

# 2019

CAMPBELLTOWN CITY COUNCIL

ORDINARY BUSINESS PAPER



14 May

## 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               |  |



07 May 2019

You are hereby notified that the next Ordinary Council Meeting will be held at the Civic Centre, Campbelltown on Tuesday 14 May 2019 at 6.30pm.

Lindy Deitz  
General Manager

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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 9 April 2019**

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##### **Officer's Recommendation**

That the Minutes of the Ordinary Meeting of Council held 9 April 2019, copies of which have been circulated to each Councillor, be taken as read and confirmed.

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##### **Report**

That the Minutes of the Ordinary Meeting of Council held 9 April 2019 are presented to Council for confirmation.

##### **Attachments**

1. Minutes of the Ordinary Meeting of Council held 9 April 2019 (contained within this report)

# CAMPBELLTOWN CITY COUNCIL

## Minutes Summary

Ordinary Council Meeting held at 6.30pm on Tuesday, 9 April 2019.

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|                   | <u>Nil</u>   |           |
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**Minutes of the Ordinary Meeting of the Campbelltown City Council held on 9 April 2019**

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

## **1.     ACKNOWLEDGEMENT OF LAND**

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

### **Council Prayer**

The Council Prayer was presented by the General Manager.

## **2.     APOLOGIES**

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

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

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

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

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## **3.     CONFIRMATION OF MINUTES**

### **3.1   Minutes of the Ordinary Meeting of Council held 12 March 2019**

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

That the Minutes of the Ordinary Council Meeting held 12 March 2019, copies of which have been circulated to each Councillor, be taken as read and confirmed.

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

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#### **4. DECLARATIONS OF INTEREST**

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

##### **Pecuniary Interests**

Councillor Thompson - Item 8.2 Planning Proposal - Ingleburn CBD. Councillor Thompson advised he owns property in the area and that he will leave the Chamber.

##### **Non Pecuniary – Significant Interests**

Councillor Greiss - Item 8.2 - Planning Proposal - Ingleburn CBD. Councillor Greiss advised he is a member of Sydney Western City Planning Panel and that he will leave the Chamber.

Councillor Lound - Item 8.2 - Planning Proposal - Ingleburn CBD. Councillor Lound advised he is a member of Sydney Western City Planning Panel and that he will leave the Chamber.

Councillor Oates - Item 8.2 - Planning Proposal - Ingleburn CBD. Councillor Oates advised that she is an alternate member of the Sydney Western City Planning Panel and that she will leave the Chamber.

Councillor Greiss - Item 8.6 - Submission Report – Amendment to the Campbelltown Sustainable City Development Control Plan (Caledonia Precinct). Councillor Greiss advised he is a member of Sydney Western City Planning Panel and that he will leave the Chamber.

Councillor Lound - Item 8.6 - Submission Report – Amendment to the Campbelltown Sustainable City Development Control Plan (Caledonia Precinct). Councillor Greiss advised he is a member of Sydney Western City Planning Panel and that he will leave the Chamber.

Councillor Oates - Item 8.6 - Submission Report – Amendment to the Campbelltown Sustainable City Development Control Plan (Caledonia Precinct). Councillor Oates advised she is an alternate member of the Sydney Western City Planning Panel and that she will leave the Chamber.

Councillor Morrison - Item 8.9 - 24 Hour Fight Against Cancer Macarthur. Councillor Morrison advised that he is a member of the Committee, being the Chairperson of 24 Hour Fight Against Cancer Macarthur and that he will leave the Chamber.

##### **Non Pecuniary – Less than Significant Interests**

Councillor Moroney - Item 8.2 - Planning Proposal - Ingleburn CBD. Councillor Moroney advised that he is an employee of the Department of Education however as this is a less than significant interest and he will remain in the Chamber and vote.

Councillor Brticevic - Item 8.6 - Submission Report – Amendment to the Campbelltown Sustainable City Development Control Plan (Caledonia Precinct). Councillor Brticevic advised a number of previous residents were known to him however as this is a less than significant interest and he will remain in the Chamber and vote.

##### **Other Disclosures**

Nil

## 5. MAYORAL MINUTE

## 6. PETITIONS

## 7. CORRESPONDENCE

### 7.1 Status Resolution Support Services (SRSS) Payments

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

That the letter be received and the information be noted.

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

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## 8. REPORTS FROM OFFICERS

### 8.1 Development Application Status

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

That the information be noted.

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

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**Meeting note:** Having declared an interest in item 8.2 Councillor Greiss, Councillor Lound, Councillor Oates and Councillor Thompson left the Chamber at 6:41pm and did not take part in the discussion or vote on the matter.

### 8.2 Planning Proposal - Ingleburn CBD

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

1. That Council endorse the draft planning proposal for the Ingleburn CBD and submit it to the Department of Planning and Environment seeking a Gateway Determination.
  2. That subject to the Gateway Determination, further investigation for the funding for the design and construction of the multi deck car park be investigated, and a funding plan be prepared and publicly exhibited with the planning proposal.
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3. That Council support the submission of an application to the Housing Acceleration Fund and any other funding applications for similar grants that may come available to fund drainage design and works to reduce flooding at Ingleburn.
  4. That a further report be provided to Council after the Gateway Determination with public exhibition with the planning proposal a draft Development Control Plan for Ingleburn CBD to be placed on public exhibition with the draft planning proposal.

A Division was recorded in regard to the Resolution for Item 8.2 with those voting for the Motion being Councillors G Brticevic, M Chowdhury, K Hunt, R Manoto, B Gilholme, M Chivers, B Moroney and W Morrison.

Voting against the Resolution were Nil.

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

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**Meeting note:** At the conclusion of the discussion regarding item 8.2 Councillor Greiss, Councillor Lound, Councillor Oates and Councillor Thompson returned to the Chamber at 6:45pm.

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

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

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

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

Voting against the Resolution were Nil.

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

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## 8.4 Re-establishment of North Area Alcohol Free Zones

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

1. That a notice be placed on Council's website inviting submissions from any person or groups in response to Council's intention to re-establish Alcohol Free Zones over the public roads and carparks detailed in the attachments to this report for the proposed Alcohol Free Zones of:
  - a) Claymore
  - b) Glenfield
  - c) Ingleburn
  - d) Macquarie Fields
  - e) Minto
  - f) Minto Zone 2
  - g) Raby
  - h) St Andrews
2. That any objections received during the exhibition period be reported to Council.
3. That should no objections be received during the exhibition period, advice be given that Council intends to re-establish Alcohol Free Zones over the areas specified in Recommendation 1 above to:
  - a) The Anti-Discrimination Board
  - b) The Officer in charge of the Police Station nearest the zones
  - c) The liquor licensees and secretaries of registered clubs whose premises border on or adjoin or are adjacent to the proposed zones
  - d) Any known group that might be affected by the creation of the proposed zones.
4. That a further report be provided to Council on the re-establishment of the Alcohol Free Zones specified in Recommendation 1 at the completion of the period for comment by the organisations/groups listed in Recommendation 3.

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

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## 8.5 Animal Care Facility Companion Animal Adoption Fees

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

1. That Council note the submissions received during the proposed adoption fee exhibition period.
  2. That Council reaffirm the reduced adoption fees as follows:
    - purchase of Cat or Kitten \$170 (inclusive of GST)
-

- 
- purchase of Dog or Puppy \$320 (inclusive of GST)
3. That the above fees can be discounted by 50 percent for difficult to rehome companion animals.

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

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**Meeting note:** Having declared an interest in item 8.6 Councillor Greiss, Councillor Lound and Councillor Oates left the Chamber at 6:52pm and did not take part in the discussion or vote on the matter.

### **8.6 Submission Report – Amendment to the Campbelltown Sustainable City Development Control Plan (Caledonia Precinct)**

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**Meeting note:** Mr Mike File addressed the meeting.

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

1. That Council adopt the amendment to the Campbelltown (Sustainable City) Development Control Plan - Volume 2, Part 11: Caledonia Precinct.
2. That Council give public notice of its decision in a local newspaper within 28 days, with commencement of the Development Control Plan Amendment to come into effect on the date of the public notice.
3. That all those who provided a submission, to be advised of Council's decision.
4. That Council prepare supplementary development controls for land zoned R5 Large Lot to be included in Volume 1 of the Campbelltown Sustainable City Development Control Plan.
5. That a further report be submitted to Council in regard to the acquisition of No. 306 Bensley Road, Ingleburn for open space purposes.

A Division was recorded in regard to the Resolution for Item 8.6 with those voting for the Motion being Councillors G Brticevic, M Chowdhury, K Hunt, R Manoto, B Gilholme, M Chivers, B Moroney, W Morrison and B Thompson.

Voting against the Resolution were Nil.

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

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**Meeting note:** At the conclusion of the discussion regarding item 8.6 Councillor Greiss, Councillor Lound and Councillor Oates returned to the Chamber at 6:56pm.

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## 8.7 Reports and Letters Requested

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

That the information be noted.

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

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## 8.8 Investments and Revenue Report - February 2019

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

That the information be noted.

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

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**Meeting note:** Having declared an interest in item 8.9 Councillor Morrison left the Chamber at 6:58pm and did not take part in the discussion or vote on the matter.

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## 8.9 24 Hour Fight Against Cancer Macarthur

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

That Council approve the request for sponsorship including coverage of the cost of venue hire, security and cleaning associated with the 24 Hour Fight Against Cancer Macarthur 2019 walk at the Campbelltown Athletics Stadium.

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

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**Meeting note:** At the conclusion of the discussion regarding item 8.9 Councillor Morrison returned to the Chamber at 7.00pm.

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## 8.10 Update on the Preparation of a Draft Local Strategic Planning Statement for the Campbelltown Local Government Area

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

That Council note the information provided within this report regarding:

a) the change of timeframe for the preparation of the draft Local Strategic Planning

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Statement and progress made to date

- b) the outcomes of the Councillor workshop on 26 February 2019, and
- c) the processes for liaising with the Greater Sydney Commission and State Government Departments and Agencies about the formulation of the Local Strategic Planning Statement.

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

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## **9. QUESTIONS WITH NOTICE**

Nil

## **10. RESCISSION MOTION**

Nil

## **11. NOTICE OF MOTION**

Nil

## **12. URGENT GENERAL BUSINESS**

## **13. PRESENTATIONS BY COUNCILLORS**

1. Councillor Bob Thompson passed on his thanks to all Council staff for always providing him with assistance.
2. Councillor Warren Morrison attended Tharawal Aboriginal Medical Service at Airds for the 30<sup>th</sup> Anniversary. The event was attended by Uncle Ivan. Councillor Morrison passed on his congratulations to the staff at Tharawal Aboriginal Medical Service and noted that it was wonderful to be part of the celebrations.
3. Councillor Margaret Chivers on 20 March attended Campbelltown Arts Centre for the Women in the Workplace symposium. The event brought together women from across Campbelltown who are all on different stages of their careers. The event provided attendees with ideas and inspiration from speakers in how to assist in the next steps of their professional lives. Councillor Chivers passed on her thanks to Council staff for organising this event and hoped that this event continues to assist more women.

4. Councillor Margaret Chivers on 16 March with Councillors Brticevic, Oates, Chowdhury and Gilholme attended the Greg Percival Library 10<sup>th</sup> birthday celebrations at Ingleburn Library. Councillor Chivers shared how she had watched the library grow over the past 10 years. Councillor Chivers passed on her thanks to the librarians for such a memorable event, giving special mention to Mirdada Karahasan for spending hours making balloon animals.
5. Councillor Ben Gilholme mentioned that April is Autism Awareness Month, which is celebrated across Australia by wearing blue. Councillor Gilholme noted that one in 70 Australians have autism.
6. Councillor Ben Gilholme shared that Campbelltown Council was nominated for the Advancement Award from Autism Spectrum Australia on 4 April. Campbelltown Council was nominated for this award for the 'quiet hour' initiative at community events.
7. Councillor Ben Gilholme on 20 March attended the Game of Thrones Trivia Night at HJ Daley Library. The event had a great theme and was filled with residents who have a great passion for Game of Thrones. Councillor Gilholme mentioned the library is now preparing for the next event, Intergalactic Space Trivia Night which will be part of the Campbelltown City Library Apollo celebration.
8. Councillor Karen Hunt on 24 March attended St John the Evangelist Catholic Church, Campbelltown for the Feast Day of San Pedro Calungsod. The mass and celebrations were attended by Consul Melanie Rita Diana from the Philippine Consulate, Violeta Escultura, President of the Alliance of Philippine Community Organizations, Dr Jimmy Lopez, President, Blessed Pedro Calungsod Association and many Philippine community members for the mass in honour of San Pedro Calungsod. San Pedro Calungsod was a young 17 year old Philippine man who travelled to Guam to help preach the Christian faith to the local people in the 17th Century. San Pedro Calungsod was beatified by Pope John Paul II for his heroism and for being an example for all young people in spreading the faith. He is recognised as the patron saint of Filipino youth.
9. Councillor Karen Hunt on 26 March attended Thomas Reddall High School for the Hospitality assessment for the year 10, 11 and 12 students. The school opened a TRed restaurant with students' parents, school community members and Education Department representatives becoming diners. The assessment covered two days under the guidance of MWLP (Macarthur Workplace Learning Program) Hospitality training network staff Darren Lees and Darren Wills. Councillor Hunt congratulated the students on their efforts noting that the dishes served were delicious and each of the students should be very proud.
10. Councillor Meg Oates on 8 March attended International Womens Day celebrations at Eagle Vale High School participating in the Take A Leap program. The program involved a series of seminars and workshops which allowed senior students from the Campbelltown area to come together to look at their futures and how they can take the leap into the next step of their lives.

11. Councillor Meg Oates congratulated Campbelltown Arts Centre on going from strength to strength. Councillor Oates mentioned the current exhibitions, in particular Suzanne Archer: Song of the Cicada, celebrating five decades of Suzanne's work. Councillor Oates noted how blessed we are to have some world class work. Councillor Oates shared that Council will be a partner in the 22<sup>nd</sup> Biennale of Sydney and Councillor Oates thanked all staff involved in arranging this partnership.
12. The Mayor, Councillor Brticevic passed on his congratulations to Greg Warren MP and Anoulack Chanthivong MP on the election results and in retaining their seats of Campbelltown and Macarthur. Councillor Brticevic passed on his best wishes to Dr Mike Freeland MP on the upcoming federal election.
13. The Mayor, Councillor Brticevic on 7 April attended Catch a Carp at Eagle Vale Pond, Eagle Vale Reserve. Councillor Brticevic commented on the declining numbers of carp being found and how successful the program is, adding that two pelicans have also become permanent residents so may also be helping reduce the number of carp. Councillor Brticevic passed on his thanks to Council staff for organising and running the event.
14. The Mayor, Councillor Brticevic on 20 March with Councillor Chivers and Councillor Chowdhury celebrated Campbelltown's high achievers from the 2018 High School Certificate. Councillor Brticevic passed on his congratulations to Campbelltown's high achievers and his thanks to Council staff for organising.
15. The Mayor, Councillor Brticevic on 30 March attended the Campbelltown District Netball Association 2019 March Past at Coronation Park, Minto. Congratulations to the Campbelltown Thunder Netball Club who won 1<sup>st</sup> prize and to Eaglevale Netball Club who were Highly Commended. Councillor Brticevic also presented a Mayoral Community Service Award to Shirley Connolly, the retiring President of Campbelltown Netball District Association for her decades of service. Shirley is the only person to ever receive two Mayoral Community Service Awards. Councillor Brticevic noted that council has recently replaced the lighting with LEDs and new light poles installed at Coronation Park which have been appreciated by all the netball families.
16. The Mayor, Councillor Brticevic welcomed Rebecca Grasso, as the new Director of City Growth and Economy who came from Parramatta Council. Councillor Brticevic commented on having a strong Executive team that is lead under the direction of a great General Manager.

## 14. CONFIDENTIAL REPORTS FROM OFFICERS

### Confidentiality Recommendation

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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, 14.2 and 14.3 which are considered to be confidential in accordance with Section 10A(2) of the *Local Government Act 1993*, as indicated below:
-

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**Item 14.1 General Manager's Performance Review**

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

**Item 14.2 Land Transfer**

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

**Item 14.3 Purchase of Property in Macquarie Fields**

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

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

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

---

The Ordinary Meeting of Council was adjourned at 7.19pm and reconvened as a meeting of the Confidential Committee at 7.20pm.

## Recommendations of the Confidential Committee

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### 14.1 General Manager's Performance Review

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

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

A Division was recorded in regard to the Resolution for Item 14.1 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, B Gilholme, M Chivers, B Moroney, W Morrison, B Thompson and G Greiss.

Voting against the Resolution were Nil.

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

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## 14.2 Land Transfer

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

1. That Council agrees to the transfer of the property noted below under the terms and conditions contained in the Summary section of this report.
2. That all documentation associated with the transfer be executed under the Common Seal of Council, if required.

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

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## 14.3 Purchase of Property in Macquarie Fields

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

1. That Council approves the submission of an offer to purchase the property noted below on the terms and conditions contained in this report, plus a maximum contribution of \$10,000 (plus gst) to the vendor's Real Estate Agency costs.
2. That Council classifies the land as 'operational' land, if acquired.
3. That any documentation associated with the purchase of the subject property be executed under the Common Seal of Council, if required.

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

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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.

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

---

**At the conclusion of the meeting of the Confidential Committee the Open Council Meeting was reconvened at 7.37pm.**



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

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

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

---

There being no further business the meeting closed at 7.38pm.

Confirmed by Council on

..... General Manager ..... Chairperson

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## **3.2 Minutes of the Extraordinary Meeting of Council held 30 April 2019**

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### **Officer's Recommendation**

That the Minutes of the Extraordinary Meeting of Council held 30 April 2019, copies of which have been circulated to each Councillor, be taken as read and confirmed.

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### **Report**

That the Minutes of the Extraordinary Meeting of Council held 30 April 2019 are presented to Council for confirmation.

### **Attachments**

1. Minutes of the Extraordinary Meeting of Council held 30 April 2019 (contained within this report)

# CAMPBELLTOWN CITY COUNCIL

## Minutes Summary

Extraordinary Council Meeting held at 6.30pm on Tuesday, 30 April 2019.

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**Minutes of the Extraordinary Meeting of the Campbelltown City Council held on 30 April 2019**

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**Present**           The Mayor, Councillor G Brticevic  
                  Councillor M Chivers  
                  Councillor M Chowdhury  
                  Councillor B Gilholme  
                  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**

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

That the apologies from Councillor G Greiss and Councillor R Thompson be received and accepted.

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

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

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## **3.     DECLARATIONS OF INTEREST**

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

### **Pecuniary Interests**

Nil

### **Non Pecuniary – Significant Interests**

Nil

### **Non Pecuniary – Less than Significant Interests**

Nil

## Other Disclosures

Nil

## 4. REPORTS FROM OFFICERS

### 4.1 Draft Code of Meeting Practice

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

1. That the Draft Code of Meeting Practice be amended as follows:
  - a) Delete point 15.8
  - b) Remove references to 'public forum' in clauses 6.6 and 6.13 and replace with 'Council meeting'
  - c) Minor corrections be made to the numbering as outlined in the tabled document.
2. That the Draft Code of Meeting Practice as amended in point 1 be placed on public exhibition for a period of 28 days
3. That Council receive a further report outlining the submissions received during the exhibition period.

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

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### 4.2 Draft Delivery Program 2017-2021 and Operational Plan 2019-2020 including the Draft Budget, Fees and Charges

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

1. That the Draft Delivery Program 2017-2021 and Operational Plan 2019-2020 including the Draft Budget and Fees and Charges be placed on public exhibition for a period not less than 28 days between 1 May 2019 and 29 May 2019.
2. That a further report be submitted to Council on the exhibition of the draft documents prior to consideration of the formal adoption of these documents.

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

---

There being no further business the meeting closed at 6.47pm.

Confirmed by Council on

..... General Manager ..... Chairperson

**4. DECLARATIONS OF INTEREST**

**Pecuniary Interests**

**Non Pecuniary – Significant Interests**

**Non Pecuniary – Less than Significant Interests**

**Other Disclosures**

**5. MAYORAL MINUTE**

**6. PETITIONS**

## **7. CORRESPONDENCE**

### **7.1 Emergency Veterinary Care for Injured Koalas**

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#### **Officer's Recommendation**

That the letters be received and the information be noted.

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Letter from Mr Geoff Richardson from the Department of the Environment and Energy representing the Hon Melissa Price MP in response to Council's correspondence regarding emergency veterinary care for injured koalas.

#### **Attachments**

1. Copy of the letter from Mr Richardson from the Department of the Environment and Energy responding on behalf of the Hon Melissa Price MP regarding emergency veterinary care for injured koalas (contained within this report)
2. Copy of the letter sent to the Hon Melissa Price MP regarding emergency veterinary care for injured koalas (contained within this report)



**Australian Government**  
**Department of the Environment and Energy**

PDR: MC18-024365

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

council@campbelltown.nsw.gov.au

Dear Ms Deitz

Thank you for your letter to the Minister for the Environment, the Hon Melissa Price MP, concerning veterinary care for injured koalas. Your letter has been passed on to the Department of the Environment and Energy to reply.

The Australian Government is leading the development of a recovery plan for the nationally listed koala populations in New South Wales, Queensland and the Australian Capital Territory in collaboration with those jurisdictions to ensure that the recovery plan aligns with state strategies and other koala planning processes. Alignment should ensure a national coordinated and collaborative approach to koala conservation. It's proposed that the draft koala recovery plan will be available for public consultation in mid-2019.

The Department is aware of the significance of the koala population within the Campbelltown Local Government Area. The threats to the population you identify including loss and fragmentation of habitat, vehicle strikes and dogs are threats more broadly to the koala across its distribution in NSW and Queensland. The national recovery plan will aim to address these.

The Department acknowledges Council's planning and management initiatives to mitigate threats and improve koala habitat. A Department representative participated in the Greater Macarthur Koala Partnership forum on 6 March 2019 and we thank you for your invitation and the opportunity to participate. The valuable information gained from forums such as these will inform the finalisation of the national koala recovery plan.

I note your request for funding to support koala veterinary services. The Government's primary investment program in natural resource management, including actions to support threatened species recovery, is the National Landcare Program. Information on funding opportunities through the Program is at [www.nrm.gov.au](http://www.nrm.gov.au). Any new grant funding opportunities are advertised on the Department's website [www.environment.gov.au](http://www.environment.gov.au).

Thank you again for bringing your concerns to the Government's attention.

Yours sincerely

**SIGNATURE HAS BEEN REMOVED**

Geoff Richardson  
Assistant Secretary  
Protected Species and Communities Branch

29 March 2019

GPO Box 787 Canberra ACT 2601 • Telephone 02 6274 1111 • Facsimile 02 6274 1666 • [www.environment.gov.au](http://www.environment.gov.au)





5 November 2018

The Hon Melissa Price MP  
Minister for the Environment  
PO Box 6022  
House of Representatives  
Parliament House  
CANBERRA ACT 2600

Dear Minister Price,

**Emergency Veterinary Care for Injured Koalas**

I am writing to you in response to a resolution of Council seeking urgent intervention and provision of financial assistance to local veterinary clinics that care for injured koalas.

Koalas in the Campbelltown Local Government Area (LGA) are considered to be the only disease free koala colony within the Sydney Basin. In the Campbelltown area, koala mortality rates due to disease or predation are low when compared to the incidence of trauma caused by vehicle strike. In fact, vehicle related trauma is considered to be the highest known cause of koala mortality in this area. As such, adequate strategic conservation planning including the provision of safe and viable wildlife movement corridors, particularly in areas where core koala habitat is dissected by arterial roads such as Appin Road; would arguably have the most positive effect on the local koala population in reducing current koala mortality rates.

The Council considers it extremely important that suitable measures be put in place as part of major road upgrades to ensure the safety of road users and native animals. It also continues to advocate for the provision of adequate levels and means of separation between transport corridors and the surrounding bushland, such as but limited to, the installation of wildlife-friendly fencing, fauna crossing underpasses and overpasses. These initiatives would reduce the potential for human injury or death caused by vehicle collisions related to wildlife accessing the roadway, whilst ensuring wildlife is safely funnelled towards road crossing structures.

However, in addition to the need for suitable infrastructure/measures that prevent or reduce the chance of vehicle/koala strike, appropriately targeted financial assistance to local veterinary clinics that care for injured wildlife, should be a matter of priority for both the State and Federal Governments.

Appin Road in the southern part of Campbelltown is known to be a hotspot for koala fatalities cause by vehicle strike. This road traverses a key movement corridor for koalas in the Campbelltown area, as well as other fauna species moving between the Georges River and

Civic Centre: 91 Queen Street, Campbelltown Mail: PO Box 57, Campbelltown NSW 2560 DX5114  
Telephone: 02 4645 4000 Facsimile: 02 4645 4111  
Email: [council@campbelltown.nsw.gov.au](mailto:council@campbelltown.nsw.gov.au) Website: [www.campbelltown.nsw.gov.au](http://www.campbelltown.nsw.gov.au)  
ABN 31 459 914 087

Nepean River catchments. With the ever expanding koala population, and the significant increase in traffic volumes along Appin Road, resulting from the strong growth across emerging development fronts within the Campbelltown, Wollondilly and Illawarra areas, the frequency of koala/vehicle interaction and the number of koalas requiring emergency veterinary treatment due to vehicle strike is increasing at a rapid rate. The level of specialist care required to be provided to injured wildlife, and the increase in its frequency, has become a serious and unreasonable financial burden on local veterinary clinics.

Given the occurrence of a koala/vehicle strike usually results in the death or serious injury of the koala, the subsequent level of veterinary care required to treat the serious injuries of surviving koalas can be very expensive, and sometimes prohibitive depending on the nature of the injuries. It is important to recognise that although veterinarians are obliged to review and provide appropriate care for injured wildlife presented to them (such as a koala), this care comes at a substantial and unbudgeted financial personal burden, or to their clinics.

The financial consideration of whether or not, an iconic Australian animal such as the koala should be saved, should be significantly reduced or removed entirely from the decision train.

Having regard to the above, I would like to bring your attention to a resolution of the Council whereby it has recently resolved that a forum be organised with key local stakeholders including local veterinarians, representatives of koala and rescue groups including WIRES, and relevant State and Commonwealth agencies, to identify a viable and sustainable care program for injured koalas.

In addition to the above resolution, the Council has now further resolved to establish a Greater Macarthur Koala Partnership Forum, which would seek to include (in addition to the above stakeholders), Wollondilly Shire Council; key landholders from within the Greater Macarthur Priority Growth Area within both the Campbelltown and Wollondilly Local Government Areas; Local State and Federal Members; and members of the Georges River Combined Council's Committee (GRCCC) Riverkeeper, to investigate developing a koala care program involving among other things, the establishment of a koala hospital, research and rehabilitation sanctuary.

To this end, Council staff are currently undertaking the pre-planning work to develop the structure and membership for this forum, with the inaugural meeting date of the forum to be decided on soon.

I must stress that the issue of koala safety and preservation of the same within our local area is considered of very high importance to the Council and its community, and as such it is respectfully requested that ongoing funding or other suitable means of financial assistance be urgently allocated to veterinary clinics within the Campbelltown Local Government Area to assist with the recovery of costs incurred by local veterinary clinics, stemming from the delivery of emergency medical treatment for injured koalas and other wildlife.

Please note that in accordance with the resolution of the Council, I have also written to the following Ministers on this issue:

The Hon Michael McCormack MP  
Minister for Infrastructure, Transport and Regional Development (Cth)

The Hon Gabrielle Upton MP  
Minister for the Environment and Minister for Local Government (NSW)

The Hon Anthony Roberts MP  
Minister for Planning (NSW)

The Hon Melinda Pavey MP  
Minister for Roads, Maritime and Freight (NSW)

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The Hon Andrew Constance MP  
Minister for Transport and Infrastructure (NSW)

Your full consideration and assistance with the above is appreciated, and if you require any further information please contact Mr Jim Baldwin, Director City Development on (02) 4645 4575.

Yours sincerely

*SIGNATURE HAS BEEN REMOVED*

Lindy Deitz  
**General Manager**

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## 7.2 Inclusive Event - Pilot Music Festival

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### Officer's Recommendation

That the letter be received and the information be noted.

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Letter from Dr Mike Freeland MP regarding the article titled 'Music festival for people with disability to be trialled in Campbelltown' reported in the Macarthur Advertiser on 13 March 2019 being an "Inclusive event" regarding Councils decision to pilot a music festival specifically designed for those with disabilities and their careers.

### Attachments

1. Copy of letter from Dr Mike Freeland MP regarding the article, "Inclusive event" in the Macarthur Advertiser (contained within this report)
2. Copy of the Macarthur Advertiser article, 'Music festival for people with disability to be trialled in Campbelltown' 13 March 2019 [Accessed online 26 April 2019] (contained within this report)



26<sup>th</sup> March 2019

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

Dear Councillors,

I am writing to you with regards to a recent article in the Macarthur Advertiser titled, "*Inclusive event*" where the decision of the Campbelltown City Councillors to pilot a music festival specifically designed for people with disabilities was detailed.

I wanted to take the opportunity to personally commend you for the implementation of this fantastic initiative to the Macarthur community. As the Federal Member for Macarthur, I can see the support services provided by the local council can have a tremendously positive impact on the well-being of local residents and often make a world of difference for individuals where they would have otherwise been left behind by corporate or privately managed organisations.

I am certain that the efforts of the Campbelltown City Council will have a meaningful impact on the residents of the area who are living with disabilities, and I sincerely commend you for your compassionate efforts.

Thank you for representing our area of Macarthur.

Kind regards,

SIGNATURE HAS BEEN REMOVED

DR MIKE FREELANDER MP  
*Federal Member for Macarthur*

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





## MACARTHUR ADVERTISER

March 13 2019 - 3:57PM

By Jess Layt

# Music festival for people with disability to be trialled in Campbelltown

Campbelltown will pilot a music festival designed specifically for people with disability following a council motion this week.

Councillor Margaret Chivers said everyone deserved a chance to have the same life experiences, but people with disability and those on the autism spectrum often found it particularly difficult to attend music festivals.

She said Campbelltown had an opportunity to lead the way and launch a festival unlike anything else in Sydney.

"We just need to modify a festival to make it as accessible as possible for people with physical, learning, mental or other disabilities," Cr Chivers said.

"Most music festivals have flashing lights, loud music and there are no quiet areas.

"We need a festival where the music is not uncomfortably loud, without flashing lights, with plenty of room to move around, flat ground for wheelchairs and festival friends - easily identifiable individuals dotted around the site who can provide assistance.

"There should also be a dog stop for assistance dogs."

Most councillors applauded Cr Chivers' motion and were keen to see the idea get off the ground.

Councillor Ben Gilhorne said the festival would also provide a great chance for performers and artists with disabilities to ply their trade.

He said Campbelltown had a larger disabled population than many other areas of metropolitan Sydney, followed by Penrith and Bankstown.

Councillor Karen Hunt said she believed the festival would be a "great success".

"I believe this is a great way to include the whole community in everything, not just able-bodied individuals," she said.

Councillor Darcy Lound said the event had the potential to be a great economic driver in the region.

"This could be the start of something big," he said.

"If the pilot goes well then we can try and attract people not just from Campbelltown and Macarthur but all over the state.

"This is a great notice of motion."

Cr Chivers had similar hopes.

"We should start small and grow this into something that Campbelltown will be renowned for," she said.

Councillor Ben Moroney said he couldn't wait to see the festival get off the ground.

"As long as no one tells Gladys Berejiklian, this might just be the last music festival left in Sydney," he said.

The Macarthur region's biggest music festival, Secret Garden at Brownlow Hill, finished up its decade long run at the Downes Family Farm last month.

## **8. REPORTS FROM OFFICERS**

### **8.1 Development Application Status**

#### **Reporting Officer**

Director City Development  
City Development

#### **Community Strategic Plan**

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

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#### **Officer's Recommendation**

That the information be noted.

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#### **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'<br>74 Fern Avenue,<br>Campbelltown  | Construction of a residential development containing 134 residences and alterations to and use of the existing heritage building.  | \$26,000,000  | >20million<br>(registered prior to \$30mil threshold) | Assessing   |   |
| 497/2017/DA-SW                             | Riverside Drive,<br>Cheviot Place,<br>Ryeland Place,<br>Southdown Place<br>and Deans Road,<br>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                     |   |
| 3293/2017/DA-C                             | 166 - 176 St<br>Andrews Road<br>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 | Public meeting held by Independent Planning Commission on 25 <sup>th</sup> March 2019 |
| 3511/2018/DA-C                             | Farrow Road,<br>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                       | Submitted to Sydney Western City Planning Panel meeting of 8 April 2019         | Approved by Panel at its meeting held on 8 April 2019                                 |
| 4435/2018/DA-SL                            | Lot 1 Pembroke Road, Minto  | Construction of a seniors living development comprising 315 independent living units, 100 bed residential aged care facility and 32 villas, associated car parking, site works and landscaping in stages | \$157,872,000 | >\$30 million capital investment value                | Land and Environment Court appeal received                                      |   |
| 130/2019/DA-SL                             | 247 Jamboree Avenue, Denham Court   | Construction of a 144 bed residential aged care facility with onsite parking for 48 cars, loading facility and associated site and landscaping works   | \$39,051,242  | >\$30 million capital investment value                | Under assessment  |   |



## Development Application Register

| DA No.         | Address  | Description  | Value         | Authority Criteria  | Status                            | Determination |
|----------------|--|--|---------------|---|-----------------------------------|---------------|
| 308/2019/DA-C  | 22-32 Queen Street,<br>Campbelltown                  | Concept plan for the development of a multi-storey mixed use residential and commercial development                          | \$132,572,272 | >\$30 million capital investment value                              | Under assessment                  |               |
| 1227/2019/DA-M | 12-16 Francis Street<br>and 121 Minto<br>Road, Minto | Demolition of four existing dwellings and construction of 23 'affordable rental housing' townhouses and basement car parking | \$7,995,408   | >\$5 million capital investment value for affordable rental housing | Preparing for public notification |               |

## DAs to be considered by the Local Planning Panel

| DA No.          | Address                             | Description  | Value        | Authority Criteria                              | Status                                      | Determination |
|-----------------|-------------------------------------|--|--------------|---|---|---------------|
| 2238/2017/DA-RA | 37 Cumberland<br>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,<br>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 |               |
| 3885/2017/DA-SW | Lot 3 Menangle Rd,<br>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<br>Road, Kentlyn  | Extension of existing poultry sheds  | \$10,000     | Number of objections                            | Awaiting further information from applicant |               |

## Development Application Register

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

## Development Application Register

| DA No.         | Address                          | Description   | Value        | Authority Criteria                                 | Status               | Determination |
|----------------|----------------------------------|---|--------------|--|----------------------|---------------|
| 48/2019/DA-I   | 1 Magnum Place,<br>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,<br>Campbelltown | Construction of a residential aged care facility  | \$24,712,636 | Development value and others                       | On public exhibition |               |

## 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            |
|------------------|---|--|-------------|---------------------|-----------|--------------------------|
| 2819/2018DA-BH   | 3 Cumberland Road, Ingleburn                  | Demolition of the existing structure and construction of a two storey 14 room boarding house with basement car parking and associated site works   | \$1,350,000 | Delegated authority | Completed | Approved with conditions |
| 813/2018/DA-M    | 21 Glenfield Road, Glenfield                  | Construction of a multi dwelling development consisting of 25 two storey dwellings and road works  | \$8,620,095 | Delegated authority | Completed | Approved with conditions |
| 3324/2017/DA-MAH | 5-9 Angle Road, Leumeah                       | Demolition of existing structures and construction of 16 dwellings and strata subdivision  | \$2,749,560 | Delegated authority | Completed | Approved with conditions |
| 2084/2018/DA-RS  | Fanflower and Wiregrass Avenues, Denham Court | Construction of 12 attached dwellings, subdivision into 12 Torrens title allotments, landscaping, utilities work, minor earthworks and civil works | \$3,806,830 | Delegated authority | Completed | Approved with conditions |

## Development Application Register

| DA No.          | Address                            | Description  | Value       | Authority Criteria  | Status    | Determination            |
|-----------------|------------------------------------|--|-------------|---------------------|-----------|--------------------------|
| 2433/2018/DA-RS | Passiflora Avenue,<br>Denham Court | Construction of 11 attached dwellings, 10 semi-detached dwellings, one detached dwelling, subdivision into 22 Torrens title allotments, minor earthworks, civil works and associated landscaping | \$7,550,538 | Delegated authority | Completed | Approved with conditions |

## 8.2 Glenlee Precinct Planning Proposal and draft Development Control Plan - Outcome of Public Exhibition

### Reporting Officer

Director City Development  
City Development

### Community Strategic Plan

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

### Officer's Recommendation

1. That Council forward the Glenlee Precinct Planning Proposal attached to this report to the Minister for Planning for finalisation.
2. That Council not exercise, via the General Manager the functions of the Minister for Planning under section 3.31(3)(b) of the *Environmental Planning and Assessment Act 1979*, pursuant to the Instrument of Delegation dated 14 October, 2012 due to an unresolved objection from Roads and Maritime Service regarding acquisition of the Spring Farm Parkway Corridor that forms part of the site.
3. That Council endorses the amendment to the Campbelltown (Sustainable City) Development Control Plan - Volume 2, Part: 11 Glenlee Precinct and defer its activation subject to the Ministers approval of the draft Planning Proposal.
4. That Camden Council, all persons and authorities who made a submission be advised of Council's resolution.

