) would provide for in the order of 17,900 dwellings in the existing urban renewal corridor and approximately 39,000 dwellings in the land release precincts. Approximately 19,000 of the 39,000 new dwellings are expected to be delivered in new land releases within the Campbelltown LGA, with the remainder forming part of the Wollondilly LGA.

Key initiatives include increasing the tree canopy coverage via the development of Green Plans and ensuring that new development is supported by appropriate local and regional infrastructure.

Key issues for Council

- a) The proposal to increase tree canopy coverage by the development of Green Plans appears to rely entirely on the embellishment of public space such as parks, sports fields and road reserves. Concern is raised that the tree canopy target of 40 percent cannot be achieved on public land only and requires greater support to encourage take up on private land. For example, the introduction of the requirement to plant two trees in association with the Greenfield Housing Code only requires the trees to be present at the certification stage of dwelling construction (prior to occupation certificate) with no monitoring or incentive process to ensure they reach maturity.

Recommend: That alternate and stronger mechanisms must be implemented which could include financial incentives, rebates or the like to ensure that trees reach full maturity in all new release areas and that the objectives and benefits of a substantial tree canopy are realised.

- b) Council may be required to amend or prepare a new Section 7.11 plan (Developer Contributions) to accommodate future growth in its urban renewal and land release precincts. Under the current arrangement, land may be rezoned for urban purposes before Council has an IPART reviewed plan in force. As a result, there is a risk of development being approved in the Growth Area without provision for the local infrastructure needed to support the development.

Recommend: That Environmental Planning and Assessment Regulation 2000 should be amended to extend the existing provision of Clause 270A (Contribution Plans for Sydney Region Growth Centres) to also apply to land in the Greater Macarthur Growth Area.

- c) Council delivery of local infrastructure is outlined in both the Place and Implementation sections of the Plan. A draft infrastructure list is provided in the Appendix as Table 3 and includes various transport, open space and community facilities for the urban renewal and land release precincts.

Although the provision of an infrastructure list with responsible authorities is important, the funding of NSW Health facilities and State Arterial Roads via Section 7.11 contributions would be inconsistent with the Minister's Local Infrastructure Contribution Direction and 2019 Practice Note which limits the types of facilities that may be included in a Section 7.11 plan.

Recommend: That Section 7.11 contributions be removed as a funding source for NSW Health facilities and State arterial roads which should be fully funded from the SIC levy or other sources.

3.2. Landscape

Environmental conservation and protection is a key theme of the Plan and focuses on strategies for conservation of flora and fauna, including Koalas. Of particular note, a Strategic Level Conservation Plan is under preparation that will inform measures to protect the Wollondilly and Campbelltown koala population. This includes protecting a single east-west koala movement corridor along Ousedale Creek (parallel with Macquariedale Road) with a minimum width of 425 metres. In addition, development is not proposed for areas east of Appin Road, which are to be investigated for revegetation.

A grant program is also proposed to ensure koala friendly planning actions and values are held by the new community.

Key issues for Council

- a) Concern is raised that east-west koala movement corridors between the Georges River and Nepean River are classified by the OEH as secondary corridors for the purpose of assigning significance.

On 13 March 2018, Council adopted the South Campbelltown Koala Habitat Connectivity Strategy which confirmed the natural asset corridors in Macarthur South are sustaining resident koala populations with high occupancy rates; confirming not only the presence of koalas, but the importance of the natural asset corridors in providing koala movements and the exchange of genetic material between the Campbelltown and Nepean Koala populations. Details of this study have been provided to the Department and OEH with no acknowledgement of its findings in the Plan.

Recommend: That sustainable and effective east-west environmental corridors catering for the safe movement of fauna between the Nepean River and Georges River areas, must be provided within the Campbelltown LGA as part of the Greater Macarthur Release Area.

- b) The issue of facilitating appropriate habitat crossings in relation to the proposed Appin Road upgrade and Safety Improvements projects has been raised at a number of Koala roundtable meetings held by the NSW Department of Planning and Environment (DP&E), and made in writing to a number of State and Federal Ministers.

Concern is raised that neither project has explored the logistics of any opportunities to design, develop and incorporate evidence-based ecological road design solutions (eg fauna overpasses and/or underpass structures) to mitigate fragmentation of core habitat, retain corridor connectivity and minimise the significant impact both projects are likely to have on intrinsic biodiversity values in the south Campbelltown area.

Recommend: That the current planned upgrade of Appin Road incorporate grade separated fauna crossings that cater for the safe movement of all native wildlife.

- c) The proposed \$1 million grant program to be expended over two years appears to exclude koala care from its scope. As habitat management and replanting is likely to form part of the Cumberland Plain Conservation Plan which will be separately funded, it is appropriate that veterinary services and the like be eligible for funding.

Further, urbanisation of South Campbelltown will occur over the next 50 years and will demand a recurrent program to support ongoing community based actions.

Recommend: That the proposed grant program be recurrent and also apply to developing a koala care program.

3.3. Land Use

The Growth Area will offer a mix of residential, commercial and industrial uses along existing and proposed transport corridors. Key themes include housing diversity, affordable housing, job creation and provision of social infrastructure. Economic development initiatives will also be prepared in consultation with Council to target an additional 20,000 jobs over 20 years.

Key issues for Council

- a) Concern is raised that the proposed target of 21,000 additional jobs in the Glenfield to Macarthur Corridor and 20,000 additional jobs within or accessible to release areas does not contribute to increasing the current ratio of jobs to every working aged person. In a typical Australia City, the urban region will have a ratio of 0.7 jobs to every working aged person. The current draft plan, would only add enough jobs to maintain the current ratio for Campbelltown which is below 0.5 jobs.

As outlined in Council's Re-imagining Campbelltown CBD vision, the Macarthur Region currently suffers from a deficit of local jobs, resulting in 64 percent of working residents leaving the region every day for work. This is inconsistent with objective of achieving a 30 minute city, where people live within 30 minutes of their job.

Recommend: The Plan should include specific actions to attract specialised employment and aim towards an increased jobs target to improve the current employment ratio and reduce existing commute times.

- b) Schools are an important part of the urban fabric and planning for their location to enable safe and convenient access should be a priority. Unfortunately, there have been recent examples across the Sydney Metropolitan Area where new schools have been delivered on sites not envisaged by the precinct plan or the size and scale has changed. In addition, supporting transport infrastructure such as employee parking, traffic signals and pedestrian crossings is not seen by the Department of Education to be their responsibility and should be urgently addressed.

Recommend: That provision for, and location of new schools be identified in new precinct plans, so that supporting transport infrastructure can be provided to support safe and convenient access to students and school employees.

- c) Unlike the Glenfield to Macarthur corridor, land release areas do not enjoy convenient access to public transport, shops and services during the early years of development. Therefore, the provision of medium to high density housing should only proceed when suitable services are available to meet demand.

Recommend: That provision of medium to high density housing in land release precincts also be linked to proximity and availability of public transport, shops and services.

- d) Concern is raised that the Plan does not provide clear guidance or high level planning response to key housing issues relevant to Campbelltown.

This includes:

- Responding to an aging population and the demand for aged care housing and support services
- Responding to demographic needs such a high number of more people living alone
- Ensuring new housing supply responds to the social needs of the population and is not only affordable but also adaptable

Recommend: The Plan incorporate strategies that ensure housing diversity is provided across the Growth Area in addition to the rezoning of land. It is essential that new housing meet the social needs of our population.

3.4. Movement

The Plan proposes a number of transport solutions that are intended to support the State Government's Future Transport 2056 Plan. Key initiatives include:

- Extension of Cambridge Avenue from the rail line to the Hume Motorway to service Glenfield West
- A road connection over the rail corridor at Badgally Road to prioritise bus and active transport
- Minto/Ingleburn Industrial Link Road
- A connection between the Hume Motorway and Road at Rosemeadow (Spring Farm Parkway)
- A new east-west connection in Gilead south of Beulah
- A new east-west connection through West Appin
- A transport corridor running north-south through the land release precincts to the rail line at Douglas Park

The Plan also aspires to improve public transport so that 70 percent of people live within 30 minute of work, study and leisure opportunities.

Key issues for Council

- a) The proposed six lane upgrade of Appin Road between Rosemeadow and Mt Gilead is inconsistent with Council's vision for the Campbelltown CBD and does not appear to consider the role of Appin Road/Narellan Roads in carrying through traffic.

Appin Road should be serving a regional arterial function, delivering traffic to Campbelltown from areas to the south, not a State Road function transferring through traffic across Campbelltown.

Through traffic should be diverted via the future Spring Farm Parkway and the West Appin sub-arterial connecting to the M31 Freeway at Douglas Park (possible Stage 1 Outer Sydney Orbital) when constructed. This would free up capacity on Appin Road and Narellan Road to service the growing traffic needs of the Campbelltown/Macarthur growth precinct identified in the State Government's Corridor Strategy and further supported in Greater Macarthur 2040.

Recommend: Appin Road should be designed as a four lane road consistent with the existing sections of Appin Road from Fitzgibbon Lane to Narellan Road. Cost savings from a reduced corridor width would be better applied towards a link road corridor currently under investigation by the RMS, with construction of the Appin Road upgrade being commenced from the centre of the road corridor, instead of from the outside-in. This would assist in the further protection of natural areas along the outer edges of the road corridor, in the case that due to other infrastructure coming on line in the future that reduced the traffic volume along Appin Road, the six lanes are found to not be required (such as possibly extending Appin Road directly east to meet the M31 Freeway).

- b) Concern is raised in relation to the role of the Jacobs report in scoping the future transport strategy for the Greater Macarthur given it was published in December 2017. Since this time, the announcement of the Outer Sydney Orbital, North South Rail Line, Greater Macarthur 2040 and the SIC levy have occurred which substantially alter the transport planning landscape.

Recommend: That modelling assumptions be updated to reflect a strategic level assessment of future transport planning outcomes for South Campbelltown that consider the future transport demand arising from contemporary information.

- c) The Plan suggests that the northern part of the Growth Area is well served by rail and bus transport with a comprehensive road network. Concern is raised that the Plan does not recognise the limitations of the existing transport network and public transport inefficiencies. This may limit the success of the urban renewal corridor and further increase local road congestion and residents reliance of private motor vehicles as a primary mode of transport.

Issues with the existing transport systems include (but are not limited to):

- circuitous routes
- infrequent services
- very limited provision of bus priority treatments, reducing the speed of bus travel relative to car use on a congested road network at peak times.

Furthermore, this reliance will increase local traffic congestion and reduce the attractiveness of Campbelltown-Macarthur as a destination in its own right, and as a focus for economic investment.

Recommend: The sustainable development of the Glenfield to Macarthur renewal precincts must be supported by a network of rapid bus or other road-based transit services.

- d) The Plan supports future transport integration between the North West, Western Sydney Aerotropolis, South West and Greater Macarthur growth areas. However, the success of this transport integration is reliant on upgrades to key road-based transit corridors. This will support development of the Glenfield to Macarthur precincts and improve their connectivity to, and through the South West Growth Area.

Recommend: The Plan be amended to identify the following key road based transit corridors and incorporate required upgrade in transport infrastructure planning and delivery:

- Badgally Road / Rickard Road corridor and Narellan Road corridor
- North-south corridor
- Raby Road corridor
- Bringelly Road corridor

- e) Concern is raised regarding the level of commitment and priority of the bus head start program referenced in the Plan. The Plan suggests that through Future Transport 2056, Transport for NSW has committed to a bus head start program to ensure that residents of new release areas have access to high quality bus services that are fast, frequent and direct from day one of occupation.

Despite this program being first announced by the State Government in the 2013 modal strategy Sydney's Bus Future, Campbelltown has not seen evidence of a coordinated effort from Transport for NSW and Roads and Maritime Services to deliver on these commitments in practice. It is also noted that the bus head start program has not commenced in the nearby Wilton Priority Growth Area.

Recommend: The Plan reaffirm its commitment to the bus head start program and provide clarity in regards to the timeframe for the delivery of bus services for new land release areas.

- f) Council has previously made a submission on the Outer Sydney Orbital, North South Rail Line and South West Rail Link Extension transport corridor protections. This submission is relevant to the Plan, particularly with respect to matching the planning horizon to Future Transport 2056 and early delivery of the rail connections between the Western Sydney Airport and Campbelltown.

In addition, electrification of the rail link from Macarthur to Wollondilly is listed as a public transport project in the State Governments recently released Future Transport Strategy 2056. However, it is understood that any future works would be for freight purposes only, which further increases the need to address the southern alignment of the Western Sydney Airport rail link to Macarthur to also service Menangle Park.

Recommend: That the Department receive and give strong regard to the recommendations of Council's submission dated 15 June 2018 as they relate to the Plan (see attachment).

- g) Concern is raised that the proposed 30 minute city objective is not supported by the strategy with respect to achieving transit oriented outcomes. Current projects under consideration such as the Appin Road upgrade, Spring Farm Parkway and Link road will simply connect these release areas to existing roads, with no transit priority provision.

Recommend: That the Plan be strengthened to provide further clarity around the alignment and delivery timing for key transit projects, including the north-south transport corridor.

3.5. Implementing The Plan

Implementation of the Plan requires a coordinated approach between the relevant Agencies, land owners and consent authorities to achieve orderly development. This requires the planning pathway for rezoning and development of land to align with State Agency budgets and for utility services to be available.

Key issues for Council

- a) Although the Plan refers to the opportunity for proponent led planning proposals, it is not clear whether this applies to land release precincts. The proposal to apply the Urban Development Zone via the Growth Centres SEPP would suggest that State led amendments will only be considered.

Recommend: That the Plan be amended to clarify the planning pathway for land release precincts.

- b) Concern is raised regarding the role of the Planning Partnership in rezoning the urban renewal precincts for Macquarie Fields to Macarthur. The Planning Partnership does not have any particular delegation to undertake this function and would also add another layer to the existing process which involves the provision of advice from the Local Planning Panel prior to a resolution of Council to seek a Gateway Determination.

Recommend: That the Plan be amended to clarify the role of the Planning Partnership for urban renewal precincts.