### Purpose

The purpose of this report is to review submissions received in response to the exhibition of the Planning Proposal and draft Development Control Plan (DCP) for the Glenlee Precinct and to recommend that Council proceed to finalise the amendment to the Campbelltown Local Environmental Plan 2015 (CLEP) and adopt the amendment to the Campbelltown (Sustainable City) Development Control Plan (SCDCP) subject to minor modification.

### The site

The Planning Proposal relates to land identified in attachment 1. The land straddles the boundary between Camden and Campbelltown local government areas and is comprised of the following allotments:

| Owner                             | Property           | Land                         |
|-----------------------------------|--------------------|------------------------------|
| Glenlee Properties P/L            | Lot 107 DP 1241598 | Wholly within Camden         |
| Sada Services P/L                 | Lot 1DP 250033     | Wholly within Camden         |
| Sada Services P/L                 | Lot 38 DP 1098588  | Within Campbelltown & Camden |
| Sada Services P/L (Rail Corridor) | Lot 1 DP 405624    | Within Campbelltown & Camden |
| J and W Tripodi Holdings P/L      | Lot 1102 DP 883495 | Within Campbelltown & Camden |

The total site area is approximately 110 hectares (including the portion within Camden LGA), with approximately 60 ha considered to be suitable for industrial development by the property owners' consultant. This site is currently occupied by the Sada Services truck maintenance depot, coal washery and reject coal emplacement, Camden Soil Mix green waste and recycling facility and TRN truck maintenance depot.

### Background

On 26 February 2013, Council endorsed a draft Planning Proposal jointly with Camden Council, to rezone certain land at the Glenlee coal washery/emplacement site for industrial development. Council received a Gateway Determination dated 3 July 2013 that required Council to meet certain conditions prior to public exhibition including the preparation of a number of technical studies and to update its consideration of Ministerial Directions. These were completed and formed the basis of a revised planning proposal.

To address access and traffic issues, Camden Council originally imposed a gross floor area cap of 12,500sqm on warehousing and 10,000sqm on general industrial use (or a combination of both). The proponent undertook a review of the proposed cap and found that up to 90,000sqm of additional floor space could be supported subject to upgrading road works at the intersection of the Camden Bypass and Liz Kernohan Drive which has the support of NSW Road and Maritime Services (RMS) and Transport for NSW.

On 18 April 2017, Council considered a further report and endorsed the amended planning proposal with the 90,000sqm gross floor area cap. Council also endorsed a draft amendment to the Campbelltown (Sustainable City) Development Control Plan 2015 for public exhibition with the planning proposal.

On 3 October 2017, Council received a revised Gateway Determination which required a number of amendments to the planning proposal prior to public exhibition. Further amendments were again presented to Council on 28 November 2017 where it resolved to support and exhibit the revised planning proposal and the site specific DCP for exhibition.

In summary, the exhibited planning proposal seeks to amend the CLEP 2015 as follows:

|                  |   |
|------------------|---|
| Zoning           | Change from RU2 Rural Landscape to part: <ul style="list-style-type: none"> <li>• IN1 General Industrial (on the former coal emplacement)</li> <li>• E2 Environmental Conservation</li> </ul> |
| Minimum Lot Size | Change from 40ha to part: <ul style="list-style-type: none"> <li>• 4,000sqm within the IN1 zone</li> <li>• No minimum lot size in the E2 Environmental Conservation</li> </ul>                |

|                                       |  |
|---------------------------------------|--|
| Maximum Building Height               | Change from 8.5m to part: <ul style="list-style-type: none"> <li>• 12 m in the IN1 General Industrial</li> <li>• 9 m in the E2 Environmental Conservation</li> </ul>                         |
| Land Reservation                      | Adjust the location of the SP2 Local Road reservation over the future Spring Farm Parkway and change to SP2 (acquisition authority to be determined)   |
| Maximum Floor space in Precinct       | Impose a maximum gross floor area control of 65,000 sqm for general industrial use within the Campbelltown LGA part of the site until a road link to the M31 at Menangle Park is established |
| Maximum Floor space for any retailing | Impose a maximum gross floor area control of 500sqm for any retailing premises within the Campbelltown LGA portion of the site   |

The exhibited amendments to the SCDCP address the following matters particular to the Glenlee Precinct:

- ensure that development is consistent with the local scenic quality, particularly the Nepean River, ridgelines and the natural landscape
- ensure that development does not pollute adjacent waterways and restores adjacent riparian corridors
- protect the amenity of surrounding areas, including Menangle Park, Glenlee House, the Botanic Garden and Camden Park
- ensure stabilisation and revegetation of the embankments
- ensure transport and pedestrian links to the site including the Macarthur Recreational Trail
- promote the conservation of existing bushland and establish fauna corridors to link the Nepean River to the Botanic Gardens
- to protect the environment by ensuring that potentially contaminated areas within the Glenlee Precinct are remediated
- promote landscaping to screen development
- achieve a legible subdivision and street pattern.

The proposed DCP amendment would become Volume 2, Part 12 - Glenlee Precinct of the Campbelltown (Sustainable City) Development Control Plan 2015. That is, the general provisions of the DCP would apply as well as provisions specific to the Glenlee Precinct.

## Report

This report presents a summary of submissions received in response to the exhibition of the draft planning proposal and draft amendments to the SCDCP.

### 1. Exhibition

The planning proposal and draft amendment to the SCDCP were exhibited from Wednesday 17 January 2018 to Friday 16 February 2018. The exhibition included advertisements in local newspapers, an advertisement on the Council website under Have you Say, displays at Council's administration building and libraries and letters to affected owners. Camden Council also held its own public exhibition with respect to the proposal.

A total of 14 submissions were received during the exhibition period from adjoining councils and State authorities. Although no submissions objected to the proposal, various issues were raised as detailed in attachment 3.

### 1.1. Planning Proposal Summary of Issues

The following key issues were raised in respect of the draft Planning Proposal:

| NSW Office of Environment and Heritage   | Comment   |
|--|---|
| <ul style="list-style-type: none"> <li>Suggest a wider biodiversity corridor along the Nepean River, as it is of high ecological value on a regional scale</li> </ul>  | The Planning Proposal already adopts the wider corridor requirement of 40m as it includes the area of Caley's Creek where it is parallel to the Nepean River. The proposed E2 zone continues to the top of the existing embankment.   |
| <ul style="list-style-type: none"> <li>Suggest a wider biodiversity corridor along Caley's Creek corridor to provide a continuous E2 corridor between Nepean River and Mt Annan Botanic Gardens</li> </ul>   | This would require expanding the E2 zone above the embankment or expanding onto the adjoining land to the east. This is outside the boundary of the current planning proposal and may be considered in future amendments to the CLEP 2015.  |
| <ul style="list-style-type: none"> <li>Suggest that proposed E2 zone lands be in public ownership so that the corridors are managed and maintained in a consistent manner.</li> </ul>  | It is not proposed that Council own or maintain the E2 land. It will remain in private ownership either as a common lot under a community title subdivision or as part of a larger lot.   |
| NSW Roads and Maritime Services  | Comment   |
| <ul style="list-style-type: none"> <li>Suggest that the future Spring Farm Parkway be brought into public ownership via a suitable funding mechanism by Council, at no cost to NSW Government and that a funding mechanism between the councils and the proponent be executed prior to the gazettal of the planning proposal.</li> </ul> | <p>The planning proposal identifies the part of the Spring Farm Parkway corridor within the site as SP2 but without an identified acquisition authority.</p> <p>According to the 2017 Jacobs study commissioned by the Department of Planning and Environment (DP and E), the Spring Farm Parkway will be a future regional arterial road providing a key east – west connection with three lanes in each direction west of the M31. Accordingly, construction, care and maintenance of this link would be responsibility of the RMS.</p> <p>The DP&amp;E recently exhibited a Special Infrastructure Contribution (SIC) for the Greater Macarthur Growth Area, which includes funding for stage 1 of this link.</p> <p>To support implementation of the future SIC, it is proposed to amend the planning proposal to utilise the existing satisfactory arrangements provisions of Council's CLEP 2015, Clause 6.1 (Arrangements for designated State public infrastructure) as a</p> |



|   |   |
|---|---|
|   | future condition of development consent. This would require an amendment to the Urban Release Area Map.<br>Accordingly, no amendment to the zoning of the road corridor is recommended.   |
| Australian Botanic Gardens  | Comment   |
| <ul style="list-style-type: none"> <li>Creation of a viable vegetation community corridor (ideally 100m wide) between the Botanic Gardens and Nepean River will require a strategic and holistic long term plan that goes beyond the Glenlee site.</li> </ul> | As detail above, expansion of the biodiversity corridor into the Glenlee site would extend beyond the current embankment. It is considered that opportunity remains to explore a widened corridor to potentially link the Western Sydney Parklands through to the Botanic Gardens and beyond. The framework for undertaking the project could potentially be progressed via the Western City Partnership. |

## 1.2. Draft Development Control Plan Summary of Issues

The following key issues were raised in respect of the draft Development Control Plan:

|  |  |
|--|--|
| NSW Office of Environment and Heritage   | Comment  |
| <ul style="list-style-type: none"> <li>Suggest various improvements to the objectives and controls relating to habitat protection and vegetation management.</li> </ul>                                | The majority of suggested amendments have been incorporated into the draft DCP amendment.  |
| NSW Department of Industry and Water   | Comment  |
| <ul style="list-style-type: none"> <li>Request for clarification regarding how the management and maintenance of the Nepean River and Caley's Creek corridors will be funded in perpetuity.</li> </ul> | It is proposed that the DCP be amended to require that a vegetation management plan be prepared. Implementation of the VMP and ongoing funding would be achieved by either a covenant on title or via community title subdivision. |
| <ul style="list-style-type: none"> <li>Request that a section on groundwater be added to the DCP.</li> </ul>   | Objectives and controls regarding the potential impacts on groundwater have been included in the DCP.  |

## 2. Post Exhibition Amendments

The following amendments to the exhibited planning proposal and SCDP are proposed in response to submissions, ongoing review and consultation with Camden Council.

### 2.1. Draft Planning Proposal

The proposed floor space cap of 90,000sqm across the entire precinct may result in uncertainty at the development application stage regarding the permissible floor space in each LGA. Accordingly, it is proposed that the current floor space cap be apportioned across each LGA based on the proportion of proposed IN2 zone. Therefore, it is proposed to amend the planning proposal to permit a maximum of 65,000sqm of GFA within the Campbelltown LGA and a maximum of 25,000sqm of GFA in Camden LGA.

In addition, to secure future funding arrangements for the part of Spring Form Parkway within the site, it is proposed to amend the Urban Release Area Map to identify the site as the Glenlee Urban Release Area. This amendment would trigger the requirement for any future applicant to demonstrate that satisfactory arrangements for the provision of designated State public infrastructure have been made prior to issuing development consent for subdivision associated with intensive urban development. This approach has been discussed with the DP&E's Sydney West Region Team as an acceptable solution to addressing RMS submission.

In order to address the re-vegetation of the proposed E2 Environmental Conservation lands it is proposed to insert a provision in the planning proposal specifying that consent must not be granted for development on land in Glenlee unless the consent authority has taken into consideration whether the development is required to undertake environmental protection works based on the following considerations:

- (a) Whether arrangements to the satisfaction of Council, are in place to secure environmental protection works
- (b) Whether the development is temporary or permanent in nature
- (c) The proximity to land zoned E2 Environmental Conservation
- (d) The environmental effect development will have on land zoned E2 Environmental Conservation; and
- (e) If environmental protection works have been undertaken.

#### **Draft Campbelltown Sustainable City Development Control Plan**

To ensure consistency between the Campbelltown and Camden DCPs, the following additional amendments are proposed to the SCDCP:

- requirements for submitting a development application for sites part located in the Camden LGA
- requirement that a vegetation management plan (VMP) be prepared as a condition of development consent for re-vegetation of the proposed E2 zone lands
- requirements that any development be consistent with the Indicative Layout Plan (ILP) even if no subdivision is proposed
- screening of activities / storage outside of buildings
- reformatting of the DCP chapter to ensure consistency with Campbelltown (Sustainable City) DCP

Currently, there are two properties wholly located within Campbelltown LGA where access is only available via private land in Camden. Until these properties have frontage to a public road within Campbelltown LGA, Camden Council will also be a consent authority to for any future development application applying to these lands.

### 3. Statutory Considerations

As part of the Gateway Authorisation, Council was granted delegated authority to request the making of the LEP amendment. Section 3.34 of the Act allows the Minister and the Secretary to delegate functions to a council and/or an officer or employee of a council. Under Section 3.31(3)(b) of the Act, the Minister has delegated the plan making powers with respect to the Planning Proposal to Council.

At its meeting on 20 November 2012, Council resolved to formally accept the plan making delegations and delegate the plan making functions to the General Manager and Director Planning and Environment (now titled Director City Development). Acknowledgement of Council's resolution was received from the then Department of Planning and Infrastructure in January 2013.

The Department's Planning Circular (PS 18-013) in relation to the Delegation of plan making decisions advises that Council's must comply with any conditions of the Gateway determination before exercising the plan making function. This includes obtaining the agreement of the Department's Secretary for any unresolved Section 9.1 Directions. If a condition of Gateway Determination cannot be complied with, Council must not exercise the plan making function and must advise the Department.

In this regard, an objection from RMS remains outstanding in relation to a requirement that an executed funding mechanism between Campbelltown and Camden Council's should be resolved prior to finalization of the Planning Proposal. As detailed in the response to submissions table above, the DP&E has exhibited a Specific Infrastructure Contributions Plan that includes funding for this link.

Accordingly, it is recommended that Council not exercise its delegation in this instance and refer the matter to the Department of Planning and Environment for its determination.

### Conclusion

The draft Planning Proposal and supporting amendment to the Campbelltown Sustainable City Development Control Plan was exhibited from 17 January 2018 to Friday 16 February 2018 resulting in 14 public authority submissions, none of which would warrant not proceeding with the plan.

Due to the unresolved submission issue raised by the RMS, it is recommended that Council not exercise its plan making delegation, adopt the exhibited Planning Proposal and request that the Minister for Planning finalise the plan. It is also recommended that Council adopt the draft amendment to the Sustainable City Development Control Plan (SCDCP) to insert a new part into Volume 2 for the Glenlee Precinct, and defer activation of the SCDCP draft amendment subject to the receipt of the Ministers approval of the draft Planning Proposal.

### Attachments

1. Glenlee DCP (contained within this report)
2. Glenlee Planning Proposal (contained within this report)
3. Glenlee Detailed consideration of issues (contained within this report)

# Campbelltown (Sustainable City) Development Control Plan 2015



## VOLUME 2

Site Specific DCPs

Part 12: Glenlee Precinct DCP

Creating Campbelltown's Future 2025



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## 12.1

### Application

#### 12.1 Application

The following parts of the Campbelltown (Sustainable City) Development Control Plan apply to the land shown in Figure 1:

- Volume 1: Part 2 Requirements applying to all Types of Development;
- Volume 1: Part 7 Industrial Development; and
- Volume 1: Part 12 Glenlee Precinct.

Where the provisions of Part 12 differ from the requirements of the other parts, the controls in Part 12 will prevail.

Campbelltown City Council Engineering Design Guide for Development also applies to development specified in this Part.

#### 12.1.2 Development in the vicinity of the local government boundary

##### Objectives

- Provide flexibility in circumstances where sites fall within both Campbelltown and Camden local government areas; and
- Ensure that a logical layout of development is achieved that can be managed adequately.

##### Controls

###### Architectural Design

- a) Buildings are to be articulated to reduce the apparent height and scale of external walls;
- b) Plant and mechanical equipment, including exhausts are to be screened or located appropriately so that they are not prominent features from the existing and likely future public domain;
- c) Materials and colours of buildings, utility and ancillary structures must adopt darker, recessive toned colours such as earth tones (stone, browns, muted greens, sand, dark red/plums) or cool tones (soft greys, grey/blues). All materials must be constructed of non-reflective materials; and

## 12.1 Application

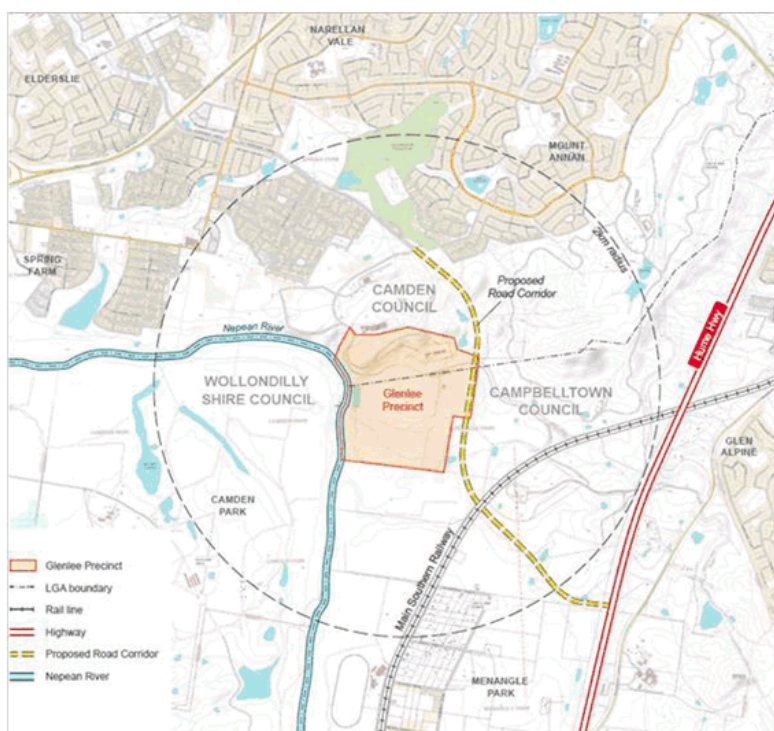


Figure 12.1 - Location of Glenlee Precinct

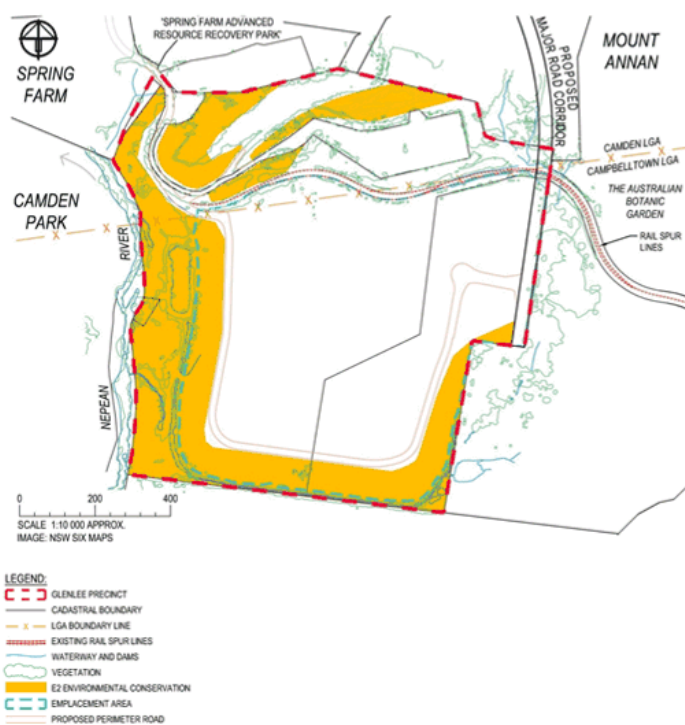


Figure 12.2 - Location of Important Precinct Features



## 12.2

### Vision and Development Objectives

#### 12.2 Vision and Development Objectives

Glenlee provides an opportunity to create an employment precinct with a balanced mix of sustainable land uses within the landscape context of its elevated position at the southern end of the Scenic Hills and adjacent to both the Nepean River and the Australian Botanic Gardens. Glenlee will be a significant destination and employment precinct to complement the new residential areas currently being developed in nearby areas.

The existing development of the site does not complement the surrounding landscape setting. Council seeks to ensure that any new development can take place in a way that is sustainable and is compatible with the surrounding cultural landscape.

Further, the precinct is located in an important distant backdrop when viewed from the M31 Hume Motorway. It shall therefore consist of a variety of low elevation industrial, warehouse and logistic development in a landscaped setting that ensures no detrimental visual impact on the surrounding cultural heritage and residential areas.

Development of the land may take several forms over a period of time given its existing circumstances. It may involve new buildings, structures and / or outside storage of materials within the existing or adjusted lots or may eventually involve subdivision of land and the creation of new public streets with subsequent development.

#### Objective:

- Facilitate new development such as industrial, warehousing and logistic activities;
- Ensure a high standard of development encouraging local employment and creating an area which is pleasant, safe and efficient to work in; Provide access to a bus route to service the precinct.
- Ensure that development takes account of the physical nature of the local environment, particularly the Nepean River, ridgelines and the natural landscape;
- Ensure that development does not result in pollution of waterways particularly the Nepean River and protects, restores and enhances riparian corridors;
- Ensure that development does not adversely affect the amenity of surrounding areas, such as Menangle Park, Glenlee House the Australian Botanic Garden and Camden Park;
- Ensure stability of the emplacement site and re-vegetation of the embankments;
- Ensure suitable transport and pedestrian connectivity to and from the precinct including the Macarthur Recreational Trail;
- Ensure provision of infrastructure to facilitate development of the precinct;
- Establish environmental criteria and controls for development within the area to ensure that the environmental quality of adjoining areas is not compromised;



- Preservation of existing bushland and establish or upgrade a continuous fully vegetated corridor to allow for the movement of fauna between the Nepean River corridor and the Australian Botanic Garden; and
- Minimise the impact of development on areas of native vegetation including areas of high biodiversity, archaeological and heritage significance.

## 12.3

### Development Objectives and Controls

#### Controls

1. Development of the Glenlee Precinct is to be generally consistent with the Indicative Concept Plan shown in Figure 3.

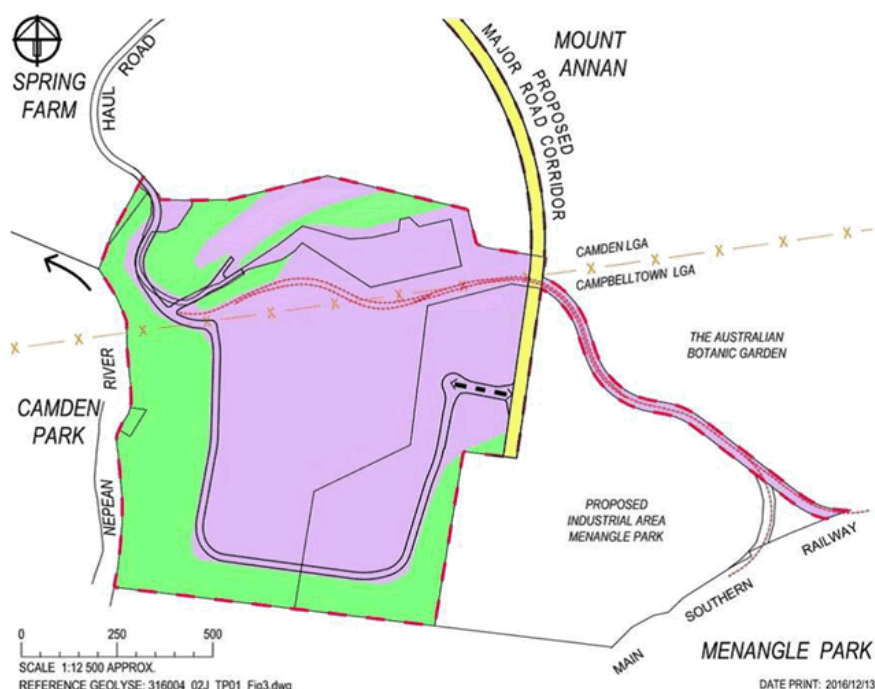


Figure 12.3 - Location of Important Precinct Features

### 12.3 Development Objectives and Controls

This section outlines the objectives and controls to achieve the desired site planning design and landscape outcomes.

## 12.3

### Site Development and Urban Design

#### 12.3.1 Building Design and Setting

##### Objective:

- Optimise integration of buildings with the natural topography, landscape and relative positioning of buildings in the street and the surrounding context;
- Encourage a high standard of architectural design, utilising quality materials and finishes;
- Establish varied and articulated frontages fronting the existing or likely future public domain;
- Encourage the design of attractive and appropriate amenities for staff; and
- Ensure fencing has been designed with regard to the future desired character of the precinct and existing urban environment.

##### Controls

##### Architectural Design

1. Buildings are to be articulated to reduce the apparent height and scale of external walls;
2. Plant and mechanical equipment, including exhausts are to be screened or located appropriately so that they are not prominent features from the existing and likely future public domain;
3. Materials and colours of buildings, utility and ancillary structures must adopt darker, recessive toned colours such as earth tones (stone, browns, muted greens, sand, dark red/plums) or cool tones (soft greys, grey/blues). All materials must be constructed of non-reflective materials; and
4. Building facades to the street must be predominately constructed of face brick, decorative masonry blocks (non-standard concrete blocks), precast panels (coloured and / or textured to a high-quality finish), glass, natural timber or other building materials that present attractively to the public domain.

---

#### Siting / Building Orientation

1. Buildings must be integrated with the natural landscape and the existing and likely future streetscape with an articulated and landscaped appearance when viewed from the vegetation management areas;
2. Building elevations oriented towards residential areas shall be minimised. Where this is unavoidable, the building to be designed to ameliorate negative impacts;
3. Buildings should be designed to maximise solar efficiency, landscape design at the frontage and encourage passive surveillance;
4. Buildings and structures shall be consistent with any future public roads on or adjacent to the precinct; and
5. On lots with multiple street frontages, such as corner lots, buildings must be designed to address both streets.

## 12.3

### Activities Outside Building

#### 12.3.2 Activities Outside Building

##### Objectives

- Optimise the location, scope and appearance of outdoor activities such as storage and structures involved in processing of materials with the natural topography, landscape and relative positioning of buildings in the street and the surrounding context; and
- Minimise views of outdoor activities from public roads and from the surrounding areas.

##### Controls

1. Outdoor activities shall be screened from view from existing and likely future public roads and the surrounding areas; and
2. Structures used in conjunction with the storage and / or processing of materials shall be designed and have colours to minimise their impact on the view from the surrounding areas.

## 12.3

### Subdivision and Lot Design

#### 12.3.3 Subdivision and Lot Design

##### Objectives

- Ensure the creation of lots does not impact adversely on natural and cultural features, existing biodiversity, views and vistas of major heritage items and special areas;
- Ensure that development occurs in a logical and staged manner;
- Ensure that any development that may take place prior to any subdivision does not compromise the intended urban design outcome;
- Ensure provision of a perimeter road that provides an asset protection zone to development to the precinct, a legible road spine, buildings addressing the E2 Environmental Conservation Zone and permit views to more distant vistas; and
- Minimise the number of access points to major roads, whilst facilitating appropriate connectivity and permeability for all modes including pedestrians

##### Controls

1. Any development proposed for the site shall be consistent with Figure 3 - Indicative Concept Plan;
2. Where no subdivision of the site is proposed initially the proposed development shall be designed in a way that would not compromise the provision of a road around the perimeter of the site as envisaged in Figure 3;
3. All development applications must include an Indicative Layout Plan (ILP), or reference an existing ILP, that shows how the proposed development, any proposed or future subdivision, any proposed or future buildings and any proposed or future internal road network would be laid out to be consistent with the Indicative Concept Plan identified in Figure 4;
4. All development applications for the site shall show the vegetation management zones;
5. All development must ensure that:
  - a. all proposed roads and driveways are appropriately connected to the perimeter road;

---

## 12.3

### Subdivision and Lot Design

- b. it does not unreasonably burden the development potential of adjoining lots;
  - c. it has an attractive frontage to adjoining vegetation management zones or open space land; and
  - d. it will provide opportunities for passive surveillance to the public domain.
6. Any perimeter public roads must be subject to significant landscape treatment in accordance with an approved Vegetation Management Plan (VMP) and be compatible with any bushfire management requirements;
7. Battle-axe allotments shall be avoided, where possible;
8. Where a Strata or Community Title subdivision is proposed, parking, landscaping, access areas and directory board signs shall be included as common property; and
9. Prior to the issue of an occupation or subdivision certificate, the road verge /nature strip area adjoining the development site must be left weed and rubbish free, leveled, turfed and planted with appropriate upper canopy street trees at the rate of approximately 1 tree per 15m, main stem to main stem distance apart. The street trees are to be protected by the installation of durable and aesthetically appropriate tree guards with an approved root guard installed in the ground.

## 12.3

### Landscaping

#### 12.3.4 Landscaping

##### Objectives

- Create a landscape character and amenity that is appropriate to the scale and nature of the development;
- Encourage development which provides attractive staff amenities through landscaping; and
- Minimise the visual impact of any development of the site from the surrounding area.

##### Controls

1. A detailed landscape plan, prepared by a suitably qualified consultant, must be prepared with all development applications for the subdivision of land and or erection of buildings. The landscape plan must also detail the location, height and type of fencing proposed within the site;
2. Where it is proposed to carry out development prior to any comprehensive subdivision, including the provision of new public roads, landscaping is to be provided around the development to provide sufficient screening of buildings and any outdoor activities when viewed from surrounding areas such as Menangle Park, Glenlee Estate, the Australian Botanic Gardens and Camden Park Estate. This landscaping may need to be located in places where landscaping would not be required if a comprehensive subdivision takes place;
3. Details shall be submitted showing what soil works are required to support landscaping and street tree planting;
4. Street setbacks are to comprise a minimum 50% of soft landscaping;
5. Staff amenities and open spaces, such as break-out spaces should be incorporated into landscaped areas to provide attractive working environments;

6. Native trees are to be planted every 10m, within the first 3m of the primary street frontage. At the time of planting, the trees must have a minimum height of 2m and a minimum pot size of 400L;
7. Fencing shall be softened with landscaping and planting; and
8. Automatic irrigation systems should be installed for all landscaped areas on the developed lots. They shall be designed to meet specific site requirements.

## 12.4

### Visual Impact

#### 12.4 Visual Impact

##### Objectives

- Ensure that view corridors are maintained between Glenlee and surrounding significant rural and historic sites;
- Mitigate visual impacts of the development by providing vegetative screening;
- Encourage well designed development in visually prominent locations, and
- Ensure that light spill and glare from external lighting does not impact adversely upon the use and enjoyment of adjoining premises and surrounding areas, particularly residential and rural areas or compromise road safety.

##### Controls

1. A Visual Analysis Report must be submitted with any development application for the construction of a new building or change in natural ground level. The report is to be prepared by a suitably qualified consultant and must identify visually prominent areas and establish potential view impacts to and from Menangle Park, Glenlee Estate, the Australian Botanic Gardens and Camden Park Estate as a result of the finished landform;
2. A vegetated buffer screen incorporating upper, middle and lower canopy planting must be established along the southern and western perimeter of the precinct. Details of the buffer screen are to be provided in the VMP;



## 12.5

### Environmental Protection Works

3. In visually prominent areas, the design of buildings must consider their appearance from locations outside of the Precinct. Architectural treatments should be used to ensure that the appearance of the building does not detract from the amenity of the area;
4. Electrical and telecommunication infrastructure shall be placed underground where feasible. If provided overhead, infrastructure must be designed so as to minimise visual impact, particularly in respect to significant sites surrounding the precinct; and
5. An external lighting strategy / plan must be submitted with development applications involving new building work, but excluding internal work to an existing building and must detail the location and design of lighting and the proposed hours of operation with reference to AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

#### Note:

Remedial measures to reduce light spillage may include shielded street lighting, reduced height of light poles, directional lighting to avoid spillage upwards or towards heritage items, box lighting and earth bunding.

### 12.5 Environmental Protection Works

#### Objectives

- Protect, restore and enhance the environmental qualities of water courses, in particular the Nepean River;
- Promote the conservation of urban bushland and establish continuous and a fully vegetated corridor to allow for the movement of fauna;
- Protect and preserve native vegetation and biological diversity in the Glenlee Precinct in accordance with the principles of ecologically sustainable development including the removal of weed infestations and to avoid first impacts to native vegetation by using prevention and where impacts are unavoidable biodiversity offsets must be used;
- Maintain and, where appropriate, enhance the ecological values within the Precinct and corridors for fauna and flora through re-vegetation and restoration work;



- Ensure that the all development is stabilised with vegetation and bush regeneration; and
- Ensure that adequate soil is provided to support landscaping required by the Section 3.1.4.

## 12.5

### Environmental Protection Works

#### Controls

1. A VMP shall be submitted with the first development application for the development or subdivision of an allotment of land within the area to which Part 12 applies. The VMP will apply to land identified as Management Zones A and C within Campbelltown local government area in Figure 4.
2. The environmental protection works shall be carried out in accordance with the VMP either:
  - a. On the portion of land identified in the VMP on the lot where a development is proposed; or
  - b. On all of the land identified in the VMP where a comprehensive subdivision, including public roads is proposed.
3. The VMP must:
  - a. Be prepared in accordance with the Ecological Assessment prepared by Ecological Australia dated 29 April 2016;
  - b. Specify what soil works are to be undertaken to support landscaping required to stabilise the embankment and to provide a screen the site from views from the surrounding area;
  - c. Specify a vegetation landscape buffer along the boundaries of the precinct in accordance with Control (b) under 'Visual Impact' ; and
  - d. Show areas of vegetation that are to be fenced off and protected when earthworks and civil works are to be undertaken in close proximity.

## 12.5

### Environmental Protection Works

4. Compliance with the VMP shall be undertaken within the relevant stages of the development application;
5. The re-alignment and / or construction of road networks in the E2 Environmental Conservation Zone must consider options for fauna overpass and underpasses;
6. Management Zone A (within the E2 Environmental Conservation Zone) shall be provided with vegetation in accordance with the following requirements:
  - a. Asset protection zones must not be located within vegetation retained for conservation in this zone;
  - b. Weed control and re-vegetation measures are to be implemented to improve the ecological value of this corridor;
  - c. Planting mix is to comprise both upper (tree) and lower storey using locally endemic species;
  - d. Best practice soil erosion control shall be implemented during construction and maintained as required, to prevent sediment flow into this zone;
  - e. Spray grass, hydro seeding, geo fabrics or jute weed matting shall be provided to minimise the loss of top soil while plant establishment takes place should be considered during construction. These management measures shall be detailed in the Construction Certificate plans; and
  - f. With the exception of the existing sedimentation traps, water storage dams and related pumping infrastructure in this zone, stormwater structures shall be located outside the conservation area, where possible.

## 12.5

### Environmental Protection Works

7. Management Zone C (within the E2 Environmental Conservation Zone) shall be provided with vegetation in accordance with the following requirements:
  - a. A riparian corridor must be applied from the Caley's Creek watercourse to the top of the emplacement batter, where the creek is present (see Figure 5);
  - b. Soil remediation shall be undertaken to encourage growth of Cumberland Plain flora and fauna, or River-Flat Eucalypt Forest community;
  - c. Restoration planting adjacent to the watercourse shall comprise plants in association with characteristics of the River-flat Eucalypt Forest community with the batter slopes being planted to a modified, site specific community comprising of a vegetation community reflective of the locality and be able to be adapted to the soil conditions, land fill strata and slope;
  - d. The vegetation on the top of the emplacement batter must comply with Bushfire APZ requirements; and
  - e. An ongoing weed controls program in perpetuity and re-vegetation measures are to be implemented to improve the ecological value of the corridor.
8. Any new ground levels resulting from these and any other geotechnical works must be detailed as part of any subdivision development application plans and considered as part of any visual impact assessment;
9. A covenant (under 88B of the Conveyancing Act 1919) will be required to be registered on the title of the development lots, requiring compliance with the VMP; and

## 12.5

### Environmental Protection Works

10. Where land in E2 Environmental Conservation Zone becomes separated by the future perimeter road from lots created for development, the land shall be required to be identified as common property under a Community Title scheme unless an alternate scheme can be provided.