3.6. Proposed Special Infrastructure Contribution

A Special Infrastructure Contribution levy (SIC) is a charge paid by developers within Special Contribution Areas to ensure funding for key infrastructure required to support growing communities. A draft SIC levy is proposed to support the cost of new infrastructure valued at \$1.58b to support new homes in Menangle, Gilead, North Appin, West Appin and Appin East over the next 30 years, including:

- regional roads
- land for schools, community health facilities, police and emergency facilities
- biodiversity conservation
- planning and delivery costs.

The draft SIC levy is calculated on additional residential dwelling / lot basis. There are three rates proposed for the Grater Macarthur Growth Area being:

- North: \$39,710
- Central: \$43,985
- South: \$43,432

The proposed SIC levy does not apply to the urban renewal precincts of the Greater Macarthur which will be separately prepared and exhibited.

Key issues for Council

- a) The proposed flat rate per additional dwelling or lot is likely to impact on dwelling diversity as developers will seek to target housing product to optimise return on investment. This outcome is inconsistent with the place and land use principles of the Plan and is also inconsistent with the standard nexus approach imposed on Section 7.11 contribution plans. This will result in higher contributions than otherwise required for one and two bedroom dwellings and would not promote dwelling sizes that match demographic trends in household size.

Recommend: That the proposed SIC levy be amended to have a separate rate for one, two and three bedroom dwellings to encourage housing diversity.

- b) The proposed SIC levy rates are informed by a feasibility assessment that assumes a capacity to pay of \$75,000 per dwelling/lot. The assessment does not account for Section 7.11 contributions applied by Council which may exceed this threshold.

The Independent Pricing and Regulatory Tribunal (IPART) recently endorsed the Menangle Park Contributions Plan. The combined SIC levy and Section 7.11 contribution rate for development in Menangle Park would be approximately \$96,176 per lot, which exceeds the capacity to pay. This issue is further compounded by the proposed flat rate per dwelling as raised above.

Recommend: That the supporting feasibility assessment for the proposed SIC levy be updated to account for local Section 7.11 contribution plan rates.

- c) The proposal to apply a per-dwelling rate in the Growth Area is likely to generate a significant compliance and administration process for complying development.

Certifying authorities are currently required to consider Section 4.28 (Complying Development) of the *Environmental Planning and Assessment Act 1979* (Act) and Sections 136K and 136L of the Environmental Planning and Assessment Regulation (Regulation) when issuing a complying development certificate. Assuming the Act and Regulation is updated to reference the SIC levy, works may not commence until the relevant monetary contribution is made.

Council has experienced non-compliance with this requirement in relation to Section 7.12 levies and responds by issuing advice to the relevant certifying authority for payment. In some cases, works have commenced without payment giving rise to compliance action which is an additional administrative burden.

Recommend: That the obligation on certifying authorities in the Act and Regulation is updated to reflect the requirement to pay the SIC levy in the Greater Macarthur. In addition, that Council's be consulted in relation to the administration process for collection and enforcement.

- d) The proposed SIC levy does not include secondary dwellings in the list of additional residential dwellings subject to the plan.

Recommend: That the proposed SIC levy be updated to reference secondary dwellings and provide a differential contribution rate to reflect the lower occupancy rate for this form of development.

- e) The schedule of works only identifies a land acquisition value for the Transit Corridor. Transport planning for release precincts is often prepared on the basis that trip generation rates (to inform road and intersection design) include allowance for public transport use. The exclusion of capital towards actual delivery of the transit-way may cause significant delay and place further pressure on State and local roads in future years.

Recommend: That a capital value be included in the SIC levy for the future construction of the north-south transit corridor.

Conclusion

In December 2018, the NSW Government placed the Plan and draft SIC levy on public exhibition until early February 2019. The Plan includes objectives and planning principles relevant to the key themes of place, landscape, built form, land use and movement.

Unlike previous land use strategies, recent amendments to the *Environmental Planning and Assessment Act 1979* now give greater statutory weight to the Plan. Council will be required to give effect to the Plan and demonstrate consistency of future amendments to the Campbelltown Local Environmental Plan 2015 against the objectives and principles of the Plan when undertaking or reviewing future strategic plans or planning proposals.

It is recommended that a submission be made to the Department of Planning and Environment supporting the intent of the draft Plan and proposed SIC levy and suggesting amendments that would assist with addressing key local issues.

Attachments

1. Submission dated 15 June 2018 - Outer Sydney Orbital, North South Rail Line and South West Rail Link Extension (contained within this report)



15 June 2018

Ms Denise Wilson
Principle Manager Corridor Preservation Communication
Transport Planning
Freight, Strategy and Planning
Transport for NSW
Level 3, 18 Lee Street,
Chippendale NSW 2008

Dear Ms Wilson

Council is pleased to make the following submission on the proposed transport corridor protections. Council appreciates the extensive work that has been undertaken to date and acknowledges that this is not the final opportunity to have discussion on the proposals.

Without bringing forward the points within the submission, I would like to emphasise Council's view that there are a number of pieces of rail infrastructure construction work that need to be operational prior to the opening of the Western Sydney Airport (WSA). Protection of the corridor is extremely important but the early provision of some of the works is just as essential if we are going to see the full potential of the investment in the WSA.

Council is of the view that works could be undertaken on the existing rail network that will provide the crucial connectivity between the Macarthur region and the WSA. Although Council has raised a number of these points in previous submissions they have not been addressed in any of the documents provided on the corridor protection proposal. I would ask that an urgent meeting be held with my senior executives where Council may understand why the Department does not seem to see merit in what Campbelltown has proposed. In addition, Council may be able to express the benefits it believes these works would bring to the Macarthur District and the success of the WSA.

On behalf of Council thank you for considering our submission and I look forward to facilitating a meeting with senior members of the Department to discuss this matter further.

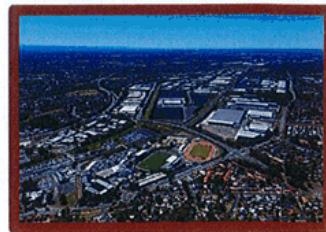
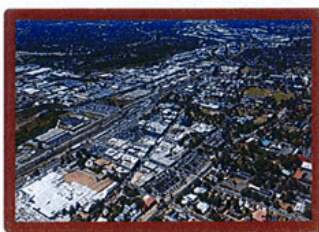
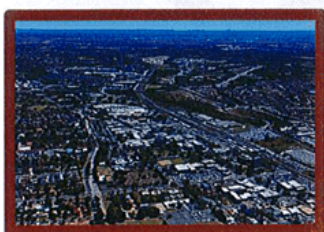
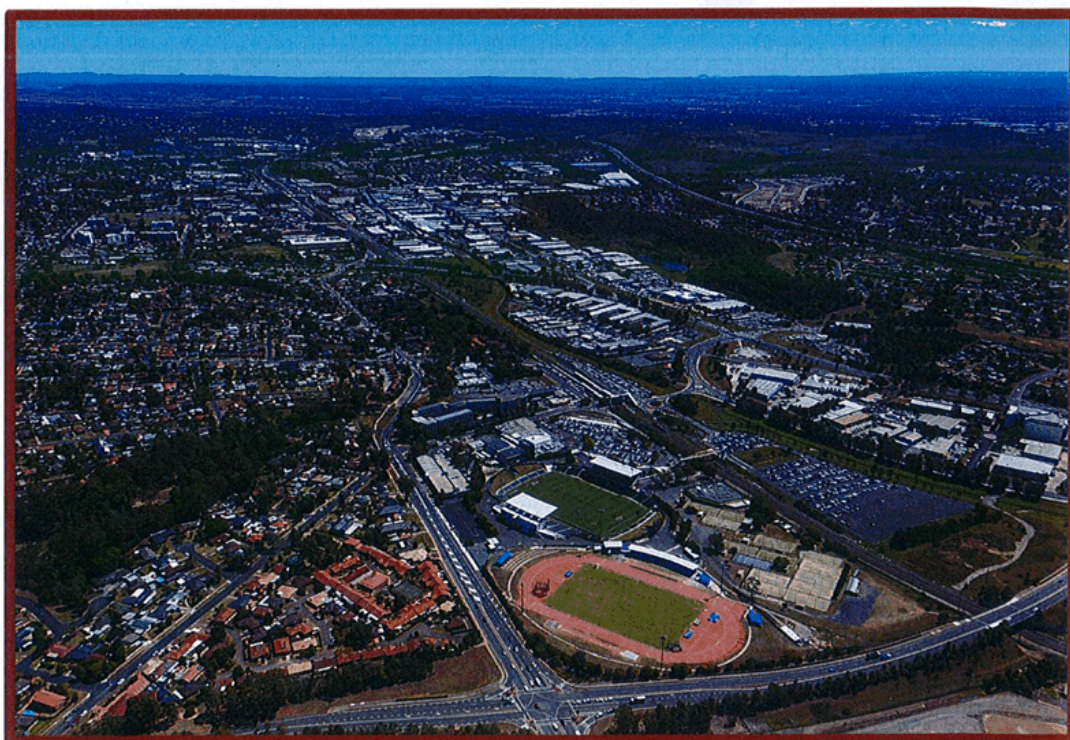
Yours sincerely

Signature removed

Lindy Deitz
General Manager

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

Submission to Outer Sydney Orbital, North South Rail Line and South West Rail Link Extension



1 Overview

Campbelltown City Council is providing feedback to Transport for NSW (TfNSW) in relation to the three transport corridors proposed to service the Western City District urban area south (Figure 1):

1. South West Rail Link Extension (SWRLE)
2. North South Rail Line (NSRL)
3. Outer Sydney Orbital (OSO).

The principal issues of concern to Council are summarised below. Subsequent sections provide more detailed comments specific to each of the three corridors (referenced in Figure 2). If required, Council can brief TfNSW directly on the issues raised, using plans prepared to a greater level of detail than can be included in this submission.

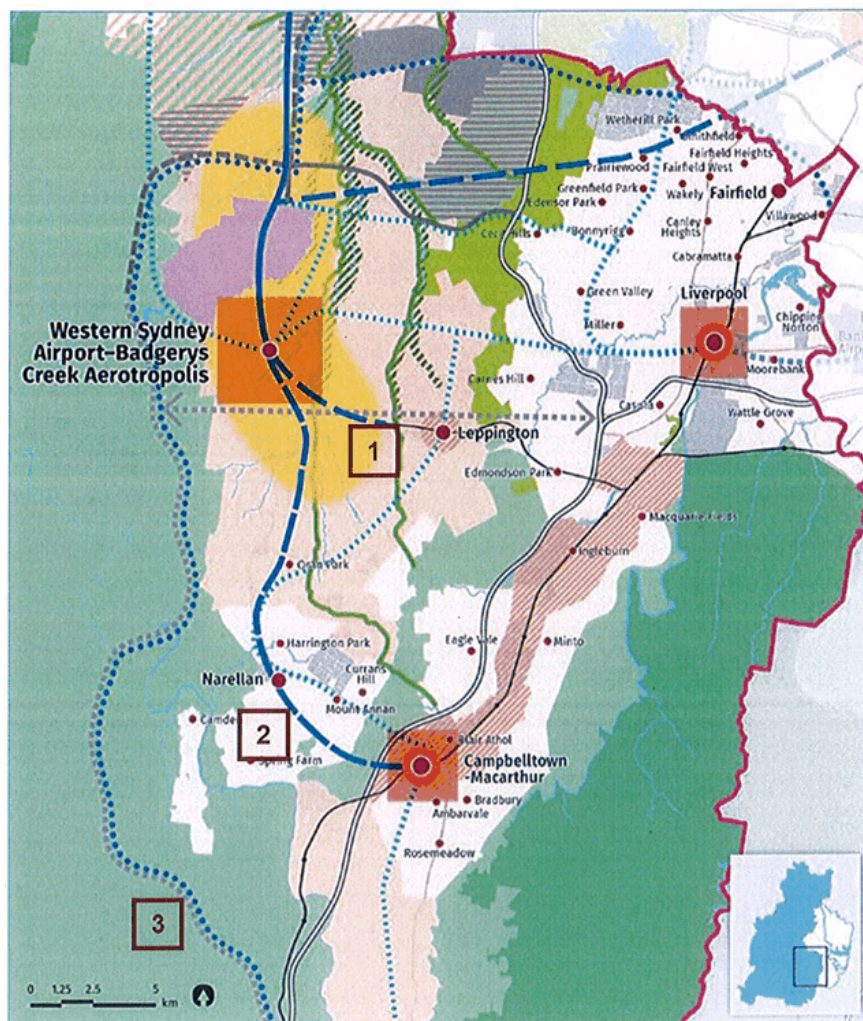


Figure 1 Western City District Plan: Structure Plan for the urban area south, showing transport corridors

1.1 Principal issues for Campbelltown

Council supports in principle an evidence-based process to identify and protect land on which transport infrastructure can be built in the future. At its most effective, corridor protection enables the delivery of major transport assets in the most economically efficient and sensitive manner: at surface but with a buffer to sensitive areas and existing land uses; full consideration of impacts and opportunities on developed and undeveloped lands; and at the time when urban development along the corridor has reached the threshold at which travel demand justifies investment. No application of this process could be more important and critical than planning ground transport links to support once-in-a-century investment in an international airport.

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In practice, the effectiveness of the corridor protection process, and Council's support for it, are conditional on:

- a) the most appropriate corridors being identified and protected;
- b) the protection of additional transport corridors that take into consideration the movement of people around the whole Macarthur region not just the transporting of people between centres;
- c) the extension of the limits of the Outer Sydney Orbital stage 1 corridor through to Appin Road;
- d) the realignment of the southern end of the NSRL into Menangle Park, not directly to Macarthur station;
- e) complementary land use and transport planning actions being commenced and, in some cases, completed before corridor reservations are finalised; and
- f) where the terrain provides the opportunity, the road and rail network should be buried through a cut and fill operation providing active land bridges over the transport network to ensure active and connected communities, as well as assisting with the safe and viable movement of fauna through these areas. This will increase the Government desire to create a sense of place around transport infrastructure build.

One consequence of a corridor being formally protected for transport use is that the land outside that corridor is at the same time effectively designated as being available for other uses. Thus, the corollary to the NSW Government using transport corridor protection to minimise future land acquisition and project delivery costs, is the risk that further required transport investments, if unforeseen at the time of corridor protection, will end up costing more. To mitigate this risk, there is pressure on corridor protection to "be done once and done well".

To that extent, corridor protection for south-western Sydney should look at least as far ahead as the NSW Government's own strategic planning horizon – i.e., to 2056, in line with the Greater Sydney Region Plan and *Future Transport 2056* suite of planning documents. Well within this horizon, Council's position is that the following strategic land use and transport needs should be provided for through the future-proofing of the transit system, but have but not yet been addressed by TfNSW's corridor identification work:

- The growth of the Western City south requires the development and operation of transit systems which provide a level of access between Campbelltown and other district centres that is equivalent to or better than today's direct train services to the Sydney CBD. Ensuring that the best system to service these needs can be delivered when the need arrives, land should be protected now for the provision of direct rail connections ("Y-links") between existing and new rail lines.
- Within a 40-year planning timeframe, the Greater Macarthur Growth Area shown in the Western City District Plan will be fully or substantially developed, with a population in the order of 850,000 people in the district. The

Campbelltown Council Submission (June 2018)



sustainable growth of this area requires the urgent consideration and protection of a realigned corridor section at the southern end of the NSRL; and of southern and eastern extensions from the NSRL and OSO corridors. These elements of a protected transport corridor network will be required in order to provide effective and efficient connections between the Greater Macarthur Growth Area and Greater Sydney – and the broader Western City south to the Illawarra region.

- The southern end of the NSRL should be realigned so that it feeds directly into Menangle Park and then onto Macarthur station thus providing improved access to the identified “city servicing transport corridor” through the centre of Macarthur South Growth precinct. This realignment will provide significantly greater opportunities for the provision of additional railway stations, in turn providing the communities within Camden and Wollondilly with improved access to the major transport networks.

In parallel, and fully integrated with the corridor identification (including the adjusted and additional corridor elements outlined above), TfNSW should undertake complementary transport planning activities that start to deliver the connectivity that the Western City south requires ahead of the development and operation of new rail and motorway links.

Planning should focus on the following issues, needs and opportunities:

- As previously noted, the formal gazettal of protected transport corridors will immediately remove some constraints on the development of greenfield areas along those corridors. This will result in an increase in the new population to the area. This resultant growth, on top of background growth in Campbelltown and neighbouring LGAs, will result in significant road congestion and related impacts on existing communities, unless interim improvements are made to transit services and operating assets.
- This transport planning will be required even under the best currently presented scenario for the development of rail to Western Sydney Airport (WSA). This has the NSRL connecting from St Marys only as far as WSA Aerotropolis (North Bringelly) by the time the new airport is operational in 2026. Hence it will be important for TfNSW and RMS to have progressed planning and delivery for rapid bus links connecting Campbelltown (through Camden LGA) and Liverpool to WSA Aerotropolis before transport corridors are finalised for protection.
- To maximise the viability of rapid bus services, and the access they provide to emerging centres, they should be routed via future NSRL and SWRLE station sites. The location of these nodes therefore needs to be identified as a matter of urgency before the relevant transport corridors are confirmed and protected.

- Additionally, connecting road links should be completed to and through emerging centres to enable the operation of direct and efficient bus services via (where necessary) new release areas whose existing road networks are partial and disconnected. In some cases, the necessary road link for buses may be provided as a temporary facility within the protected transport corridor itself, if this is configured to allow that interim use.

In saying this, Council is of the strong view that the delivery of the rail connections between WSA and Campbelltown should be brought forward and not replaced by the provision of a rapid bus solution. The rapid bus is an important compliment to the rail network not a replacement. A direct quote from the DSEA highlights the importance of these networks

The North South Rail line will act as a catalyst for the new Western Economic corridor. The provision of high capacity public transport will support the growth of the Western Economic Corridor by improving access to a wide range of jobs in new and existing centres and health education assets in the Penrith Health and Education Precinct and at Campbelltown – Macarthur.

Council see the early delivery of the SWRLE to the WSA as also being supported by this statement.

2 North South Rail Link

Council's understanding is that Stage 1 (St Marys to the WSA Aerotropolis) of the NSRL is to be delivered by the time that the WSA opens in 2026, subject to the business case now being prepared. Stage 2 (the southern link to Macarthur via Narellan) has not been provided with a delivery date. The current proposal for Stage 2 is for corridor protection, and further investigation in the context of other potential Western Sydney rail links including the SWLRE.

Of immediate and major concern to Council is that there is very little detail available in the corridor identification study regarding design options at the Macarthur end of the proposed tunnel from Oran Park. Council therefore requires the design-based clarification of the following issues before the confirmation of a preferred corridor:

- Based on the indicative tunnel corridor shown in TfNSW's maps for consultation, there is no certainty around how the NSRL would connect to Macarthur station. It is unclear whether the new rail line would exit from a tunnel prior to, or within, the existing Main South Line (T2) rail corridor.
- If the tunnel were to exit prior to the existing T2 rail corridor on its western side, there would be significant environmental impacts on Thompson Lake and the flood-prone area adjacent to Council's proposed Sports & Health Centre of Excellence, due for completion in late 2019.
- The NSRL alignment would potentially have to use an elevated structure to pass over the Southern Freight Line (which sits within the western section of the Main South Line corridor). This could have both visual and noise impacts on Macarthur Heights and Glen Alpine residential areas.
- There could also be impacts on the pedestrian rail overbridge that is proposed to link the Sports & Health Centre of Excellence to the west of the Main South Line corridor with the Menangle Road / Gilchrist Avenue intersection to the east of the railway.

Looking to the longer term, Council notes that there is no indication in TfNSW documentation of how the NSRL as currently proposed could benefit the major population increase expected in the Greater Macarthur Growth Area. This represents a missed opportunity which, if not taken, will result in Council bearing the cost of road upgrades and additional commuter car parking to meet this demand.

As a significant opportunity to improve the effectiveness of the transit system, including the NSRL, for the Greater Macarthur Growth Area as well as for existing suburbs, Council has therefore identified the potential for the southern section of the proposed NSRL corridor to be realigned between Narellan and the Campbelltown Local Government boundary; for the location of the identified potential sections of realignment and extension see boxes (A) and (B) in Figure 2.

Campbelltown Council Submission (June 2018)



The potential realignment and extension identified by Council would offer the following features and strategic benefits:

- Within the area shown by box (A), strategic rail engineering concepts already prepared for Council indicate that a realigned NSRL corridor can be located on the south-eastern side of the Main South Line (i.e., away from the WSU precinct altogether). This realignment provides a loop from Macarthur station that crosses the Main South Line at a point within the northern section of the Menangle Park growth precinct. The realigned corridor is co-located at this point with the proposed Spring Farm Parkway Link road.
- This section of realignment offers the opportunity for one or more additional NSRL stations; at Menangle Park north, Royal Botanical Gardens and at Mount Annan.
- Subject to the extension of rail electrification south of Macarthur, a station at Menangle Park north would provide an interchange between two major rail lines, within a high-profile growth precinct. This interchange would significantly improve access to Greater Sydney rail services for the Camden, Wollondilly and Southern Highlands communities, reducing growth pressures on the arterial road network and associated upgrade expenditure needs.
- Mount Annan is shown in the Western City District Plan as a future transit node; this would service the ongoing development of the Australian Botanic Gardens as a regional, national and future international destination, connected by direct rail services to WSA.
- South of Menangle Park, the realigned corridor section highlighted in box (A) provides the appropriate framework for the NSRL to be extended, providing a rail spine through the heart of the major Greater Macarthur Growth Area – see box (B), along the identified City Servicing transport corridor. This extension would drive sustainable and transit-oriented development outcomes in Greater Sydney's most significant remaining growth area, with higher-density development yields offsetting the cost of extended rail links. This important transport corridor could allow for the development of the first non-car dependent communities within Macarthur.

Based on strategic rail construction advice obtained by Council, a realigned corridor, with one or more stations servicing Narellan Vale and/or Spring Farm, could be deliverable at a significantly lower cost than the currently identified underground alignment between Narellan town centre and Macarthur.

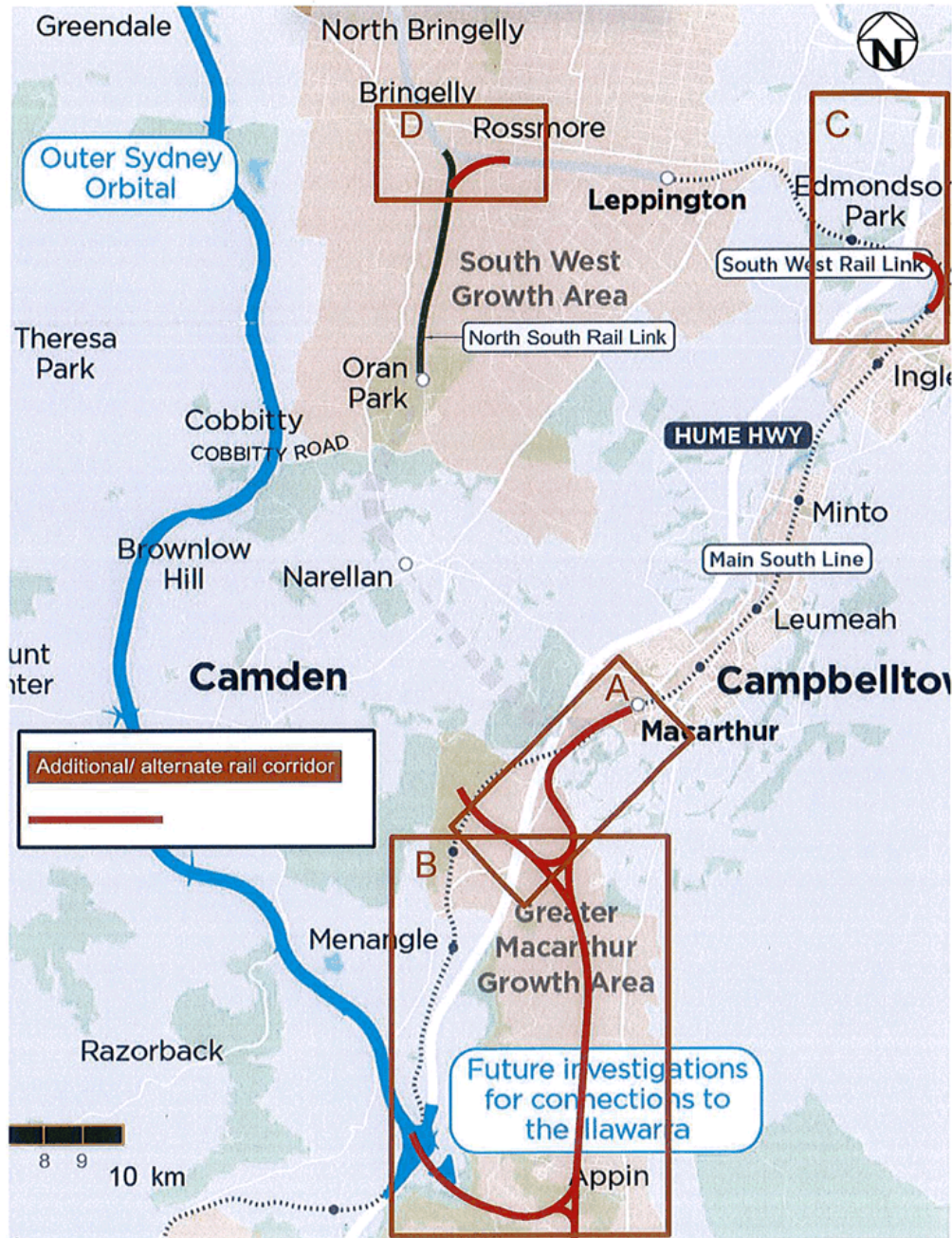


Figure 2 Locations of alternative and extended transport corridor sections

Campbelltown Council Submission (June 2018)



3 South West Rail Link Extension

At this point, as with the southern section of the NSRL, there is no proposed delivery date for the SWRLE. The current proposal by the NSW Government is that both the SWRLE and NSRL (south of the Aerotropolis) will be subject to further investigation, and only corridor reservation will be considered at this stage.

Council does not support this timeframe, on the basis that the Draft Strategic Environmental Assessment (DSEA) completed for TfNSW on the SWRLE and NSRL corridors identifies that Campbelltown LGA is expected to provide the main workforce for the construction and the early operation of the airport.

Notwithstanding this finding, and the importance of direct transit to service this demand, there is no indication or commitment in the DSEA or other NSW Government planning documents as to when significant investment will be made in any new rail mass transit to service the Western City south.

While the Western Sydney City Deal does commit to the delivery of rapid bus services between Campbelltown and the WSA-Aerotropolis, and both *Future Transport 2056* and the Western City District Plan (see Figure 2) indicate additional proposed rapid bus or other transit corridors for the Western City south, there is no or limited detail available on the scope of these proposals.

This exacerbates the significant risks already associated with uncertainty or delay around the completion of the SWLRE, a missing link in the rail network that will connect the established suburbs in Campbelltown LGA to jobs and other opportunities at WSA-Aerotropolis. These risks include major road congestion ramifications for the proposed growth of Campbelltown LGA and the Western City south, with potentially severe impacts on Gross Regional Product.

Additionally, even when it is delivered, the configuration of the SWRLE as currently proposed will not provide a “no-change” rail service for customers using the SWLRE to travel from Campbelltown CBD (and from stations to the north of the CBD) to the WSA or to the Aerotropolis east of the airport. Under existing and assumed future rail operating patterns, patrons using existing Campbelltown T2 services will be required to change to a T5 service at Glenfield, while patrons travelling from points north of Glenfield will have a direct service to the WSA.

This could prove a disincentive to rail use – especially for people with mobility issues, and for commuters who will already have to travel a long distance on a feeder service from home to their nearest station. For travellers originating beyond Campbelltown, from as far south as Canberra, direct NSW Trainlink services to WSA-Aerotropolis will also be highly beneficial.