Figure 12.4 - Location of Management Zones within the Precinct

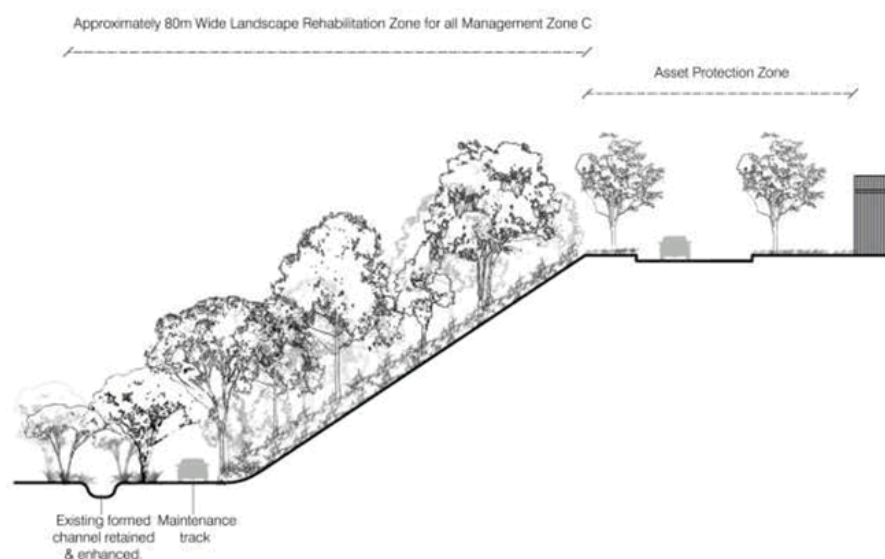


Figure 12.5 - Indicative Section for Management Zone C

## 12.6 Transport Network, Access and Car Parking

## 12.6

### Transport Network, Access and Car Parking

This section outlines the objectives and controls to achieve the desired network planning and site access outcomes.

### 12.6.1 Network

#### Objectives

- Provide for diverse integrated means of accessing the Precinct;
- Ensure the movement network accommodates a range of uses and functions;
- Optimise access without compromising the safety and efficiency of the surrounding network;
- Develop a legible, safe and convenient pedestrian and cycle network, connecting with networks external to the Precinct;
- Provide safe, efficient access and maneuvering; and
- To ensure that adequate consideration has been given to any potential routes to and from the Macarthur Recreational Trail.

#### Controls

1. A clear road hierarchy must be reinforced through landscape treatment including street trees;
2. Road design must consider all modes of transport;
3. All roads shall have a minimum carriageway width of 13m;
4. Pedestrian and transport routes must have consideration to potential impacts on the Macarthur Recreational Trail;
5. Where public roads are provided in the site, the proposed future road link to the future Spring Farm Parkway shall be constructed up to the boundary of this future road link; and

#### Note:

Infrastructure such as roads, drainage and cycleways are to be designed in accordance with Campbelltown City Council Engineering Design Guide for Development.

## 12.6

### Transport Network, Access and Car Parking

#### 12.6.2 Access to the Precinct within Campbelltown LGA

##### Objective

- Ensure that secure access is provided to the site.

Where the site has no frontage to a public road, any development of the site will require access over “other private land”. This other private land will be required to be part of the development application to develop the site and will require owner’s consent of the other private land.

Where the other private land is within Camden Council, that council will also be the consent authority for the development.

##### Controls

1. Where public road access is not available directly to the site, access via a right of carriageway shall be obtained to provide access to the Spring Farm Parkway that exists at the time of development; and
2. Where public road access is not provided directly to the site and requires access to Spring Farm Parkway within Camden LGA, consent of Camden Council will be required for the provision of the right of way access to the site.

#### 12.6.3 Car Parking and Loading Access

##### Objectives

- Ensure adequate integrated on-site parking and to minimise the demand for kerbside parking; and
- Ensure that on-site car parks are visually attractive and can blend into the development area’s background.

##### Controls

1. All car parking spaces, including accessible spaces are to be detailed in the development application plans;
2. Car parking and loading access shall be provided in accordance with Part 7 Industrial Development of Campbelltown (Sustainable City) DCP; and

3. Car parking and loading areas should be suitably landscaped to provide shade, ameliorate large expanses of paving and identify entrances.

## 12.7

### Geotechnical Works

#### 12.7 Geotechnical Works

##### Objectives

- Ensure the stability of future developments and Council infrastructure within the site;
- Mitigate impacts associated with erosion and instability of sub-soils; and
- Ensure that landscaping and vegetation are used to stabilise the precinct.

##### Controls

1. A development application that involves the construction of new buildings, roads or footpaths are to be accompanied by a geotechnical report to ascertain whether the sub-soils are capable of supporting that development;
2. Embankments must be suitably stabilised to prevent erosion;
3. Developments that affect the embankment are to ensure that support for the establishment and continued growth of required screen vegetation is sufficiently provided;
4. Evidence must be provided to demonstrate that specific testing of the road pavement subgrade soils have been carried out prior to design of new pavements;
5. Loose surface material must be suitably treated and addressed in the geotechnical report;
6. A capping layer of granular fill at a minimum depth of 2m, or otherwise specified by a geotechnical engineer, must be provided over the entire emplacement area;
7. Any potential adverse impacts on ground water as a result shall be identified and minimised; and

##### Related Studies:

The findings contained in the Glenlee Precinct Rezoning - Revision of Land Capability Statement - Geotechnical report prepared by AECOM and dated 20 May 2016 should be considered when preparing plans for geotechnical works.



## 12.8 Contamination

8. The new ground level resulting from ground level changes must be detailed as part of any subdivision development application plans.

### 12.8 Contamination

#### Objective

- Protect the environment by ensuring that potentially contaminated areas within the Glenlee Precinct are remediated.

#### Controls

1. Development applications for development in potentially contaminated areas as identified at Figure 6 must be accompanied by a Stage 2 Detailed Site Investigation prepared in accordance with State Environmental Planning Policy 55 - Remediation of Land and where relevant, Council's contamination policies; and
2. Where remediation is required, a remediation action plan, prepared by a certified consultant must be lodged with the development application.

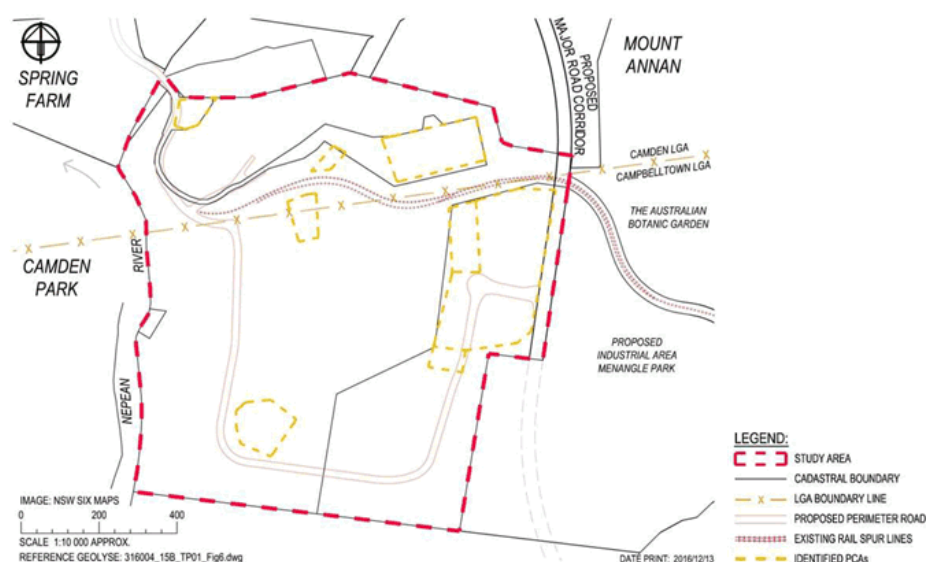


Figure 12.6 - Potentially Contaminated Areas



## 12.9 Related Studies

## 12.9 Related Studies

This section must be read in conjunction with the following supporting documents. These are additional to those set out in this subsection and must be considered when submitting a development application:

1. Visual and Landscape Assessment prepared by Musecape dated 24 February 2015 and revised October 2016;
2. Riparian Corridor Study prepared by AECOM dated 16 May 2016;
3. Water Cycle Management Strategy prepared by AECOM dated 13 May 2015;
4. Ecological Assessment prepared by Ecological Australia dated 29 April 2016;
5. Bushfire Assessment prepared by Ecological Australia dated 24 February 2014 and revised 29 April 2016;
6. Geotechnical Report prepared by AECOM dated 20 May 2016;
7. Traffic Impact Assessment prepared by AECOM dated 20 May 2016;
8. Aboriginal Heritage Due Diligence Assessment prepared by Cultural Heritage Connections dated July 2014;
9. Non-Indigenous Heritage Assessment prepared by Musecape dated 24 July 2014;
10. Air Quality Assessment prepared by AECOM dated 13 May 2016;
11. Civil Infrastructure Report prepared by AECOM dated 13 May 2016;
12. Revised Remediation Strategy prepared by AECOM dated 13 May 2016;
13. Revised Consolidated Phase 1 Contamination Assessment prepared by AECOM dated 13 May 2016;
14. Revised Consolidated Sampling, Analysis and Quality Plan for Phase 2 Contamination Assessment prepared by AECOM dated 13 May 2016; and
15. Noise and Vibration Impact Assessment prepared by AECOM dated 6 May 2015.



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



# **Planning Proposal – Glenlee Precinct**

## **Proposed amendment of Campbelltown Local Environmental Plan 2015**

### **Amendment No. 12**

### **Submissions report to Council**

**PP\_2013\_CAMP\_001\_00**

## Background

The Glenlee Precinct, which straddles the local government boundary between Camden and Campbelltown Councils, comprises a strategic land holding located in proximity to higher order transport infrastructure, extensive existing and proposed urban development and within a broader sensitive natural environmental system and cultural landscape setting. It is a precinct which for some considerable period of time has been identified to exhibit significant potential for redevelopment as a comprehensive employment area.

It is this potential and the changing focus of current land use activities which led to the commencement of a formal investigation and rezoning process in late 2006 / early 2007 and concluded with a recommendation that the land was suitable for rezoning for industrial (employment) purposes, provided that a number of issues were addressed, most notably the assurance that appropriate vehicular access to the precinct could be achieved.

## Definitions and abbreviations

*CLEP 2015* means Campbelltown Local Environmental Plan 2015

DCP means Development Control Plan

DPE means Department of Planning and Environment

*EP&A Act 1979* means *Environmental Planning and Assessment Act 1979*

*GFA* means *Gross Floor Area*

*LEP* means *Local Environmental Plan*

LGA means local government area

*LK Drive* means Liz Kernohan Drive

*M* means metres

*PP* means Planning Proposal

RMS means Roads and Maritime Services

*SEPP* means State Environmental Planning Policy

*SF Parkway* means Spring Farm Parkway

## Introduction

### Existing uses

The precinct has been used, for a number of years, for specific industrial related purposes notwithstanding its current rural zoning. These industrial uses include the Sada Services landholding (truck maintenance and depot, coal transshipment, including stockpiling, blending and sizing, and reject coal emplacement), Camden Soil Mix (truck maintenance and depot, green waste and recycling facility) and TRN (truck maintenance and depot).

### Location

The precinct is situated:

- West of the M31 Hume Highway and Main Southern Railway;
- Southwest of the Australian Botanic Garden;
- Southeast of the Spring Farm Urban Release Area, with the land occupied by the Spring Farm Resource Recovery Park effectively creating a buffer to lands to the north;
- South of the Mount Annan residential area;
- Northwest of the Menangle Park Residential Release Area; and
- East of the Nepean River.

Importantly, it interfaces and displays potential functional relationships with these surrounding areas, and also exhibits an important contextual relationship (including visual) with iconic areas such as Camden Park Estate, Glenlee House, Australian Botanic Garden and the Nepean River. Refer to Figure 1.

The precinct has a total area of approximately 110 hectares of which approximately 60 hectares are considered capable of being developed for industrial purposes.

### Rail siding

There is a rail siding, which was previously used for the loading of coal to trains for transport elsewhere. The rail link is approximately 4.2 km in length and connects to the Main Southern Railway Line and is privately owned and maintained by Sada Services. It is currently used for the storage of trains and as such is still operational.

There is a proposal for the Newnes Kaolin Sand and Kaolin processing plant to occupy a small part of the site for which the Secretary's Environmental Assessment Requirements have been issued. The proposal would involve the transport of raw sand to the site for processing and then trucked off site for sale.

While it is not confirmed at this time whether this will take place the presence of the rail siding could be a point of difference with other industrial lands throughout the region to promote freight and logistics related development(s).

### Access and Traffic

At present the only access to the precinct is via Liz Kernohan Drive to the Camden Bypass. Ultimately it is expected that there would access to the future SF Parkway link from Liz Kernohan Drive to the M31 Hume Highway at Menangle Park.

Traffic analysis undertaken by Camden Council detailed the theoretical traffic capacity of critical intersection points throughout the Camden local road network that would be affected by this PP. In this regard, the maximum capacity of the intersections would be

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12,500 sqm GFA of warehousing or 10,000 sqm GFA of general industrial use (or a combination of both) until such time as a link to the M31 is established.

However, further investigation was undertaken by traffic consultants, which indicated that subject to the upgrading of the intersection with the Camden Bypass and Liz Kernohan Drive, the restriction on GFA can be raised to 90,000 sqm. Both Transport for NSW and RMS have no objection to this increase in GFA conditional on the completion of the proposed upgrading road works.

At the time that the original PP was submitted to Council it was anticipated that the proposed rezoning would involve amendment to *Campbelltown (Urban area) Local Environmental Plan 2002* (CLEP 2002). Subsequently the CLEP 2015 was gazetted as the primary planning instrument for Campbelltown. Accordingly this PP has been prepared as an amendment to CLEP 2015.

Council received a Gateway Determination made by the Director-General of the then Department of Planning and Infrastructure on 3 July 2013 to proceed with this PP. The timeframe noted within this determination for the completion of the PP has since been extended to 3 July 2019 and a copy of the Gateway Determination and latest alteration of the timeframe required for completion is included in Appendix 1.

In April 2017 Council sent a request to the Department seeking a revised Gateway Determination to increase development cap of the site to 90,000sqm.

Council has received a revised Gateway Determination (dated 3 October 2017), which required Council in addition to the increase in the gross floor area cap, to undertake a number of further amendments to the draft PP prior to public exhibition. A copy of the revised Gateway Determination is included in Appendix 1.

## The Site

The property description and current land uses of the precinct within Campbelltown LGA are as follows:

|                         |   |
|-------------------------|---|
| Part Lot 1102 DP 883496 | Green waste recycling facility.   |
| Part Lot 1 DP 405624    | Rail spur line connecting with the Main Southern Railway.   |
| Part Lot 38 DP 1098588  | Truck maintenance and depot, coal transshipment, including stockpiling, blending and sizing, and reject coal emplacement. |

The precinct is shown on Figure 1.



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Figure 1 Location Map



## Existing Zoning

The precinct is currently zoned part RU2 Rural Landscape and part SP2 Infrastructure - Road (future SF Parkway link) under the provisions CLEP 2015.

CLEP 2015 also provides for the resource recovery facility currently operating from the Camden Soil Mix site (part Lot 1102 DP 883495). The truck maintenance and depot, coal transshipment, including stockpiling, blending and sizing, and reject coal emplacement site is currently operating under the existing use rights provisions of the EP&A Act 1979.

The precinct is in the Zone RU2 in Campbelltown and RU1 in Camden. Figure 2 shows the subject in relation to the surrounding land use zones.

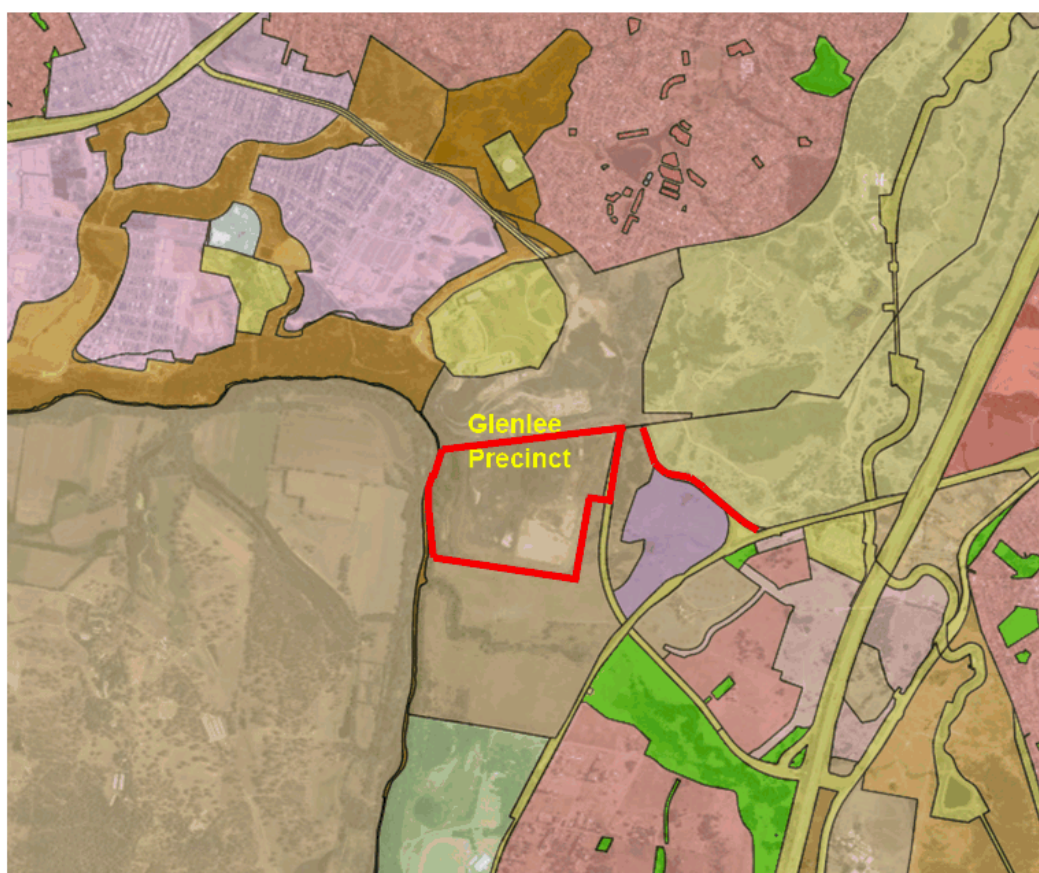


Figure 2 Current zoning on site and surrounding Zoning



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## Part 1 – Objectives or Intended Outcomes

The objectives of this PP are:

- a) to enable the redevelopment of that part of the Glenlee Precinct that falls within the Campbelltown LGA, (being the Glenlee coal washery / reject coal emplacement site, and adjoining green waste recycling facility) for industrial and related development (but not including retailing, bulky goods retailing and stand-alone commercial development);
- b) to provide for a corridor of environmental conservation space around the proposed industrial zone and along the Nepean River, which would provide a link with the Australian Botanic Garden at Mount Annan and the bush corridor in the Spring Farm Urban Release Area;
- c) to restrict warehouse and industrial development on the subject land (within Campbelltown LGA) to a total of 65,000 sqm GFA of general industrial use until such time as a road link to the M31 is established. A cap would apply to restrict warehouse and industrial development on land (within Camden LGA) to a total of 30,000 sqm GFA giving a total of 90,000 sqm GFA of general industrial use across the entire precinct. The proposed cap applies to land in both Camden and Campbelltown LGAs (which is subject to planning proposal (PP\_2013\_CAMDE\_012\_00 and PP\_2013\_CAMP\_001\_00); and
- d) to restrict the GFA of any retail premises on the part of the site that is located within Campbelltown LGA to a 500 sqm to minimise the potential impacts on the hierarchy of commercial centres within Campbelltown LGA;
- e) to identify the Glenlee Precinct as an Urban Release Area; and
- f) to ensure consideration is given to the provision of Environmental Protection Works in conjunction with development of the land.

## Part 2 - Explanation of provisions

The proposed amendments are outlined below in Table 1.

Table 1

| Changes                 | Description of changes   |
|-------------------------|--|
| Zoning                  | Change from RU2 Rural Landscape to: <ul style="list-style-type: none"> <li>• IN1 General Industrial; and</li> <li>• E2 Environmental Conservation</li> </ul>                                     |
| Minimum Lot Size        | Change the Minimum Lot Size from 40 ha to: <ul style="list-style-type: none"> <li>• 4,000 sqm within the IN1; and</li> <li>• No minimum lot size in the E2 Environmental Conservation</li> </ul> |
| Maximum Building Height | Change from 8.5 m to: <ul style="list-style-type: none"> <li>• 12 m in the IN1 General Industrial; and</li> <li>• 9 m in the E2 Environmental Conservation</li> </ul>                            |
| Land Reservation        | Adjust the location of the SP2 Local Road reservation over the future SFP and change to SP2 "Future Road Corridor"   |

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| Changes                               | Description of changes   |
|---------------------------------------|--|
| Maximum Floor space in Precinct       | <p>Maximum 65,000 sqm GFA of general industrial use within Campbelltown LGA is developed in the precinct until a road link to the M31 at Menangle Park is established.</p> <p>A maximum of 25,000 sqm of general industrial use within Camden LGA is developed in the precinct until a road link to the M31 at Menangle Park is established.</p> <p>The total of 90,000 sqm of GFA is the maximum amount that has the support of NSW Road and Maritime Services (RMS) and Transport for NSW.</p>   |
| Maximum Floor space for any retailing | Maximum 500 sqm GFA for any retailing premises for the portion of the site within Campbelltown LGA.  |
| Urban Release Area                    | Add the Glenlee Precinct to the Urban Release Area maps.   |
| Environmental Protection Works        | <p>Suggest insertion of the following:</p> <p><b>6.5 Environmental Protection Works</b></p> <p>(1) Consent must not be granted for development on land in 'Glenlee' unless the consent authority has taken into consideration whether the development is required to undertake environmental protection works on land zoned E2 Environmental Protection.</p> <p>(2) The matters to be taken into consideration by the consent authority are:</p> <ul style="list-style-type: none"> <li>(a) Whether arrangements to the satisfaction of Council, are in place to secure environmental protection works;</li> <li>(b) Whether the development is temporary or permanent in nature;</li> <li>(c) The proximity to land zoned E2 Environmental Conservation;</li> <li>(d) The environmental effect development will have on land zoned E2 Environmental Conservation; and</li> <li>(e) If environmental protection works have been undertaken.</li> </ul> |

## Part 3 - Justification

### Section A – Need for the Planning Proposal

#### 1. Is the planning proposal a result of any strategic study or report?

The Glenlee Precinct Employment Lands Planning Report (GPELPR) forms the basis of this PP. This document was informed by a number of technical studies prepared by specialist consultants and notes the main issues for development of the site, provides an indicative layout plan (ILP) and recognises a number of key issues that would need to be addressed in the preparation of development applications.

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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?**

It is considered that an amendment to CLEP 2015 to provide for the rezoning of the subject land is the best means of achieving the objectives of this PP.

**Section B – Relation to Strategic Planning Framework**

**3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)**

**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. Comments in relation to the relevant objectives and strategies are addressed in Table 2.

Table 2

| Objective   | Comments on consistency   |
|---|---|
| Objective 23<br>Industrial and urban services land is planned, retained and managed   | Consistent as the PP proposes potential for additional industrial land.   |
| Objective 25<br>The coast and waterways are protected and healthier   | The proposed E2 zone along the Nepean River frontage will support this strategy.  |
| Strategy 25.1<br>Protect environmentally sensitive areas of waterways and the coastal environment area.   | The proposed E2 zone along the Nepean River foreshore will support this strategy.   |
| Strategy 25.2<br>Enhance sustainability and liveability by improving and managing access to waterways, foreshores and the coast for recreation, tourism, cultural events and water-based transport. | It is not proposed that Council take ownership of the river foreshore although the proposed E2 zone does not preclude public ownership of the land in the future. |
| Strategy 25.3<br>Improve the health of catchments and waterways through a risk-based approach to managing the cumulative impacts of development including coordinated monitoring of outcomes.       | The proposed E2 zone along the Nepean River foreshore will support this strategy.   |
| Strategy 25.4<br>Reinstate more natural conditions in highly modified urban waterways.  | The proposed E2 zone along the Nepean River foreshore will support this strategy.   |

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| Objective   | Comments on consistency  |
|---|--|
| <p>Objective 27</p> <p>Biodiversity is protected, urban bushland and remnant vegetation is enhanced</p> <p>Strategy 27.1</p> <p>Protect and enhance biodiversity by:</p> <ul style="list-style-type: none"> <li>• supporting landscape-scale biodiversity conservation and the restoration of bushland corridors</li> <li>• managing urban bushland and remnant vegetation as green infrastructure</li> <li>• managing urban development and urban bushland to reduce edge-effect impacts.</li> </ul> | <p>The proposed E2 zone along the Nepean River foreshore will support this strategy.</p> <p>The PP provides an E2 zone along the frontage to the Nepean River, which would support the biodiversity corridor along the river.</p>  |
| <p>Objective 32</p> <p>The Green Grid links parks, open spaces, bushland and walking and cycling paths</p> <p>Strategy 32.1</p> <p>Progressively refine the detailed design and delivery of:</p> <ul style="list-style-type: none"> <li>• Greater Sydney Green Grid priority corridors</li> <li>• opportunities for connections that form the long term vision of the network</li> <li>• walking and cycling links for transport as well as leisure and recreational trips.</li> </ul>                | <p>It is not proposed that Council take ownership of the river foreshore although the proposed E2 zone does not preclude public ownership of the land in the future.</p> <p>The PP is consistent with the proposed Green Grid in that protects the green grid along the Nepean River corridor.</p> |

Greater Macarthur Land Release Investigation and Greater Macarthur Priority Growth Area

The proposed rezoning of the subject land for employment purposes is noted within the *Greater Macarthur Land Release Investigation* (GMLRI) documentation, and included in the proposed *Greater Macarthur Priority Growth Area*. The GMLRI document also notes that this site will provide additional employment opportunities for the proposed Menangle Park / Mount Gilead urban development areas. The PP is therefore not considered to be inconsistent with this documentation.

Western City District Plan

The Western City District Plan was released in March 2018. The PP is considered to be consistent with the Plan. Comments in relation to the relevant objectives and strategies are addressed in Table 3.

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Table 3

| Planning Priority   | Comments on consistency  |
|---|--|
| <p>Planning Priority W1</p> <p>Planning for a city supported by infrastructure</p> <ol style="list-style-type: none"> <li>1. Prioritise infrastructure investments to support the vision of A Metropolis of Three Cities.</li> <li>2. Sequence growth across the three cities to promote north-south and east-west connections.</li> <li>3. Align forecast growth with infrastructure.</li> <li>4. Sequence infrastructure provision using a place-based approach.</li> <li>5. Consider the adaptability of infrastructure and its potential shared use when preparing infrastructure strategies and plans.</li> </ol>  | <p>The PP will allow development up to a GFA threshold of 90,000 sqm, after which development will only take place when additional road infrastructure in the form of the Spring Farm Parkway link to the M31.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p>   |
| <ol style="list-style-type: none"> <li>6. Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes, to reduce the demand for new infrastructure, including supporting the development of adaptive and flexible regulations to allow decentralised utilities.</li> </ol>  | <p>As above.</p>   |
| <p>Planning Priority W10</p> <p>Maximising freight and logistics opportunities and planning and managing industrial and urban services land In giving effect to A Metropolis of Three Cities, this Planning Priority delivers on the following objectives and the corresponding strategies:</p> <ol style="list-style-type: none"> <li>51. Retain and manage industrial and urban service land, in line with the principles for managing industrial and urban services land, in the identified local government areas by safeguarding all industrial zoned land from conversion to residential development, including conversion to mixed use zones. In updating local environmental plans, councils are to conduct a strategic review of industrial land.</li> <li>52. Plan and manage industrial and urban service land in line, with the principles for managing industrial and urban services land, in the identified local government areas by creating additional industrial and urban services land where required in land release areas to service the growing population. In updating planning for release areas, relevant agencies are to conduct a strategic review of industrial land.</li> </ol> | <p>The PP will allow for eventual industrial development of the precinct and form part of the supply of industrial land in the Macarthur Growth Area.</p> <p>The PP will allow for eventual industrial development of the precinct and form part of the supply of industrial land in the Macarthur Growth Area to service the new urban developments to the south of Campbelltown.</p> |



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| Planning Priority   | Comments on consistency   |
|---|---|
| 55. Facilitate the contemporary adaptation of industrial and warehouse buildings through increased floor to ceiling heights.  | Not applicable  |
| <p>Planning Priority W12</p> <p>Protecting and improving the health and enjoyment of the District's waterways</p> <p>67. Protect environmentally sensitive areas of waterways.</p> <p>68. Enhance sustainability and liveability by improving and managing access to waterways and foreshores for recreation, tourism, cultural events and water-based transport.</p> <p>69. Improve the health of catchments and waterways through a risk-based approach to managing the cumulative impacts of development including coordinated monitoring of outcomes.</p> <p>70. Work towards reinstating more natural conditions in highly modified urban waterways.</p>       | <p>The proposed E2 zone along the Nepean River will allow for this in the future.</p> <p>As above.</p> <p>Not inconsistent with the action.</p> <p>The proposed E2 zone along the Nepean River and Caley's Creek will allow for this in the future.</p>   |
| <p>Planning Priority W14</p> <p>Protecting and enhancing bushland and biodiversity</p> <p>72. Protect and enhance biodiversity by:</p> <ul style="list-style-type: none"> <li>a. supporting landscape-scale biodiversity conservation and the restoration of bushland corridors</li> <li>b. managing urban bushland and remnant vegetation as green infrastructure</li> <li>c. managing urban development and urban bushland to reduce edge-effect impacts.</li> </ul>  | <p>The PP is consistent with supporting this action.</p>  |
| <p>Planning Priority W15</p> <p>Increasing urban tree canopy cover and delivering Green Grid connections</p> <p>73. Expand urban tree canopy in the public realm.</p> <p>74. Progressively refine the detailed design and delivery of:</p> <ul style="list-style-type: none"> <li>a. Greater Sydney Green Grid priority corridors and projects important to the District</li> <li>b. opportunities for connections that form the long-term vision of the network</li> <li>c. walking and cycling links for transport as well as leisure and recreational trips.</li> </ul> <p>75. Create Greater Sydney Green Grid connections to the Western Sydney Parklands.</p> | <p>The PP has the potential to increase tree canopy over the land proposed to be zoned E2.</p> <p>The PP is consistent with the proposed Green Grid in that protects the green grid along the Nepean River corridor.</p> <p>Not applicable to this PP</p> |

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| Planning Priority   | Comments on consistency   |
|---|---|
| <p>Camden Park and Menangle to Georges River Open Space Corridor</p> <p>Connecting a band of open space in a unique geographic setting where the Nepean and Georges River are only four kilometres apart.</p>   | The PP supports this.   |
| <p>Planning Priority W16</p> <p>Protecting and enhancing scenic and cultural landscapes</p> <p>76. Identify and protect ridgelines, scenic and cultural landscapes, specifically the Scenic Hills, Mulgoa Valley and the escarpments of the Blue Mountains.</p> <p>77. Enhance and protect views of scenic and cultural landscapes from the public realm.</p> | <p>Controls on height in the PP support this action.</p> <p>Controls on height in the PP support this action.</p> |

**Access Strategy**

Initially access will be available to the Precinct from LK Drive via a new link road along the eastern boundary of the Spring Farm residential precinct. Eventually the implementation of the SF Parkway link to M31 at Menangle Park will allow for more intensive development of the precinct. Figure 3 shows the staged access arrangements.

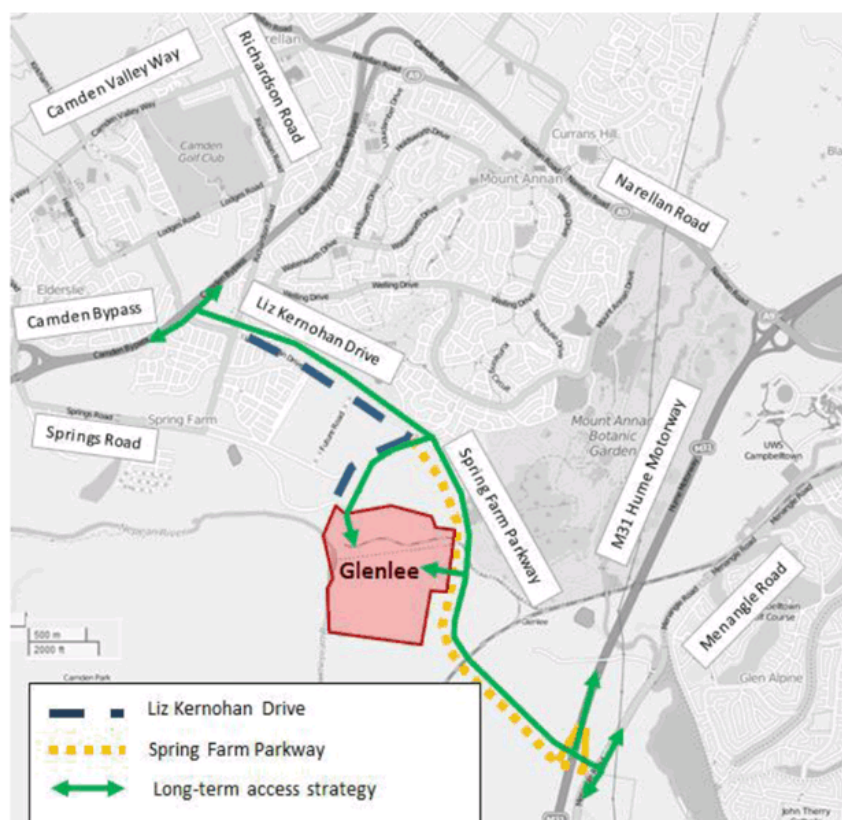


Figure 3 Proposed Spring Farm Parkway (Source: AECOM, 2014)

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The access options during the various timeframes of the proposed Glenlee redevelopment are discussed below. It should be noted that Richardson Road (north of LK Drive) is only identified as an access route for light vehicles and all heavy vehicles will either use LK Drive, Springs Road, Richardson Road (south of LK Drive) and Camden Bypass to access the external road network.

Short to medium term (2016-2021)

In the short to medium term, the existing private haul road to Glenlee and the private access road to the SFARRP will be closed due to future Spring Farm development to the east and the extension of Springs Road, which was approved by Council in November 2013. The developers of Spring Farm are required to extend LK Drive to provide access to the Glenlee Precinct (along the eastern boundary of the SFARRP) before both private access roads can be closed and the construction of Springs Road extension can be started. It is anticipated that this section of LK Drive will be completed before the Glenlee Precinct would be developed.

Access to the northern precincts of Glenlee will be provided via the LK Drive extension. A public transport (bus only) corridor between Spring Farm and South Mount Annan is also proposed via the intersection at the western end of the proposed LK Drive extension. Any light and heavy vehicle trips between Spring Farm and Mount Annan will not be able to 'rat-run' through this intersection.

It is expected that the majority of the heavy vehicle trips will be heading towards the Hume Motorway (via LK Drive, Camden Bypass and Narellan Road) for any local and regional destinations. Some local car trips will use Camden Bypass or Camden Valley Way. The access route is shown in Figure 2 below.

Figure 3 Short to medium term access route (after LK Drive constructed) (Source: AECOM, 2014)

Long term (2031)

The long-term access strategy of Glenlee assumes the construction of SF Parkway to the M31 and Menangle Road.

Traffic to / from Glenlee would access the M31 via SF Parkway and the new interchange with the M31. This would reduce the amount of traffic on Narellan Road, which is already congested. Small amounts of heavy vehicle traffic heading towards Camden Valley Way would continue using LK Drive.

With SF Parkway completed, an additional access would be provided to the eastern side of Glenlee, as shown in Figure 3. If the section of SF Parkway between LK Drive and the M31 does not proceed, the access strategy for Glenlee will be the same as the medium term access strategy.

Source: AECOM 2014

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

**Campbelltown Community Strategic Plan – Campbelltown 2027**

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

The PP is consistent with the relevant objectives headed accordingly.



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**Table 4**

| Outcomes   | Comments on consistency  |
|--|--|
| <p><u>Outcome 1: A vibrant, liveable city</u></p> <p>Council's goal</p> <p>Our community is able to celebrate its diversity, make a contribution to, and enjoy the lifestyle opportunities offered by our city.</p> <p>Our city is a place where people want to live – it is creative, innovative, vibrant and resilient. It is a city that is designed for people, with easy access to high quality housing, services, amenities and open space.</p> <p>It is a community where people feel safe, socially connected and included. We celebrate our rich heritage and diversity, and respect our strong ties to Aboriginal culture.</p> <p>Our people enjoy the lifestyle offered by the city – a city which is a destination of choice.</p>  | <p>The PP does not compromise this outcome.</p>  |
| <p><u>Outcome 2: A respected and protected natural environment</u></p> <p>Council's goal</p> <p>Our people embrace the city's natural surrounds and see it as a unique point of difference.</p> <p>We work together to ensure development in the LGA is approached in a sustainable manner, and that our natural assets, bushlands and waterways are treated with respect.</p> <p>Our community is engaged and educated on the benefits of managing and accessing open space.</p> <p>We protect biodiversity conservation, our visual landscape and our heritage values, and recognise the importance of creating a sustainable and resilient city for future generations.</p> <p>Strategies</p> <p>2.1- Implement and advocate for initiatives that conserve the city's natural environment</p> <p>2.2- Activate the city's natural bushland and open spaces, fostering enhanced community stewardship of these areas</p> <p>2.3- Promote and educate our community on sustainable practices and encourage practicable take up of more sustainable life-choices</p> <p>2.4- Conserve and care for our city's biodiversity</p> <p>2.5- Plan for and ensure that development in our city is sustainable and resilient</p> | <p>The PP supports these strategies by implementing the E2 zone along the Nepean River foreshore and Caley's Creek.</p> <p>The PP supports these strategies by implementing the E2 zone along the Nepean River foreshore</p> |

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| Outcomes   | Comments on consistency  |
|--|--|
| <p><u>Outcome 3: A thriving, attractive city</u></p> <p>Council's goal</p> <p>We are a city that encourages and supports the development of the local economy through business innovation and growth.</p> <p>Our city attracts professional organisations which provide a range of employment opportunities for our people.</p> <p>We are a destination which makes the most of our city's natural and man-made assets to build on the experience that is Campbelltown.</p> <p>Our people are engaged in ongoing conversations about matters which affect our city, to ensure Council activities align with its strategic direction and the city's assets are managed strategically and sensitively.</p> <p>We embrace change and look to support the creation of new economies to build the resilience of the city.</p>   | <p>The PP will allow the Glenlee Precinct to redevelop over time to contribute to the Campbelltown economy as the area grows and the Spring Farm Parkway is implemented.</p> |
| <p>Strategies</p> <p>3.1- Support the resilience, growth and diversity of the local economy</p> <p>3.2- Ensure that service provision supports the community to achieve and meets their needs</p> <p>3.3- Become an innovative city where advances in technology, creativity and community participation are nurtured and embraced</p> <p>3.4- Retain and expand existing businesses and attract new enterprises to Campbelltown, offering opportunities for a diverse workforce including professional, technology and knowledge based skills and creative capacity</p> <p>3.5- Support for new education opportunities that match workforce skill sets with emerging economic needs underwritten by creative entrepreneurship and innovation capacity within the local community</p> <p>3.6- Develop tourism opportunities and promote Campbelltown as a destination</p> <p>3.7- Public funds and assets are managed strategically, transparently and efficiently</p> <p>3.8- Provide strong governance for all Council activities</p> | <p>The PP is part of the strategy to grow the local economy. It will support expanding existing businesses and attract new enterprises to Campbelltown.</p>                  |

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| Outcomes   | Comments on consistency   |
|--|---|
| <p><u>Outcome 4: A successful city</u></p> <p>Council's goal</p> <p>We are a modern, forward thinking, connected city.</p> <p>We have built on our history and character, and shaped a city which transforms in line with its community and its needs.</p> <p>Our people value a balance between the built form and open space, and are kept informed of infrastructure delivery, including better health and education infrastructure and services.</p> <p>Our city and our people are connected through strategic road networks, transport systems and pedestrian facilities. Council strategies are developed in line with the draft South West District Plan and complement State Government plans for the city.</p> <p>Our city is reinvigorated – it is a city where people choose to be.</p>  | <p>The PP supports this goal in that it will balance the implementation of built form and open space. The implementation of strategic road networks will help facilitate development in the Glenlee Precinct.</p> |
| <p>Strategies</p> <p>4.1- Advocate and plan for enhanced connectivity, accessibility and movement within, to and from our city through improved public transport, road and traffic management infrastructure, cycling and pedestrian movement</p> <p>4.2- Support and advocate for infrastructure solutions that meet the needs of our city and which pay an economic and liveability dividend</p> <p>4.3- Responsibly manage growth and development, with respect for the environment, heritage and character of our city</p> <p>4.4- Maintain and create usable open and recreational spaces that set our city apart from others</p> <p>4.5- Work in partnership with the State Government to achieve positive planning outcomes</p> <p>4.6- Plan and invest in the revitalisation of Campbelltown-Macarthur CBD, Ingleburn and other town centres</p> |   |
| <p>It is also noted that the potential of the precinct for employment development was recognised within the <i>South-West Sydney Employment Lands Strategy</i> prepared by Hill PDA for Campbelltown, Liverpool and Camden Councils in 2003 and the <i>Campbelltown Employment Lands Review</i> prepared by Strategic Economics and Cox Richardson in 2011.</p> <p><b>Campbelltown Local Planning Strategy 2013</b></p> <p>The Local Planning Strategy 2013 was adopted in conjunction with the Campbelltown LEP 2015 to assist in informing future planning decisions.</p> <p>The PP may be considered to not be inconsistent with the relevant strategies headed accordingly.</p>  |   |

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**Table 5**

| Strategy  | Comments on consistency  |
|---|--|
| <u>Environmental Management</u>   |  |
| Contamination   | This issue has been addressed in the background reports.   |
| Salinity  | The Land Capability Background Report identified relatively low salinity risk.   |
| Groundwater and Surface Water   |  |
| <ul style="list-style-type: none"> <li>A more comprehensive understanding of groundwater systems should be pursued as a fundamental step in developing and implementing a sustainable groundwater management strategy.</li> </ul>   | Not applicable to the site.  |
| <ul style="list-style-type: none"> <li>Sufficient groundwater recharge areas should be maintained in elevated areas and desirably as vegetated corridors along ridgelines.</li> </ul>   | Not applicable to the site.  |
| <ul style="list-style-type: none"> <li>The opportunities for integrating re-vegetated ridgelines with bio-banking areas should be explored, particularly in the Scenic Hills, as part of a more holistic strategy for the sustainable management of this area.</li> </ul>                                 | Not applicable to the site.  |
| <ul style="list-style-type: none"> <li>The general management of water in the landscape should embrace the principles of Total Water Cycle Management and Water Sensitive Urban Design<sup>21</sup>.</li> </ul>   | The PP will allow development of the land to contribute to this.   |
| <ul style="list-style-type: none"> <li>Naturalistic drainage systems should be created or recreated as mechanisms for the management of surface water flows. Such systems should strive to mimic the natural hydrological regime.</li> </ul>  | The PP will allow development of the land to contribute to this.   |
| Sub-surface minerals and gases  |  |
| <ul style="list-style-type: none"> <li>A more comprehensive understanding of the nature, extent and aspirations for realising subsurface mineral and gaseous resources is required.</li> </ul>  | It is noted that the site overlays coal and petroleum and gas reserves. It is also in a CSG Residential exclusion zone.  |
| <ul style="list-style-type: none"> <li>A detailed knowledge of any adverse environmental impacts attached to realising subsurface minerals and gases and a comprehensive strategy to oppose inappropriate development of this nature and to mitigate against adverse impacts is also required.</li> </ul> | <p>This is addressed in the Land Capability Statement report.</p> <p>While the site is located within a coal exploration lease, it is not according the DPE Planning Portal within a Mine Subsidence District.</p> |
| Effluent Disposal   |  |
| <ul style="list-style-type: none"> <li>In the absence of reticulated sewer, on-site effluent disposal should be the subject of comprehensive Sewage Management Plans, informed by broad ranging soil and landscape data.</li> </ul>   | It is noted that there is no reticulated sewer available Verbal advice received from Sydney Water indicates that services will be available around 2021.   |

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| Strategy   | Comments on consistency   |
|--|---|
| <p>Biodiversity</p> <ul style="list-style-type: none"> <li>A comprehensive Biodiversity Strategy should be prepared having regard to existing knowledge and include, as a minimum:</li> </ul>  | The proposed E2 zone will contribute a future biodiversity strategy.  |
| Air Quality  | While the precinct is not located adjacent to residential areas within Campbelltown, measures will need to be imposed on any development to minimise any impacts air quality. |
| Noise  | The precinct is not located adjacent to residential areas within Campbelltown and as such is generally considered a reasonable form of development in the location.           |
| Bushfire   | Development on the site will be subject to bushfire planning requirements.  |
| Flooding and Drainage  | The proposed industrial zone is above the 1% flood event.   |
| <p>Climate Change</p> <ul style="list-style-type: none"> <li>Promote the planting of appropriate trees for shade and solar access.</li> </ul>  | Vegetation of the proposed E2 lands will assist with this.  |
| <u>Residential Development</u>   | Not applicable.   |
| <p><u>Economy and Employment (Incorporating Centres and Corridors)</u></p> <ul style="list-style-type: none"> <li>Establishment of a target of 1,000 hectares (i.e. an increase of 259 hectares) of general industrial employment lands (land zoned IN1 or IN2) by 2036.</li> <li>Reinforcement of Glenfield Waste Disposal site and Glenlee Coal Plant as future employment areas, with redevelopment post 2020 and 2026 respectively.</li> <li>Lobby for prioritisation of infrastructure provision to support access to the City's employment lands.</li> </ul> | The PP will support this.   |
| <u>Centres, Corridors and Business Parks</u>   | Not applicable.   |

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| Strategy  | Comments on consistency  |
|---|--|
| <u>Transport and Access</u>   |  |
| <p>Overarching Objectives</p> <ul style="list-style-type: none"> <li>• Integrate land use and transport planning and delivery</li> <li>• Advocate for improved public transport and promote the use of public transport</li> <li>• Promote walking and cycling for local trips</li> <li>• Facilitate access for all users (including persons with disabilities, the aged and persons with young children) and integrate this philosophy into all levels of planning and transportation network and public domain improvements.</li> </ul> | The limit on the size of development on the site is consistent with integrating land use and transport.                                  |
| <ul style="list-style-type: none"> <li>• Continue to plan and lobby for funding assistance associated with the construction of the Spring Farm Link Road</li> </ul>   | The limit on the size of development on the site is pending the eventual provision of the link.  |
| <u>Infrastructure, Services and Open Space</u>  |  |
| <p>Overarching Objectives</p> <ul style="list-style-type: none"> <li>• Adequate infrastructure provision should accompany all proposed development</li> <li>• Development should not be approved if it cannot be adequately serviced by existing or augmented infrastructure</li> <li>• Pursue optimum future conservation and demand management of water</li> <li>• Consult relevant service providers in the preparation of the Comprehensive LEP</li> </ul>  | The limit on the size of development on the site is consistent with integrating land use with infrastructure provision.                  |
| <u>Heritage</u>   | The proposed zoning and controls on development of the site are intended in part to maintain the rural heritage of the surrounding area. |
| <u>Rural Lands</u>  | As above.  |



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| Strategy  | Comments on consistency |
|---|-------------------------|
| <p><u>Scenic and Visual Landscapes</u></p> <ul style="list-style-type: none"> <li>Retain the existing footprint of the Scenic Hills.</li> <li>Protect the prevailing “undeveloped”/rural state.</li> <li>Urbanisation should be avoided, including in particular intensification of existing uses and the further introduction of institutional development.</li> <li>Development within existing urban areas shall minimise its impact upon significant vistas towards the Scenic Hills.</li> <li>Foster an understanding and respect for the complexity and richness of the Scenic Hills landscape.</li> <li>Protect and conserve the ecological, scenic and environmental qualities of the Mount Annan Botanic Garden, including inward and outward views and adverse edge effects.</li> <li>Conserve both the skyline quality and integrity of the Mount Annan ridgeline.</li> <li>Include the landscape of Sugarloaf within the area recognised as the Scenic Hills.</li> <li>Protect the quality and integrity of the sequential views while travelling south on Menangle Road, Glenlee Road and the Freeway.</li> <li>Minimise visual impact of “hard/physical” Infrastructure.</li> </ul> | As above.               |

**Campbelltown Residential Development Strategy 2013**

Not applicable as there is no additional residential development proposed.

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

The PP is consistent with applicable SEPPs. See Table 6 below.

Table 6

| State Environmental Planning Policies             | Comments on consistency   |
|---|---|
| SEPP No 1 Development Standards                   | Not applicable as CLEP 2015 is a Standard Instrument LEP and 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. 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.  |

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| State Environmental Planning Policies                              | Comments on consistency   |
|--|---|
| 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. 55 - Remediation of Land                                  | Consistent as the Land Capability Statement – Geotechnical background study identified coal rejects (that form the basis of the filling on-site) to be chemically benign and pose no contamination risk to the environment.<br><br>Nevertheless any development of the site will need to comply with the requirements of SEPP 55. |
| 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 (Aboriginal Land) 2019  | Not applicable to this PP.  |
| SEPP (Affordable Rental Housing) 2009                              | Not applicable to this PP.  |
| SEPP (Building Sustainability Index: BASIX) 2004                   | Not applicable to this PP.  |
| SEPP (Coastal Management) 2018                                     | Not applicable in the Campbelltown LGA.   |
| SEPP (Concurrences) 2018   | Not applicable to this PP.  |
| SEPP (Educational Establishments and Child Care Facilities) 2017   | Not applicable to this PP.  |
| 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) 2004        | Consistent as the PP does not propose any provisions contrary to the SEPP.  |
| SEPP (Infrastructure) 2007   | Not inconsistent.<br><br>It is considered that whilst this PP is dependent upon the construction of the Spring Farm Parkway to realise its full industrial development potential, it could also be considered a catalyst in ensuring the development of such infrastructure.  |
| 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 (Primary Production and Rural Development) 2019               | Not applicable to this PP   |



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| State Environmental Planning Policies           | Comments on consistency   |
|---|---|
| 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 to this PP.  |
| 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 accompanying Stormwater Concept Plan establishes acceptable water management targets can be realised.   |
| REP No.9 - Extractive Industry (No 2)           | Not inconsistent  |
| REP No.20 - Hawkesbury-Nepean River (No 2 1997) | Not inconsistent<br><br>The PP aims to maximise the protection of waterways, riparian corridors, remnant vegetation etc., and manage stormwater appropriately to ensure consistency with this SREP. |

**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 7 for an assessment of the PP against the S9.1 Ministerial Directions.

**Table 7**

| Ministerial Direction              | Comments on consistency  |
|------------------------------------|--|
| <b>1. Employment and Resources</b> |  |
| 1.1 Business and industrial Zones  | Not inconsistent as this PP aims to encourage employment growth and the precinct is specifically noted in the Greater Macarthur Land Release Investigation documentation, and included in the proposed Greater Macarthur Priority Growth Area. |

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| Ministerial Direction   | Comments on consistency  |
|---|--|
| 1.2 Rural Zones   | <p>It is considered that this PP is justifiably inconsistent with this direction.</p> <p>Whilst the precinct is currently zoned RU2 Rural Landscape it is not agricultural land as it is an emplacement site where industrial uses are currently being undertaken.</p> <p>The precinct is also specifically noted in the Greater Macarthur Land Release Investigation documentation, and included in the proposed Greater Macarthur Priority Growth Area, as suitable for investigation as future employment land.</p> |
| 1.3 Mining, Petroleum Production and Extractive Industries                            | <p>The proposed zones do not specifically permit mining, petroleum production and extractive industries. However, the provisions of SEPP (Mining, Petroleum Production and Extractive Industries) 2007 which do permit mining, petroleum production and extractive industries, prevail over the provisions of CLEP 2015. Therefore it is considered that this PP is justifiably inconsistent with this direction.</p>  |
| 1.4 Oyster Production   | Not applicable to this PP.   |
| 1.5 Rural Lands   | Not applicable to this PP.   |
| <b>2. Environment and Heritage</b>  |  |
| 2.1 Environmental Protection Zones  | Not inconsistent as this PP aims to rezone land adjoining the Nepean River to Zone E2 Environmental Conservation.  |
| 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 to this PP.   |
| <b>3. Housing, Infrastructure and Urban Development</b>                               |  |
| 3.1 Residential Zones   | Not applicable to this PP.   |
| 3.2 Caravan Parks and Manufactured Home Estates                                       | Not applicable to this PP.   |
| 3.3 Home Occupations  | Not applicable to this PP.   |
| 3.4 Integrating Land Use and transport  | Not inconsistent as this PP aims to provide employment land within close proximity to new urban release areas. Movement of freight will be able to be achieved either by rail or via the proposed Spring Farm Parkway.   |
| 3.5 Development Near Licensed Aerodromes  | Not applicable to this PP.   |
| <b>4. Hazard and Risk</b>   |  |
| 4.1 Acid Sulphate Soils   | Consistent as the land is not known to exhibit acid sulphate qualities.  |

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| Ministerial Direction  | Comments on consistency   |
|--|---|
| 4.2 Mine Subsidence and Unstable Land  | <p>It is noted that the precinct is adjacent to the South Campbelltown Mine Subsidence District. Council has complied with the provisions of clauses (4) and (5) of the direction requiring consultation with Subsidence Advisory NSW.</p> <p>However, it is also noted that correspondence was received from the Department of Planning (dated 4 May 2006), which advised that "mining of coal resources beneath Menangle Park should be restricted to enable urban development to occur at the scale and form necessary to make that development viable. This is because of the importance of Menangle Park's contribution to land supply in the Sydney Metropolitan Region".</p> |
| 4.3 Flood Prone Land   | Not inconsistent as this PP does not propose to rezone any flood affected land for industrial uses.   |
| 4.4 Planning for Bushfire Protection   | Not inconsistent as Council has consulted with the NSW Rural Fire Service and noted that future development must comply with Planning for Bushfire Protection 2006.   |
| <b>5. Regional Planning</b>  |   |
| 5.1 Implementation of Regional Strategies                                    | Not applicable in the Campbelltown LGA  |
| 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  | Not applicable in the Campbelltown LGA.   |
| <b>6. Local Plan Making</b>  |   |
| 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 no land is identified for acquisition by a public authority. An acquisition authority has not been nominated for the land proposed to be zoned SP2 for the future SF Link Road. This is consistent with the existing zoning for the future link road.  |
| 6.3 Site Specific Provisions   | Not applicable in the Campbelltown LGA.   |
| <b>7. Metropolitan Planning</b>  |   |
| 7.1 Implementation of A Plan for Growing Sydney                              | Not inconsistent.   |
| 7.2 Implementation of Greater Macarthur Land Release Investigation           | Not inconsistent.   |
| 7.3 Parramatta Road Corridor Urban Transformation Strategy                   | Not applicable in the Campbelltown LGA.   |

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| Ministerial Direction   | Comments on consistency                 |
|---|---|
| 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**

- 6. 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?**

The bulk of the precinct is a coal emplacement area that does not exhibit any critical habitats or threatened species. The western portion of the subject side adjoins the Nepean River and contains poor quality vegetation including exotic shrubs and olive trees.

However, it is proposed that this area be regenerated and re-vegetated to provide an ecological corridor along the Nepean River and provide a link with the Australian Botanic Garden at Mt Annan via Caley's Creek.

- 7. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

Due to the nature of this site being an emplacement area it is critical that all issues regarding the geotechnical stability of the site are addressed satisfactorily. The primary geotechnical related hazards are:

- long term and differential settlement; and
- erosion and slope stability of the existing fill embankments.

It is considered that the emplacement site can be developed for industrial uses provided further detailed geotechnical investigation and analysis is undertaken to confirm the earthworks methodology for any future development applications for construction and stabilisation of the embankments.

It is also acknowledged that any future development of the precinct must address issues relating to visual, acoustic and air quality impacts and any bushfire hazard. These matters can be addressed through the provisions of the proposed DCP for the precinct.

- 8. How has the planning proposal adequately addressed any social and economic effects?**

The Aboriginal Heritage Due Diligence Assessment for the Glenlee Precinct has been prepared to provide advice on the existence and legislative framework for the protection of Aboriginal archaeological sites. The PP aims to include these sites within the proposed E2 Environmental Conservation zone.

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The precinct does not contain any items of environmental heritage however; the Non-Indigenous Heritage Assessment that has been prepared for the Glenlee Precinct provides information on the significance of the surrounding cultural landscape. As such the draft Glenlee Precinct DCP includes provisions with regard to the visual impact of any future industrial development on the site.

The area of land proposed to be rezoned for industrial purposes (being approximately 60 hectares) is not considered to detrimentally impact upon other industrial areas within both the Campbelltown and Camden LGAs. Council has specifically ensured that only industrial uses are proposed, and that no retailing, bulky goods retailing or stand-alone commercial development be permitted, as it was considered that these uses were not appropriate in this location and that they could also jeopardise the viability of existing nearby precincts which exhibit such land uses. At a rate of 25 employees per hectare there is the potential for the precinct to provide approximately 1,500 jobs.

**Section D – State and Commonwealth interests.****9. Is there adequate public infrastructure for the planning proposal?**Water and sewer

The precinct is currently un-sewered but the provision of sewer services and upgraded water facilities were addressed as part of the work undertaken for the Menangle Park Urban Release Area and are thus anticipated being as follows:

- Sewer – connection is proposed to the existing Glenfield wastewater network; and
- Water – extension from the existing Macarthur Water Supply System (Narellan inlet main).

Electricity and telecommunications

Both electricity and telecommunications are currently available on site and can be upgraded as required.

The most significant infrastructure that will be required affects the road network in both the Camden and Campbelltown LGAs. The local road network within the Camden LGA is not considered to be able to accommodate the expected significant increase in vehicular traffic resulting from this proposed rezoning, particularly heavy truck movements. It is for this reason that a restriction is proposed on the amount of development that can proceed prior to the development of the proposed Spring Farm Parkway which will connect with the M31.

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

Initial consultation was undertaken with relevant government agencies and servicing authorities and their responses have been taken into consideration in the preparation of the supporting technical studies. However further consultation with the following public authorities and service providers have occurred as part of the public exhibition of the PP and are addressed in the latest report to Council to consider submissions.

- AGL
- Landcom
- Sydney Water
- Telstra
- Transport for NSW



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- Endeavour Energy
- Fire and Rescue NSW
- NSW Trade and Investment
- Australian Botanic Gardens
- NSW Department of Primary Industries – Agriculture
- Mine Subsidence Board
- NSW Rural Fire Service
- NSW Trade and Investment - Minerals and Petroleum
- Office of Environment and Heritage
- Hawkesbury - Nepean Catchment Management Authority
- Adjoining LGAs (including Camden Council)
- The owner of the rail spur
- Roads and Maritime Services

## Part 4: Mapping

In seeking to achieve the PP objective and outcomes the following map amendments are proposed:

Table 8

| Item                                   | Location   |
|--|------------|
| Changes to Zoning Map                  | Annexure 1 |
| Changes to Minimum Lot Size Map        | Annexure 2 |
| Changes to Maximum Building Height Map | Annexure 3 |
| Changes to Land Reservation Map        | Annexure 4 |
| Changes to Urban Release Area Map      | Annexure 5 |

## Part 5 - Community Consultation

The PP was publicly exhibited from Wednesday 17 January 2018 to Friday 16 February 2018. 15 submissions were received following exhibition. Assessment of the submissions is contained in the report to Council dated 14 May 2019.

## Part 6 Project Timeline

The project timeline has been included in Table 9 below. The anticipated timeframes and dates have been assigned to each milestone of the Gateway process.

Table 9: Project Timeline

| Milestone  | Timeline       |
|--|----------------|
| Commencement date (date of Gateway determination)                          | 3 July 2013    |
| Anticipated timeframe for the completion of required technical information | Completed 2016 |
| Revised Gateway determination  | 3 October 2017 |

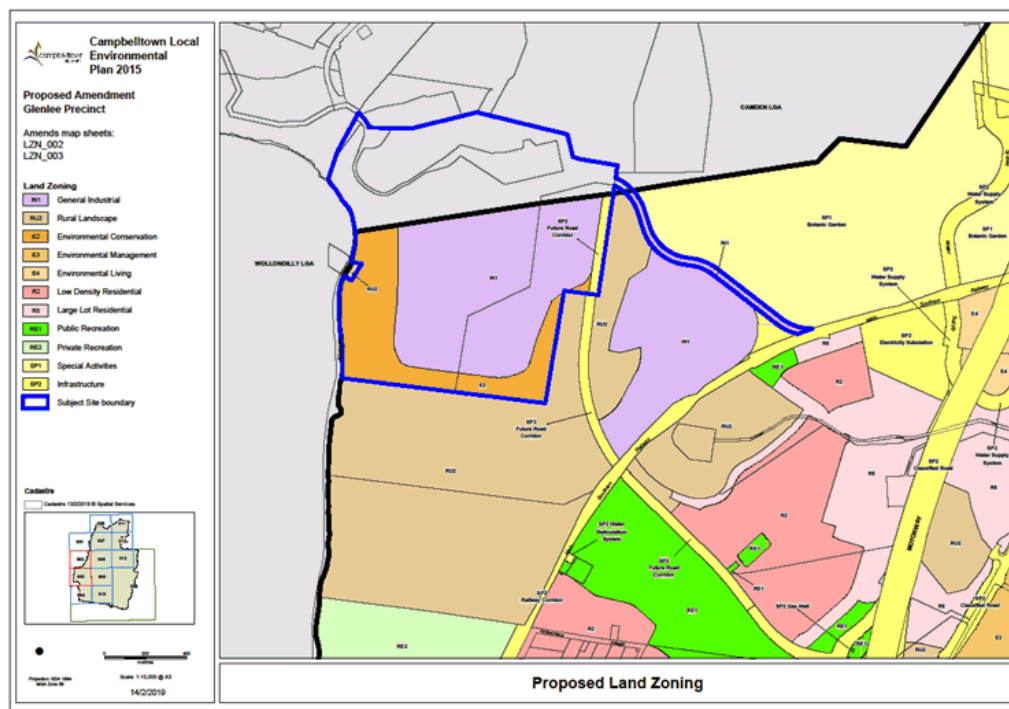
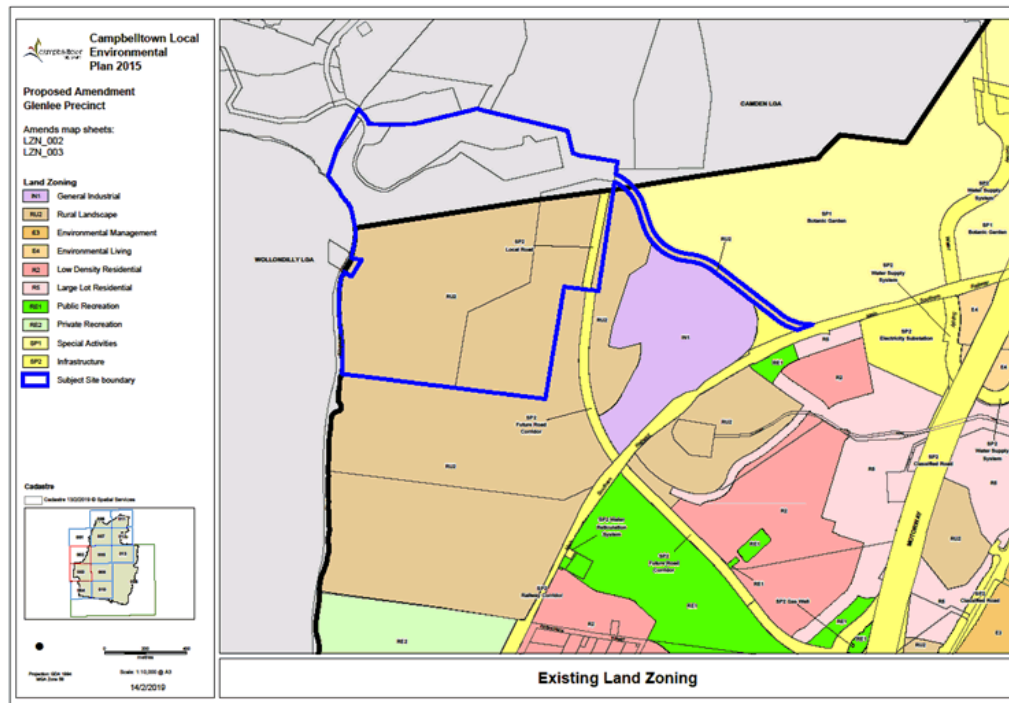
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|  |  |
|--|--|
| Commencement and completion dates for public exhibition period   | Wed 17 January 2018<br>to Fri 16 February 2018 |
| Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination) – Consultation with government agencies is proposed to be undertaken while the proposal is on public exhibition. | February / March 2018                          |
| Timeframe for consideration of submissions ( report to Council)  | May 2019                                       |
| Anticipated date RPA will forward to the Department for notification (Gateway extension dated 2 May 2019 given to 3 July 2019)   | June 2019                                      |

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Annexure 1 Changes to Zoning Map

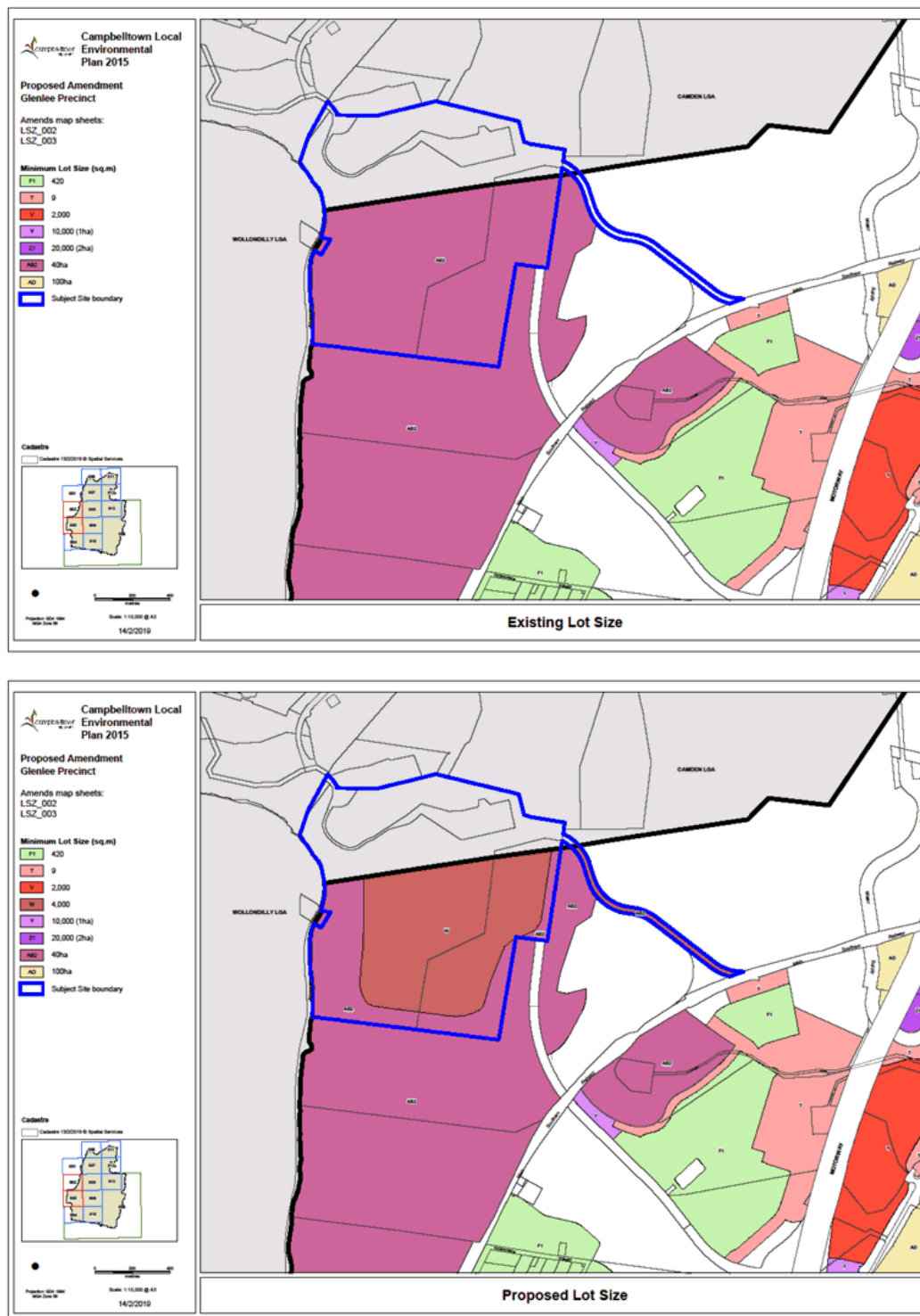




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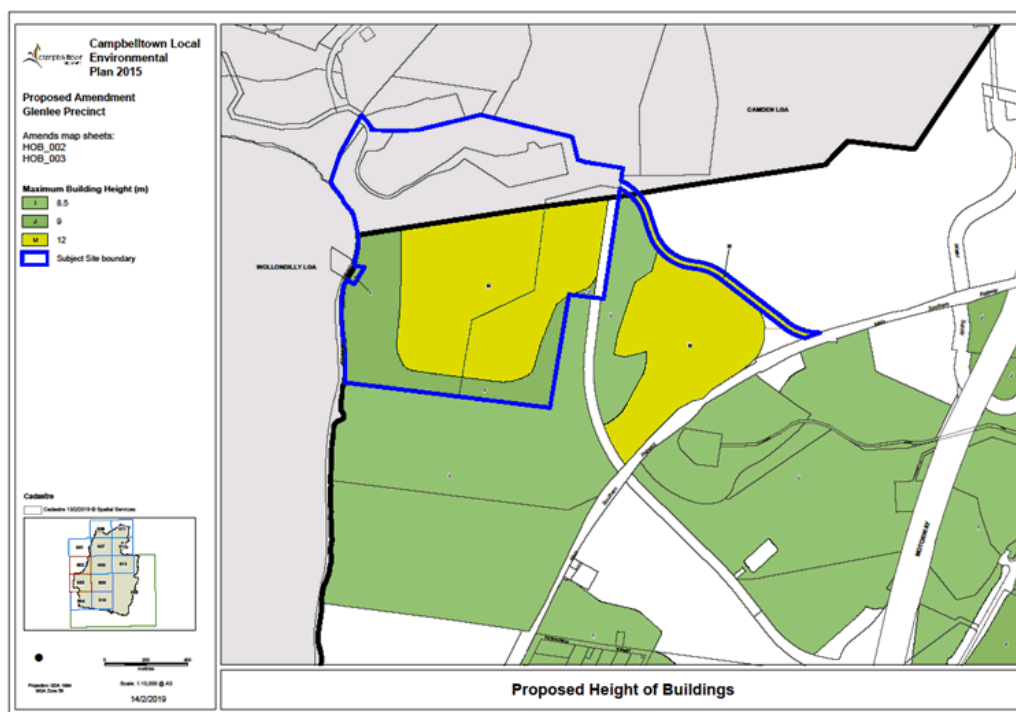
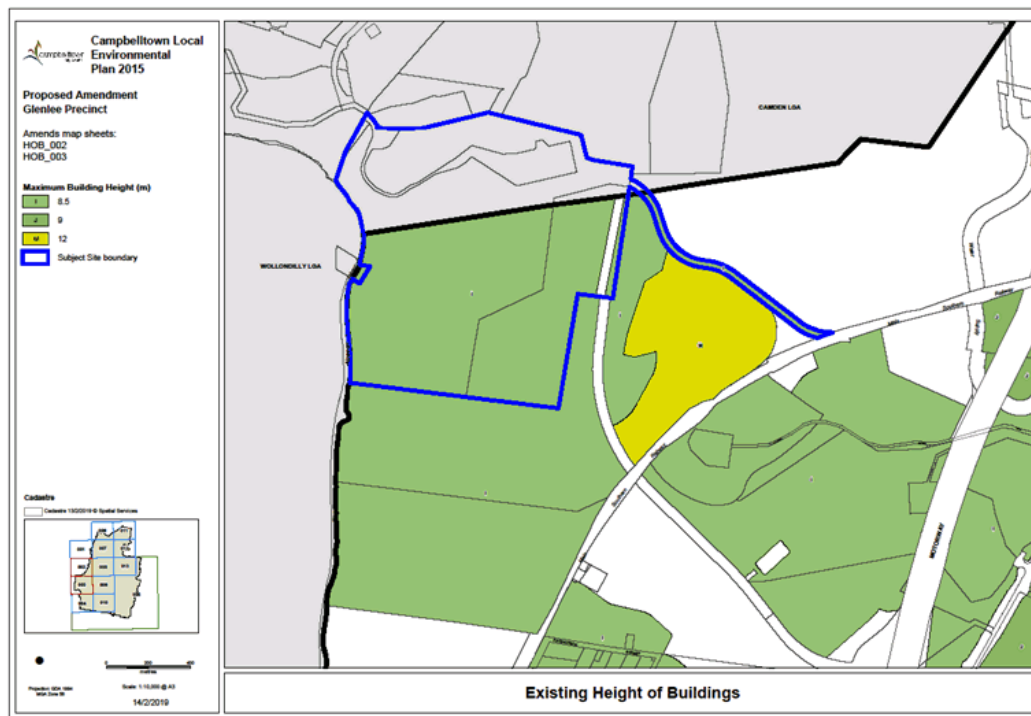
Annexure 2 - Changes to Minimum Lot Size Map