On this basis, Council has already made, and still strongly supports, a submission to the NSW Government, in response to the Western Sydney Rail Needs Scoping Study and the Western Sydney District Plan, that advocates the following:

Campbelltown Council Submission (June 2018)



- The current and forecast rate of growth in the Western City south warrants a highly conservative approach to corridor protection.
- In the long term, with trains operating north and east of Campbelltown already at capacity in peak periods, consideration will have to be given to the conversion of the T2 train line between Macarthur, Glenfield and the Sydney CBD to Metro operation. Furthermore, technological innovation will make the interoperability of services between lines an increasingly viable response to demand.
- In contrast, the land that will be required to enable direct services between different rail alignments is a finite resource which must be, at a minimum, protected at the same time as the rest of the SWRLE corridor.
- The corridor protected for the SWRLE should therefore be expanded to allow for the provision of the two "Y-links" shown in Figure 2. These comprise a link between Macquarie Fields and Leppington, and a link between Rossmore and Oran Park north; these are highlighted in boxes (C) and (D) respectively.
- A Macquarie Fields–Leppington Y-link will carry train services directly between Campbelltown CBD and WSA-Aerotropolis. Council advocates not just the protection, but the early provision of this link, as a cost-effective mass transit solution for delivering the crucial workforce between the Campbelltown LGA and the new airport.
- An Oran Park north–Rossmore Y-link will do an equivalent job to the west, carrying direct train services between the South West Growth Area and, via Glenfield, both the Sydney CBD and Campbelltown CBD.
- With the addition of the third Y-link shown in box (B) (at the northern end of the Greater Macarthur Growth Area), a self-contained rail system will service the Western City south, connecting the district's major centres to each other as well as to the Sydney CBD, and enabling a paradigm shift towards the use of a transit by a predominantly car-dependent community.

4 Outer Sydney Orbital

Stage 1 of the OSO is proposed by the NSW Government to be located within a 200-330m-wide transport corridor commencing at the M31 at Douglas Park, traversing north to the WSA, and passing through St Marys to Maraylya. The corridor will provide the capacity for an outer orbital motorway (the M9) and a freight rail line, ultimately linking the Illawarra through Western Sydney and on to Newcastle and completely bypassing the Central City and Eastern City of Greater Sydney.

Council's comments on the OSO transport corridor proposal are as follows:

- While the proposed corridor is ostensibly to be protected for the delivery of a major motorway and freight rail line, Council's position is that other transport modes, including passenger rail, should not be restricted from consideration for use within the corridor.
- For the southern end of the OSO as it is currently proposed, urgent consideration should be given to the corridor's extension east from the M31 as far as Appin Road (see box (B) in Figure 2) as part of the stage 1 corridor protection process.
- To delay this would risk significant land use integration opportunities being forfeited, as major development is already being planned for this area. Furthermore, the OSO corridor and its eastward extension should be considered for future passenger rail and thus improved land use planning outcomes for the Greater Macarthur Growth Area.
- The extension of the OSO to Appin Road, south of the Appin town centre, from the M31, could provide a more cost-effective road network solution than the existing proposal to upgrade Appin Road through Campbelltown South to ultimately a width of six lanes. The early provision of this link will also remove significant congestion from the State road network in and around the Campbelltown CBD.
- The alignment of the OSO from Camden through to the M31, must ensure existing important arterial road connectors, such as Menangle Road and the Old Hume Highway, are not cut or diverted as this will result in an indirect but significant adverse impact on the ease of connection between the Southern and Northern parts of the Macarthur Region, and as such, will have an adverse and extremely detrimental impact on the Campbelltown and Camden commercial precincts, jobs, schools, hospitals, university, entertainment, etc., that are heavily patronised by families living south of the OSO corridor. Such a corridor must not disadvantage the families of the Wollondilly Shire and must not be developed in a way that results in an adverse impact on equitable accessibility to education, commercial, health, employment, and entertainment precincts.

Campbelltown Council Submission (June 2018)



- An OSO extension, coupled with a potential east-west passenger rail corridor from Douglas Park / Wilton to service the Greater Macarthur Growth Area, would reduce road infrastructure upgrade needs through the Campbelltown LGA. Furthermore, retaining Appin Road through Campbelltown South as more of a local road (two to four lanes wide) would also allow for the easier provision of fauna crossings between the Dharawal National Park and Campbelltown South, minimising risks to the regionally important koala population in this area.

8.3 Quarterly Legal Status Report 1 October to 30 December 2018

Reporting Officer

Director City Development
City Development

Community Strategic Plan

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

Officer's Recommendation

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 October to 30 December 2018 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 October to December 2018 (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 19/02/2019) **9**
 Costs for 2018/19 financial year for Class 1 DA appeal matters: **\$198,146.04**

1 (a) RAMM INVESTMENTS PTY LTD

Issue: Appeal against Council's refusal of development application No. 4202/2016/DA-M that sought consent for construction of 30 dwellings with basement car-parking and associated road works in Collis Place on property at Lot 101 DP 1044069 No 124 Minto Road, Minto.

Property: Lot 101 DP 1044069 No 124 Minto Road, Minto.

Property Owner: Ramm Investments Pty Ltd

Council File: Development Application No: 4202/2016/DA-M

Court Application: Filed on 6 December 2017 - File No. 2017/369487

Applicant: Ramm Investments Pty Ltd

Costs Estimate: \$28,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Progressive Costs: \$9,693.18

Status: Completed – agreement reached between the parties in respect of payment of the costs order against the applicant.

Progress: The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 4202/2016/DA-M that sought consent for construction of 30 dwellings with basement car-parking and associated road works in Collis Place on property at Lot 101 DP 1044069 No 124 Minto Road, Minto.

The proceedings were listed for first directions hearing on 1 February 2018, where the Registrar made certain procedural directions and adjourned the proceedings to 2 July 2018 before a Commissioner of the Court for conciliation conference.

At conciliation the Applicant agreed to amend the proposed development by reducing the number of dwellings and submit amended plans to Council by 25 August 2018. Conciliation adjourned to a date to be notified.

Agreement was reached between the parties and a Section 34 Agreement was executed and filed with the court. On 16 August 2018 orders were made by the court in accordance with the Agreement and conditional consent granted for the development comprising construction of 22 dwellings with basement car-parking and associated road works in Collis Place and landscaping works. An order for Council's costs against the Applicant was made in the sum of \$6,000 for costs thrown away as part of the assessment process, to be paid in 3 x \$2,000 monthly installments commencing 1 March 2019.

1 (b)	CAMPBELLTOWN NO. 1 PROPERTY DEVELOPMENTS PTY LTD
Issue:	Appeal against Council's deemed refusal of development application No. 3280/2016/DA-RA that sought consent for demolition of existing structures, construction of a 10 storey residential apartment building consisting of 105 residential units, basement car parking, 2 retail/commercial units and a boundary adjustment on property at Lot 3 DP 575491, Lot 50 DP 811930, Lot 51 DP 811930, No. 28 Cordeaux Street and 12 Cordeaux Street, Campbelltown.
Property:	Lot 3 DP 575491, Lot 50 DP 811930, Lot 51 DP 811930, No. 28 Cordeaux Street and 12 Cordeaux Street, Campbelltown
Property Owner:	Campbelltown No. 1 Property Developments Pty Ltd – 28 Cordeaux Street, Campbelltown. Anglican Church Property Trust – 12 Cordeaux Street, Campbelltown.
Council File:	Development Application No: 3280/2016/DA-RA
Court Application:	Filed on 14 December 2017 - File No. 2017/378179
Applicant:	Campbelltown No. 1 Property Developments Pty Ltd
Costs Estimate:	\$30,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Progressive Costs:	\$31,231.13
Status:	Completed – appeal upheld with conditional development consent granted, awaiting payment of costs order made against the applicant.
Progress:	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's deemed refusal of development application No. 3280/2016/DA-RA that sought consent for demolition of existing structures, construction of a 10 storey and 6 storey residential apartment building consisting of 105 residential units, basement car parking, 2 retail/commercial units and a boundary adjustment on property at Lot 3 DP 575491, Lot 50 DP 811930, Lot 51 DP 811930, No. 28 Cordeaux Street and 12 Cordeaux Street, Campbelltown.</p> <p>The proceedings were listed for first directions hearing on 2 February 2018, where the Registrar made certain procedural directions and adjourned the proceedings to 8 June 2018 before a Commissioner of the Court for conciliation conference.</p> <p>At conciliation the Applicant agreed to an amended development scheme and to submit amended plans to Council by 5 September 2018.</p> <p>The parties failed to reach agreement in conciliation. Accordingly, the proceedings have been adjourned to 28 to 30 November 2018 for hearing.</p> <p>Hearing completed. Judgment handed down on 30 November 2018, and orders made that the appeal was upheld and conditional consent granted to development application No. 3280/2016/DA-RA. The applicant was also ordered to pay the Council's costs thrown away as a result of the amendments made to the development application, as agreed or assessed.</p>

1 (c)	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 directions hearing on 20 February 2019.
Progress:	<p>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.</p> <p>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.</p> <p>At a further directions hearing on 7 July 2018, the matter was listed for a conciliation conference on 13 February 2019 commencing onsite.</p> <p>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.</p>

1 (d)	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)
Progressive Costs:	\$2,269.20
Status:	Ongoing – listed for further directions hearing on 14 February 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. 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 is listed for determination on 14 February 2019. It is anticipated that subject to directions of the Court, including assessment by Council of the amended plans, that the matter will be listed for conciliation conference at a date to be determined.</p>

1 (e)	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)
Progressive Costs:	\$2,036.80
Status:	Ongoing – listed for conciliation conference on 28 February 2019.
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 to 28 February 2019 for conciliation conference commencing onsite.</p>

1 (f)	ATTAR CONSTRUCTIONS PTY LTD
Issue:	Appeal against Council's deemed refusal of development application No. 1914/2018/DA-RS that sought consent for consolidation of Lot 4407 and Lot 4408 DP1217018 and construction of 4 attached two storey dwellings and subdivision into 4 strata allotments at properties known as 14 and 16 Poulton Terrace, Campbelltown.
Property:	Lot 4407 and Lot 4408 DP1217018 known as 14 and 16 Poulton Terrace, Campbelltown.
Property Owner:	14 Poulton Terrace: Mr Anwar Ali Malik; and 16 Poulton Terrace: Mr Shoaib Anwar
Council File:	Development Application No: 1914/2018/DA-RS
Court Application:	Filed on 2 August 2018 - File No. 2018/237013
Applicant:	Attar Constructions Pty Ltd
Costs Estimate:	\$28,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Progressive Costs:	\$4,022.58
Status:	Completed – appeal upheld and conditional consent granted. Cost recovery action ongoing.

Progress: The Applicant filed an appeal in the Land and Environment Court of NSW against Council's deemed refusal of development application No. 1914/2018/DA-RS that sought consent for consolidation of Lot 4407 and Lot 4408 DP1217018 and construction of 4 attached two storey dwellings and subdivision into 4 strata allotments at properties known as 14 and 16 Poulton Terrace, Campbelltown.

The proceedings were listed for first directions hearing on 30 August 2018, where the Registrar adjourned the proceedings to 1 November 2018 for conciliation conference commencing onsite.

The conciliation conference was adjourned for telephone conference on 22 November to update the Commissioner on the Applicant's commitment to submit revised plans to Council for consideration.

The parties reached agreement at conciliation as to amendments to be made to the development application which were subsequently confirmed by the Court. On 7 December 2018 the Court made orders upholding the appeal and granting conditional consent to the amended development application No. 1914/2018/DA-RS. The Court also ordered the applicant to pay Council's costs in the sum of \$2,000 in respect to assessment of the amendments to the development application.

1 (g)	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 conciliation conference on 12 March 2019.
Progress:	<p>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.</p> <p>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.</p>

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 further directions hearing on 1 March 2019.
Progress:	<p>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.</p> <p>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.</p> <p>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.</p>

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:	Ongoing - listed for directions hearing on 22 March 2019.
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>

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 19/02/2019)	1
Costs for 2018/19 financial year for Class 1 & 2 appeal matters:	\$31,158.47

2 (b) PREM KUMAR MISRA

Issue: Appeal against an Order given by Council to Prem Kumar Misra under the Environmental Planning and Assessment Act 1998 requiring the demolition of 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

Court Application: Filed on 28 September 2017 - File No. 2017/293824

Applicant: Prem Kumar Misra

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

Progressive Costs: \$46,372.45

Status: Completed – Notice of Discontinuance filed by the applicant.

Progress: The Applicant filed an appeal in the Land and Environment Court of NSW against an Order given by Council to Prem Kumar Misra under the Environmental Planning and Assessment Act 1979 requiring the demolition of 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 27 October 2017 where the Registrar made certain procedural directions and adjourned the proceedings to 28 February 2018 for conciliation conference before a Commissioner of the Court.

On 13 February 2018 by consent the conciliation conference was adjourned to 29 June 2018 due to the unavailability of the Applicant's solicitor to attend the 28 February 2018 conference.

At the conciliation conference it was clear that the parties were not going to be able to reach agreement in respect to the 31 unauthorised concrete hardstand car parking spaces constructed on premises; accordingly, the Commissioner terminated the conference and listed the proceedings for directions hearing on 6 July 2018.

At the directions hearing the Registrar made certain procedural

directions and listed the proceedings for hearing on 16 and 17 January 2019 commencing onsite.

The hearing dates were vacated given that an appeal against Council's deemed refusal of Building Certificate application No. 2361/2018/BC-UW had been filed with the Court. The two matters were listed for 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 court was advised that given the applicant has proceedings on foot in respect of Council's deemed refusal of Building Information Certificate for the hard stand parking areas (the subject of the Council's Order), Council had agreed to revoke the Order and proceed on the matter under the Building Information Certificate appeal. Accordingly, the applicant filed a Notice of Discontinuance of the Order appeal with the Court.

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 19/02/2019) 0
Costs for 2018/19 financial year for Class 4 matters \$31,571.41

3 (a) HELP SAVE MT GILEAD INC. v MOUNT GILEAD PTY. LIMITED

Issue: Notice of Summons (Judicial Review) filed by the Applicant in the proceedings received, providing an opportunity for Council to file a notice of appearance as an additional Respondent.

The Applicant is seeking declarations and orders from the Court that the Gateway Declaration made by the Director-General of the Department of Planning and Infrastructure on 7 September 2012 in relation to a proposal to rezone the following identified land is invalid; a declaration that Campbelltown Local Environmental Plan 2015 (Amendment No. 2) is invalid; an order setting aside LEP 2015 (Amendment No. 2); an order that the respondents pay the applicant's costs of the proceedings; and, such further orders as the Court thinks fit.