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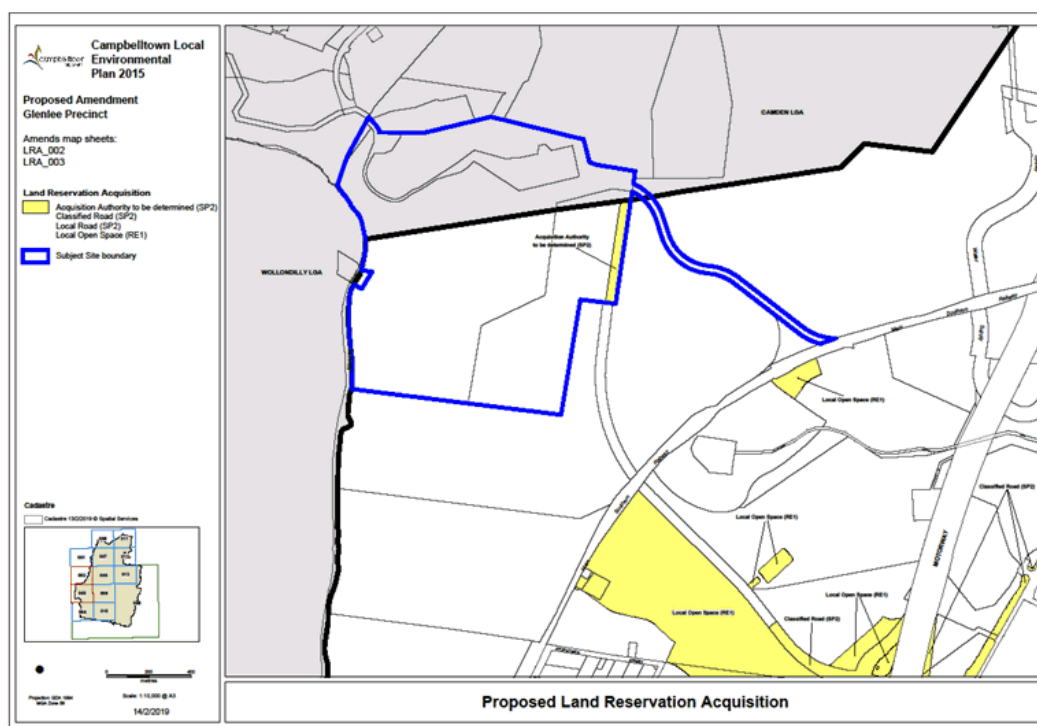
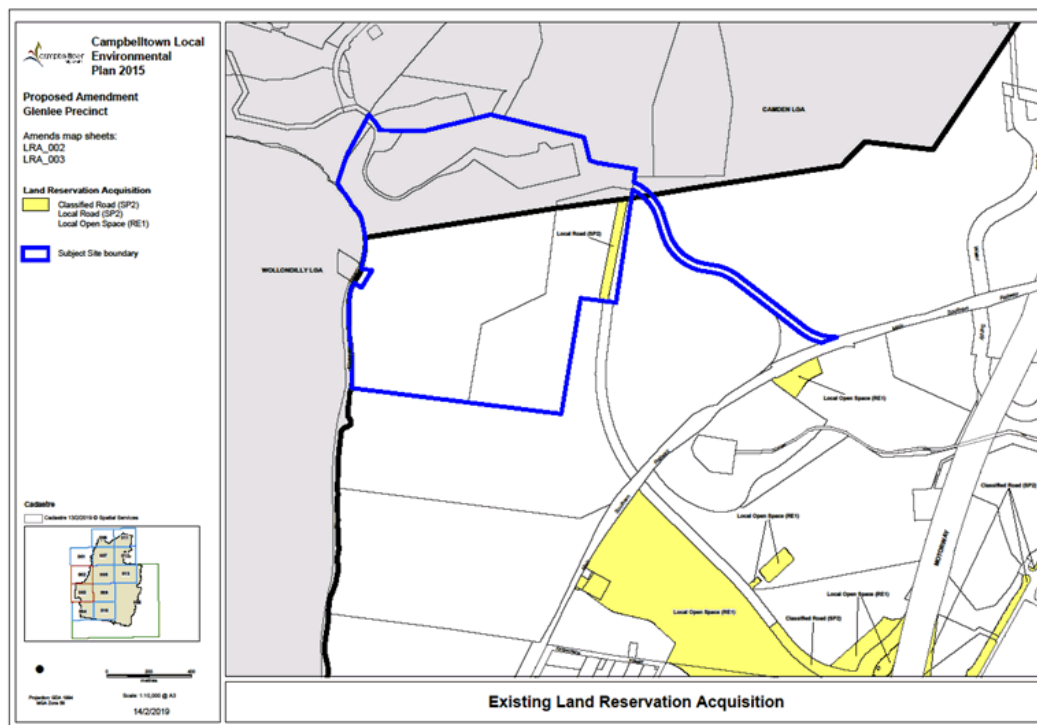
**Annexure 3 - Changes to Maximum Building Height Map**



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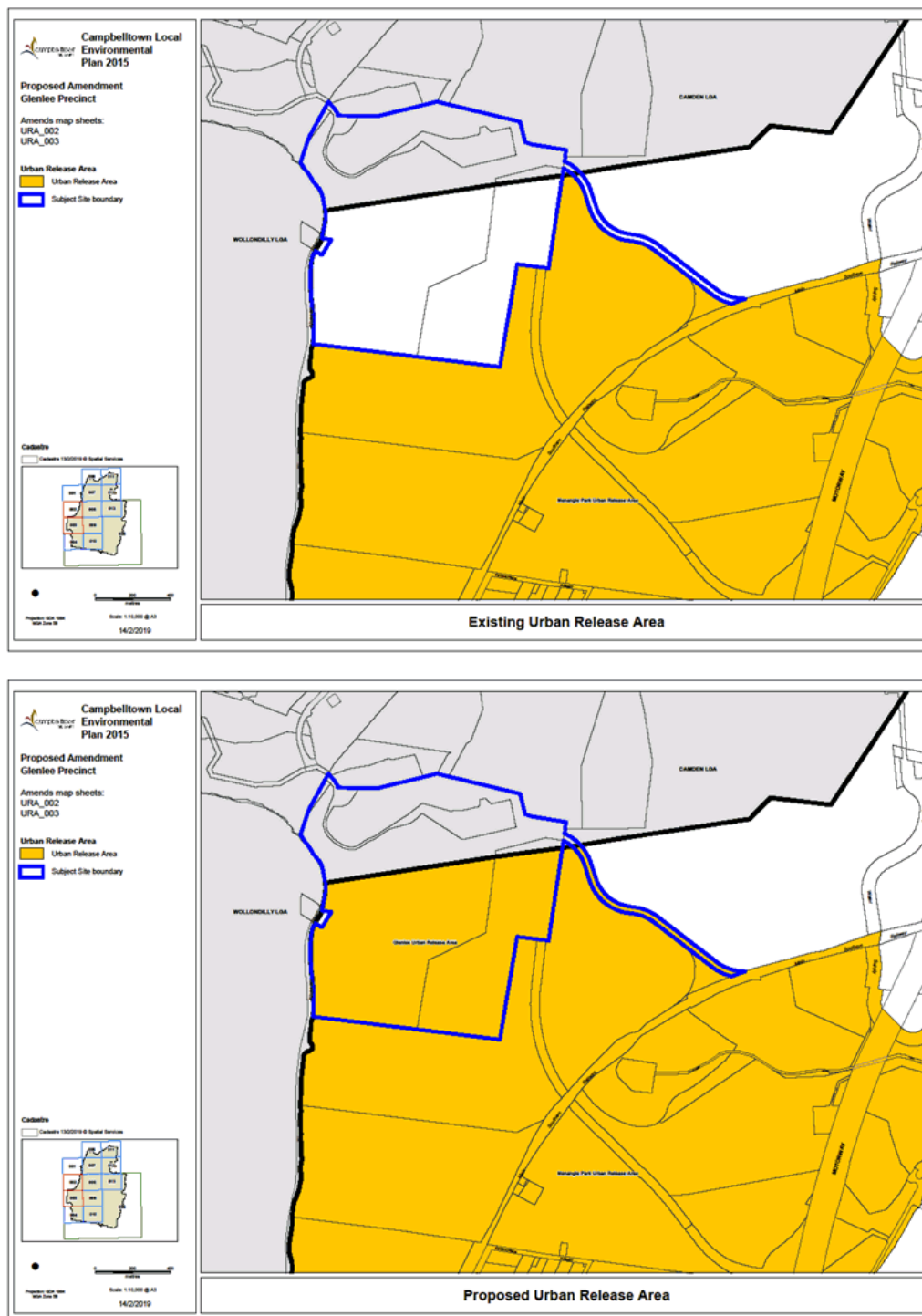
Annexure 4 - Changes to Land Reservation Map



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**Annexure 5 - Changes to Urban Release Area Map**



### Attachment 3

The following presents an outline of the submissions received with recommendations in relation to the Planning Proposal and the draft amendment to the Development Control Plan chapter that would apply to the Glenlee Precinct.

#### Detailed consideration of issues

| No. | Author                 | Submission outline   | Recommendation   |
|-----|------------------------|--|--|
| 1   | Wollondilly Council    | No objection.  | Noted, no action recommended.  |
| 2   | Camden Council         | Advice has been received of the exhibition of the Camden portion of the planning proposal.   | Noted, no action recommended.  |
| 3   | NSW Rural Fire Service | No objection.<br><br>Vegetation in proposed E2 zone is considered as Forested Wetland with an effective downslope in excess of 15 degrees, future development would require a min setback of 45 m from the E2 zone.<br><br>Sections with an effective upslope require a minimum APZ of 15 m to achieve a radiant heat level <29kW / sqm. | Noted, no action recommended.  |
| 4   | Water NSW              | No objection   | Noted, no action recommended.  |
| 5.1 | OEH                    | Supports in principle the proposed zoning of the 3 biodiversity corridors as E2 but recommends improvements are made to the proposed amendments to Campbelltown LEP 2015 and draft DCP as follows:   |  |
| 5.2 | OEH                    | A wider biodiversity corridor along the Nepean River, as it is of high ecological value on a regional scale.   | The PP already adopts a wider riparian corridor than the minimum 40 m required by Dept of Primary Industries – Office of Water. The corridor includes the area from the Nepean River up to the top of the embankment with a width varying from 120 – 200 m. It includes Caley's Creek, which runs parallel with the Nepean River at this location.<br><br>No change to the E2 zone is recommended. |

| No. | Author | Submission outline   | Recommendation   |
|-----|--------|--|--|
| 5.3 | OEH    | Amend proposed zoning and ILP to improve connectivity of the Caley's Creek corridor link within the precinct (Management Zone C) along the eastern boundary of the site to provide a continuous E2 corridor between Nepean River and the Botanic Gardens.  | <p>This would require expanding the E2 zone above the embankment or expanding onto the adjoining land to the east.</p> <p>While an expansion of the E2 zone may be a consideration for future zoning of the adjoining land, this is outside the boundary of the current PP area.</p> <p>No change to the E2 zone is recommended.</p> |
| 5.4 | OEH    | Suggest E2 land is preferably in public ownership so the corridors are managed and maintained in a consistent manner. Otherwise need details on funding arrangements to manage and maintain the E2 land in perpetuity.   | <p>Council does not seek ownership of the E2 land and does not have a funding strategy to maintain the land.</p> <p>No change to the E2 zone is recommended.</p>   |
| 5.5 | OEH    | <p>The ILP and the PP should be in accordance with the OEH Principles for the Use of Biodiversity Offsets in NSW.</p> <p>The first principle outlines that impacts to native vegetation are avoided first by using prevention and mitigation measures. If impacts are unavoidable, offsets then must be used to address any remaining impacts to native vegetation.</p>  | Noted, no action recommended.  |
| 5.6 | OEH    | <p>Suggest DCP includes controls for areas of native vegetation that are to be cleared for future development:</p> <ul style="list-style-type: none"> <li>• Standing timber be salvaged, especially tree hollows and tree trunks (greater than approx. 25-30 cm in diameter and 3 m in length), relocated and used to enhance habitat in E2 land</li> <li>• Dead wood is relocated to E2 land;</li> <li>• Collect seed from native vegetation and use in E2 land</li> <li>• Native plants (especially juvenile plants) are transplanted where possible from the IN1 land to E2 land</li> <li>• Top soil from native vegetation areas are cleared and used where appropriate in rehabilitation of E2 land.</li> </ul> | <p>Noted, these matters can be considered in a Vegetation Management Plan (VMP) for the site as identified in the DCP.</p> <p>Amendment to DCP is recommended.</p>   |
| 5.7 | OEH    | DCP should include a control that artificial nest boxes in various sizes are installed in the E2 land to improve habitat.  | As above.  |

| No.  | Author | Submission outline   | Recommendation   |
|------|--------|--|--|
| 5.8  | OEH    | An Aboriginal cultural heritage assessment should be prepared.   | This has already been undertaken and would also be a requirement of any future development application.<br><br>No change recommended.  |
| 5.9  | OEH    | <u>Biodiversity Corridors</u><br><br>OEH supports in principle the proposed E2 zoning of the 3 biodiversity corridors:<br><ul style="list-style-type: none"> <li>• Nepean River Corridor (Management Zone A)</li> <li>• East- West Terrestrial link (Management Zone B)</li> <li>• Caley's Creek Corridor (Management Zone C) but recommends improvements are made.</li> </ul>   | Noted, only Zones A and C affect Campbelltown.   |
| 5.10 | OEH    | <u>Nepean River Corridor</u><br><br>Clarify the width of the biodiversity corridor proposed along the Nepean River. It is noted in Campbelltown LGA, the Caley's Creek Corridor adjoins the Nepean River corridor which widens the corridor width along the River in this LGA (see Figure 7 in the <i>Riparian Corridor Study (RCS)</i> ). Figure 3 in the DCP appears to show the combined width of Nepean River corridor and the Caley's Creek Corridor is approximately 200 m in the Campbelltown LGA part of the precinct. | The PP already adopts a wider riparian corridor than the minimum 40 m required by Dept of Primary Industries – Office of Water. The corridor includes the area from the Nepean River up to the top of the embankment with a width varying from 120 – 200 m. It includes Caley's Creek, which runs parallel with the Nepean River at this location.<br><br>No change to the E2 zone is recommended. |
| 5.11 | OEH    | Office of Water guidelines recommends a 40 m wide vegetated riparian zone (VRZ) for streams, such as the Nepean River. Figure 8 in Appendix A of the <i>RCS</i> shows a 40 m wide riparian corridor along this section of River but when compared with Figure 7, the width of Management Zone A is wider than 40 m within Campbelltown LGA.  | As above.  |
| 5.12 | OEH    | Recommends a wider biodiversity corridor along the Nepean River as it is of high ecological value on a regional scale.   | The combined width of the Nepean River and the western portion of the Caley's Creek corridor is up to 200m. Any increase in the corridor would extend across the coal emplacement. No benefit could be expected from this.<br><br>No change to the E2 zone is recommended.   |



| No.  | Author | Submission outline   | Recommendation   |
|------|--------|--|--|
| 5.13 | OEH    | The RCS notes the ecological value of Nepean River corridor is currently degraded by weed infestation including substantial pockets of African Olive. Supports the corridor being rehabilitated and re-vegetated but the maintenance needs to be ongoing.  | Noted, this can be considered in a VMP for the site as identified in the DCP.<br><br>Amendment to DCP is recommended.<br><br>Amendment to the PP is also recommended to require consideration for the implementation of environmental protection works, similar to a provision in the Camden LEP 2010 that has been used at Spring Farm. |
| 5.14 | OEH    | <u>Caley's Creek corridor</u><br><br>The RCS indicates the Caley's Creek Corridor would take up the role that was originally envisaged for the E-W Terrestrial Corridor between the Nepean River and the Botanic Gardens (within Camden).<br><br>Recommend the zoning map and ILP be amended to improve the connectivity of the corridor link along the eastern boundary of the site.<br><br>Additional E2 zoned land needs to be provided along the eastern boundary of the site. | This would require expanding the E2 zone above the embankment or expanding onto the adjoining land to the east.<br><br>While an expansion of the E2 zone may be a consideration for future zoning of the adjoining land, this is outside the boundary of the current PP area.<br><br>No change to the E2 zone is recommended.            |
| 5.15 | OEH    | <u>Management Responsibility of Corridors</u><br><br>Notes Council's concern about ongoing maintenance costs if it is required to maintain the corridors. OEH's prefers the corridors to be in public ownership so that the corridors are managed and maintained in a consistent manner.   | Council does not seek ownership of the E2 land and does not have a funding strategy to maintain the land.<br><br>No change to the E2 zone is recommended.  |
| 5.16 | OEH    | The RCS notes that the corridors would be managed by Community Title. OEH recommends that the applicant provide details on how the management and maintenance of the corridors will be funded in perpetuity.   | A covenant would be required on the title of the site to ensure future maintenance and corridors under private ownership. The creation of a community title scheme would be a condition of development consent.  |
| 5.17 | OEH    | <u>Threatened Species</u><br><br>Ecological Assessment indicates that <i>Pomaderris brunnea</i> is unlikely to occur due to high weed densities although soil may contain seed and most of the habitat is in the proposed E2 zone.   | Noted, no change to the E2 zone is recommended.  |

| No.  | Author | Submission outline  | Recommendation  |
|------|--------|---|---|
| 5.18 | OEH    | <p><u>Vegetation conservation significance</u></p> <p>Ecological Assessment findings on vegetation conservation significance are consistent with what would be expected of a site in this location.</p> <p>However, areas labelled exotic woodland and African Olive dominate scrub in Figure 3 are labelled 'Other remnant vegetation' in Figure 6. OEH considers that this is over-selling the conservation significance of this vegetation.</p> <p>The development footprint largely avoids vegetation of higher value.</p>  | Noted, no change to the E2 zone is recommended.   |
| 5.19 | OEH    | <p><u>Indicative Layout Plan</u></p> <p>Ecological Assessment notes the PP would:</p> <ul style="list-style-type: none"> <li>potentially remove 1.53 ha of native vegetation (including planted vegetation)</li> <li>impact 16.77 % of the native vegetation within the precinct;</li> <li>impact 0.69 ha of CPW (in poor condition)</li> <li>impact 0.59 ha of <i>River-flat Eucalypt Forest</i>.</li> </ul> <p>OEH acknowledges that the development footprint largely avoid higher value vegetation. In relation to the proposed removal of native vegetation the PP / ILP should be in accordance with the OEH principles for the use of biodiversity offsets in NSW. The first principle is that impacts must be avoided first by using prevention and mitigation measure. Offsets are then used to address the remaining impacts.</p> | <p>It is noted that under the PP some vegetation may be impacted by future development. However the PP has considered the constraints and opportunities of the site and has achieved a reasonable balance by allowing some employment generating development to replace the former coal loading facility as well as preserving the overwhelming amount of on-site vegetation in the riparian corridors.</p> <p>Any future DA would still need to meet the requirements of the Biodiversity Conservation Act 2017.</p> <p>No change to the E2 zone is recommended.</p> |
| 5.20 | OEH    | <p><u>Site Specific DCP - Part 8</u></p> <p><u>Key Development Objectives</u></p> <p>Recommends Key Development Objective (10) is amended to include the bold italicised text as follows:</p> <p><i>Promote the conservation of existing bushland and establish a continuous fully vegetated corridor to allow for the movement of fauna from the Nepean River through to the Australian Botanic Garden.</i></p>  | <p>The suggested amendment is supported.</p> <p>Amendment to the DCP is recommended.</p>  |

| No.  | Author | Submission outline  | Recommendation  |
|------|--------|---|---|
| 5.21 | OEH    | <p>Recommends Key Development Objective 11 is amended to be consistent with the first principle of the OEH principles for the use of biodiversity offsets in NSW as follows:</p> <p><i>Minimise the impact of development on areas of native vegetation including areas of high biodiversity, archaeological and heritage significance.</i></p>   | <p>The existing wording of the DCP is considered satisfactory.</p> <p>No amendment to the DCP is recommended.</p> |
| 5.22 | OEH    | <p><u>Development Principles and Controls</u></p> <p><u>Tree Planting and Biodiversity</u></p> <p>Recommends the objectives be amended as follows:</p> <ul style="list-style-type: none"> <li>• <i>To promote the conservation of urban bushland and establish continuous and fully vegetated corridors to allow for the movement of fauna;</i></li> <li>• <i>To protect and preserve native vegetation and biological diversity in the Glenlee Precinct in accordance with the principles of ecologically sustainable development including the removal of weed infestations and to first avoid impacts to native vegetation by using prevention and where impacts are unavoidable biodiversity offsets must be used</i></li> <li>• <i>To ensure native vegetation, tree hollows, standing timber and dead wood and topsoil from remnant areas that are to be cleared is relocated and used in the rehabilitation of the E2 conservation areas.</i></li> </ul> | <p>The suggested amendment to items 2 and 3 is supported.</p> <p>Amendment to the DCP is recommended.</p>         |
| 5.23 | OEH    | <p><u>Controls</u></p> <p>Recommends Control (1) for the Management Zones includes the following amendments:</p> <p>a. Management Zone A — Nepean River Corridor.</p> <p>i. Asset protection zones must not be located within this management zone including vegetation retained for conservation in this zone.</p>   | <p>The suggested amendment is supported.</p> <p>Amendment to the DCP is recommended.</p>                          |

| No.  | Author | Submission outline   | Recommendation  |
|------|--------|--|---|
| 5.23 | OEH    | <p>The Ecological Assessment recommends that a VMP for Management Zone A "will require an on-going weed control program to address the continued high density presence of weed species, specifically African Olive" (note the underlined text is OEH emphasis - see Section 5, page 31).</p> <p>Control (1)(a)(ii) in the DCP should be amended to be consistent with the Ecological Assessment recommendation to require an ongoing weed control program to be implemented.</p>   | <p>The suggested amendment is supported.</p> <p>Amendment to the DCP is recommended.</p>                          |
| 5.25 | OEH    | An ongoing Weed control program in perpetuity and re-vegetation measures is to be implemented to improve the ecological value of this corridor.  | <p>The suggested amendment is supported.</p> <p>Amendment to the DCP is recommended.</p>                          |
| 5.26 | OEH    | b. Management zone B comments (for land wholly within Camden LGA).   | <p>This is not within Campbelltown LGA and should be deleted.</p> <p>Amendment to the DCP is recommended.</p>     |
| 5.27 | OEH    | <p>c. Management Zone C – Caley's Creek Corridor</p> <p>v. An ongoing weed control program in perpetuity and re-vegetation measures are to be implemented to improve the ecological value of this corridor.</p>  | <p>The suggested amendment is supported.</p> <p>Amendment to the DCP is recommended.</p>                          |
| 5.28 | OEH    | <p>The control relating to the preparation of a VMP be amended as follows:</p> <p>A VMP is to be prepared for Management Zones A, B and C and submitted to and approved by Council with the first DA for the development of land or subdivision within the area of which this DCP applies.</p> <p>The VMP must:</p> <ul style="list-style-type: none"> <li>• Show areas of native vegetation that are to be removed so that native vegetation, dead wood, tree hollows, standing timber and topsoil from these areas can be salvaged and relocated to the E2 conservation land prior to earthworks commencing</li> <li>• Provide details on an ongoing weed control program for the precinct.</li> </ul> | <p>The existing wording of the DCP is considered satisfactory.</p> <p>No amendment to the DCP is recommended.</p> |

| No.  | Author                       | Submission outline  | Recommendation  |
|------|------------------------------|---|---|
| 5.29 | OEH                          | <p><u>Landscaping</u></p> <p>Recommend Control 4 is amended as follows:</p> <p>Four native trees from the relevant local native vegetation community are to be planted every 10m, within the first 3m of the primary street frontage.</p>   | <p>The suggested amendment is supported.</p> <p>Amendment to the DCP is recommended.</p>  |
| 5.30 | OEH                          | <p><u>Zoning</u></p> <p>Supports the concept of zoning the 3 biodiversity corridors as E2.</p> <p>Recommend the proposed Zoning and ILP be amended to improve the connectivity of the Caley's Creek corridor link by providing additional E2 land along eastern site boundary.</p>  | <p>This would require expanding the E2 zone above the embankment or expanding onto the adjoining land to the east.</p> <p>While an expansion of the E2 zone may be a consideration for future zoning of the adjoining land, this is outside the boundary of the current PP area.</p> <p>No change to the E2 zone is recommended.</p>  |
| 5.31 | OEH                          | <p><u>Indigenous Heritage</u></p> <p>The PP notes an Aboriginal Heritage Due Diligence Assessment has been prepared for the Glenlee precinct. It makes reference to the protection of Aboriginal archaeological sites and notes it is proposed to include these sites within the proposed E2 Zone (page 16).</p> <p>Due diligence is not a substitute for undertaking an Aboriginal cultural heritage assessment and is inadequate to assess the impacts of the proposed development on the Aboriginal archaeological and cultural heritage values of the subject land.</p> <p>OEH recommends that a full Aboriginal cultural heritage assessment be prepared for the PP.</p> | <p>This is not supported.</p> <p>An Aboriginal Heritage Due Diligence Assessment has been prepared for the Glenlee precinct.</p> <p>A requirement to undertake a full assessment would be a future requirement of a development application and is not required or appropriate at the rezoning stage.</p> <p>Areas of significance are located within the proposed E2 zone.</p> <p>No amendment is recommended.</p> |
| 6.1  | RMS/<br>Transport<br>for NSW | Future Spring Farm Parkway (stage 2) corridor will traverse the site.   | Noted.  |

| No. | Author        | Submission outline  | Recommendation   |
|-----|---------------|---|--|
| 6.2 | RMS/<br>TfNSW | Council as the roads authority for the future Spring Farm Parkway (with the exception of the proposed Hume Hwy interchange) should consider bringing the land into public ownership via a suitable funding mechanism. | <p>The PP identifies the portion of the future Spring Farm Parkway within the site as SP2 but without an identified acquisition authority.</p> <p>This future link will perform a regional arterial function and therefore is the responsibility of the RMS and not Council. The preparation of a Planning Agreement between Dahua and the RMS for Stage 1 of the Spring Farm Parkway at Menangle Park is evidence of this.</p> <p>No amendment to the zoning of the road corridor is recommended.</p>   |
| 6.3 | RMS/<br>TfNSW | Provision of road link should be at no cost to the NSW Gov.   | As above.  |
| 6.4 | RMS/<br>TfNSW | Funding mechanism between councils and proponent should be executed, prior to the gazettal of PP.   | <p>Council does not support being involved in a funding mechanism for the provision of land for the road link.</p> <p>It is noted that the DPE has exhibited a Special Infrastructure Contribution for the Greater Macarthur Growth Area, which includes funding this road link.</p> <p>This objection from RMS remains unresolved. DPE in its <i>Guide to preparing local environmental plans</i> states that council must not use its delegation to make LEP amendment.</p> <p>Verbal advice from DPE has suggested that Council not exercise its delegation in this instance and refer the matter to the DPE.</p> <p>Accordingly it is recommended that Council advise DPE that it will not use its delegation to make the LEP amendment and refer the matter of the RMS objection to DPE for resolution.</p> <p>It is also recommended that the Glenlee Precinct be identified as an Urban Release Area to invoke cl 6.1 of the LEP to ensure satisfactory arrangements are made for state public infrastructure before the subdivision of the land.</p> |

| No. | Author                       | Submission outline   | Recommendation   |
|-----|------------------------------|--|--|
| 6.5 | RMS/<br>TfNSW                | The access connection from the subject site to/from the future Spring Farm Parkway will be subject to further investigation of this road corridor by the relevant Road Authority(s) including environmental studies and refinement of the strategic road design plans.   | Noted, no amendment to the DCP is recommended.   |
| 6.6 | RMS/<br>TfNSW                | Full scope of intersection works at Camden Bypass / Liz Kernohan Drive intersection; associated triggers (linked to Gross Floor Area) should be identified and agreed between all stakeholders (including RMS and TfNSW) and included in the abovementioned funding mechanism, prior to the gazettal of the subject PP.<br><br>To date, this documentation has not been submitted. | See comments in relation to item 6.4.  |
| 6.7 | RMS/<br>TfNSW                | TfNSW and RMS support the proposed cap of 90,000 sqm GFA via the PP until Spring Farm Parkway was extended from M31 to Camden Bypass.  | As there would be potential for ambiguity about how much floor space applies to each council area an amount has been agreed with Camden Council based on the proportion of proposed IN2 zoning land area in each council area.<br><br>It is recommended that the PP be amended accordingly.<br><br>It should be noted that the cap would only apply until the Spring Farm Parkway link is completed. Once this has taken place, full development of the site could take place. |
| 7.1 | NSW Dept of Industry - Water | Supports the biodiversity corridors and provides the following comments.   | Noted.   |



| No. | Author      | Submission outline  | Recommendation   |
|-----|-------------|---|--|
| 7.2 | Dol - Water | <p>The PP and accompanying documents indicate a new natural channel for Caley's Creek is to be rehabilitated at the toe of the emplacement batters and the emplacement batters will be rehabilitated to provide a significant corridor up to 80m in width on the site.</p> <p>Supports the rehabilitation of Caley's Creek to mimic a more naturalised system and the provision of an 80 m wide vegetated zone along the Southern boundary of the Glenlee Precinct to provide a strategic link to existing riparian and bushland corridors along the Eastern boundary adjacent to the Australian Botanical Gardens.</p> <p>Encourages the establishment of as much shrub and tree layer planting on the emplacement batters of the Caley's Creek as the planting medium will allow.</p> | Noted, this will be the subject of a VMP, no action recommended.   |
| 7.3 | Dol - Water | <p>Management Zone C area seems to differ between information provided in the RCS and in the draft DCP. Figure 4 of the DCP shows a Management Zone C that corresponds to the total of the area in the E2 zone whereas in the RCS Management Zone C only covers the riparian corridor along Caley's Creek and does not continue along the eastern boundary of the precinct.</p>   | <p>Noted, Management Zone C in the DCP includes the area of the emplacement batter on the eastern side of the site. It is consistent with the area of the E2 zone in the PP.</p> <p>No amendment to the DCP is recommended</p> |
| 7.4 | Dol - Water | <p>Question 7 of Section C of the (exhibited) PP (page 14) mentions the Nepean River corridor but does not specifically refer to the corridor along Caley's Creek. It is recommended that a mention be added.</p>   | <p>The suggested amendment is supported.</p> <p>Amendment to the PP is recommended.</p>  |
| 7.5 | Dol - Water | <p>Council's concern about its capacity to sustain ongoing maintenance efforts and its recommendation to leave the Caley's Creek corridor in private ownership and management is noted (Appendix C of the RCS, page 18). However, the ownership of riparian corridors is a critical factor in the function and health of corridors.</p> <p>Dol Water considers that public ownership of riparian corridors fronting waterfront land is the most effective mechanism for ensuring the appropriate long-term management of these areas.</p>   | <p>Council does not seek ownership of the E2 land and does not have a funding strategy to maintain the land.</p> <p>No change to the E2 zone is recommended.</p>   |

| No.  | Author   | Submission outline   | Recommendation  |
|------|--|--|---|
| 7.6  | DoI - Water  | <p>Noted that the RCS mentions that the Nepean River and the Caley's Creek corridors will be managed by Community Title.</p> <p>Recommends that if this option is pursued the applicant provides details on how of the management and maintenance of the corridors would be funded in perpetuity.</p>  | It is recommended to amend the DCP to require a VMP and a covenant on the land title to cover management and maintenance of corridors. Depending on the eventual development this may still include a community title over the E2 land. |
| 7.7  | DoI - Water  | <p>Zoning</p> <p>Agrees that an E2 zone is appropriate.</p>  | Noted, no change to the E2 zone is recommended.   |
| 7.8  | DoI - Water  | <p>Groundwater</p> <p>The potential impact of any future DAs on groundwater should be addressed in Section C – Question 8 of the PP regarding the likely environmental effects (page 16).</p> <p>Suggest that a section on Groundwater be added to DCP.</p>  | <p>The suggested amendment is supported.</p> <p>Amendment to the DCP is recommended.</p>  |
| 7.9  | DoI - Water  | <p>The groundwater situation at the Glenlee site does not appear to be fully understood.</p> <p>Any future industrial development application should assess the environmental impacts on groundwater in terms of the Aquifer Interference Policy. In particular, the potential for saline groundwater exiting the site should be assessed. The proponent will need to demonstrate how any flow from the emplaced coal waste will be mitigated and provisions will need to be made for any future excavation.</p> | As above.   |
| 7.10 | DoI - Water  | Give consideration to potential compaction of material during construction associated with later occupation and confirmation there is no connectivity between the coal emplacement fill and the underlying natural groundwater table.  | As above.   |
| 9    | Subsidence Advisory NSW (formerly Mine Subsidence Board) | <p>Recommend contacting South 32 and DPE Division of Resources and Energy.</p> <p>Letter sent to Illawarra Metallurgical Coal, which manages the South 32 lease. No response was received.</p>   | Noted, no change to the PP or DCP is recommended.   |

| No.  | Author   | Submission outline  | Recommendation   |
|------|--|---|--|
| 10.1 | DPE<br>Division of<br>Resources<br>&<br>Geoscience | Coal and petroleum resources are present and held under titles (EL4470, AUTH248, AUTH281 and PPL4) within the proposal area. The holders of such authorisations should be consulted regarding extraction plans and timelines. If there is difficulty in contacting relevant title holders, please contact GSNSW for further assistance. | Noted, no change to the PP or DCP is recommended.  |
| 10.2 | DPE  | The Menangle Park Sand and Soil has consent over part of this proposal area until 2022. Industrial and extractive land uses are often compatible, though Council would need to be satisfied that future development of the subject site does not impact on potential quarry operations, or vice versa.                                  | Noted, no change to the PP or DCP is recommended.  |
| 10.3 | DPE  | The Mining SEPP 2007 will prevail over any inconsistency within the LEP regarding extractive activities, both underground and open-cut.   | As above.  |
| 11   | Sydney Water                                       | There is no existing water and waste water infrastructure for the proposed development.<br><br>Proponent should submit a staging plan to SW for any upgrade requirements to the network.  | Verbal advice received from Sydney Water indicates that services will be available in 2021.<br><br>Any future DA would require a Section 73 certificate from Sydney Water in order for development to take place.<br><br>Noted, no action recommended. |
| 12   | Australian Rail Track Corporation Ltd              | No objection.   | Noted, no action recommended.  |
| 13   | Endeavour Energy                                   | No objection – note an easement across the site.  | Noted, no action recommended.  |
| 14.1 | Australian Botanic Gardens                         | Current fauna diversity is the result of natural fauna movement across the landscape, which will be compromised by future developments without careful strategic planning.  | Noted.   |

| No.  | Author | Submission outline  | Recommendation   |
|------|--------|---|--|
| 14.2 | ABG    | <p>Creation of long term viable vegetation connectivity between the Botanic Garden and the Nepean River is a critical long term strategic planning issue.</p> <p>Essential to maintain vegetation linkages to provide fauna movement between the Botanic Garden and the Nepean River corridor. Consultant fauna studies conducted at the Botanic Garden indicate that corridors ideally should be a min 100 m wide.</p> | <p>The concept of an environmental link between the Botanic Garden and Nepean River is supported.</p> <p>However the site of this PP does not cover all of the land that would be needed to provide a sustainable link. This would be a matter to be considered in any future PP for adjoining lands. Nevertheless the current PP is a first step in achieving such an environmental link.</p> <p>No change to the E2 zone is recommended.</p> |
| 14.3 | ABG    | Support Council's assessment that a corridor of environmental conservation open space around the site and along the Nepean River be established to provide a link with the Botanic Garden and the bush corridor in Spring Farm.   | Noted.   |
| 14.4 | ABG    | Support Council's assessment that the Nepean River corridor be regenerated and re-vegetated to provide an ecological corridor and link with the Botanic Garden.   | Noted.   |
| 14.5 | ABG    | Support the overall vegetation management and restoration approach outlined in the studies presented and considers it essential that both east-west vegetation corridors be restored to local native vegetation zoned and managed for the long term conservation.   | <p>A VMP will be required under the DCP.</p> <p>Amendment to DCP is recommended.</p>   |
| 14.6 | ABG    | <p>Management Zone A (Nepean River corridor)</p> <p>Support rehabilitation of corridor and should have an environmental protection zoning/conservation covenant.</p>  | Noted.   |
| 14.7 | ABG    | <p>Management Zone C (Caley's Creek)</p> <p>Support restoration of corridor</p>   | Noted.   |
| 14.8 | ABG    | Significant ecological restoration can be achieved through appropriate African olive control and a combination of direct seeding / tube stock planting.   | Noted  |
| 14.9 | ABG    | Botanic Garden is happy to be involved in development of a VMP for vegetation corridors.  | Noted, however this would usually be a requirement of a development application and direct engagement with Council.  |

| No.   | Author | Submission outline  | Recommendation   |
|-------|--------|---|--|
| 14.10 | ABG    | Vegetation corridors need vegetation management, long term tenure, environmental zoning and planned with consideration to proposed Spring Farm Parkway.   | It is recommended that the DCP be amended to require a covenant on the land title to cover management and maintenance of corridors.  |
| 14.11 | ABG    | Support "new buildings should be designed to reduce their visual bulk and to blend with the existing landscape character. Building form, scale and exterior finishes should be compatible with the established landscape character of the region and designed to reduce the impact on views towards the site from surrounding areas". | Noted.<br><br>It is recommended that the DCP be further amended to address appearance to the future streets, activities outside buildings and site specific landscaping requirements to further minimise the impact of the development on the surrounding areas. |
| 14.12 | ABG    | High potential for significant visual impact when viewed from Botanic Garden.   | As above.  |
| 14.13 | ABG    | Support a combination of species traditionally used since European settlement, exotic and indigenous Cumberland Plain Woodland species should be used in new development as theme planting, in open space networks, buffer zones and along major communication routes.  | Noted.   |
| 14.14 | ABG    | Request that tree planting design maximise screening of proposed development when viewed from the Botanic Garden.   | The suggested amendment is supported.<br><br>Recommend that the DCP be further amended to address site specific landscaping requirements to further minimise the impact of the development on the surrounding areas.   |
| 14.15 | ABG    | Future storage proposals, which may include buildings or stacked shipping containers, are likely to present a more significant visual impact under revised zoning permitting a change from 9.5 - 12m in height.   | Noted<br><br>Recommend that the DCP be further amended to address site specific landscaping requirements to further minimise the impact of outside storage on the surrounding areas.   |
| 14.16 | ABG    | Camden Soil Mix has considerable odour and dust impacts on Botanic Garden, need to manage odour and dust in the future.   | Noted, not within subject site.  |
| 14.17 | ABG    | Need to manage noise.   | Noted.   |

| No.   | Author | Submission outline   | Recommendation  |
|-------|--------|--|---|
| 14.18 | ABG    | To achieve functional vegetation/ wildlife corridor (ideally 100 m minimum width) between Botanic Garden and Nepean River, to prevent it becoming an isolated fauna 'island', will require a strategic and holistic long term planning beyond the Glenlee site and will involve linkage and native vegetation retention through Dahua and SUEZ (SITA) land holdings.   | Noted. The concept of an environmental link between the Botanic Garden and Nepean River is supported. However the site of this PP does not cover all of the land that would be needed to provide a sustainable link. This would be a matter to be considered in any future PP for adjoining lands. Nevertheless the current PP is a first step in achieving such an environmental link. |
| 14.19 | ABG    | Vegetation corridors can be achieved although they are at risk in adjoining land parcels, particularly with proposed SF Parkway.   | As above.   |
| 14.20 | ABG    | Supportive of proposed SP2 reservation subject to discussion with RMS on final design and alignment. The Botanic Garden is hopeful of exploring a 'Southern Gateway' into the Botanic Garden in conjunction with RMS, Camden and Campbelltown Councils.  | While this will not affect determination of the PP it is useful to identify this as a further benefit from the eventual provision of the Spring Farm Parkway.   |
| 14.21 | ABG    | For these vegetation/wildlife corridors to be successful the developers and councils will need to work with the Botanic Garden to influence the proposed Spring Farm Parkway in order to ensure wildlife movement is achieved, including under or over and fence design considerations.  | While this will not affect determination of the PP Council would normally seek involvement in the detailed planning of the Spring Farm Parkway by the state government to achieve a sustainable flora / fauna corridor.   |
| 14.22 | ABG    | ABG looks forward to achieving important vegetation linkages (as presented above) between the Botanic Garden and other significant natural assets such as William Howe Reserve, Gundungurra Reserve (north and south sections) and, Elizabeth Macarthur Agricultural Institute (including Sawyers Reserve).<br><br>ABG sees considerable scope to use regional cycleway landscaping to help build these vegetation linkages in the region, providing the dual benefit of wildlife movement and the recreational amenity of the growing communities in this region. | Noted.  |