Land: Other Respondents named in the proceedings (Gilead Pty Ltd, Lend Lease and Department of Planning) actively defended the Summons. Council assisted in the proceedings by responding to a Notice to Produce relevant documents and preparing a statement of reasons for Council's recommendation to finalise the rezoning.
Lots 1 and 2 DP 807555 and Lot 59 DP 752042 (now Lot 3 DP 121887) and Lot 61 DP 752042 Appin Road, Mt Gilead.

Council File: 2937/2013/E-LEPA

Court Application: Filed on 7 December 2017 - File No. 2017/370175

Applicant: Help Save Mt Gilead Inc.

First Respondent Mount Gilead Pty Limited

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

Progressive Costs: \$8,164.32

Status: Completed – proceedings dismissed.

Progress: The proceedings were before the Court for first mention where the Judge made certain procedural directions including in respect to the production of documents. The proceedings were adjourned to 19, 20 and 21 June for hearing.

Council filed a Notice of Appearance as an additional respondent in the proceedings. Council did not have an active role in the hearing proceedings but was required to answer any Notices to Produce documents or records or attend to any other matters as ordered by

the Court.

Hearing completed, with Justice Moore handing down judgment on 20 September 2018 dismissing the proceedings.

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 19/02/2019)	0
Costs for 2018/19 financial year for Class 5 matters	\$10,811.48

4 (a)	Prosecution – Charge Matter
Court File No:	2017/166549
Offence:	Development without consent – importation and placement of unauthorised and uncertified fill materials within watercourse on property.
Act:	<i>Environmental Planning and Assessment Act 1979</i> sections 125(1) and 76A(1).
Progressive Costs:	\$85,903.76 – Matter dealt with by Council's Legal and Policy Officer instructing an external solicitor.
Status:	Completed – Agreement reached on Council's legal costs in the sum total of \$85,000 in both items 4(a) and 4(b), and payment made by the defendant.
Progress:	<p>The matter was before the Court for directions hearing on 14 July 2017 where the Judge made certain procedural directions concerning the filing and service by Council of a statement of facts and adjourned the proceedings to 25 August 2017 for preliminary hearing.</p> <p>The matter was before the Court for preliminary hearing on 25 August 2017 where the defendant entered a guilty plea to the charge. The Judge made further procedural directions concerning the filing and service by Council of an agreed statement of facts and expert evidence and adjourned the proceedings to 28 November 2017 for sentence hearing.</p> <p>The matter was before the Court for sentence hearing on 28 November 2017 where the expert evidence was presented. The Court indicated that the defendant should be given an opportunity to effect the clean-up under notice issued by Council, as this may have particular bearing on the sentence outcome. By consent the sentence hearing was adjourned to 30 April 2018.</p> <p>The proceedings were back before the Court for sentence hearing on 30 April, 9 and 21 May 2018 where being satisfied that the cleanup works had been effectively and satisfactorily completed; and, having heard the facts, as agreed, in the matter and submissions on behalf of the defendant and Council, Justice Robson reserved judgment to a</p>

date to be notified.

On 31 May 2018, Justice Robson handed down his judgment finding the offences proved. In determining the appropriate penalty for the offences, Justice Robson took into account the objective circumstances of the offences and the subjective circumstances of the defendant. Further he took into account the need for the Court, through the sentence it imposes, to ensure that the defendant is adequately punished for the offences committed, held accountable for his actions, and denounced for his conduct in a manner proportionate to the seriousness of the offences. Accordingly, the orders of the Court were: the defendant is convicted of the offence as charged and is fined the sum of \$52,500 (development without consent) and is ordered to pay Council's legal costs (\$108,700 including disbursements inclusive for items 4 (a) and (b)).

Agreement reached on Council's legal costs in the sum total of \$85,000 in both items 4(a) and 4(b), and payment made by the defendant.

4 (b)	Prosecution – Charge Matter
Court File No:	2017/166550
Offence:	Pollute waters – unauthorised and uncertified fill materials placed within watercourse, were washed off the property during a heavy rain event causing pollution and damage to adjoining natural watercourse and properties.
Act:	<i>Protection of the Environment Operations Act</i> section 120.
Progressive Costs:	Costs are included under Item 4(a) – Matter dealt with by Council's Legal and Policy Officer instructing an external solicitor.
Status:	Completed – As per item 4(a).
Progress:	<p>The matter was before the Court for directions hearing on 14 July 2017 where the Judge made certain procedural directions concerning the filing and service by Council of a statement of facts and adjourned the proceedings to 25 August 2017 for preliminary hearing.</p> <p>The matter was before the Court for preliminary hearing on 25 August 2017 where the defendant entered a guilty plea to the charge. The Judge made further procedural directions concerning the filing and service by Council of an agreed statement of facts and expert evidence and adjourned the proceedings to 28 November 2017 for sentence hearing.</p> <p>The matter was before the Court for sentence hearing on 28 November 2017 where the expert evidence was presented. The Court indicated that the defendant should be given an opportunity to effect the clean-up under notice issued by Council, as this may have particular bearing on the sentence outcome. By consent the sentence hearing was adjourned to 30 April 2018.</p> <p>The proceedings were back before the Court for sentence hearing on 30 April, 9 and 21 May 2018 where being satisfied that the cleanup works had been effectively and satisfactorily completed; and, having heard the facts, as agreed, in the matter and submissions on behalf of the defendant and Council, Justice Robson reserved judgment to a date to be notified.</p> <p>On 31 May 2018, Justice Robson handed down his judgment finding the offences proved. In determining the appropriate penalty for the offences, Justice Robson took into account the objective circumstances of the offences and the subjective circumstances of the defendant. Further he took into account the need for the Court, through the sentence it imposes, to ensure that the defendant is adequately punished for the offences committed, held accountable for his actions, and denounced for his conduct in a manner proportionate to the seriousness of the offences. Accordingly, the orders of the Court were: the defendant is convicted of the offence as charged and is fined the sum of \$31,500 (pollute waters).</p> <p>Agreement reached on Council's legal costs in the sum total of \$85,000 in both items 4(a) and 4(b), and payment made by the defendant.</p>

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

Ongoing Class 6 matters for the period (updated to 19/02/2019) 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 19/02/2019) 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 imposed

Ongoing District Court matters for the period (updated to 19/02/2019) 0
 Costs for 2018/19 financial year for District Court appeal matters \$0.00

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 19/02/2019) 6
 Costs for 2018/19 financial year for Local Court Matters \$0.00

File No:	LP31/18 – Penalty Notice Court Election
Offence:	Not stand vehicle in marked parking space
Act:	<i>Local Government Act 1993</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 25 September 2018 where the defendant entered a not guilty plea. The Registrar adjourned the proceeding to 15 November 2018 for hearing.
	Matter was before the Court for hearing on 15 November 2018 where the defendant changed their plea to guilty 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: LP34/18 – 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 16 October 2018 where the defendant entered a not guilty plea. The Registrar adjourned the proceeding to 7 December 2018 for hearing.

Matter was before the Court for hearing on 7 December 2018 where the defendant changed their plea to guilty 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: LP36/18 – Penalty Notice Court Election
Offence: Stop within 10-metres of intersection
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 6 November 2018 where the defendant did not enter a plea and sought an adjournment. By consent the Registrar adjourned the proceedings to 20 November 2018 for plea/mention.

Matter was before the Court for plea/mention on 20 November 2018 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: LP38/18 – Penalty Notice Court Election
Offence: Stop at side of road with continuous yellow edge line
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 13 November 2018, 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: LP39/18 – Penalty Notice Court Election
Offence: Stop on or near pedestrian crossing
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 13 November 2018, where the defendant did not enter a plea and sought an adjournment to seek advice. By consent the Registrar adjourned the proceeding to 4 December for further mention.

Matter was before the Court for further mention on 4 December 2018 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: LP40/18 – Penalty Notice Court Election
Offence: Disobey no-stopping sign
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 20 November 2018 where the defendant did not enter a plea and sought an adjournment. By consent the Registrar adjourned the proceedings to 11 December 2018 for plea/mention.

Matter was before the Court for plea/mention on 11 December 2018 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 \$50 fine.

File No: LP41/18 – Penalty Notice Court Election
Offence: Stop at side of road with continuous yellow edge line
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 listed for first mention on 27 November 2018, 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: LP42/18 – Penalty Notice Court Election
Offence: Stop within 10-metres of an intersection (no traffic lights)
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 listed for first mention on 27 November 2018, 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: LP43/18 – Penalty Notice Court Election
Offence: Fail to comply with Order 27 (remove derelict vehicle from public place – footpath area)
Act: *Local Government Act 1993*
Final Costs: \$0.00 – Matter dealt with by Council's Legal and Policy Officer.
Status: Completed
Progress: Matter was before the Court for first mention on 11 December 2018 where the defendant entered a not guilty plea. The Registrar adjourned the proceedings to 1 February 2019 hearing.

The matter was before the Court on 1 February 2019 for hearing where Council made application to the court for the matter to be withdrawn and dismissed – review of the brief of evidence revealed that the derelict vehicle had not been sufficiently described in the Order so as to positively discern it from a second vehicle (of similar description) kept on the owner's premises. The Magistrate granted Council's application and marked the Court papers accordingly.

File No: LP44/18 – 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 8 January 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.

File No: LP45/18 – 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 11 December 2018 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: LP46/18 – 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 27 November 2018 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: LP47/18 – 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 4 December 2018 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: LP48/18 – Penalty Notice Court Election
Offence: Stop within 10-metres of intersection (no traffic lights)
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 8 January 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: LP49/18 – Penalty Notice Court Election
Offence: Stop within 10-metres of intersection (no traffic lights)
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 8 January 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: LP50/18 – Penalty Notice Court Election
Offence: Not angle park as per parking control sign – 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 made no appearance. The Magistrate granted Council's application to proceed in the defendant's absence and after considering the evidence and submissions found the offence proved and convicted the defendant imposing a \$125 fine.

File No: LP51/18 – Penalty Notice Court Election
Offence: Stop within 10-metres of intersection (no traffic lights)
Act: *Road Rules 2014*
Progressive 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 guilty plea. After considering the evidence and submissions the Magistrate found the offence proved and convicted the defendant without imposing a penalty.

File No: LP52/18 – Penalty Notice Court Election
Offence: Stop on path/strip in built up area (school zone)
Act: *Road Rules 2014*
Progressive 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 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: LP53/18 – Penalty Notice Court Election
Offence: Not angle park as per parking control sign – 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 29 January 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: LP01/19 – 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 29 January 2019 where the defendant did not enter a plea. The Registrar adjourned the proceedings to 12 February 2019 for plea/mention.

Matter was before the court for plea/mention on 12 February 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 \$250 fine.

File No: LP02/19 – Penalty Notice Court Election
Offence: Stop on path/strip in built up area
Act: *Road Rules 2014*
Progressive 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 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: LP03/19 – Penalty Notice Court Election
Offence: Stop within 10-metres of intersection (no traffic lights)
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 5 March 2019.

File No: LP04/19 – Penalty Notice Court Election
Offence: Stop within 10-metres of intersection (no traffic lights)
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 5 March 2019.

File No: LP05/19 – 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 26 February 2019.

File No: LP06/19 – Penalty Notice Court Election
Offence: Disobey no-stopping sign (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: New Matter
Progress: Listed for first mention on 5 March 2019.

File No: LP07/19 – Penalty Notice Court Election
Offence: Park continuously for longer than allowed – public carpark
Act: *Local Government Act 1993*
Progressive Costs: \$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status: Ongoing – listed for hearing
Progress: Matter was before the court for first mention on 5 February 2019 where the defendant entered a not guilty plea. The Registrar adjourned the proceedings to 22 March 2019 for hearing.

File No: LP08/19 – Penalty Notice Court Election
Offence: Not parallel park in direction of travel
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 12 March 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 period (updated to 19/02/2019) 15
Costs for 2018/19 financial year for legal advice matters \$35,628.96

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	\$198,146.04	\$25,000.00
Class 1 and 2 Land and Environment Court - appeals against Orders or Notices issued by Council	\$31,158.47	\$600.00
Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or prosecutions	\$31,571.41	\$0.00
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	\$0.00	\$0.00
Consumer, Trader and Tenancy Tribunal matters	\$0.00	\$0.00
Local Court prosecution matters	\$0.00	\$0.00
Matters referred to Council's solicitor for legal advice	\$35,628.96	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$309,780.76	\$110,600.00
Overall Net Costs Total (GST exclusive)	\$199,180.76	

8.4 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	Assessment completed; reporting to Planning Panel commenced	
2138/2017/DA-SW	Briar Road, Waterhouse Place, Kingston Place, Merino Crescent and Dorchester Park, Airds	Airds Bradbury Stage 6 subdivision to create 144 residential lots and associated civil works	\$9,088,028	>\$5million Crown	Assessment completed; reporting to Planning Panel commenced	
3652/2017/DA-RS	Passiflora Ave and Wiregrass Ave, Denham Court	Construction of 76 attached dwellings and one detached dwelling and subdivision into 77 Torrens title allotments	\$23,179,218	>20million (registered prior to \$30mil threshold)	Completed	Approved by Panel at its meeting held on 24 January 2019
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 for assessment	
3511/2018/DA-C	Farrow Road, Campbelltown	Construction of a commercial building for use as a hardware and building supplies outlet with associated signage, earthworks and landscaping	\$35,860,000	>\$5 million Council owned land	Assessing	

Development Application Register

DA No.	Address	Description	Value	Authority Criteria	Status	Determination
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	Preparing for public exhibition	
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	Preparing for public exhibition	
308/2019/DA-C	22-32 Queen Street, Campbelltown	Concept plan for the development of a multi-storey mixed use residential and commercial development	\$132,572,272	>\$30 million capital investment value	Preparing for 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 carparking	\$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

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	Assessing	
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	\$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	
1623/2016/DA-SW	39, 41A, 41B & 43 Sebastian Avenue, Rosemeadow	Demolition of existing dwelling and structures and subdivision to create 35 lots residential allotments in stages	\$910,000.00	Number of objections	Completed	Application withdrawn by 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	Assessing	

Development Application Register

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 and additions to the existing dwelling for use as a childcare centre for 150 children and associated car parking	\$1,250,000	Heritage	Notifying amended plans	
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	
440/2019/DA-SL	34 Sturt Street, Campbelltown	Construction of a residential aged care facility	\$24,712,636	Development value and others	Preparing for notification	

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
Nil	Nil	Nil	Nil	Nil	Nil	Nil

8.5 Transfer of Land to Council - Glenfield Release Area

Reporting Officer

Director City Development
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 approve the acceptance of the transfer of Lots 198 and 199 in DP 270460, currently zoned as R2 Residential, for the provision of stormwater management infrastructure within the Glenfield Road Urban Release Area from Mirvac Homes (NSW) Pty Ltd and the Cornish Group Pty Ltd on delivery of the terms outlined in this report.
2. That Council approve the acceptance of the transfer of Lot 71 in DP 1225892, currently zoned as part R2 Low Density Residential and part RE1 Public Recreation, and Lot 72 in DP 1225892 currently zoned as RE1 Public Recreation, for the provision of open space and stormwater management infrastructure within the Glenfield Road Urban Release Area from Mirvac Homes (NSW) Pty Ltd and the Cornish Group Pty Ltd on the terms outlined in this report.
3. That Council approve the acceptance of the transfer of Lot 303 in DP 1216565, Lot 33 in DP 1192946, and Lot 351 in DP 1208321 currently zoned as R2 Low Density Residential, for the provision of environmental conservation and management within the Glenfield Road Urban Release Area from Mirvac Homes (NSW) Pty Ltd and the Cornish Group Pty Ltd on the terms outlined in this report.
4. That Council approve the acceptance of the transfer of Lot 31 in DP 1169493, currently zoned as R2 Low Density Residential, for the provision of open space within the Glenfield Road Urban Release Area from Mirvac Homes (NSW) Pty Ltd and the Cornish Group Pty Ltd on the terms outlined in this report.
5. That Council classify Lots 198 and 199 in DP 270460, Lots 71 Lot 72 in DP 1225892, Lot 31 in DP 1169493, and Lot 33 in DP 1192946 as operational land.
6. That all documentation associated with the transfers be executed under the Common Seal of Council if required.