## 8.3 Outdoor Badminton Courts

### Reporting Officer

Director City Delivery  
City Delivery

### Community Strategic Plan

| Objective                         | Strategy  |
|-----------------------------------|---|
| 4 Outcome Four: A Successful City | 4.4 - Maintain and create usable open and recreational spaces that set our city apart from others |

### Officer's Recommendation

That Council consider funding the provision of outdoor badminton courts subject to undertaking design development and community consultation.

### Purpose

To advise Council of the investigations into the feasibility of providing outdoor badminton courts in our parks and reserves within Local Government Area.

### History

Council at its meeting held 14 August 2018 resolved:

That a report be presented to Council investigating the feasibility of developing outdoor badminton courts for local community use.

### Report

Research into the sport of badminton shows that the sport is mainly played indoors due to the impacts that weather (wind etc) has on the playing of the game. The provision of outdoor courts for badminton across Sydney is limited to a couple of locations. Providing outdoor badminton courts in the Local Government Area would be for recreation rather than for competition.

Council currently has indoor badminton courts at Minto Indoor Sports Centre and Macquarie Fields Fitness and Indoor Sports Centre. The Sport and Recreation Strategy does not reference badminton facilities in the Local Government Area.

Badminton courts are 13.4 metres long x 6.1 metres wide and a net is required. The playing surface of the courts can be either a hard surface or grass. Grass would be cheaper to install as opposed to a hard surface which would also require more regular maintenance. The type of surface to be provided will be dependent on the available budget with the hard surface costing in the order of \$25,000 and the grassed surface approximately \$8000.



As the provision of an outdoor court is more associated with recreational use, the provision of the court may initially be aimed at a more casual turn up and use basis rather than being a formal hire of the court. A review of the dimensions of badminton with other outdoor sports such as tennis, volleyball, basketball and netball shows that the ability to provide badminton courts in multi-use facilities is limited. Badminton may need to be a stand-alone facility or possibly share with a volleyball court. The net height of a badminton court is lower than a volleyball court and so the current volleyball courts that Council provides with a ridge net cannot be adapted to work in with badminton.

A further option that can be examined is the possibility of establishing playing surfaces within an existing park, where an area can be prepared, that allows a group of friends to turn up and play a casual game of badminton or even volleyball. As with volleyball, Council has a number of parks where a group of people turn up with their own net and have a game. By providing a level surface the same arrangement could be accommodated with badminton. There is a range of portable nets that are quite easy to set up and transport on the market.

Current information would indicate that this sport at present, does not have a strong patronage that would support its own facility and therefore to create a casual use facility will allow Council to determine how best to support this sport into the future.

A current review of possible locations for badminton facilities has proposed the following locations:

- Seddon/Kennett Parks, Glenfield
- Milton Park Open Space near the proposed playspace
- Passfield Park, Minto.

Council officers will consider the above locations in the development of master plans, park improvements and park upgrades and will liaise with the communities surrounding these facilities during the consultation process.

In the 2019-2020 financial year budget, funds have been allocated for park and reserve improvements. A portion of these funds have been allocated for the provision of an outdoor badminton facility as outlined within the report, however is based on the outcomes of further design development and community consultation for the above mentioned projects.

These locations would be extensively advertised and promoted with the view of further developing areas in which outdoor badminton can be played as the demand for such courts are understood in more detail.

## **Attachments**

Nil

## **8.4 Macarthur South West United Football Club Community Partnership**

### **Reporting Officer**

Director City Lifestyles  
City Lifestyles

### **Community Strategic Plan**

| <b>Objective</b>                        | <b>Strategy</b>   |
|---|---|
| 1 Outcome One: A Vibrant, Liveable City | 1.5 - Host and promote major sporting events, showcasing our city's sporting facilities and encouraging community participation in sport and recreation |

### **Officer's Recommendation**

1. That Council accept the invitation to become the Local Government Community Partner of the Macarthur South West Football Club for a five year term.
2. That funding for the 2019-2020 commitment is sourced from the City Hosting Fund reserve, with years two to five dedicated in future budgets.

### **Purpose**

To advise Council of an invitation for Campbelltown City to become a Community Partner of the Macarthur South West United A-League Club and to seek Council's decision as to whether to take up this partnership opportunity.

### **History**

Council at its meeting of 27 June 2017 resolved to prepare an A-League bid in response to the Football Federation of Australia's (FFA) proposed expansion of the A-League.

This was following the preparation of the Campbelltown Sports Stadium Strategic Business Case that recommended that a lead tenant be secured for the Stadium to support its long term sustainability. The potential to secure a new A-League team was identified, given the FFA were seeking to expand the A-League.

In response to this opportunity an EOI was prepared as required through the bid process, called United for Macarthur.

The underpinning objectives of this bid were to:

- secure a lead tenant for the Campbelltown Sports Stadium to increase the content played at the ground and to promote its long term sustainability and realise the vision for Leumeah as a sports and entertainment precinct

- embed community ownership into the structure
- enable the establishment of a professional sports team for the Region that would deliver both economic and social benefits.

Based on advice from the FFA, the United for Macarthur Bid subsequently merged with the South West Bid to create a stronger and more viable bid, which was resolved by Council at its meeting of 14 August 2018. A joint Macarthur South West Bid was submitted to the FFA.

The FFA announced on 13 December 2018 that the Macarthur South West United A-League Team would be granted one of the two new available licences, with the Club to commence competition in the 2020-2021 football season, playing at Campbelltown Sports Stadium.

## Report

The Macarthur South West United Football Club (the Club) is currently in the process of recruiting corporate and community partners. There are a number of different partnership opportunities including Coach Sponsor, Community Partners (five), Foundation Packages, signage and advertising opportunities and sponsorship opportunities.

The Club has offered Campbelltown City the opportunity to become one of the five “Community Partners” of the Club. Campbelltown is the only Council in the region who has been offered this opportunity.

The Club has advised that there are already two other partners confirmed from within the region who will enhance and complement Council’s involvement in the Community Partnership.

The aim of the Community Partnerships is to “provide a strong foundation for young and upcoming football players and increase player participation at grassroots level.”

The Community Partners will help the A-League team link with local schools, the football community and community groups. Council has existing links with these parties and so is in an ideal position to support and enhance the Club’s participation in social, educational and wellbeing programs as well as promoting participation in sport and physical activity. These programs will target a range of groups within the region including the multicultural community, the Aboriginal and Torre Strait Islander community, people with disability, older people, young people and people from socioeconomically disadvantaged backgrounds.

This partnership will provide a range of programs which are not currently in place or will enhance existing programs. Council and the Club will agree on an annual plan with key deliverables to ensure that they are in line with Council’s strategic direction and value for money proposition. An annual evaluation of the programs will be reported to Council and the community.

The second part of the Community Partnership is the Academy Programs. The Academy Programs will provide children and young people unique local skill development opportunities and access to high performance coaching without having to leave the area. The Academy provides pathway programs for players with potential as well as for grassroots participation through all age groups.

The Academy will target the growth of participation of females in football. The Academy will provide specialised disability programs. The Academy will also have an Indigenous program which will provide Aboriginal and Torres Strait Islander children access to a football program

as well as a focus on health and education. The aim of the Academy is to ensure that children who are part of the program are provided with a holistic approach to both skill development and health and wellbeing.

For Council's investment in the Community Partnership, children living in the Campbelltown Local Government Area who are selected to be part of the Academy will be provided with a scholarship to participate in the elite pathway. This will provide equitable access for Campbelltown children to the programs irrespective of socioeconomic circumstances.

In addition to the social and developmental benefits the Community Partners will deliver for the community, Council's brand would become a major supporter of the Academy Programs across the Macarthur and South West region. The benefits to Council in terms of promotion are that:

- Council's brand would appear on all official Academy collateral and promotional material distributed to Academy players and other participants and for non-game appearances and interviews
- Council's brand would appear on all official Academy signage including portable signage taken into the Club's community programs delivered to schools, clubs and community groups.

The term of the Community Partnerships is five years and involves the following investment:

- 2019-2020 \$450,000 (excluding GST)
- 2020-2021 \$475,000 (excluding GST)
- 2021-2022 \$500,000 (excluding GST)
- 2022-2023 \$525,000 (excluding GST)
- 2023-2024 \$550,000 (excluding GST)

Participation as a Community Partner of the Club contributes to the Council's strategic direction in the Community Strategic Plan to encourage community participation in sport and recreation. It also aligns well with Council's commitment to the Change4Campbelltown childhood obesity partnership project with the South West Sydney Local Health District and would establish a strong and innovative partnership between Council and the Club in the delivery of health and wellbeing programs across the City. The specific programs focusing on children with disability and Indigenous children would complement and enhance Council's commitments in the Disability Inclusion Action Plan and Reconciliation Action Plan.

Should Council decide to take up the opportunity to become a Community Partner, it is proposed that funding be sourced from the City Hosting Fund reserve, which will contain \$600,000 at 30 June 2019, to fund the first year commitment, with years two to five dedicated in future budgets. In addition to the wellbeing outcomes of the Community Partnership, Council's involvement would promote the City of Campbelltown across the Macarthur and South West regions and bring visitors in to the City, which is the intent of the City Hosting Fund. It would also strongly promote Council as a leader in unique and innovative community programs for the benefit of the whole region.

## Attachments

Nil

## **8.5 Campbelltown City Council Innovate Reconciliation Action Plan 2019-2021**

### **Reporting Officer**

Director City Lifestyles  
City Lifestyles

### **Community Strategic Plan**

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

### **Officer's Recommendation**

That Council adopt the Campbelltown City Council Innovate Reconciliation Action Plan May 2019- April 2021.

### **Purpose**

To seek adoption of the Campbelltown City Council "Innovate" Reconciliation Action Plan May 2019-April 2021.

### **History**

In 2016 Council commenced a journey to develop a Reconciliation Action Plan (RAP). A RAP Working Group was established comprising representatives from each Council Division, members of the local Aboriginal and/or Torres Strait Islander community and the Winga Myamly Reconciliation Group.

RAPs are administered and endorsed by Reconciliation Australia, who early in the process recognised that Council had already undertaken significant steps towards reconciliation through the Campbelltown Aboriginal Strategy 2014-2018. Accordingly, Reconciliation Australia advised that Council could pursue an Innovate level RAP, the second level in the reconciliation spectrum of Reflect - Innovate - Stretch - Elevate. Council's RAP will therefore complement and progress the work that has been completed through the Aboriginal Strategy 2014-2018.

The draft RAP has been through an iterative review and feedback process with Reconciliation Australia, resulting in this final document for Council's adoption.

### **Report**

The purpose of a RAP is to support 'reconciliation' or 'coming together'. In Australia, 'reconciliation' refers to bringing together Aboriginal people and Torres Strait Islanders and other Australians. The RAP will contribute to advancing the five dimensions of reconciliation – unity, race relations, equality and equity, institutional integrity and historical acceptance.

Advancing these dimensions through the RAP will support Council in further developing respectful relationships and create meaningful opportunities with Aboriginal and Torres Strait Islander peoples in the community.

The RAP will guide Councillors and all staff across the organisation act upon reconciliation in alignment with the corporate values of teamwork, respect, trust, integrity and optimism. The aim of the RAP is for reconciliation to be part of everyone's business within Council, building upon Council's Statement of Commitment to Aboriginal People.

The Innovate RAP identifies 95 actions focusing on relationships, respect and opportunities by:

- developing and strengthening relationships across the whole organisation with Aboriginal and Torres Strait Islander peoples
- engaging staff and stakeholders in the reconciliation process
- developing and piloting innovative strategies across Council to empower Aboriginal and Torres Strait Islander peoples.

Reconciliation Australia confirmed its endorsement of Council's RAP on 2 May 2019.

Upon adoption by Council, the RAP is planned to be launched on 31 May 2019 at Campbelltown Arts Centre. Staff and Councillors will be provided opportunities and encouraged to participate in cultural activities that will be performed at the launch.

Council will report annually to Reconciliation Australia on the achievements, challenges and learnings from the RAP implementation.

## **Attachments**

1. Campbelltown City Council Innovate Reconciliation Action Plan 2019 - 2021 (distributed under separate cover)

## 8.6 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 7 May 2019.

### Attachments

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

### Reports Requested effective 7 May 2019

| *Date of Decision<br>*Mover<br>*DocSet | Action Item  | Comments / updates   | Expected completion date |
|--|--|--|--------------------------|
| <b>City Lifestyles</b>                 |  |  |                          |
| 11.12.18<br>MC                         | <p>ORD - NM 11.1 - Improvements to Minto Sports Centre</p> <ol style="list-style-type: none"> <li>1. That a report be presented on the feasibility of improvements to the exterior of Minto Sports Centre.</li> <li>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.</li> <li>3. That the exterior wall facing the railway line should be included in any enhancement works.</li> </ol> | <ul style="list-style-type: none"> <li>• Exterior sign has been installed.</li> <li>• Costings on other improvements being collated for inclusion in report.</li> </ul>  | June 2019                |
| <b>City Delivery</b>                   |  |  |                          |
| 14.08.18<br>MC                         | <p>ORD - NM - 11.5 Badminton Courts</p> <p>That a report be presented to Council investigating the feasibility of developing outdoor badminton courts for local community use.</p>   | <p>Council is currently investigating suitable locations for the courts. At the conclusion of the investigation a report will be presented to Council.</p> <p>Report presented to Council at the May 2019 meeting.</p> | May 2019                 |



### Reports Requested effective 7 May 2019

| *Date of Decision<br>*Mover<br>*DocSet | Action Item  | Comments / updates   | Expected completion date |
|--|--|--|--------------------------|
| <b>City Delivery</b>                   |  |  |                          |
| 14.08.18<br>RM                         | <p>ORD - NM - 11.6 Avenue of Native Trees</p> <p>1. That Council prepare a feasibility report to consider the development of an avenue of native trees, such as Angophora and Claret Ash or any other appropriate local native species to be planted contiguously on the nature strip and either side of Appin Road, between Narellan Road and Fitzgibbon Lane or other suitable areas, to create a prominent entrance into the City.</p> <p>2. The report to include the potential to maintain the current road name but to call the new planted area 'Angophora Ave' or 'Claret Ash Lane' or other name appropriate to the selected native species with appropriate signage and well developed wider footpaths to complement the new planting section.</p> | 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. | June 2019                |
| 12.03.19<br>BM                         | <p>ORD - 11.1 Weed Control Methods</p> <p>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.</p>  |  | July 2019                |

### Reports Requested effective 7 May 2019

| *Date of Decision<br>*Mover<br>*DocSet | Action Item  | Comments / updates  | Expected completion date |
|--|--|---|--------------------------|
| <b>City Governance</b>                 |  |   |                          |
| 14.10.14<br>RK<br>4033794              | CG2.3 – Claymore Urban Renewal Project – VPA Land Acquisitions, Transfers and Dedications<br><br>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.  | VPA exhibited from December 2018 - February 2019. Matter under consideration with report under preparation for future briefing and report to Council. | June 2019                |
| 11.12.18<br>BM                         | ORD - 14.4 - Engagement of Architects for Construction of a New Childcare Centre<br><br>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<br>2. That the scope of works and risk mitigation strategies are undertaken in accordance with this report and within the cost estimates<br>3. That a further report be submitted to Council once a Development Approval has been obtained consistent with the analysis contained in this report. | Council has engaged the architect and commenced Stage one of the scope works.   | May 2020                 |

### Reports Requested effective 7 May 2019

| *Date of Decision<br>*Mover<br>*DocSet | Action Item   | Comments / updates   | Expected completion date |
|--|---|--|--------------------------|
| <b>City Development</b>                |   |  |                          |
| 19.04.16<br>MO<br>4770730              | CS8.1- Old Clinton's development site<br><br>That a report be presented outlining any action taken by Council with regards to the dead trees on the old Clinton's development site - Queen Street, Campbelltown.  | Further discussions currently being organised with development representatives to discuss financial contribution for street tree damage. Estimate of financial contribution prepared for further consideration and consultation. | September 2019           |
| 13.11.18<br>GB                         | ORD - 8.3 Household E-Waste Drop Off Event<br><br>2. That a further report be provided to Council on the future recycling arrangements for e-waste upon confirmation of the completion timeframe for the construction of the Community Recycling Centre.  | This report is subject to the time frame of the Community Recycling Centre.  | November 2019            |
| 09.04.19<br>WM                         | ORD - 8.2 Planning Proposal - Ingleburn CBD<br><br>4. That a further report be provided to Council after the Gateway Determination with public exhibition with the planning proposal a draft Development Control Plan for Ingleburn CBD to be placed on public exhibition with the draft planning proposal. |  | August 2019              |
| 09.04.19<br>WM                         | ORD - 8.3 Draft Amendment No.7 - Campbelltown (Sustainability City) Development Control Plan 2015<br><br>3. That a further report be provided to Council following the completion of the public exhibition of the draft amendment to the Campbelltown (Sustainable City) Development Control Plan 2015.     |  | August 2019              |

### Reports Requested effective 7 May 2019

| *Date of Decision<br>*Mover<br>*DocSet | Action Item  | Comments / updates  | Expected completion date |
|--|--|---|--------------------------|
| <b>City Development</b>                |  |   |                          |
| 09.04.19<br>BG                         | ORD 8.4 Re-establishment of North Area Alcohol Free Zones<br><br>4. That a further report be provided to Council on the re-establishment of the Alcohol Free Zones specified in Recommendation 1 at the completion of the period for comment by the organisations/groups listed in Recommendation 3. |   | September 2019           |
| 09.04.19<br>BT                         | ORD 8.6 Submission Report - Amendment to Campbelltown Sustainable City Development Control Plan (Caledonia Precinct)<br><br>5. That a further report be submitted to Council in regard to the acquisition of No. 306 Bensley Road, Ingleburn for open space purposes.                                | To be included in the next amendment to the Contributions Plan. | February 2020            |

### Reports Requested effective 7 May 2019

| *Date of Decision<br>*Mover<br>*DocSet | Action Item   | Comments / updates  | Expected completion date |
|--|---|---|--------------------------|
| <b>City Growth and Economy</b>         |   |   |                          |
| 11.09.18<br>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> | A review of the retail shop was undertaken by a Cultural Commerce Consultant and the team is waiting on a report from his findings. | August 2019              |

### Letters requested effective 7 May 2019

| *Date of Decision<br>*Mover | Action Item  | Comments / updates  |
|-----------------------------|--|---|
| <b>City Development</b>     |  |   |
| 11.09.18<br>KH              | <p>ORD – NM 11.4 – Emergency Veterinary Care for Injured Koalas</p> <p>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</p> <p>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</p> <p>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.</p> | <p>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.</p> <p>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.</p> <p>A reponse was received on 08/04/19 from the Department of the Environment and Energy representing the Hon Melissa Price MP and was included in the May 2019 agenda.</p> <p>2. Initial discussions have been held with key stakeholders.</p> <p>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.</p> <p>Awaiting a response from the Hon Andrew Constance MP and the Hon Melinda Pavey MP.</p> |

## 8.7 Draft Code of Conduct and Procedures

### Reporting Officer

Manager Governance and Risk  
City Governance

### Community Strategic Plan

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

### Officer's Recommendation

That Council adopt the draft Code of Conduct and draft Code of Conduct Procedures as attached to this report.

### Purpose

The purpose of this report is to recommend that Council adopt a new Code of Conduct and associated procedures due to the release of the mandatory new Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct for Local Government.

### History

The new Model Code of Conduct for Local Councils in NSW (Model Code) and the associated Procedures for the Administration of the Model Code of Conduct for Local Councils (Model Procedures) in NSW were prescribed on 14 December 2018. Councils have six months to adopt appropriate provisions, namely by 14 June 2019. Council's Code of Conduct was last reviewed in 2017.

A Councillor briefing on this matter was held on 23 April 2019.

### Report

Under sections 440 and 440AA of the *Local Government Act 1993* (the Act), councils must adopt a code of conduct and administration procedure that incorporate the provisions of the Model Code of Conduct and a Model Administration Procedure prescribed under the Local Government (General) Regulation 2005 (the Regulation).

The Model Code of Conduct applies to all Council Officials which is defined as Councillors, administrators, members of staff and delegates to council (including members of Council's committees), that equates to more than 45,000 staff and nearly 1,300 councillors at 128 councils across NSW.

**New provisions**

The Model Code of Conduct includes the following new provisions compared to the previous Model Code:

Key changes include:

- it incorporates the pecuniary interest provisions previously contained in the Local Government Act 1993 and Regulation
- new standards relating to discrimination and harassment, bullying, work health and safety, behaviour at meetings, access to information and maintenance of council records
- new rules governing the acceptance of gifts including mandatory reporting
- a new ongoing disclosure requirement for councillors and designated persons requiring disclosure of new interests in returns of interests within three months of becoming aware of them
- councillors will be required to disclose in their returns of interests whether they are a property developer or a close associate of a property developer.

**Harassment, Discrimination and Bullying (Clauses 3.6-3.11)**

The addition of specific clauses defining these practices and what is prohibited under the Code.

**Work, Health and Safety Requirements (Clause 3.12)**

The addition of specific clauses stating the statutory obligations of Council Officials in relation to work, health and safety legislation.

**Obligations in relation to Meetings (Clauses 3.20-3.22)**

The addition of specific clauses stating that you must not engage in bullying behaviour, conduct which disrupts Council, Committee Meetings and Councillor Briefings and acts of disorder intended to prevent the effective functioning of the meeting.

**Pecuniary and Non-Pecuniary Interests (Part 4 and 5)**

The Code now includes the legislative requirements relating to pecuniary interests which were previously part of the *Local Government Act 1993*. The Code now provides more specific guidance on managing non-pecuniary conflicts of interest and defining a significant non-pecuniary conflict of interest.

**Gifts and Benefits (Clauses 6.2, 6.5 (f) & (g), 6.6, 6.8 & 6.11)**

The Code has introduced new provisions relating to Gifts and Benefits as shown below:

- a reference to a gift under the Code does not include a gift provided to the council as part of a cultural exchange or sister-city relationship, a political donation, attendance at council events/functions and free or subsidised meals or beverages provided as part of official duties
- you must not participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
- you must not personally benefit from reward points programs when purchasing on behalf of the council
- all gifts received must be disclosed in writing using Council's Gifts and Benefits Form



- any gift above \$50 must be refused, returned or handed in to the Council
- you must not accept gifts or benefits of token value (less than \$50) from a person or organisation over a 12-month period that, when aggregated, exceed a value of \$50.

**Inappropriate Interactions (Clause 7.6 (e))**

The Code now includes a new provision stating it is inappropriate for Councillors to approach members of local planning panels or discussing any application that is either before the panel or will come before the panel at some future time, except during a panel meeting where the application is on the agenda.

**Access to Information (Part 8)**

A new section Part 8 has been added to the Code on Councillor's right to information from Council.

**Recordkeeping requirements (Clauses 8.21-8.24)**

The Code now includes specific clauses relating to the responsibilities of Council Officials relating to recordkeeping. This includes:

- complying with the requirements of the *State Records Act 1998* and Council's records management policy.
- all information created, sent and received in your official capacity is a Council record and must be managed in accordance with the requirements of the *State Records Act 1998* and Council's approved records management policies and practices.
- all information stored in either soft or hard copy on Council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the Council and will be treated as Council records, regardless of whether the original intention was to create the information for personal purposes.
- must not destroy, alter, or dispose of Council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the Council's records manager and comply with the requirements of the *State Records Act 1998*.

**Violence in the Workplace (Clause 3.13)**

In addition to the changes in the new Model Code outlined above, as part of Council's White Ribbon Accreditation process, it is proposed the following Violence in the Workplace clause be included in Council's Code:

All council officials must be committed to upholding the organisation's zero tolerance for workplace violence across all mediums and contexts, and know that the organisation will hold employees accountable for breaches.

**Conclusion**

Council must adopt the provisions of the Model Code and Model Procedures before 14 June 2019. There is no requirement for public exhibition of the draft Code of Conduct and draft Code of Conduct Procedures.

The draft Code of Conduct and draft Code of Conduct procedures comply with legislative requirements and are submitted to Council for adoption.

## **Attachments**

1. Draft Code of Conduct (contained within this report)
2. Draft Procedures for the Administration of the Code of Conduct (contained within this report)

# DRAFT CODE OF CONDUCT

## 1. INTRODUCTION

This Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made under section 440 of the Local Government Act 1993 ("LGA") and the Local Government (General) Regulation 2005 ("the Regulation").

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council's or joint organisation's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.

## 2. DEFINITIONS

In this code the following terms have the following meanings:

|                           |   |
|---------------------------|---|
| administrator             | an administrator of a council appointed under the LGA other than an administrator appointed under section 66  |
| committee                 | see the definition of "council committee"   |
| complaint                 | a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures  |
| council                   | includes county councils and joint organisations  |
| council committee         | a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to  |
| council committee member  | a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee  |
| council official          | includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers   |
| councillor                | any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations                     |
| conduct                   | includes acts and omissions   |
| delegate of council       | a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated   |
| designated person         | a person referred to in clause 4.8  |
| election campaign         | includes council, state and federal election campaigns environmental planning has the same meaning as it has in the Environmental Planning and Instrument Assessment Act 1979   |
| general manager           | includes the executive officer of a joint organisation  |
| joint organisation        | a joint organisation established under section 400O of the LGA  |
| LGA                       | the Local Government Act 1993   |
| local planning panel      | a local planning panel constituted under the Environmental Planning and Assessment Act 1979   |
| mayor                     | includes the chairperson of a county council or a joint organisation  |
| members of staff          | includes members of staff of county councils and joint of a council organisations   |
| the Office                | Office of Local Government  |
| personal information      | information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion |
| the Procedures            | the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation  |
| the Regulation            | the Local Government (General) Regulation 2005  |
| voting representative     | a voting representative of the board of a joint organisation  |
| wholly advisory committee | a council committee that the council has not delegated any functions to   |

## PART 3 - GENERAL CONDUCT OBLIGATIONS

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### General conduct

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- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the council or other council officials into disrepute
  - b) is contrary to statutory requirements or the council's administrative requirements or policies
  - c) is improper or unethical
  - d) is an abuse of power
  - e) causes, comprises or involves intimidation or verbal abuse
  - f) involves the misuse of your position to obtain a private benefit
  - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (section 439).

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### Fairness and equity

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- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

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### Harassment and discrimination

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- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities, **use of leave**, or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
  - b) offends, humiliates or intimidates the person, and
  - c) creates a hostile environment.

*This Clause of the Code is supported by Council's Equal Employment Opportunity Policy and Inappropriate Workplace Behaviour Policy.*

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### Bullying

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- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, “bullying behaviour” is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
  - b) the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
  - b) belittling or humiliating comments
  - c) spreading malicious rumours
  - d) teasing, practical jokes or ‘initiation ceremonies’
  - e) exclusion from work-related events
  - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker’s skill level
  - g) displaying offensive material
  - h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
  - b) disciplinary action for misconduct
  - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
  - d) directing a worker to perform duties in keeping with their job
  - e) maintaining reasonable workplace goals and standards
  - f) legitimately exercising a regulatory function
  - g) legitimately implementing a council policy or administrative processes.

*This Clause of the Code is supported by Council's Workplace Bullying Policy.*

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**Work health and safety**

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- 3.12 All council officials, including councillors, owe statutory duties under the Work Health and Safety Act 2011 (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety

- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

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**Violence in the Workplace**

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3.13 All council officials must be committed to upholding the organisation's zero tolerance for workplace violence across all mediums and contexts, and know that the organisation will hold employees accountable for breaches.

*This Clause of the Code is supported by Council's Family Domestic Violence Authorised Statement.*

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**Land use planning, development assessment and other regulatory functions**

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- 3.14 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.15 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

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**Binding caucus votes**

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- 3.16 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.17 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.18 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.19 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

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**Obligations in relation to meetings**

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- 3.20 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.21 You must not engage in bullying behavior (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.22 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.23 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
  - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
  - c) deliberately seek to impede the consideration of business at a meeting.



## PART 4 - PECUNIARY INTERESTS

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### What is a pecuniary interest?

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- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- a) your interest, or
  - b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- a) Your "relative" is any of the following:
    - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
  - b) "de facto partner" has the same meaning as defined in section 21C of the Interpretation Act 1987.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
  - c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

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### What interests do not have to be disclosed?

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- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- a) your interest as an elector
  - b) your interest as a ratepayer or person liable to pay a charge

- c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
- d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
- e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non- profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
- g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
  - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
  - ii) security for damage to footpaths or roads
  - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
- j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
- k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA
- l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor

- m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

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**What disclosures must be made by a designated person?**

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4.8 Designated persons include:

- a) the general manager
- b) other senior staff of the council for the purposes of section 332 of the LGA
- c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
- d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

4.9 A designated person:

- a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.

- 4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

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**What disclosures must be made by council staff other than designated persons?**

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- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

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**What disclosures must be made by council advisers?**

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- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

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**What disclosures must be made by a council committee member?**

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- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

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**What disclosures must be made by a councillor?**

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- 4.20 A councillor:
- a) must prepare and submit written returns of interests in accordance with clause 4.21, and
  - b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

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**Disclosure of interests in written returns**

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- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- a) becoming a councillor or designated person, and
  - b) 30 June of each year, and
  - c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- a) they made and lodged a return under that clause in the preceding 3 months, or
  - b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

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**Disclosure of pecuniary interests at meetings**

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- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- a) at any time during which the matter is being considered or discussed by the council or committee, or
  - b) at any time during which the council or committee is voting on any question in relation to the matter.

- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- a) a member of, or in the employment of, a specified company or other body, or
  - b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- a) the matter is a proposal relating to:
    - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
  - b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
  - c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.

4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:

- a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
- b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b) that it is in the interests of the electors for the area to do so.

4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

## PART 4 - NON-PECUNIARY CONFLICTS OF INTEREST

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### What is a non-pecuniary conflict of interest?

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- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

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### Managing non-pecuniary conflicts of interest

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- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
  - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship



- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

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**Political donations**

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- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:

- a) made by a major political donor in the previous four years, and
- b) the major political donor has a matter before council, you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.

5.17 For the purposes of this Part:

- a) a “reportable political donation” has the same meaning as it has in section 6 of the Electoral Funding Act 2018
- b) “major political donor” has the same meaning as it has in the Electoral Funding Act 2018.

5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

- a) the matter is a proposal relating to:
  - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council’s area, or
  - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council’s area, and
- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person’s principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - b) that it is in the interests of the electors for the area to do so.
- 5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

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**Other business or employment**

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- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
  - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
  - c) require them to work while on council duty
  - d) discredit or disadvantage the council
  - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

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**Personal dealings with council**

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- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

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**PART 6: PERSONAL BENEFIT**

6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.

6.2 A reference to a gift or benefit in this Part does not include:

- a) a political donation for the purposes of the Electoral Funding Act 2018
- b) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
- c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
- d) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
  - i) the discussion of official business
  - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
  - iii) conferences
  - iv) council functions or events
  - v) social functions organised by groups, such as council committees and community organisations.

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**Gifts and benefits**

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6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

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**How are offers of gifts and benefits to be dealt with?**

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6.5 You must not:

- a) seek or accept a bribe or other improper inducement
- b) seek gifts or benefits of any kind
- c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
- d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9

- e) accept an offer of cash or a cash- like gift as defined by clause 6.13, regardless of the amount
  - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
  - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
  - b) the estimated monetary value of the gift or benefit
  - c) the name of the person who provided the gift or benefit, and
  - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

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**Gifts and benefits of token value**

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- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
  - b) gifts of alcohol that do not exceed a value of \$50
  - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
  - d) prizes or awards that do not exceed \$50 in value.

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**Gifts and benefits of more than token value**

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- 6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of

the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.

- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

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**"Cash-like gifts"**

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- 6.13 For the purposes of clause 6.5(e), "cash-like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

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**Improper and undue influence**

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- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

## PART 7: RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

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### Obligations of councillors and administrators

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- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
  - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
  - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
  - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

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### Obligations of staff

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- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- a) give their attention to the business of the council while on duty
  - b) ensure that their work is carried out ethically, efficiently, economically and effectively
  - c) carry out reasonable and lawful directions given by any person having authority to give such directions
  - d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
  - e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.



### Inappropriate interactions

#### 7.6 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

## **PART 8: ACCESS TO COUNCIL INFORMATION AND RESOURCES**

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### **Councillor and administrator access to information**

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- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the Government Information (Public Access) Act 2009 (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

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### **Councillors and administrators to properly examine and consider information**

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- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

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### **Refusal of access to information**

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- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

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### **Use of certain council information**

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- 8.9 In regard to information obtained in your capacity as a council official, you must:
- a) subject to clause 8.14, only access council information needed for council business
  - b) not use that council information for private purposes

- c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
- d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

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**Use and security of confidential information**

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8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

8.11 In addition to your general obligations relating to the use of council information, you must:

- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b) protect confidential information
- c) only release confidential information if you have authority to do so
- d) only use confidential information for the purpose for which it is intended to be used
- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

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**Personal information**

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8.12 When dealing with personal information you must comply with:

- a) the Privacy and Personal Information Protection Act 1998
- b) the Health Records and Information Privacy Act 2002
- c) the Information Protection Principles and Health Privacy Principles
- d) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government

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**Use of council resources**

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8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
  - b) the representation of employees with respect to grievances and disputes
  - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
  - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

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**Internet access and use of social media**

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- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.
- 8.21 You must not use social media to post or share comments, photos, videos, electronic recordings or other information that:
- a) is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council
  - b) contains content about the council that is misleading or deceptive
  - c) divulges confidential council information
  - d) breaches the privacy of other council officials or those that deal with council
  - e) contains allegations of suspected breaches of this code or information about the consideration of a matter under the Procedures, or
  - f) could be perceived to be an official comment on behalf of the council where you have not been authorised to make such comment.

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**Council record keeping**

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- 8.22 You must comply with the requirements of the State Records Act 1998 and the council's records management policy.
- 8.23 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the State Records Act 1998 and the council's approved records management policies and practices.
- 8.24 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.25 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the State Records Act 1998.

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**Councillor access to council buildings**

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- 8.26 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.27 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.28 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

**PART 9: MAINTAINING THE INTEGRITY OF THIS CODE**

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**Complaints made for an improper purpose**

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- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
  - b) to damage another council official's reputation
  - c) to obtain a political advantage
  - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
  - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
  - f) to avoid disciplinary action under the Procedures
  - g) to take reprisal action against a person for making a complaint alleging a breach of this code
  - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
  - i) to prevent or disrupt the effective administration of this code under the Procedures.

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**Detrimental action**

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- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
  - b) intimidation or harassment
  - c) discrimination, disadvantage or adverse treatment in relation to employment
  - d) dismissal from, or prejudice in, employment
  - e) disciplinary proceedings.

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**Compliance with requirements under the Procedures**

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- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.
- 9.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

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**Disclosure of information about the consideration of a matter under the Procedures**

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- 9.10 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.11 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.12 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.13 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.14 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the Public Interest Disclosures Act 1994.

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**Complaints alleging a breach of this Part**

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- 9.15 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.16 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

# **Procedures for the Administration of the Model Code of Conduct**

**2019**



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## PART 1 INTRODUCTION

These procedures ("the Model Code Procedures") are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct").

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* ("the LGA") and the *Local Government (General) Regulation 2005* ("the Regulation"). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the Mayor) or the General Manager.

## PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

|                           |  |
|---------------------------|--|
| LGA                       | the <i>Local Government Act 1993</i>   |
| administrator             | an administrator of a council appointed under the LGA other than an administrator appointed under section 66 |
| code of conduct           | a code of conduct adopted under section 440 of the LGA   |
| code of conduct complaint | a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures  |
| complainant               | a person who makes a code of conduct complaint   |
| complainant councillor    | a councillor who makes a code of conduct complaint   |

|                          |  |
|--------------------------|--|
| complaints coordinator   | a person appointed by the General Manager under these procedures as a complaints coordinator. Council's complaints coordinator is the Director City Governance.  |
| conduct reviewer         | a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the General Manager   |
| council                  | includes county councils and joint organisations   |
| council committee        | a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to   |
| council committee member | a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee   |
| councillor               | any person elected or appointed to civic office, including the Mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations |
| council official         | any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser  |
| delegate of council      | a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated  |
| external agency          | a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police   |
| General Manager          | includes the executive officer of a joint organisation   |

|                               |   |
|-------------------------------|---|
| ICAC                          | the Independent Commission Against Corruption   |
| joint organisation            | a joint organisation established under section 400O of the LGA                                      |
| Mayor                         | includes the chairperson of a county council or a joint organisation                                |
| members of staff of a council | includes members of staff of county councils and joint organisations                                |
| the Office                    | the Office of Local Government  |
| investigator                  | a conduct reviewer  |
| the Regulation                | the <i>Local Government (General) Regulation 2005</i>   |
| respondent                    | a person whose conduct is the subject of investigation by a conduct reviewer under these procedures |
| wholly advisory committee     | a council committee that the council has not delegated any functions to                             |

### **PART 3 ADMINISTRATIVE FRAMEWORK**

#### The establishment of a panel of conduct reviewers

- 3.1 The council must by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
  - a) an understanding of local government, and

- b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
  - c) knowledge and experience of one or more of the following:
    - i) investigations
    - ii) law
    - iii) public administration
    - iv) public sector ethics
    - v) alternative dispute resolution, and
  - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
- a) a councillor, or
  - b) a nominee for election as a councillor, or
  - c) an administrator, or
  - d) an employee of a council, or
  - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of

conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

- 3.17 The General Manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The General Manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The General Manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.

- 3.21 The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the council's code of conduct
  - b) liaise with and provide administrative support to a conduct reviewer
  - c) liaise with the Office and
  - d) arrange the annual reporting of code of conduct complaints statistics.

#### **PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?**

##### What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
- a) complaints about the standard or level of service provided by the council or a council official
  - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
  - c) complaints about the policies or procedures of the council
  - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

##### When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the General Manager or their delegate, or, in the case of a complaint about the General Manager, the Mayor or their delegate, is satisfied that the

allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the General Manager be made?

- 4.6 All code of conduct complaints other than those relating to the General Manager are to be made to the General Manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the General Manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the General Manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The General Manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the General Manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the General Manager be made?

- 4.11 Code of conduct complaints about the General Manager are to be made to the Mayor in writing. This clause does not operate to prevent a person from making a complaint about the General Manager to an external agency.
- 4.12 Where a code of conduct complaint about the General Manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the General Manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The Mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.



- 4.15 Notwithstanding clauses 4.11 and 4.12, where the Mayor becomes aware of a possible breach of the council's code of conduct by the General Manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

## **PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?**

### Delegation by General Managers and Mayors of their functions under this Part

- 5.1 A General Manager or Mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the General Manager or Mayor are also to be taken to be references to their delegates.

### Consideration of complaints by General Managers and Mayors

- 5.2 In exercising their functions under this Part, General Managers and Mayors may consider the complaint assessment criteria prescribed under clause 6.31.

### What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the General Manager or, in the case of a complaint about the General Manager, the Mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
  - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
  - c) is trivial, frivolous, vexatious or not made in good faith, or
  - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
  - e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

### How are code of conduct complaints about staff (other than the General Manager) to be dealt with?

- 5.4 The General Manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.

- 5.5 The General Manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The General Manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the General Manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the General Manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The General Manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The General Manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The General Manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.

- 5.13 Where the General Manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the General Manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the General Manager considers it to be practicable and appropriate to do so, the General Manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the General Manager resolves a code of conduct complaint under clause 5.14 to the General Manager's satisfaction, the General Manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
  - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the General Manager
  - c) prosecution for any breach of the law
  - d) removing or restricting the person's delegation
  - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the General Manager or any person making enquiries on behalf of the General Manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
  - b) the person must be given an opportunity to respond to the allegation, and
  - c) the General Manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are code of conduct complaints about administrators to be dealt with?

- 5.18 The General Manager must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The General Manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

- 5.20 The General Manager must refer the following code of conduct complaints about councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
  - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the General Manager refers a complaint to the Office under clause 5.20, the General Manager must notify the complainant of the referral in writing.
- 5.22 The General Manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the General Manager decides to take no action in relation to a code of conduct complaint about a councillor, the General Manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the General Manager considers it to be practicable and appropriate to do so, the General Manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

5.25 Where the General Manager resolves a code of conduct complaint under clause 5.24 to the General Manager's satisfaction, the General Manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.26 The General Manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the General Manager to be dealt with?

5.27 The Mayor must refer the following code of conduct complaints about the General Manager to the Office:

- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
- b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
- c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

5.28 Where the Mayor refers a complaint to the Office under clause 5.27, the Mayor must notify the complainant of the referral in writing.

5.29 The Mayor may decide to take no action in relation to a code of conduct complaint about the General Manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.

5.30 Where the Mayor decides to take no action in relation to a code of conduct complaint about the General Manager, the Mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.31 Where the Mayor considers it to be practicable and appropriate to do so, the Mayor may seek to resolve code of conduct complaints about the General Manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

5.32 Where the Mayor resolves a code of conduct complaint under clause 5.31 to the Mayor's satisfaction, the Mayor must notify the complainant

in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

- 5.33 The Mayor must refer all code of conduct complaints about the General Manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the General Manager and the Mayor to be dealt with?

- 5.34 Where the General Manager or Mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the General Manager and the Mayor, the General Manager or Mayor must either:
- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the General Manager where the allegation is not serious, or to a person external to the council, or
  - b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

- 5.35 The General Manager, Mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The General Manager, Mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the General Manager, Mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or

- b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
- c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
- d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
- e) it is otherwise in the public interest to do so.

5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the General Manager.

5.41 Where a councillor makes a code of conduct complaint about another councillor or the General Manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.

5.43 The General Manager or Mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.

5.44 Where a complainant councillor makes a request under clause 5.41, the General Manager or Mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

#### Code of conduct complaints made as public interest disclosures

5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

5.46 Where a councillor makes a code of conduct complaint about another councillor or the General Manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the General Manager or the Mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

- 5.48 The General Manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
  - b) impeded or disrupted the effective administration by the council of its code of conduct, or
  - c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
  - b) the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the General Manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.



**PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT  
COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER  
BY CONDUCT REVIEWERS**

Referral of code of conduct complaints about councillors or the General Manager to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the General Manager that have not been referred to an external agency or declined or resolved by the General Manager, Mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the General Manager or the Mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
  - b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or
  - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
  - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
  - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).

- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
  - b) comply with a lawful and reasonable request by the complaints coordinator, or
  - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the General Manager by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
  - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling,

- training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - c) to refer the matter back to the General Manager or, in the case of a complaint about the General Manager, the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - d) to refer the matter to an external agency
  - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
  - b) that the alleged conduct is sufficiently serious to warrant investigation, and
  - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant investigation, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
  - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
  - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
  - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the General Manager or Mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the General Manager or to the Mayor to be resolved by alternative and appropriate means, they must write to the General Manager or, in the case of a complaint about the General Manager, to the Mayor, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the General Manager or Mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The General Manager or Mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the General Manager or Mayor under clause 6.13(c), the General Manager or, in the case of a complaint about the General Manager, the Mayor, is

responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.

- 6.30 Where the conduct reviewer refers a matter back to the General Manager or Mayor under clause 6.13(c), the General Manager, or, in the case of a complaint about the General Manager, the Mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

#### Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:

- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
- b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
- c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
- d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
- e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
- f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
- g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
- h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
- i) any previous proven breaches of the council's code of conduct
- j) whether the conduct complained of forms part of an ongoing pattern of behaviour
- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

## **PART 7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER**

### What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the General Manager, or, in the case of alleged conduct on the part of the General Manager, to the Mayor.
- 7.3 The General Manager or the Mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

### How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
  - a) disclose the substance of the allegations against the respondent, and
  - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
  - c) advise of the process to be followed in investigating the matter, and
  - d) advise the respondent of the requirement to maintain confidentiality, and
  - e) invite the respondent to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice, and
  - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.

- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least 14 days or such other period specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the General Manager, or in the case of a complaint about the General Manager, to the complainant, the complaints coordinator and the Mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
  - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
  - c) invite the complainant to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice.

#### Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.

- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
  - b) refer the matter to the General Manager, or, in the case of a complaint about the General Manager, to the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
  - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.



- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the General Manager, or in the case of a complaint about the General Manager, to the respondent, the complainant, the complaints coordinator and the Mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

#### Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.

- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.

- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

- 7.35 The investigator's final report must:

- a) make findings of fact in relation to the matter investigated, and,
- b) make a determination that the conduct investigated either,
  - i. constitutes a breach of the code of conduct, or
  - ii. does not constitute a breach of the code of conduct, and
- c) provide reasons for the determination.

- 7.36 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- a) that the council revise any of its policies, practices or procedures
- b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
- c) that the respondent be counselled for their conduct
- d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
- e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation
- f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
- g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered
- h) in the case of a breach by the General Manager, that action be taken under the General Manager's contract
- i) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
- j) in the case of a breach by a councillor, that the council resolves as follows:
  - i. that the councillor be formally censured for the breach under section 440G of the LGA, and

- ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- a) that the council revise any of its policies, practices or procedures
- b) that a person or persons undertake any training or other education.

7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:

- a) the seriousness of the breach
- b) whether the breach can be easily remedied or rectified
- c) whether the respondent has remedied or rectified their conduct
- d) whether the respondent has expressed contrition
- e) whether there were any mitigating circumstances
- f) the age, physical or mental health or special infirmity of the respondent
- g) whether the breach is technical or trivial only
- h) any previous proven breaches
- i) whether the breach forms part of an ongoing pattern of behaviour
- j) the degree of reckless intention or negligence of the respondent
- k) the extent to which the breach has affected other parties or the council as a whole
- l) the harm or potential harm to the reputation of the council or local government in general arising from the conduct
- m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
- n) whether an educative approach would be more appropriate than a punitive one
- o) the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action
- p) what action or remedy would be in the public interest.

7.39 Where the investigator proposes to make a recommendation under clause 7.36(j), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

7.40 At a minimum, the investigator's final report must contain the following information:

- a) a description of the allegations against the respondent
- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
- c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)

- d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
- e) a description of any attempts made to resolve the matter by use of alternative means
- f) the steps taken to investigate the matter
- g) the facts of the matter
- h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- i) the investigator's determination and the reasons for that determination
- j) any recommendations.

7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.

7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:

- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- b) the investigator's determination and the reasons for that determination
- c) any recommendations, and
- d) such other additional information that the investigator considers may be relevant.

7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the General Manager or, where the report relates to the General Manager's conduct, to the Mayor, and this will finalise consideration of the matter under these procedures.

7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the General Manager. Where the General Manager agrees with the recommendation/s, the General Manager is responsible for implementing the recommendation/s.

7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator's report to the General Manager or, where the report relates to the General Manager's conduct, to the Mayor. The General Manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The Mayor is responsible for arranging the

implementation of the recommendation/s where the report relates to the General Manager's conduct.

- 7.46 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

#### Consideration of the final investigation report by council

- 7.47 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).
- 7.48 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.49 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.50 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.
- 7.51 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.52 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.53 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
  - b) seek an opinion from the Office in relation to the report.

- 7.54 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.55 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.56 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.57 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.58 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.59 A council may by resolution impose one or more of the following sanctions on a respondent:
- a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
  - b) that the respondent be counselled for their conduct
  - c) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
  - d) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution
  - e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution
  - f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting
  - g) in the case of a breach by the General Manager, that action be taken under the General Manager's contract for the breach
  - h) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
  - i) in the case of a breach by a councillor:
    - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
    - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.60 The council is not obliged to adopt the investigator's recommendation/s. Where the council proposes not to adopt one or more of the investigator's recommendation/s, the council must resolve not to adopt

the recommendation/s and state in its resolution the reasons for its decision.

7.61 Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.

7.62 Where the council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

## **PART 8      OVERSIGHT AND RIGHTS OF REVIEW**

### The Office's powers of review

8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.

8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.

8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

### Complaints about conduct reviewers

8.4 The General Manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.

8.5 The General Manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.

8.6 The General Manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

### Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

#### Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59, paragraph (i), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
  - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
  - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.



- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed.
- 8.20 In the case of a sanction implemented by the General Manager or Mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the General Manager or the Mayor, and
  - b) the General Manager or Mayor must review any action taken by them to implement the sanction, and
  - c) the General Manager or Mayor must consider the Office's recommendation in doing so.
- 8.21 In the case of a sanction imposed by the council by resolution under clause 7.59, where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
  - b) the council must:
    - i. review its decision to impose the sanction, and
    - ii. consider the Office's recommendation in doing so, and
    - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.22 Where, having reviewed its previous decision in relation to a matter under clause 8.21, the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

## **PART 9      PROCEDURAL IRREGULARITIES**

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.

- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- a) the non-compliance is isolated and/or minor in nature, or
  - b) reasonable steps are taken to correct the non-compliance, or
  - c) reasonable steps are taken to address the consequences of the non-compliance.

## **PART 10 PRACTICE DIRECTIONS**

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

## **PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER**

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
- a) the total number of code of conduct complaints made about councillors and the General Manager under the code of conduct in the year to September (the reporting period)
  - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
  - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
  - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
  - e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
  - f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
  - g) the total cost of dealing with code of conduct complaints made about councillors and the General Manager during the reporting period, including staff costs.

- 11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

## **PART 12 CONFIDENTIALITY**

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the General Manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the General Manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within at least 14 days or such other period specified by the General Manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the General Manager or their delegate.
- 12.5 The General Manager or their delegate must give written notice of a determination made under clause 12.2 to:
- a) the complainant
  - b) the complaints coordinator
  - c) the Office, and
  - d) any other person the General Manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the General Manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

## **8.8 Minutes of the Audit Risk and Improvement Committee meeting held 19 March 2019**

### **Reporting Officer**

Executive Manager Corporate Services and Governance  
City Governance

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### **Officer's Recommendation**

That the minutes of the Audit Risk and Improvement Committee held 19 March 2019 be noted.

### **Purpose**

To seek Council's endorsement of the minutes of the Audit Risk and Improvement Committee meeting held 19 March 2019.

### **Report**

Detailed below are the recommendations of the Audit Risk and Improvement Committee. Council officers have reviewed the recommendations and they are now presented for Council's consideration.

### **Reports listed for consideration**

#### **6.1 Internal Audit Progress Report on 2018-2019 Audit Plan**

1. That the Committee confirm the approval of the 2019-2021 Strategic Audit Plan.
2. That the Committee receive and note the progress report of 2018-2019 Audit Plan.

#### **6.2 Fraud Control Review - Banking Data Analysis**

That the Committee receive and note the Fraud Control Review – Banking Data Analysis.

#### **6.3 Councillor Expenses and Provision of Facilities Review**

That the Committee receive and note the Councillor Expenses and Provision of Facilities review.

#### **6.4 Update Beverages and Snack Management**

That the Committee receive and note the update on the Beverages and Snack Management Procedure.

#### **6.5 2018-2019 Annual Engagement Plan**

That the information be noted.

#### **6.6 Business Excellence**

That the information be noted.

#### **6.7 Update on Enterprise Risk Management**

That the Committee note the information contained in this report.

#### **6.8 Outstanding Actions**

That the information be noted.

### **Attachments**

1. Minutes of the Audit Risk and Improvement Committee held 19 March 2019 (contained within this report)

# CAMPBELLTOWN CITY COUNCIL

## Minutes Summary

**Audit Risk and Improvement Committee Meeting held at 4.00pm on Tuesday, 19 March 2019.**

| ITEM       | TITLE  | PAGE |
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| <u>6.7</u> | <u>Update on Enterprise Risk Management</u>  | 7    |
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| <u>7.</u>  | <u>GENERAL BUSINESS</u>  | 8    |

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**Minutes of the Audit Risk and Improvement Committee Meeting held on 19 March 2019**

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|                      |   |
|----------------------|---|
| <b>Present</b>       | Mr Bruce Hanrahan - Independent Member (Chairperson)<br>Mr Robert Rofe - Independent Member<br>Mr Jim Mitchell - Independent Member<br>Councillor Warren Morrison - Elected Council Representative  |
| <b>In attendance</b> | Ms Lindy Deitz - General Manager<br>Mr Sam Helweh - Internal Auditor<br>Mr Phu Nguyen - Director City Governance<br>Mr Kevin Lynch - Director City Delivery<br>Mr Jim Baldwin - Director City Delivery<br>Ms Corinne Mears - Executive Manager Corporate Services and Governance<br>Ms Somaiya Ahmed - Director, Financial Audit Services - Audit Office of NSW<br>Ms Monique Dunlop - Manager Governance and Risk<br>Ms Cathy Gavin - Senior Financial Accountant<br>Ms Melinda Champion - Senior Business Excellence Officer<br>Mr Warren Kear - Risk Coordinator<br>Ms Erin Austin - Executive Support |

**1. ACKNOWLEDGEMENT OF LAND**

An Acknowledgement of Land was presented by the Chairperson Mr B Hanrahan.

**2. APOLOGIES**

The Committee noted the apologies from Mr Kenneth Leung - Audit Leader - Audit Office of NSW.

**3. CONFIRMATION OF MINUTES****3.1 Minutes of the Ordinary Meeting of the Audit Risk and Improvement Committee held 20 November 2018**

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**Committee's Recommendation: (Rofe/Mitchell)**

That the information be noted.

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**4. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at this meeting.

## 5. GENERAL MANAGER – VERBAL UPDATE

The General Manager provided the Committee with an update covering:

- New Executive Director, Rebecca Grasso starting on 1 April 2019 as the Director of City Growth and Economy.
- Campbelltown was successful in the A-League bid, with the new team based at Campbelltown Sports Stadium commencing in the 2020 season. The Committee was advised that Council's role in the A-League will now change as Council will only be involved from a community engagement perspective and working to ensure that the A-League provides economic value to the community.

The General Manager provided the Committee with an update on the major projects being:

- Billabong Parklands - was a successful application for \$15m under the Western Sydney City Deals Liveability Program. The Billabong is a sustainable project that will entice visitation to our City.
- Reimagine Campbelltown CBD Phase 2 – a master planning project of Campbelltown CBD which captures Leumeah to Macarthur. The plan incorporates Leumeah as the sports and entertainment, Macarthur as health, education and shopping and lastly Campbelltown for business. The Reimagine Campbelltown CBD Phase 2 aims to be finalised by the end of 2019.
- City Identity and Branding of the City – This project is looking how to promote the city for the future direction reflecting where Campbelltown is heading. The aim is to have Campbelltown as a place to invest, that brings in business and a place that creates job opportunities. The project aims to engage the community and stakeholders.

The General Manager also provided the Committee with some feedback from the Councillors Strategic Planning Day. The theme for the Strategic Planning Day was Fit For the Future.



## **6. REPORTS**

### **6.1 Internal Audit Progress Report on 2018-2019 Audit Plan**

#### **Purpose**

To provide the Committee an update on the progress of the internal audit work undertaken in accordance with the approved 2018-2019 Audit Plan.

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#### **Officer's Recommendation**

1. That the Committee confirm the approval of the 2019-2021 Strategic Audit Plan.
2. That the Committee receive and note the progress report of 2018-2019 Audit Plan.

#### **Committee's Recommendation: (Rofe/Mitchell)**

1. That the Committee confirm the approval of the 2019-2021 Strategic Audit Plan.
  2. That the Committee receive and note the progress report of 2018-2019 Audit Plan.
- 

### **6.2 Fraud Control Review - Banking Data Analysis**

#### **Purpose**

To report on the Fraud Control Review - Banking Data Analysis.

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#### **Officer's Recommendation**

That the Committee receive and note the Fraud Control Review – Banking Data Analysis.

#### **Committee's Recommendation: (Mitchell/Hanrahan)**

That the Committee receive and note the Fraud Control Review – Banking Data Analysis.

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### **6.3 Councillor Expenses and Provision of Facilities Review**

#### **Purpose**

To report on the Councillor Expenses and Provision of Facilities Review.

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#### **Officer's Recommendation**

That the Committee receive and note the Councillor Expenses and Provision of Facilities review.

#### **Committee's Recommendation: (Morrison/Hanrahan)**

That the Committee receive and note the Councillor Expenses and Provision of Facilities review.

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### **6.4 Update on Beverages and Snack Management**

#### **Purpose**

To provide an update on Beverages and Snack Management.

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#### **Officer's Recommendation**

That the Committee receive and note the update on the Beverages and Snack Management Procedure.

#### **Committee's Recommendation: (Morrison/Hanrahan)**

That the Committee receive and note the update on the Beverages and Snack Management Procedure.

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## **6.5 2018-2019 Annual Engagement Plan**

### **Purpose**

To provide the Committee with the Annual Engagement Plan as provided by the Audit Office of NSW for the period ending 30 June 2019.

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### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Mitchell/Rofe)**

That the information be noted.

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## **6.6 Business Excellence**

### **Purpose**

To provide the Committee with an update regarding the Business Excellence Pilot Program and focus areas in continuous improvement for 2019.

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### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Hanrahan/Morrison)**

That the information be noted.

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## **6.7 Update on Enterprise Risk Management**

### **Purpose**

To Update the Audit, Risk and Improvement Committee on the status of Council's Enterprise Risk Management Framework.

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### **Officer's Recommendation**

That the Committee note the information contained in this report.

### **Committee's Recommendation: (Rofe/Mitchell)**

That the Committee note the information contained in this report.

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## **6.8 Outstanding Actions**

### **Purpose**

To ensure the Committee is aware of outstanding actions and recently closed actions, that have been completed since the last ARIC meeting.

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### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Morrison/Hanrahan)**

That the information be noted.

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## **7. GENERAL BUSINESS**

The next meeting of the Audit Risk and Improvement Committee will be held Tuesday 21 May 2019 at 4.00pm at the Committee Room 3, Level 3, Campbelltown City Council.

Bruce Hanrahan

**Chairperson**

Meeting Concluded: 5.00pm

## 8.9 Investments and Revenue Report - March 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 March 2019.

### Report

#### Investment Portfolio

Council's investment portfolio as at 31 March 2019 stood at approximately \$228m. Funds are currently being managed by both Council staff and fund managers and are in accordance with the *Local Government Act 1993*, Local Government (General) Regulation 2005 and Council's Investment Policy.

All investments are placed with approved deposit taking institutions and no funds are placed with any unrated institutions.

The return on Council's investments is tracking in accordance with budget expectations and continues to outperform the AusBond Bank Bill Index benchmark. For the month of March Council's weighted average monthly return exceeded the benchmark by six basis points, and annualised return exceeding 78 basis points, which includes approximately 41 percent of the portfolio linked to the three month Bank Bill Swap rate plus a margin. These floating rate notes are a positive contributor to the returns and have less interest rate risk than standard term deposits.

The portfolio is diversified with maturities ranging up to a period five years in accordance with Council's investment policy.

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

**Rates**

Rates and Charges levied for the period ending 31 March 2019 totalled \$117,221,968.87 representing 100 percent of the current budget estimate.

The rates and charges receipts collected to the end of March totalled \$88,678,993. In percentage terms 76.4 percent of all rates and charges due to be paid have been collected, compared to 76.9 percent collected in the same period last year.

Debt recovery action during the month involved the issue of two 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 65 Judgments and five 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 298 ratepayers with a total arrears balance of \$696,773, 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, 13 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 March 2019 are \$1,936,642 reflecting an increase of \$179,334 since February 2019.

During the month, 1272 invoices were raised totalling \$1,357,237. 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 \$698,144 as at 31 March 2019. A significant portion of this debt relates to Government Grants with an amount of \$500,000 payable by NSW Department of Planning and Environment, this payment has now been received. 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. Council staff have referred this account to its external recovery agents for legal recovery and negotiations are still continuing to resolve this debt.

Incorporated in sundry items are three claims relating to accident's involving council vehicles where the other parties were not insured, they amount to \$17,874. These accounts have also been referred to Council's agent and it appears that third party insurance applies to one account and recovery is likely. The amount of \$15,500 raised for costs involved relates to a motor vehicle accident and damage to Council property (bus shelter) in Ambarvale is to be put forward for write-off. Public hall hire fees of \$34,928 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, three accounts were issued a letter of demand on Council's letterhead, advising that if the account was not settled or an appropriate arrangement was not made, the account will escalate to formal legal action through Council's agent.

Council's agents were instructed to issue three letters of demand for recovery of outstanding motor vehicle accident claims. 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 March 2019 (contained within this report)
2. Rates and Charges Summary and Statistics March 2019 (contained within this report)
3. Debtors Summary and Ageing of Sundry Debts to March 2019 (contained within this report)



## Summary of Council's Investment Portfolio

(As at 31 March 2019)

| Product Type                   | Face Value         | % of Total     |
|--------------------------------|--------------------|----------------|
| At Call Deposits               | 1,197,903          | 0.52%          |
| Term Deposits - Fixed Rate     | 81,396,492         | 35.67%         |
| Term Deposits - Fixed/Floating | 15,000,000         | 6.57%          |
| Term Deposits - Floating Rate  | 68,000,000         | 29.80%         |
| FRN                            | 25,700,000         | 11.26%         |
| Managed Funds - TCorp          | 36,891,455         | 16.17%         |
| <b>Grand Total</b>             | <b>228,185,850</b> | <b>100.00%</b> |

### Total Term Deposits (Fixed and Floating Rate) by Institution's Long-Term Credit Rating

| Credit Rating              | Holdings           | % of Total    |
|----------------------------|--------------------|---------------|
| AAA                        | 3,760,000          | 2.3%          |
| AA-                        | 131,224,025        | 79.8%         |
| A+                         | 4,168,781          | 2.5%          |
| A- *-                      | 8,000,000          | 4.9%          |
| BBB+                       | 11,243,686         | 6.8%          |
| Baa1                       | 2,000,000          | 1.2%          |
| BBB                        | 4,000,000          | 2.4%          |
| <b>Total Term Deposits</b> | <b>164,396,492</b> | <b>100.0%</b> |

## Floating Rate Notes

| ISIN         | Issuer           | Issuer Rating | Maturity Date | Coupon          | Face Value  |
|--------------|------------------|---------------|---------------|-----------------|-------------|
| AU3FN0024014 | CBA              | AA-           | 18-Oct-19     | 3m BBSW + 0.85% | \$5,000,000 |
| AU3FN0028189 | CBA              | AA-           | 17-Jul-20     | 3m BBSW + 0.90% | \$5,000,000 |
| AU3FN0039160 | ME Bank          | BBB           | 9-Nov-20      | 3m BBSW + 1.25% | \$2,500,000 |
| AU3FN0046769 | Newcastle Perm   | BBB           | 26-Feb-21     | 3m BBSW + 1.10% | \$500,000   |
| AU3FN0031886 | CBA              | AA-           | 12-Jul-21     | 3m BBSW + 1.21% | \$5,000,000 |
| AU3FN0044269 | Credit Union Aus | BBB           | 6-Sept-21     | 3m BBSW + 1.25% | \$500,000   |
| AU3FN0046793 | Credit Union Aus | BBB           | 4-Mar-22      | 3m BBSW + 1.23% | \$3,200,000 |
| AU3FN0046777 | NAB              | AA-           | 26-Feb-24     | 3m BBSW + 1.04% | \$4,000,000 |

| Long-Term Credit Rating          | Exposure of Entire Portfolio |         |         |           |
|----------------------------------|------------------------------|---------|---------|-----------|
|                                  | Actual                       | Minimum | Maximum | Compliant |
| AA+, AA, AA- and above (or MTB*) | <b>84.2%</b>                 | 50%     | 100%    | Yes       |
| A+, A, A- and above              | <b>89.5%</b>                 | 70%     | 100%    | Yes       |
| BBB+, BBB, BBB- and above        | <b>100.0%</b>                | 100%    | 100%    | Yes       |
| TCorp Hour Glass Cash Fund       | <b>16.2%</b>                 | 0%      | 20%     | Yes       |

| Long-Term Credit Rating          | Maximum Term | Compliant |
|----------------------------------|--------------|-----------|
| AA+, AA, AA- and above (or MTB*) | 5 years      | Yes       |
| A+, A, A- and above              | 3 years      | Yes       |
| BBB+, BBB, BBB- and above        | 3 years      | Yes       |
| TCorp Hour Glass Cash Fund       | At Call      | Yes       |

## Portfolio Return

Council's investment portfolio (excluding At Call Deposits but includes TCorp Cash Fund) provided a weighted average return (running yield) of:

| Portfolio as at                   | Portfolio Monthly Return   | Portfolio Annualised Return   |
|-----------------------------------|----------------------------|-------------------------------|
| 29-Mar-2019                       | 0.23%                      | 2.80%                         |
| Bloomberg AusBond Bank Bill Index | Benchmark - Monthly Return | Benchmark - Rolling 12 months |
| 29-Mar-2019                       | 0.17%                      | 2.02%                         |

## RATES SUMMARY

### STATEMENT OF ALL OUTSTANDING RATES AND EXTRA CHARGES

| RATE - CHARGE       | NET ARREARS<br>1/7/2018 | NET LEVY FOR<br>YEAR | PENSION<br>REBATES | EXTRA<br>CHARGES | TOTAL<br>RECEIVABLE | CASH COLLECTED  | NET AMOUNT DUE  | POSTPONED<br>RATES &<br>INTEREST | GROSS AMOUNT<br>DUE |
|---------------------|-------------------------|----------------------|--------------------|------------------|---------------------|-----------------|-----------------|----------------------------------|---------------------|
| RESIDENTIAL         | 2,322,157.05            | 63,935,931.93        | 1,396,839.54       | 592,323.90       | 65,453,573.34       | 49,016,630.07   | 16,436,943.27   | 280,203.23                       | 16,717,115.86       |
| BUSINESS            | 327,431.34              | 19,063,661.74        |                    | 33,998.15        | 19,425,091.23       | 15,292,588.70   | 4,132,502.53    |                                  | 4,132,502.53        |
| FARMLAND            | 0.00                    | 491,554.39           | 459.05             | 549.36           | 491,644.70          | 406,990.55      | 84,654.15       | 224,197.32                       | 308,851.47          |
| MINING              | 0.00                    | 27,126.00            |                    | 0.00             | 27,126.00           | 27,126.00       | 0.00            |                                  | 0.00                |
| SR - LOAN           | 0.00                    | 0.00                 |                    | 213.80           | 213.80              | 0.00            | 213.80          | 658.79                           | 0.00                |
| SR - INFRASTRUCTURE | 284,463.25              | 6,317,411.95         |                    | 8,269.09         | 6,610,144.29        | 4,927,714.83    | 1,682,429.46    | 51,152.88                        | 1,734,454.93        |
| TOTAL               | \$2,934,051.64          | \$89,835,686.01      | \$1,397,298.59     | \$635,354.30     | \$92,007,793.36     | \$69,671,050.15 | \$22,336,743.21 | \$556,212.22                     | \$22,892,924.79     |
| GARBAGE             | 682,743.31              | 23,964,380.45        | 909,633.36         | 34,421.44        | 23,771,911.84       | 17,914,504.09   | 5,857,407.75    |                                  | 5,857,407.75        |
| STORMWATER          | 52,436.22               | 1,389,493.59         |                    | 333.86           | 1,442,263.67        | 1,093,438.89    | 348,824.78      |                                  | 348,824.78          |
| GRAND TOTAL         | \$3,669,231.17          | \$115,189,560.05     | \$2,306,931.95     | \$670,109.60     | \$117,221,968.87    | \$88,678,993.13 | \$28,542,975.74 | \$556,212.22                     | \$29,099,157.32     |

|  |               |
|--|---------------|
| Total from Rates Financial Transaction Summary | 28,247,600.66 |
| Overpayments                                   | -851,556.66   |
| Difference                                     | 0.00          |