Purpose

To seek Council approval to accept the transfer of land required to fulfil the stormwater management functions within the Glenfield Road Urban Release Area (GRURA), and a number of land parcels to be added to the existing open space and bushland conservation lands. The land is to be transferred from Mirvac Homes (NSW) Pty Ltd (Mircvac) and the Cornish Group Pty Ltd (Cornish).

History

Mircvac has been the major developer within the GRURA and has contributed to the successful delivery of quality housing and much needed community facilities within release area. Mircvac has now reached the end of its development involvement within the GRURA and is in negotiations with Council to finalise its infrastructure commitments.

Council officers and Mircvac have been working together to resolve and finalise the development contributions associated with the Mircvac landholdings in the GRURA. The process has been a long and complex task given the number of years since the commencement of the project and the changes in indexation of works and contributions.

Following these lengthy and complex discussions, Mircvac has offered a number of land parcels to finalise its liabilities in the GRURA. Subsequently, Council officers have undertaken a detailed review of the GRURA Plan, all works-in-kind undertaken by Mircvac, all land dedications and cash payment commitments under the Section 7.11 Contributions Plan.

The Section 7.11 Contributions Plan for the GRURA included a stormwater management strategy that involved the provision of two stormwater detention basins to be constructed outside the release area to manage the increase in stormwater runoff as a result of new development. However, as the GRURA developed over time, the offsite option for the detention basins was eliminated, resulting in the need for an alternative drainage solution within the GRURA.

In this regard, Mircvac constructed a temporary stormwater detention basin on Lot 198 in DP 270460 to satisfy its stormwater management requirements for the adjoining residential development.

Given the permanency of the basins which serve a greater portion of the GRURA, it is now considered appropriate to accept transfer of the (previously) temporary basin site, and the adjoining Lot 199, from Mircvac and Cornish in order to construct the construction of the permanent stormwater detention basin, which will replace the need for the two basins previously proposed to be constructed offsite. This action and transfer will fulfil the stormwater management functions as identified within the adopted Section 7.11 Contributions Plan.

Report

To satisfy its development and infrastructure commitments within the GRURA, Mircvac has proposed to transfer the land parcels identified within Figure 1 and Table 1 below, to the Council as it aims to finalise its involvement in the GRURA. A background description for each parcel is provided below in the body of the Report.



Figure 1: Proposed land parcels to be transferred to Council within the GRURA

Table 1: Proposed land parcels to be transferred to Council

Lot Description	Purpose	Current Zoning	Title
Lot 198 DP 270460	Drainage	R2 Low Density Residential	Torrens - Community Plan
Lot 199 DP 270460	Drainage	R2 Low Density Residential	Torrens - Community Plan
Lot 71 DP 1225892	Open space and Drainage	Part RE1 Public Recreation and part R2 Low Density Residential	Torrens
Lot 72 DP 1225892	Open space and Drainage	RE1 Public Recreation	Torrens
Lot 303 DP 1216565	Conservation	R2 Low Density Residential	Torrens
Lot 33 DP 1192946	Conservation	R2 Low Density Residential	Torrens
Lot 351 DP 1208321	Conservation	R2 Low Density Residential	Torrens
Lot 31 DP 1169493	Open space	R2 Low Density Residential	Torrens

Lots 198 and 199 in DP 270460

The adopted GRURA Plan identified two proposed drainage basins off-site on the adjoining Hurlstone Agricultural High School land, south of the GRURA development site. However, the development of that drainage solution did not eventuate due to negotiations with the adjoining land owner being unsuccessful. As a result, Mirvac constructed a temporary basin on its residentially zoned land to facilitate the continued development of the GRURA, until a permanent stormwater solution could be found, as shown in Figures 1 and 2 below.

Council officers have now determined that the best stormwater management solution for the GRURA is to construct a permanent basin on the site of the current temporary basin, constructed and owned by Mirvac. This permanent basin will replace the need for the two original drainage basins proposed offsite, and such a solution is considered consistent with the intent of the original GRURA Section 7.11 Contributions Plan.

Given the circumstances, Council officers have held discussions with Mirvac, and an agreement has been reached for the transfer of the lots required to deliver a suitable drainage solution for the wider GRURA. This would require the construction of the permanent basin on the subject land, currently owned by Mirvac. The cost of the acquisition and the construction of the basin will be funded by the Section 7.11 Contributions Plan.

As such, and in accordance with the otherwise normal operation of the GRURA Section 7.11 Contributions Plan, it is proposed that in return for the land being transferred to Council for the purpose of drainage infrastructure land, the applicable drainage credit in accordance with the Section 7.11 Plan will be provided to Mirvac as part of the reconciliation of the Section 7.11 Contributions relating to its overall development.

This Section 7.11 credit would be for the land only as Council will undertake the required works required to construct the permanent basin to the relevant specifications. This work will be funded from Section 7.11 reserves.

Notwithstanding the above solution, at present both Lots 198 and 199 form part of a Community Title Scheme, which is applied to the land title, under which all owners of land subject to the scheme have certain restrictions, responsibilities, entitlements and obligations imposed or benefiting them when dealing with or using their respective land holding. These are controlled by the Community Group (body corporate), and any activities or works, or use of the land has to be in accordance with the provisions of the Community Title Scheme.

This aspect is very problematic for Council in that that such an encumbrance significantly reduces Council's normal control of and ability to deal with the land as an authority and in the best interest of the wider community. Therefore, and although the above solution is considered to be the most effective and reasonable method of dealing with the subject lands, a key condition of any acceptance of Lots 198 and 199 (lands encumbered by a Community Title Scheme) must be that the community title registrations are removed from those lands such that Council and Council's legal advisers are of the opinion that Council is obtaining unencumbered freehold title to both lots 198 and 199.



Figure 2: Location of Temporary Basin and proposed Permanent Basin Site



Lots 71 and 72 in DP 1225892

The GRURA Plan identified Lot 72 DP 1225892 as an open space corridor. Council has previously resolved to take ownership of this parcel. However, a number of drainage infrastructure matters needed to be resolved prior to the transfer. Council officers are now satisfied that the matters can be resolved as part of the construction of the permanent basin. Therefore this report is reconfirming Council's previous resolution.

Lot 71 DP 1225892 is a small parcel of land, under 100 square metres. It is proposed to be transferred to Council and to be consolidated with the existing open space corridor and proposed permanent stormwater detention basin.

Lot 303 in DP 1216565, Lot 33 in DP 1192946 and Lot 351 in DP 1208321

As the GRURA developed, additional land affected by threatened species was identified. This included approximately 16,810 square metres of Mirvac owned land. These additional areas of bushland and riparian land adjoin the current environmental and riparian corridors, as shown in Figure 1, and identified as Lot 303 DP 1216565, Lot 33 DP 1192946 and Lot 351 DP 1208321. The intrinsic value of these additional lands from an environmental perspective, were not foreseen at the commencement of the project in the late 1990's and the GRURA Plan was not amended to incorporate the additional lands. These additional parcels of land will form an important addition to the existing bushland conservation areas and strengthen Council's commitment to environmental and sustainable outcomes.

Lot 31 in DP 1169493

This parcel of land was originally constructed as a pedestrian only pathway connecting Sovereign Circuit to Campbelltown Road. However, following numerous complaints from residents, the pathway link was closed. This parcel now provides an extension to the existing adjoining open space park.

The proposal is for this parcel to remain as a functioning component of the open space area.

Conclusion

Mirvac is in the process of finalising its long and important involvement with the GRURA. Apart for some minor bushland vegetation maintenance obligations, the land transfer identified in this report will finalise Mirvac's development and infrastructure commitments within the GRURA.

Accordingly it is recommended that Council approve the transfer of all land identified in this report, under the terms provided.

Attachments

Nil

8.6 Investment and Revenue Report- January 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 January 2019.

Report

Investments

Council's investment portfolio as at 31 January 2019 stood at approximately \$222m. 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 benchmark of the AusBond Bank Bill Index.

The portfolio is diversified with maturities ranging between three months and five years.

The official cash rate has remained steady, with no movement since August 2016, at its present level of 1.50 percent.

Rates and Charges

Rates and Charges levied for the period ending 31 January 2019 totalled \$116,756,756 representing 100 percent of the current budget estimate.

The rates and charges receipts collected to the end of January totalled \$67,064,309. In percentage terms 54.6 percent of all rates and charges due to be paid have been collected, compared to 55.1 percent collected in the same period last year.

Debt recovery action during the month involved the issue of 263 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 nine Judgments and nine 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 389 ratepayers with a total arrears balance of \$491,116, 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, 44 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 January 2019 are \$1,781,081 reflecting an increase of \$352,158 since December 2018. During the month, 1513 invoices were raised totalling \$1,129,177. 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 \$715,605 as at 31 January 2019. A significant portion of this debt relates to Government Grants with an amount of \$500,000 from NSW Department of Planning and Environment to be paid by the end of February, changes to the payment criteria has delayed this payment.

Other significant debts relate to Various Sundry Items with an amount of \$30,447 outstanding for road and footpath occupancy fees for a development in Broughton Street. This account has now been referred to Council's agents for legal recovery. Also incorporated in sundry items are three claims relating to accident's impacting council vehicles where the other parties were not insured, they amount to \$17,874. Council's seven day letters have been issued and attempts still continue to resolve these debts.

The amount of \$15,500 raised for costs involved relating to a motor vehicle accident and damage to Council property (bus shelter) in Ambarvale is to be put forward for write-off as would be uneconomical to pursue, the debtor was uninsured and cannot be located. Public hall hire fees of \$46,618 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, seven accounts were issued a letter of demand on Council's letterhead, advising that if the account was not settled or an appropriate arrangement was not made, the account will escalate to formal legal action through Council's agent.

Council's agents were instructed to issue a letter of demand for one account relating to road occupancy fees and one bank garnishee was requested. No other legal action was taken.

Council officers continue to provide assistance to debtors experiencing difficulties in paying their accounts. Debtors are encouraged to clear their outstanding debts through regular payments where possible, to avoid any further recovery action.

Attachments

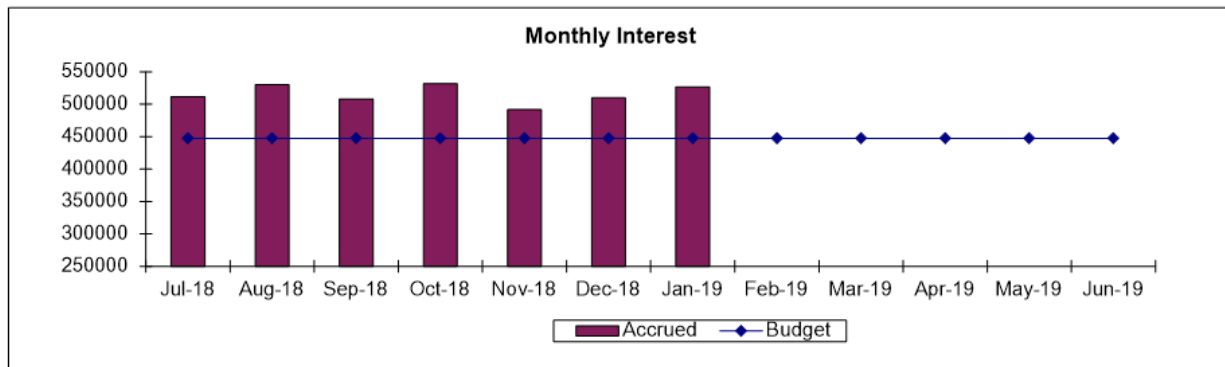
1. Investment Report January 2019 (contained within this report)
2. Rates and Charges Summary and Statistics January 2019 (contained within this report)
3. Debtors Summary and Ageing of Sundry Debts to January 2019 (contained within this report)

CAMPBELLTOWN CITY COUNCIL INVESTMENT PORTFOLIO

Jan-2019

Benchmark AusBond Bank Bill Index
 Portfolio Balance 221,634,334.31

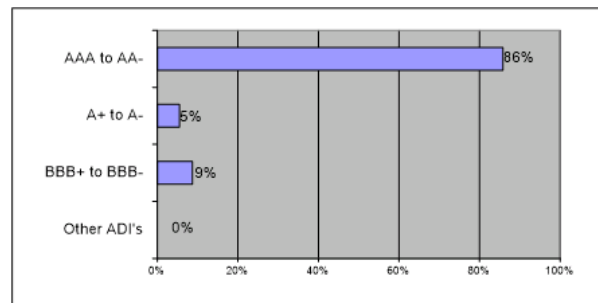
Monthly Performance	Return (mth)	Return (pa)
AusBond Bank Bill Index	0.18%	2.16%
Portfolio - Direct Investments	0.24%	2.84%
<i>Performance to Benchmark</i>	<i>+</i> 0.06%	<i>+</i> 0.68%
Short Term Call Accounts	0.15%	1.75%
Managed Funds	0.22%	2.56%



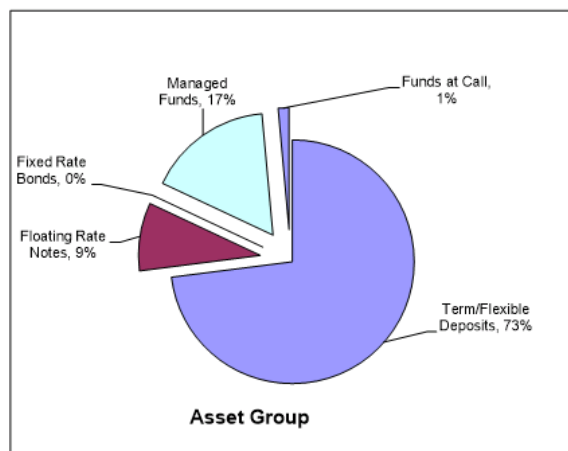
Year to Date Performance

Rolling 12 Month Period
 2.79% Council Managed Funds
 1.93% Benchmark

Interest Budget to Actual
 Budget to Period \$3,132,500
 Actual Accrued to Period \$3,608,637



Portfolio Diversity



			%
Funds at Call	\$ 3,191,084.39	AA-	1%
NSW Treasury	\$ 40,482,452.86	AA+	18%
National Australia Bank	\$ 42,670,626.55	AA-	19%
Westpac Bank	\$ 62,207,828.79	AA-	28%
Commonwealth Bank	\$ 30,211,375.58	AA-	14%
Bank Western Australia	\$ 11,428,509.93	AA-	5%
AMP Bank	\$ 8,000,000.00	A	4%
Suncorp Metway	\$ 4,168,780.57	A+	2%
Members Equity Bank	\$ 4,000,000.00	A2	2%
Rural Bank	\$ 4,079,921.54	A2	2%
Bank of Queensland	\$ 5,134,954.90	A2	2%
Australian Unity Bank	\$ 2,000,000.00	A2	1%
Credit Union Aust	\$ 2,058,799.20	A2	1%
Heritage Bank	\$ 2,000,000.00	A2	1%
Total	\$ 221,634,334.31		100%

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	63,605,778.75	1,387,661.59	531,271.17	65,071,545.38	36,758,360.26	28,313,185.12	276,715.15	28,589,869.63
BUSINESS	327,431.34	19,060,463.71		27,558.57	19,415,453.62	11,987,590.92	7,427,862.70		7,427,862.70
FARMLAND	0.00	491,554.39	459.05	522.92	491,618.26	300,351.34	191,266.92	221,791.02	413,057.94
MINING	0.00	27,126.00		0.00	27,126.00	27,126.00	0.00		0.00
SR - LOAN	0.00	0.00		172.76	172.76	0.00	172.76	658.79	0.00
SR - INFRASTRUCTURE	284,463.25	6,287,422.67		6,263.49	6,578,149.41	3,717,442.24	2,860,707.17	50,554.05	2,912,092.77
TOTAL	\$2,934,051.64	\$89,472,345.52	\$1,388,120.64	\$565,788.91	\$91,584,065.43	\$52,790,870.76	\$38,793,194.67	\$549,719.01	\$39,342,883.04
GARBAGE	682,743.31	23,927,211.26	903,753.76	25,909.01	23,732,109.82	13,437,499.53	10,294,610.29		10,294,610.29
STORMWATER	52,436.22	1,387,872.91		271.37	1,440,580.50	835,939.30	604,641.20		604,641.20
GRAND TOTAL	\$3,669,231.17	\$114,787,429.69	\$2,291,874.40	\$591,969.29	\$116,756,755.75	\$67,064,309.59	\$49,692,446.16	\$549,719.01	\$50,242,134.53

Total from Rates Financial Transaction Summary	49,589,129.71
Overpayments	-653,004.82
Difference	0.00

ANALYSIS OF RECOVERY ACTION

Rate accounts greater than 6 months less than 12 months in arrears 225,432.24

Rate accounts greater than 12 months less than 18 months in arrears 58,117.87

Rate accounts greater than 18 months in arrears 30,623.88

TOTAL rates and charges under instruction with Council's agents \$314,173.99

RATES STATISTICS

No. of documents Issued	July	August	September	October	November	December	January	February	March	April	May	June	Jan-18
Rate Notices	50,402			608			108						595
Electronic - DoH	5,190												
Instalment Notices				47,031			47,254						45,255
Electronic - DoH				5,245			5,147						5,168
Missed Instalment Notices			8,136			6,504							
- Pensioners > \$15.00			719			723							
Notice to new owner	149	47	27	18	22	53	44						51
7-day Letters - Council issued			2,105			2,310							
- Pensioners > \$500.00			184			201							
7-day Letters - Agent Issued			576				699						601
Statement of Claim	108	16	12	156	13	8	263						225
Judgments	6	31	19	9	23	6	9						10
Writs	12	20	21	6	0	10	9						8
Electronic - eRates & BPAYView	4,316	4,629	4,679	4,820	4,941	4,966	5,130						3,833
Arrangements	311	259	425	223	301	412	389						402

DEBTORS SUMMARY 1 January 2019 to 31 January 2019

DEBTOR TYPE/DESCRIPTION	ARREARS AT 31/12/2019	RAISED THIS PERIOD	RECEIVED THIS PERIOD	BALANCE AT 31/01/2019	% DEBT RATIO
Corporate Administration	122,667	28,003	98,025	52,645	29.49%
Abandoned Items	1,068	395	395	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	36,988	57,337	49,976	44,349	5.46%
Government and other Grants	589,900	465,146	175,173	879,873	12.87%
Public Hall Hire	129,167	68,418	48,423	149,162	1.39%
Health Services	350	0	0	350	0.02%
Land and Building Rentals	112,917	309,080	170,693	251,303	5.63%
Healthy Lifestyles	25,580	54,146	51,892	27,834	0.15%
Library Fines and Costs	0	0	0	0	0.00%
Licence Fees	44,839	11,394	20,034	36,200	1.85%
Pool Hire	29,553	2,887	19,454	12,986	0.39%
Private Works	2,612	0	0	2,612	0.52%
Road and Footpath Restoration	90,621	0	35,326	55,295	28.17%
Shop and Office Rentals	18,221	62,852	54,635	26,438	2.17%
Various Sundry Items	219,316	42,284	27,661	233,939	6.42%
Waste Collection Services	25,003	27,236	25,333	26,906	6.17%
	1,428,923	1,129,177	777,019	1,781,081	100%

AGEING OF SUNDRY DEBTOR ACCOUNTS - 31 January 2019

	Current Charges	Total 30 Days	Total 60 Days	Total 90+ Days	Balance Due	Previous Month 90+ days
Corporate Administration	10,168	10,229	16,235	16,012	52,645	18,208
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	23,676	0	700	19,973	44,349	21,935
Government and other Grants	335,573	0	44,300	500,000	879,873	0
Public Hall Hire	72,681	19,919	9,945	46,618	149,162	48,198
Health Services	0	0	0	350	350	350
Land and Building Rentals	241,776	9,527	0	0	251,303	0
Healthy Lifestyles	15,761	1,632	3,804	6,637	27,834	6,072
Licence Fees	7,703	6,742	3,243	18,512	36,200	21,088
Pool Hire	763	9,699	2,525	0	12,986	0
Private Works	1,189	0	0	1,423	2,612	1,423
Road and Footpath Restoration	0	2,092	49,055	4,148	55,295	10,444
Shop and Office Rentals	18,906	6,730	802	0	26,438	0
Various Sundry Items	36,020	96,035	1,020	100,864	233,939	77,610
Waste Collection Services	26,906	0	0	0	26,906	0
	771,243	162,606	131,627	715,605	1,781,081	206,395

8.7 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 5 March 2019.

Attachments

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

Reports Requested effective 5 March 2019

*Date of Decision *Mover *DocSet	Action Item	Comments / updates	Expected completion date
City Lifestyles			
11.12.18 MC	ORD - 11.1 - Improvements to Minto Sports Centre 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 being collated for inclusion in report. 	June 2019
City Delivery			
13.02.18 WM 5787318	ORD - NM - 11.1 Parking at Campbelltown Hospital 3. That a report be presented to Council investigating Council's capacity to secure free or subsidised parking at Campbelltown Hospital for patients, visitors and staff.	Council is currently investigating and liaising with NSW Health and will report back to Council.	April 2019
14.08.18 MC	ORD - NM - 11.5 Badminton Courts That a report be presented to Council investigating the feasibility of developing outdoor badminton courts for local community use.	Council is currently investigating suitable locations for the courts. At the conclusion of the investigation a report will be presented to Council.	April 2019

Reports Requested effective 5 March 2019

*Date of Decision *Mover *DocSet	Action Item	Comments / updates	Expected completion date
City Delivery			
14.08.18 RM	<p>ORD - NIM - 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>	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.	April 2019
City Governance			
14.10.14 RK 4033794	<p>CG2.3 – Claymore Urban Renewal Project – VPA Land Acquisitions, Transfers and Dedications</p> <p>4. That a further report will be submitted to Council once a draft VPA/Infrastructure Services Delivery Plan (ISDP) have been finalised which will deal with the compulsory acquisition/land transfer issues concerning the whole of the Claymore Urban Renewal Project.</p>	VPA exhibited from December 2018 - February 2019. Matter under consideration with report under preparation for future briefing and report to Council.	June 2019

Reports Requested effective 5 March 2019

*Date of Decision *Mover *DocSet	Action Item	Comments / updates	Expected completion date
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
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.	June 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

Reports Requested effective 5 March 2019

*Date of Decision *Mover *DocSet	Action Item	Comments / updates	Expected completion date
City Growth and Economy			
11.09.18 MC	<p>ORD – 11.3 Campbelltown Arts Centre Shop</p> <p>1. That a report be returned to council on the feasibility of expanding the shop at Campbelltown Arts Centre.</p> <p>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.</p> <p>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.</p>	The report is currently being prepared, with the team now waiting on updated information from the contractor. It is anticipated that the report will be presented in April 2019.	April 2019

Letters requested effective 5 March 2019

*Date of Decision *Mover	Action Item	Comments / updates
City Lifestyles		
14.08.18	ORD - 11.2 -Status Resolution Support Services (SRSS) payments 4. That Council write to the Federal Members of Parliament Dr Mike Freeland and Ms Anne Stanley to make appropriate representations to the Minister for Home Affairs, Peter Dutton MP.	Letter sent 07/09/18 and a response was received from Ms Anne Stanley MP on 19/09/18. Awaiting a response from the Minister for Home Affairs, Peter Dutton MP.
City Development		
11.09.18 KH	ORD – NM 11.4 – Emergency Veterinary Care for Injured Koalas 1. Council write to the relevant State and Federal government ministers seeking urgent intervention and provision of financial assistance to local veterinary clinics that care for injured koalas; and 2. a forum be organised with local key stakeholders including local veterinarians, representatives of WIRES and other local koala rescue groups, and relevant State and Commonwealth agencies, to identify a viable and sustainable care program for injured koalas; and 3. the above correspondence be forwarded to all Local State and Federal Members with in the Campbelltown Local Government Area, seeking their support with this issue.	1. Letters sent 05/11/18 to the Hon Andrew Constance MP, the Hon Gabrielle Upton MP, the Hon Melissa Price MP, the Hon Melinda Pavey MP, the Hon Michael McCormack MP and the Hon Anthony Roberts MP. Responses were received on 06/12/18 from Mr Damian Callachor representing the Hon Michael McCormack MP, on 14/12/18 from Ms Trish Harrup from the Office of Environment and Heritage responding on behalf of the Hon Gabrielle Upton MP and on 02/01/19 from Mr Brett Whitworth representing the Hon Anthony Roberts MP and was included in the February 2019 agenda. 2. Initial discussions have been held with key stakeholders. 3. Letters sent 20/12/2018 to all Local, State and Federal Members. A response received on 29/01/19 from Ms Anne Stanley MP and was included in the February 2019 agenda. Awaiting a response from the Hon Andrew Constance MP, the Hon Melissa Price MP and the Hon Melinda Pavey MP.

8.8 Classification of Land, Campbelltown

Reporting Officer

Executive Manager Strategic Property
City Governance

Community Strategic Plan

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

Officer's Recommendation

1. That Lot 3, DP 827641, otherwise known as 288 Queen St, Campbelltown is classified as Operational Land.
2. That Lot 1, DP 827641, otherwise known as 298 Queen St, Campbelltown is classified as Operational Land.

Purpose

To seek Council approval to classify 288 Queen Street (Lot 3, DP 827641) and 298 Queen Street (Lot 1, DP 827641), Campbelltown (together 'the heritage properties') as Operational land.

History

Council acquired the heritage properties via Public Auction in November 2018. The legal descriptions and settlement details of the properties are as follows:

Property	Legal Description	Settlement Date
288 Queen St	Lot 3, DP 827641	13 December 2018
298 Queen St	Lot 1, DP 827641	30 January 2019

Report

Classification of Land

Under the *Local Government Act 1993* all public land must be classified either as 'community' or 'operational' land. The classification or reclassification of public land may be made by a resolution of the Council, either before Council acquires the land, or within three months after its acquisition. If no classification has been made, the land is taken to have been classified under a Local Environmental Plan as community land.

It is recommended both Lot 1 DP 827641 and Lot 3 DP 827641, are categorised as operational land, for the following reasons:

- though heritage in nature, the primary usage may involve commercial activities. The buildings will be leased for either commercial or community purposes, to responsibly offset some of their ongoing holding costs, most likely for five to ten year periods
- the land classifications must be determined before Council can complete any tender and enter into any lease
- tenure of this nature would require the land to be operational, as outlined below:

The *Local Government Act 1993* specifies that when leasing community land for commercial purposes, for any term exceeding five years, Council must undertake significant public notification and disclose details that a successful tender would likely consider commercial in confidence. Adjoining land owners and others must also be notified. In addition:

- any person may make a submission in writing to the Council during the period specified in the notice
- before granting the lease, license or other estate, the Council must consider all submissions duly made to it
- the Council must not grant the lease, license or other estate except with the Minister's consent, if:
 - a) a person makes a submission by way of objection to the proposal, or
 - b) in the case of a lease or licence, the period (including any associated options) of the lease or licence exceeds 21 years.

These requirements would bring significant risk to lease negotiations. Fit-out of either building could not occur until Ministerial Consent was obtained. The requirements for seeking Ministerial Consent are detailed and success could not be guaranteed. Other parties could challenge Council's intent for the premises.

These risks and delays would occur in addition to all relevant requirements imposed under the *Heritage Act 1977* which can also be problematic and time consuming.

To avoid these risks and maximise the overall range of opportunities, for what will be difficult properties to own and manage, it is recommended both properties are classified as operational.

Attachments

Nil

8.9 Property Strategy Update

Reporting Officer

Executive Manager Strategic Property
City Governance

Community Strategic Plan

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

Officer's Recommendation

That Council amends the Property Strategy to make the following changes to its targeted income weightings within its Property Investment Portfolio:

1. Reduce its target exposure to ground lease rental income from 65 percent to 20 percent.
2. Increase its target exposure to developed property income from 30 percent to 75 percent.

Purpose

To seek Council approval to readjust the targeted Property Investment Portfolio income weightings within the Council endorsed Property Strategy as set out in the report below.

History

The Property Strategy was completed and endorsed by Council in early 2017.

The Property Strategy creates a framework, guiding principles and objectives for the optimal management of Council's property portfolio. It identifies the key strategies and actions to deliver required outcomes, whilst also supporting the property requirements of all Council's business units. Given the portfolio size and complexity, it does not deal directly with any individual holdings. As the principles and objectives are delivered, the Property Strategy is generating many strategic recommendations for single properties, projects, precincts and general policies. The Property Strategy has generated circa 30 Council recommendations since commencement.

The majority of the key initiatives contained in the Property Strategy are underway and on track, including the following:

- servicing our core business requirements
- continual work with council businesses, ascertaining current and future needs
- strategy for each land parcel – most very simple – 'own what is sensibly needed'
- principles of portfolio management (eg efficiency, forward planning, multi-use)

- heavily scrutinize (accept or reject) land intended for Council dedication
- capital recycling – acquisitions and divestments
- income generation.

Report

Update

Section 3 of the Property Strategy covers future reviews and updates. It states:

“The Strategy reflects Council’s current portfolio, its objectives, and other current challenges. It will deliver future recommendations consistent with this position.

- The Strategy should be reviewed two yearly – or earlier, if major changes to Council’s objectives or requirements occur.”

Findings

There have been no major changes to Council’s objectives or requirements but with the Property Strategy, now circa two years old, a full review has been undertaken. Minor changes are recommended to Section 7.1 which pertains to future investment allocations and recommended property income weightings within the Property Investment Portfolio.

The currently endorsed portfolio weightings are shown below, along with a range as weightings will fluctuate. As the portfolio grows, the individual exposure to any single property should not exceed 10 percent. The Property Income Weightings for 2017-2021 are currently:

Property Income Type	Recommended weighting range	Weighting guide
Ground lease income	60 - 70%	65%
Developed property income	25 - 35%	30%
Other income	0 - 10%	5%
Total		100%

In addition the Property Strategy notes:

“Ground leases should be actively pursued due to their stable income, default protection, limited capital outlay and general simplicity. The challenge is securing tenants, as ground leases can be seen as onerous, but this may be reduced through varying ground lease structures. It is recommended a 65 percent ongoing exposure to ground lease income is initially targeted.”

Since the Property Strategy was endorsed, the Property Investment Portfolio has increased from 11 to 22 properties. The original net annual income of circa \$1.6m is forecast to increase to circa \$5.375m by late 2020 on delivery of all projects with a 90 percent or better likelihood of delivery.

Only a small portion of the new income pertains to ground leases, hence the challenge identified in the 2017 Property Strategy has transpired. Reflecting the nature of new investment delivered and underway, the current and forecast change in the ground lease income, as a proportion of Property Investment Portfolio income, is as follows:

Date	Actual Ground lease weighting
February 2017 - PS Completion	61%
February 2019 – Current PS Review	47%
Late 2020 - Delivery of highly likely projects	Forecast 21%

It is highly unlikely that significant future ground rent will be achieved as Property Investment Portfolio income, hence the overall portfolio weighting to ground leases will not avoid the forecast decline. In that respect it is recommended that the following changes are made:

- A substantial reallocation - **away from ground lease income - down 45%**
- A substantial reallocation - **to developed property income up - 45%**
- No change to other income sources

On that basis the Property Investment Portfolio weightings would be amended as follows:

Property Income Type	Current weighting range	Current weighting guide	Recommended weighting range	Recommended weighting guide
Ground lease income	60 - 70%	65%	15 - 25%	20%
Developed property income	25 - 35%	30%	65 - 85%	75%
Other income	0 - 10%	5%	0 - 10%	5%
Total		100%		100%

Attachments

Nil

8.10 Proposed Operating Hours During Christmas Holiday Period 2019-2020

Reporting Officer

Executive Manager People and Performance
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 Offices and the Works Depot close from Tuesday 24 December 2019 – Wednesday 1 January 2020 inclusive.
2. That the holiday opening hours for the Council offices, Depot, Animal Care Facility, Campbelltown Visitor Information Centre, Family Education and Community Services, Leisure Services, Campbelltown Arts Centre and Libraries as detailed in the report, be approved and advertised through local papers, on Council's website, social media and at relevant centres and services.

Purpose

To seek Council approval for the proposed operating hours over the 2019-2020 Christmas and New Year holiday period.

Report

Council will operate with revised opening and closing times hours during the Christmas/New Year period in line with community usage and expectation during this time of year.

Traditionally Council offices and the Depot closed the business day between Christmas and New Year. In 2018 Council resolve to close the 24 December. It is proposed for the 2019 / 2020 Christmas period that the Council offices and the Depot will operate on Monday 23 December 2019 closing at normal times after which, they will remain closed for the period between Christmas Eve and New Year's Day public holidays, that is 24 December 2019 – 1 January 2020 (inclusive).

The Council offices and Depot will reopen on Thursday 2 January 2020, as Wednesday 1 January is a designated public holiday.

The following arrangements are proposed for the Animal Care Facility:

Animal Care Facility	
Monday 23 December 2019	Open 10.00am to 4.00pm
24 – 27 December 2019	Closed
Saturday 28 December 2019	Open 9:00am to 12.00pm
29 - 31 December 2019	Closed
Wednesday 1 January 2020	Closed
Thursday 2 January 2020	Open 10.00am to 4.00pm (normal operational hours resume)

The following arrangements are proposed for Family Education and Community Services, Campbelltown Arts Centre, Visitor Information Centre, Library Services, and Leisure Services:

Family Education and Community Services		
Service	Closure Date	Opening Date
All Long Day Care Centres	6.00 pm - 20 December 2019	7.00am - 7 January 2020
Before and After School Care	18 December 2019	7.00am - 29 January 2020
Campbelltown Child and Family Centre	20 December 2019	9.00am - 7 January 2020
Family Day Care Office	23 December 2019	8:30am - 2 January 2020
Bicycle Education Centre	20 December 2019	2 January 2020
Eagle Vale School Holiday Care potential to be closed and operating at Raby OSHC	This service will close from 20 December 2019 to 6 January 2020.	
Campbelltown Arts Centre		
Service	Closure Date	Opening Date
Arts Centre	4.00pm – 24 December 2019	10.00am – 1 January 2020
Cafe	4.00pm - 23 December 2019	13 January 2020
Visitor Information Centre		
24 December 2019	10.00am – 2.00pm	
25 - 26 December 2019	Closed	
27 – 31 December 2019	10.00am – 2.00pm	
1 January 2020	Closed	
Library Services		
Service	Closure Date	Opening Date
All libraries	1.00pm - 24 December 2019	9.30am - 2 January 2020
Home Library Service	23 December 2019	2 January 2020

During the lead up to Christmas from Monday 16 December 2019 to Friday 20 December 2019, libraries will be closing at 5.00pm. Library usage records indicate that a relatively small number of customers use library services leading up to and during the Christmas/New Year period.

As in previous years it is proposed that library customers and users of the Home Library Service will be allowed to borrow an increased number of items for extended loan periods throughout the holiday period from 2 December 2019, returning to normal loan periods and limits from 29 January 2020.

Members wishing to return material may do so using the return chutes, which are available at all libraries.

Leisure Services		
Service	Closure Date	Opening Date
Eagle Vale Central	4.00pm 24 December 2019	6.00am 27 December 2019
	4.00pm 31 December 2019	9.30am 1 January 2020
Gordon Fetterplace Aquatic Centre	4.00pm 24 December 2019	9.30am 27 December 2019
	4.00pm 31 December 2019	9.30am 1 January 2020
Macquarie Fields Leisure Centre	4.00pm 24 December 2019	6.00am 26 December 2019
	4.00pm 31 December 2019	9.30am 1 January 2020
Macquarie Fields Indoor Sports Centre	4.00pm 24 December 2019	5.30am 27 December 2019
	4.00pm 31 December 2019	9.30am 1 January 2020

Council's Leisure Centres close for Christmas and Boxing Day each year. However, Council at its meeting of 14 April 2009 resolved to open a Leisure Centre on Boxing Day public holidays. Accordingly, this year Macquarie Fields Leisure Centre will reopen on Thursday 26 December 2019 at 9.30am.

Public Notice

The amended operating hours will be advertised on Council's website, in the local newspapers and notices will be displayed at Council offices, libraries and the affected services to minimise any inconvenience for members of the public.

Conclusion

The proposed hours of Council operations are in line with community expectations for this and reflect similar practice by the business community for this time of year. Given the proposed advertising, it is considered that the proposed reduced hours will create minimal impact on Council's customer service levels.

Attachments

Nil

8.11 Six Monthly Progress Report against the Delivery Program

Reporting Officer

Coordinator Corporate Planning and Strategy
City Growth and Economy

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 information be received and noted.

Purpose

To advise Council of the progress in undertaking the principle activities outlined in the 2017-2021 Delivery Program and 2018-2019 Operational Plan for the period of July 2018 to December 2018, in line with the requirements of the *Local Government Act 1993*.

History

Council provides a six-monthly progress report to meet its requirements under the Integrated Planning & Reporting Framework. This report forms a key component of Council's accountability to its community on the delivery of committed projects and initiatives.

It is a requirement of the *Local Government Act 1993*, that Council receive a progress report on the principle activities outlined in the 2017-2021 Delivery Program and 2018-2019 Operational Plan at least once every six months.

Report

At the Ordinary Council meeting on 27 June 2017, the Delivery Program 2017-2021 was adopted by Council. The Operational Plan 2018-2019 was adopted by Council at the Ordinary Council meeting on 26 June 2018 along with the 2018-2019 Budget and Fees and Charges.

This report provides an update on the Council's progress in achieving the principle activities included in the adopted Delivery Program 2017-2021 for the period of July 2018 to December 2018.

Highlights from the reporting period include:

- Campbelltown City Council achieved excellent results from the Community Satisfaction Survey including an overall Customer Service rating of 4.2 out of 5, and very high satisfaction with the Campbelltown Arts Centre and our Libraries
- Government funding of \$15m announced for the landmark Campbelltown Billabong Parklands project as part of the Western Parkland Sydney City Liveability Program
- Council championed a successful bid for a Campbelltown based A-League team with a new team to join Australia's premier soccer competition in the 2020-2021 season
- the adoption of the Reimagining Campbelltown CBD Vision (Phase One) following an extensive stakeholder and community consultation and engagement process
- Council was awarded White Ribbon Workplace Accreditation. Our accreditation marks us as the first Council in the Macarthur area and one of only a few in NSW to gain White Ribbon Workplace Accreditation
- a new program of community events including Winterland, Water Wonderland and FEAST Campbelltown was embraced by our community which complemented Council's existing program of popular events
- the launch of Council's placemaking projects with the Love Leumeah and Love Ingleburn. These projects incorporated community hubs which provided a fantastic opportunity for Council to engage with residents and see what opportunities are available to improve each respective town centre
- the launch of the first metropolitan-wide Resilient Sydney strategy to provide key strategic directions and collaborations required to ensure that Sydney, and its 33 metropolitan councils including Campbelltown, thrive in both good and bad times
- the provision of increased support of local business and employment through the delivery of popular business workshops and events including the Micro Business Expo and Women in Business Leadership Development Program.

Following Council consideration, the six monthly progress report will be published on Council's website for community viewing.

Attachments

1. Delivery Program – Six Monthly Progress Report July 2018 to December 2018 - due to size (distributed under separate cover)

9. QUESTIONS WITH NOTICE

Nil

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION

11.1 Weed Control Methods

Notice of Motion

Councillor Ben Moroney has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 12 March 2019.

1. 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.
-

11.2 Music Festival Event

Notice of Motion

Councillor Margaret Chivers has given Notice in writing of her intention to move the following Motion at the next meeting of Council on 12 March 2019.

1. That Council pilot a music festival event tailored for young people with a disability.
-

11.3 Water Safety / Learn to Swim Classes

Notice of Motion

Councillor Margaret Chivers has given Notice in writing of her intention to move the following Motion at the next meeting of Council on 12 March 2019.

1. That Council investigate the feasibility of providing specific and tailored water safety and/or learn to swim classes for children on the autism spectrum.
-

12. URGENT GENERAL BUSINESS

13. PRESENTATIONS BY COUNCILLORS

14. CONFIDENTIAL REPORTS FROM OFFICERS

14.1 Static Signage Campbelltown

This report is **CONFIDENTIAL** in accordance with Section 10A(2)((d)(i)) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

14.2 Review of Telecommunications Licence Agreement

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