### ANALYSIS OF RECOVERY ACTION

Rate accounts greater than 6 months less than 12 months in arrears 403,985.15

Rate accounts greater than 12 months less than 18 months in arrears 174,879.60

Rate accounts greater than 18 months in arrears 31,617.36

TOTAL rates and charges under instruction with Council's agents \$610,482.11

**RATES STATISTICS**

| No. of documents issued        | July   | August | September | October | November | December | January | February | March | April | May | June | Mar-18 |
|--------------------------------|--------|--------|-----------|---------|----------|----------|---------|----------|-------|-------|-----|------|--------|
| Rate Notices                   | 50,402 |        |           | 608     |          |          | 108     |          |       |       |     |      |        |
| Electronic - DoH               | 5,190  |        |           |         |          |          |         |          |       |       |     |      |        |
| Instalment Notices             |        |        |           | 47,031  |          |          | 47,254  |          |       |       |     |      |        |
| Electronic - DoH               |        |        |           | 5,245   |          |          | 5,147   |          |       |       |     |      |        |
| Missed Instalment Notices      |        |        | 8,136     |         |          | 6,504    |         |          | 6,086 |       |     |      | 7,232  |
| - Pensioners > \$15.00         |        |        | 719       |         |          | 723      |         |          | 677   |       |     |      | 689    |
| Notice to new owner            | 149    | 47     | 27        | 18      | 22       | 53       | 44      | 22       | 13    |       |     |      | 26     |
| 7-day Letters - Council issued |        |        | 2,105     |         |          | 2,310    |         |          | 2,104 |       |     |      | 2,262  |
| - Pensioners > \$500.00        |        |        | 184       |         |          | 201      |         |          | 208   |       |     |      | 298    |
| 7-day Letters - Agent issued   |        |        | 576       |         |          |          | 699     |          |       |       |     |      | 579    |
| Statement of Claim             | 108    | 16     | 12        | 156     | 13       | 8        | 263     | 21       | 2     |       |     |      | 14     |
| Judgments                      | 6      | 31     | 19        | 9       | 23       | 6        | 9       | 2        | 65    |       |     |      | 46     |
| Writs                          | 12     | 20     | 21        | 6       | 0        | 10       | 9       | 1        | 5     |       |     |      | 63     |
| Electronic - eRates & BPAYView | 4,316  | 4,629  | 4,679     | 4,820   | 4,941    | 4,966    | 5,130   | 5,262    | 5,279 |       |     |      | 3,954  |
| Arrangements                   | 311    | 259    | 425       | 223     | 301      | 412      | 389     | 298      | 503   |       |     |      | 478    |

**DEBTORS SUMMARY 1 March 2019 to 31 March 2019**

| DEBTOR TYPE/DESCRIPTION       | ARREARS AT<br>28/02/2019 | RAISED<br>THIS PERIOD | RECEIVED<br>THIS PERIOD | BALANCE AT<br>31/03/2019 | % DEBT<br>RATIO |
|-------------------------------|--------------------------|-----------------------|-------------------------|--------------------------|-----------------|
| Corporate Administration      | 68,439                   | 42,907                | 60,953                  | 50,392                   | 29.49%          |
| Abandoned Items               | 1,068                    | 0                     | 0                       | 1,068                    | 0.35%           |
| Education and Care Services   | 18,710                   | 0                     | 0                       | 18,710                   | 0.98%           |
| Community Bus                 | 89                       | 0                     | 0                       | 89                       | 0.01%           |
| Sportsground and Field Hire   | 46,168                   | 27,330                | 29,989                  | 43,509                   | 5.46%           |
| Government and other Grants   | 824,161                  | 555,000               | 324,161                 | 1,055,000                | 12.87%          |
| Public Hall Hire              | 170,250                  | 78,767                | 64,373                  | 184,644                  | 1.39%           |
| Health Services               | 350                      | 0                     | 0                       | 350                      | 0.02%           |
| Land and Building Rentals     | 148,979                  | 453,942               | 468,586                 | 134,335                  | 5.63%           |
| Healthy Lifestyles            | 26,535                   | 52,021                | 53,434                  | 25,122                   | 0.15%           |
| Library Fines and Costs       | 0                        | 0                     | 0                       | 0                        | 0.00%           |
| Licence Fees                  | 44,497                   | 25,482                | 20,629                  | 49,350                   | 1.85%           |
| Pool Hire                     | 14,615                   | 24,199                | 12,307                  | 26,508                   | 0.39%           |
| Private Works                 | 2,612                    | 0                     | 0                       | 2,612                    | 0.52%           |
| Road and Footpath Restoration | 186,956                  | 0                     | 49,051                  | 137,905                  | 28.17%          |
| Shop and Office Rentals       | 31,834                   | 43,770                | 37,920                  | 37,684                   | 2.17%           |
| Various Sundry Items          | 183,818                  | 30,709                | 29,265                  | 185,263                  | 6.42%           |
| Waste Collection Services     | 26,906                   | 23,110                | 27,236                  | 22,780                   | 6.17%           |
|                               | <b>1,757,308</b>         | <b>1,357,237</b>      | <b>1,177,903</b>        | <b>1,936,642</b>         | <b>100%</b>     |

**AGEING OF SUNDRY DEBTOR ACCOUNTS - 28 March 2019**

|                               | Current Charges | Total 30 Days  | Total 60 Days | Total 90+ Days | Balance Due      | Previous Month<br>90+ days |
|-------------------------------|-----------------|----------------|---------------|----------------|------------------|----------------------------|
| Corporate Administration      | 20,080          | 9,070          | 7,871         | 13,372         | 50,392           | 31,141                     |
| Abandoned Items               | 0               | 0              | 0             | 1,068          | 1,068            | 1,068                      |
| Education and Care Services   | 18,710          | 0              | 0             | 0              | 18,710           | 18,710                     |
| Community Bus                 | 89              | 0              | 0             | 0              | 89               | 0                          |
| Sportsground and Field Hire   | 23,726          | 3,599          | 5,818         | 10,366         | 43,509           | 14,997                     |
| Government and other Grants   | 555,000         | 0              | 0             | 500,000        | 1,055,000        | 544,300                    |
| Public Hall Hire              | 72,433          | 47,630         | 29,654        | 34,928         | 184,644          | 43,684                     |
| Health Services               | 0               | 0              | 0             | 350            | 350              | 350                        |
| Land and Building Rentals     | 112,027         | 22,308         | 0             | 0              | 134,335          | 0                          |
| Healthy Lifestyles            | 12,627          | 6,046          | 2,147         | 4,303          | 25,122           | 6,197                      |
| Licence Fees                  | 21,880          | 3,740          | 2,160         | 21,570         | 49,350           | 19,065                     |
| Pool Hire                     | 23,084          | 2,499          | 0             | 925            | 26,508           | 925                        |
| Private Works                 | 1,189           | 0              | 0             | 1,423          | 2,612            | 1,423                      |
| Road and Footpath Restoration | 0               | 127,043        | 0             | 10,862         | 137,905          | 53,203                     |
| Shop and Office Rentals       | 37,680          | 2              | 2             | 0              | 37,684           | 802                        |
| Various Sundry Items          | 27,505          | 47,792         | 10,987        | 98,978         | 185,263          | 95,598                     |
| Waste Collection Services     | 22,780          | 0              | 0             | 0              | 22,780           | 0                          |
|                               | <b>910,132</b>  | <b>269,728</b> | <b>58,638</b> | <b>698,144</b> | <b>1,936,642</b> | <b>831,462</b>             |

## 8.10 Quarterly Budget Review Statement as at 31 March 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 adjustments recommended in the Quarterly Budget Review Statement be adopted.

### Purpose

To advise Council that the quarterly financial review has been conducted on the original income and expenditure estimates presented in the 2018-2019 budget. The adjustments relating to the review of the original budget allocations are presented for Council's consideration.

### Introduction

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

### Report

In accordance with Clause 203 of the Local Government (General) Regulations 2005, the responsible Accounting Officer is required to prepare a quarterly budget review of income and expenditure estimates and submit a report to Council. The QBRs must also include an opinion of the Responsible Accounting Officer concerning the financial position of Council. This report provides an overview of the results of the financial review for the quarter ended 31 March 2019.

In June 2018, Council adopted a balanced budget for 2018-2019. There is no proposed change to the budget result in this review.

The recommended movements relating to income and expenditure are summarised in the attachment and details of significant items are listed in the body of this report for Council's consideration.

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

**Adjustments to salaries across the following functions:**

Office of the General Manager - \$25,000 increase in expenditure  
City Development Directorate- \$60,000 increase in expenditure  
Ranger Services - \$142,000 decrease in expenditure  
Planning and Development - \$625,000 decrease in expenditure  
Asset Services - \$80,000 decrease in expenditure  
Natural Areas - \$80,000 decrease in expenditure  
Governance and Risk - \$65,400 decrease in expenditure  
Superannuation Contribution - \$120,000 decrease in expenditure  
Industrial Relations - \$75,000 decrease in expenditure  
Corporate Support and Systems - \$110,000 decrease in expenditure  
City Growth and Strategy - \$425,000 decrease in expenditure

As part of the budget preparation process, the organisational salary structure is fully funded. The above salary movements have resulted from budgeted positions being vacant or the movement of staff between sections resulting from the restructure. Any savings have been utilised to fund other programs and requests. There are some areas of increased expenditure resulting from short term contract appointments to fill vacancies however these are fully offset by savings.

**Adjustments to hired personnel and consultants across the following functions:**

Strategic Partnerships - \$132,500 increase in expenditure  
Ranger Services - \$25,000 increase in expenditure  
Planning and Development - \$225,000 increase in expenditure  
Asset Services - \$30,000 increase in expenditure  
Open Space - \$80,000 increase in expenditure  
City Governance Directorate - \$37,500 decrease in expenditure  
Industrial Relations - \$76,000 increase in expenditure  
Corporate Support and Systems - \$70,000 decrease in expenditure  
City Growth and Strategy - \$190,000 increase in expenditure

The above consulting, professional fees and hired personnel costs have resulted from the use of agencies and contracted staff to fill budgeted positions. These costs have been offset by salary savings.

**Legal Costs - \$100,000 increase in expenditure**

There has been an increase in legal activity relating to Development and Contribution planning, as compared to normal operations. These funds will cover expenditure to date. The legal budget will be monitored with further adjustments being made as required, any opportunities to recover costs and expenses will be explored.

**Rezoning Application Fees - \$240,000 increase in income**

There has been an increase in the number of rezoning applications received by the Planning Section this financial year. This additional income will be utilised to offset other increases in expenditure and new initiatives outlined in this report.

**Waste and Recycling Services - \$435,000 increase in income**

Council has been negotiating for some time to recover funds paid for waste disposal while the carbon tax levy was in place. The above amount has now been refunded to Council. This forms part of the domestic waste management program and will be transferred to the associated waste reserve.

**Creative Life - \$305,000 increase in expenditure**

Funding has been provided to the Campbelltown Arts Centre for allocation to a new exhibition, 200 Faces. 200 Faces is a major public art project coinciding with the Campbelltown 2020 Bicentenary Program. In addition an amount of \$130,000 has been allocated for the replacement of production lighting which is nearing end of life. Also the Campbelltown Arts Centre website requires an urgent upgrade to continue to service its audiences and cater for a growth in the Campbelltown Arts Centre programming and activities.

**Sport, Recreation and Leisure Facilities - \$390,000 increase in expenditure**

Funding has been provided to the Leisure Centres and the Stadium for various improvement works including the following; replacement of basketball backboards at Macquarie Fields Indoor Sports Centre, the provision of additional outdoor seating and shade areas at Macquarie Fields Leisure, air conditioning of the player change rooms, improvements to patron facilities at the stadium, replacement of fencing and new furniture for the athletics training and meeting rooms.

**Property Management and Administration - \$40,000 increase in expenditure and income**

Funding has been provided for studies into the future use of parcels of land and investigation of various native title claims on Crown land within the LGA. These costs have been offset by additional lease income received.

**Major Works Program - \$90,000 increase in expenditure**

Funding has been provided for the installation of a new irrigation system in Mawson Park which will improve the amenity of patrons using the park.

**Regional Development - \$70,000 decrease in expenditure**

Council has previously contributed to the costs of running the Macarthur Regional Organisation of Councils. With the closure of the organisation earlier in the year, these funds are no longer required. The balance of unspent funds have been taken as a saving to the budget, and will offset other increases in expenditure and new initiatives outlined in this report.

**Procurement and Contracts - \$33,000 increase in expenditure**

A review of the current suite of contracts and request for tender documentation in the procurement Section is required. This funding allows for the engagement of solicitors to provide appropriate legal advice.

**Fleet Vehicles- \$150,400 increase in expenditure**

There have been a number of new positions created as a result of the organisational restructure which have included a vehicle as part of the remuneration package. It is anticipated that the expenditure required will exceed Council's annual budget for fleet replacement. This increase is able to be funded by a transfer from the Fleet Reserve.

**Rates-General Purpose Revenue- \$232,400 increase in income**

Supplementary rate levies are processed as the advice becomes available. This additional rate income has been generated from these levies. The additional income will be utilised to offset other increases in expenditure and new initiatives outlined in this report.

**Professional Development- \$75,400 increase in expenditure**

Council allocates an annual professional development budget. These additional funds will enable further training and professional development identified for staff until the end of the financial year.

**People and Performance Management- \$30,000 increase in expenditure**

People and performance are to commence the implementation of new software as part of the Integrated Planning and Reporting suite. This funding will enable consulting time to assist with the system implementation.

**PC and LAN Support- \$80,000 increase in expenditure**

Additional software has been implemented recently. The licencing agreement with the software providers requires Council to pay a maintenance fee. This funding is required for additional software costs that were not included in the original budget. These costs are partially offset by savings in computer leasing payments.

**Summary**

As reported to Council in previous years, the financial objective has been to budget a surplus to improve Council's liquidity ratio. The liquidity ratio has improved to a satisfactory level and as such, a balanced budget is proposed for the 2018-2019 financial year.

As per the Responsible Accounting Officer's statement, the 2018-2019 results continue to support Council's sound financial position in the short to medium term. During 2018-2019, Council will further refine its financial strategy in line with the development of the 10 year Long Term Financial Plan, required by the Integrated Planning and Reporting Framework and determine the most appropriate and financially responsible action for future periods.

**Attachments**

1. Quarterly Budget Review March 2019 (contained within this report)



Campbelltown City Council

**Quarterly Budget Review Statement**  
for the period 01/01/19 to 31/03/19

**Report by Responsible Accounting Officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005: as at 31 March 2019.

It is my opinion that the Quarterly Budget Review Statement for Campbelltown City Council for the quarter ended 31/03/19 indicates that Council's projected financial position at 30/6/19 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

**Signed:** SIGNATURE HAS BEEN REMOVED

**date:** 15/04/2019

Corinne Mears  
Responsible Accounting Officer

## Campbelltown City Council

## Income &amp; Expenses Budget Review Statement

Budget review for the quarter ended 31 March 2019

## Income &amp; Expenses - Council Consolidated

Quarterly Budget Review Statement  
for the period 01/01/19 to 31/03/19

|   | Original<br>Budget<br>2018/19 | Approved Changes  |                       |             | Revised<br>Budget<br>2018/19 | Variations<br>for this<br>Mar Qtr | Notes        | Projected<br>Year End<br>Result | Actual<br>YTD<br>figures |
|---|-------------------------------|-------------------|-----------------------|-------------|------------------------------|-----------------------------------|--------------|---------------------------------|--------------------------|
|   |                               | Carry<br>Forwards | Other than<br>by QBRs | Sep<br>QBRs | Dec<br>QBRs                  |                                   |              |                                 |                          |
| <b>Income</b>   |                               |                   |                       |             |                              |                                   |              |                                 |                          |
| Rates and Annual Charges                              | 109,397                       | -                 | 32                    | -           | -                            | 109,429                           | 232          | 109,661                         | 112,655                  |
| User Charges and Fees                                 | 13,231                        | -                 | 0                     | 207         | (133)                        | 13,305                            | -            | 13,305                          | 9,950                    |
| Interest and Investment Revenues                      | 5,457                         | -                 | -                     | -           | 250                          | 5,707                             | -            | 5,707                           | 3,504                    |
| Other Revenues  | 5,900                         | -                 | 1                     | 117         | 638                          | 6,657                             | 571          | 7,228                           | 5,385                    |
| Grants & Contributions - Operating                    | 24,772                        | 234               | (4,946)               | 665         | 281                          | 21,006                            | 364          | 21,371                          | 17,442                   |
| Grants & Contributions - Capital                      | 12,250                        | 445               | 81                    | (200)       | -                            | 12,576                            | -            | 12,576                          | 13,795                   |
| <b>Total Income from Continuing Operations</b>        | <b>171,007</b>                | <b>679</b>        | <b>(4,832)</b>        | <b>789</b>  | <b>1,036</b>                 | <b>168,680</b>                    | <b>1,168</b> | <b>169,848</b>                  | <b>162,731</b>           |
| <b>Expenses</b>                                       |                               |                   |                       |             |                              |                                   |              |                                 |                          |
| Employee Costs  | 72,298                        | 714               | 73                    | (553)       | 247                          | 72,779                            | (1,571)      | 71,208                          | 50,522                   |
| Borrowing Costs                                       | 754                           | -                 | -                     | -           | -                            | 754                               | -            | 754                             | 360                      |
| Materials & Contracts                                 | 27,256                        | 5,462             | (1,540)               | 318         | 155                          | 31,651                            | 579          | 32,230                          | 19,494                   |
| Depreciation  | 21,293                        | -                 | -                     | -           | -                            | 21,293                            | -            | 21,293                          | 15,807                   |
| Legal Costs   | 1,085                         | -                 | 0                     | 57          | 18                           | 1,160                             | 53           | 1,213                           | 742                      |
| Consultants   | 3,963                         | 1,676             | (95)                  | 762         | 12                           | 6,318                             | 400          | 6,718                           | 2,512                    |
| Other Expenses  | 33,226                        | 1,048             | (581)                 | 209         | 389                          | 34,291                            | 638          | 34,929                          | 24,685                   |
| <b>Total Expenses from Continuing Operations</b>      | <b>159,875</b>                | <b>8,900</b>      | <b>(2,143)</b>        | <b>792</b>  | <b>821</b>                   | <b>168,245</b>                    | <b>99</b>    | <b>168,344</b>                  | <b>114,121</b>           |
| <b>Net Operating Result from Continuing Operation</b> | <b>11,132</b>                 | <b>(8,221)</b>    | <b>(2,689)</b>        | <b>(3)</b>  | <b>215</b>                   | <b>434</b>                        | <b>1,069</b> | <b>1,503</b>                    | <b>48,609</b>            |
| Discontinued Operations - Surplus/(Deficit)           |                               |                   |                       |             |                              | -                                 |              | -                               |                          |
| <b>Net Operating Result from All Operations</b>       | <b>11,132</b>                 | <b>(8,221)</b>    | <b>(2,689)</b>        | <b>(3)</b>  | <b>215</b>                   | <b>434</b>                        | <b>1,069</b> | <b>1,503</b>                    | <b>48,609</b>            |
| <b>Net Operating Result before Capital Items</b>      | <b>(1,118)</b>                | <b>(8,665)</b>    | <b>(2,770)</b>        | <b>197</b>  | <b>215</b>                   | <b>(12,141)</b>                   | <b>1,069</b> | <b>(11,072)</b>                 | <b>34,814</b>            |

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/19 and should be read in conjunction with the total QBRs report

Campbelltown City Council

**Quarterly Budget Review Statement**  
for the period 01/01/19 to 31/03/19**Income & Expenses Budget Review Statement**  
**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

| Notes | Details  |
|-------|--|
| 1     | Additional rate income generated from supplementary levies.  |
| 2     | Various items of additional income including a carbon tax refund, increased fuel tax credits and the lease of Council land.  |
| 3     | Various adjustments, including additional rezoning income, new grants for the Co-design project and the Crime Prevention-Space Activation project,.                      |
| 4     | Variations in employee costs due to staff vacancies which in some case have been transferred to fund contract staff, or used to offset costs incurred in other sections. |
| 5     | Funding of contracted positions due to staff vacancies, matching funding for grant projects and funding provided for maintenance works on recently purchased buildings.  |
| 6     | Minor adjustments to legal costs budget.   |
| 7     | Engagement of consultants to progress various advocacy works, feasibility studies and master plans.  |
| 8     | Various increases and decreases across a number of areas, including software, hired personnel, utility charges and new arts program.                                     |
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**Quarterly Budget Review Statement**  
for the period 01/01/19 to 31/03/19

Campbelltown City Council  
**Capital Budget Review Statement**

Budget review for the quarter ended 31 March 2019

**Capital Budget - Council Consolidated**

|  | Original<br>Budget<br>2018/19 | Approved Changes  |                       |              | Revised<br>Budget<br>2018/19 | Variations<br>for this<br>Mar Qtr | Notes      | Projected<br>Year End<br>Result | Actual<br>YTD<br>figures |
|--|-------------------------------|-------------------|-----------------------|--------------|------------------------------|-----------------------------------|------------|---------------------------------|--------------------------|
|  |                               | Carry<br>Forwards | Other than<br>by QBRs | Sep<br>QBRs  | Dec<br>QBRs                  |                                   |            |                                 |                          |
| <b>(\$000's)</b>                               |                               |                   |                       |              |                              |                                   |            |                                 |                          |
| <b>Capital Expenditure</b>                     |                               |                   |                       |              |                              |                                   |            |                                 |                          |
| New Assets                                     |                               |                   |                       |              |                              |                                   |            |                                 |                          |
| - Plant & Equipment                            | 2,117                         | 5,028             | 25                    | -            | -                            | -                                 | -          | 7,170                           | 5,381                    |
| - Land & Buildings                             |                               |                   |                       |              |                              |                                   |            | -                               | -                        |
| - Other  |                               |                   |                       |              |                              |                                   |            |                                 |                          |
| Renewal Assets (Replacement)                   |                               |                   |                       |              |                              |                                   |            |                                 |                          |
| - Plant & Equipment                            | 3,869                         | -                 | -                     | 78           | -                            | 3,947                             | 332        | 4,279                           | 2,603                    |
| - Office Equipment/Furniture & Fittings        | 233                           | 2,637             | (357)                 | 10           | 17                           | 2,540                             | 144        | 2,684                           | 1,006                    |
| - Land & Buildings                             | 18,746                        | 11,990            | 2,419                 | (70)         | 60                           | 33,144                            | 480        | 33,624                          | 5,202                    |
| - Roads, Bridges, Footpaths                    | 19,904                        | 1,666             | 659                   | (200)        | -                            | 22,029                            | -          | 22,029                          | 13,426                   |
| - Stormwater/Drainage                          | 100                           | 1,585             | -                     | -            | -                            | 1,685                             | -          | 1,685                           | 5,834                    |
| - Other Assets                                 | 310                           | -                 | -                     | -            | -                            | 310                               | -          | 310                             | 159                      |
| Loan Repayments (Principal)                    | 3,275                         | -                 | -                     | -            | -                            | 3,275                             | -          | 3,275                           | 2,165                    |
| <b>Total Capital Expenditure</b>               | <b>48,553</b>                 | <b>22,906</b>     | <b>2,747</b>          | <b>(182)</b> | <b>77</b>                    | <b>74,101</b>                     | <b>956</b> | <b>75,057</b>                   | <b>35,775</b>            |
| <b>Capital Funding</b>                         |                               |                   |                       |              |                              |                                   |            |                                 |                          |
| Rates & Other Untied Funding                   | 28,777                        | -                 | 2,233                 | 8            | 66                           | 31,085                            | 822        | 31,907                          | 15,749                   |
| Capital Grants & Contributions                 | 12,250                        | 445               | 135                   | (200)        | -                            | 12,629                            | -          | 12,629                          | 13,795                   |
| Reserves:                                      |                               |                   |                       |              |                              |                                   |            |                                 |                          |
| - External Restrictions/Reserves               | -                             | 6,173             | 679                   | -            | -                            | 6,852                             | -          | 6,851                           | 610                      |
| - Internal Restrictions/Reserves               | 4,068                         | 16,288            | (300)                 | 10           | 11                           | 20,077                            | 129        | 20,206                          | 4,548                    |
| New Loans                                      |                               |                   |                       |              |                              | -                                 |            | -                               |                          |
| Receipts from Sale of Assets                   |                               |                   |                       |              |                              |                                   |            |                                 |                          |
| - Plant & Equipment                            | 1,353                         | -                 | -                     | -            | -                            | 1,353                             | 5          | 1,358                           | 1,071                    |
| - Land & Buildings                             | 2,100                         | -                 | -                     | -            | -                            | 2,100                             | -          | 2,100                           | -                        |
| - Other Assets                                 | 6                             | -                 | -                     | -            | -                            | 6                                 | -          | 6                               | 2                        |
| <b>Total Capital Funding</b>                   | <b>48,553</b>                 | <b>22,906</b>     | <b>2,747</b>          | <b>(182)</b> | <b>77</b>                    | <b>74,101</b>                     | <b>956</b> | <b>75,057</b>                   | <b>35,775</b>            |
| <b>Net Capital Funding - Surplus/(Deficit)</b> | <b>0</b>                      | <b>0</b>          | <b>0</b>              | <b>0</b>     | <b>0</b>                     | <b>0</b>                          | <b>0</b>   | <b>0</b>                        | <b>0</b>                 |

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/19 and should be read in conjunction with the total QBRs report

Campbelltown City Council

**Quarterly Budget Review Statement**  
for the period 01/01/19 to 31/03/19**Capital Budget Review Statement**  
**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

**Notes   Details**

|   |  |
|---|--|
| 1 | Funding for purchase of new plant items and equipment.   |
| 2 | Purchase of office equipment/fittings for Records, Business Excellence and Arts Centre.  |
| 3 | Funding for various refurbishments, including; basketball backboards, outdoor seating, improvements to the stadium precinct and irrigation system. |
| 4 | Reconciliation of untied funds as a result of capital movements utilised to fund capital works.  |
| 5 | Transfer of funds from the fleet replacement reserve and the equipment reserve to fund purchase of plant and equipment.                            |
| 6 | Additional income received from plant sale.  |
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## Campbelltown City Council

## Cash &amp; Investments Budget Review Statement

Budget review for the quarter ended 31 March 2019

## Cash &amp; Investments - Council Consolidated

(\$000's)

Externally Restricted <sup>(1)</sup>

|  | Original Budget 2018/19 | Movement in Reserves |                   | Current Balance 2018/19 | Projected Movement Mar Qtr | Notes | Projected Year End Balance | Actual YTD figures |
|--|-------------------------|----------------------|-------------------|-------------------------|----------------------------|-------|----------------------------|--------------------|
|  |                         | Income/ Expenses     | Transfers to/from |                         |                            |       |                            |                    |
|  | -                       | -                    | -                 | -                       | -                          | -     | -                          | -                  |
| Special Rates                              | 2,066                   | -                    | (25)              | 2,041                   | 1,000                      | -     | 3,041                      | 2,041              |
| Stormwater Management                      | 13,845                  | -                    | (5,707)           | 8,137                   | -                          | -     | 8,137                      | 8,137              |
| Specific Purpose Grants                    | 3,594                   | -                    | (776)             | 2,818                   | -                          | -     | 2,818                      | 2,818              |
| Developer Contributions - S94              | 17,594                  | 970                  | (575)             | 17,989                  | -                          | -     | 17,989                     | 17,989             |
| Developer Contributions - Other            | 1,214                   | -                    | -                 | 1,214                   | -                          | -     | 1,214                      | 1,214              |
| Domestic Waste Management                  | 7,437                   | -                    | -                 | 7,437                   | -                          | -     | 7,437                      | 7,437              |
| Self Insurance Workers Compensation Claims | 3,200                   | -                    | -                 | 3,200                   | -                          | -     | 3,200                      | 3,200              |
| <b>Total Externally Restricted</b>         | <b>48,950</b>           | <b>970</b>           | <b>(7,084)</b>    | <b>42,837</b>           | <b>1,000</b>               | -     | <b>43,837</b>              | <b>42,837</b>      |

(1) Funds that must be spent for a specific purpose

Internally Restricted <sup>(2)</sup>

|  |                |          |              |                |                |   |                |                |
|--|----------------|----------|--------------|----------------|----------------|---|----------------|----------------|
| Property Development                       | 80,479         | -        | -            | 80,479         | -              | - | 80,479         | 80,475         |
| Committed Works                            | 13,231         | -        | 50           | 13,281         | (2,500)        | - | 10,781         | 12,370         |
| Childcare                                  | -              | -        | -            | -              | -              | - | -              | -              |
| Self Insurance Workers Compensation Claims | 2,410          | -        | -            | 2,410          | -              | - | 2,410          | 2,410          |
| Replacement of Plant and Vehicles          | 4,966          | -        | 45           | 5,031          | (2,000)        | - | 3,031          | 4,960          |
| Committed Works funded by Loans            | 3,789          | -        | -            | 3,789          | (1,500)        | - | 2,289          | 3,882          |
| Employee Leave Entitlements                | 9,600          | -        | -            | 9,600          | -              | - | 9,600          | 9,600          |
| Environmental Sustainability               | 265            | -        | 37           | 302            | -              | - | 302            | 275            |
| Asset Replacement                          | 6,727          | -        | 884          | 7,611          | -              | - | 7,611          | 7,685          |
| Infrastructure Replacement Fund            | 29,836         | -        | -            | 29,836         | (2,500)        | - | 27,336         | 29,836         |
| Olympic Ambassador                         | 115            | -        | 5            | 120            | -              | - | 120            | 120            |
| Insurance Claims - Excess                  | 6,050          | -        | 1,150        | 7,200          | -              | - | 7,200          | 7,139          |
| Local Government Elections                 | 430            | -        | 200          | 630            | -              | - | 630            | 630            |
| Other                                      | 137            | -        | -            | 137            | -              | - | 137            | 137            |
| <b>Total Internally Restricted</b>         | <b>158,056</b> | <b>-</b> | <b>2,370</b> | <b>160,427</b> | <b>(8,500)</b> | - | <b>151,927</b> | <b>159,519</b> |

(2) Funds that Council has earmarked for a specific purpose

Unrestricted (i.e. available after the above Restrictions)

## Total Cash &amp; Investments

|                                     |                |          |              |                |                |   |                |                |
|-------------------------------------|----------------|----------|--------------|----------------|----------------|---|----------------|----------------|
|                                     | 16,621         | -        | -            | 27,175         | -              | - | 27,175         | 28,083         |
| <b>Total Cash &amp; Investments</b> | <b>223,628</b> | <b>-</b> | <b>2,370</b> | <b>230,438</b> | <b>(7,500)</b> | - | <b>222,938</b> | <b>230,438</b> |

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/19 and should be read in conjunction with the total QBRs report

Campbelltown City Council

**Quarterly Budget Review Statement**  
for the period 01/01/19 to 31/03/19

**Cash & Investments Budget Review Statement****Comment on Cash & Investments Position**

Not Applicable

**Investments**

Investments have been invested in accordance with Council's Investment Policy.

**Cash**

The Cash at Bank figure included in the Cash &amp; Investment Statement totals \$230,438,195

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.  
The date of completion of this bank reconciliation is 31/03/2019.

**Reconciliation Status**

The YTD Cash &amp; Investment figure reconciles to the actual balances held as follows:

|   |                     | <b>\$ Amount</b>   |
|---|---------------------|--------------------|
| Cash at Bank (as per bank statements)                   |                     | 2,663,066          |
| Investments on Hand                                     |                     | 228,185,850        |
| less: Unpresented Cheques                               | (Timing Difference) | (110,624)          |
| add: Undeposited Funds                                  | (Timing Difference) | 68,497             |
| less: Identified Deposits (not yet accounted in Ledger) | (Require Actioning) | (368,674)          |
| add: Identified Outflows (not yet accounted in Ledger)  | (Require Actioning) | 80                 |
| <b>Reconciled Cash at Bank &amp; Investments</b>        |                     | <b>230,438,195</b> |
| <b>Balance as per Review Statement:</b>                 |                     | <b>230,438,195</b> |
| Difference:   |                     | -                  |

**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

**Notes Details**

## Campbelltown City Council

# Quarterly Budget Review Statement

for the period 01/01/19 to 31/03/19

## Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)

Budget review for the quarter ended 31 March 2019

| (\$000's) | Current Projection |                 | Original Budget | Actuals Prior Periods |
|-----------|--------------------|-----------------|-----------------|-----------------------|
|           | Amounts 18/19      | Indicator 18/19 | 18/19           | 17/18 16/17           |

NSW Local Government Industry Key Performance Indicators (OLG):

|  |         |        |        |              |
|--|---------|--------|--------|--------------|
| <b>1. Operating Performance</b>                          |         |        |        |              |
| Operating Revenue (excl. Capital) - Operating Expenses   | -11,202 | -7.1 % | -0.7 % | 8.4 % 10.6 % |
| Operating Revenue (excl. Capital Grants & Contributions) | 157,367 |        |        |              |

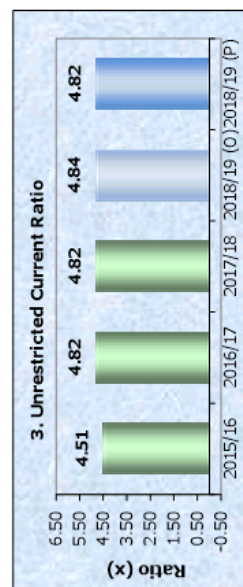
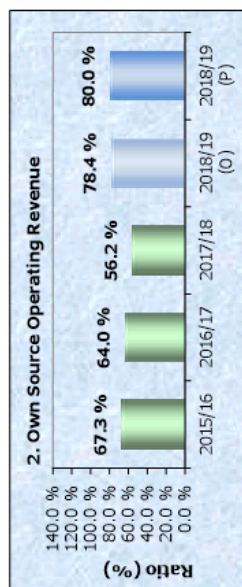
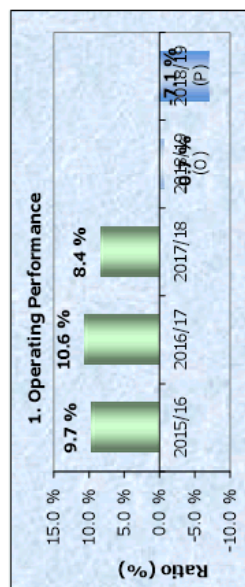
This ratio measures Council's achievement of containing operating expenditure within operating revenue.

|   |         |        |        |               |
|---|---------|--------|--------|---------------|
| <b>2. Own Source Operating Revenue</b>                |         |        |        |               |
| Operating Revenue (excl. ALL Grants & Contributions)  | 135,996 | 80.0 % | 78.4 % | 56.2 % 64.0 % |
| Total Operating Revenue (incl. Capital Grants & Cont) | 169,943 |        |        |               |

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.

|   |         |      |      |           |
|---|---------|------|------|-----------|
| <b>3. Unrestricted Current Ratio</b>                  |         |      |      |           |
| Current Assets less all External Restrictions         | 114,300 | 4.82 | 4.84 | 4.82 4.82 |
| Current Liabilities less Specific Purpose Liabilities | 23,700  |      |      |           |

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.





## Campbelltown City Council

Quarterly Budget Review Statement  
for the period 01/01/19 to 31/03/19

## Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)

Budget review for the quarter ended 31 March 2019

| (\$000's) | Current Projection |                 | Original Budget | Actuals Prior Periods |
|-----------|--------------------|-----------------|-----------------|-----------------------|
|           | Amounts 18/19      | Indicator 18/19 | 18/19           | 17/18 16/17           |

NSW Local Government Industry Key Performance Indicators (OLG):

|  |        |      |      |      |
|--|--------|------|------|------|
| <b>4. Debt Service Cover Ratio</b>                   |        |      |      |      |
| Operating Result before Interest & Dep. exp (EBITDA) | 17,712 |      | 6.88 | 8.33 |
| Principal Repayments + Borrowing Interest Costs      | 4,028  | 4.40 |      | 8.17 |

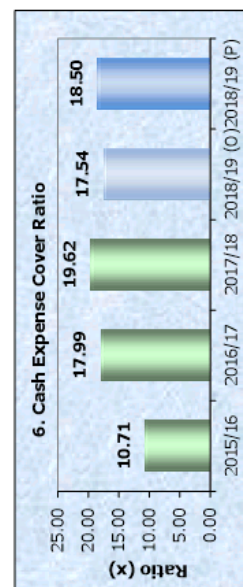
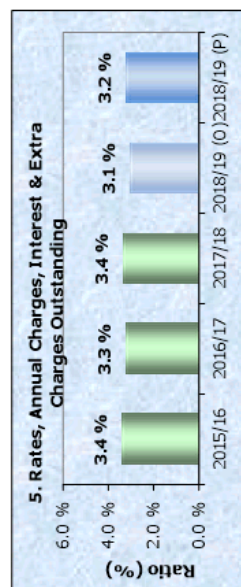
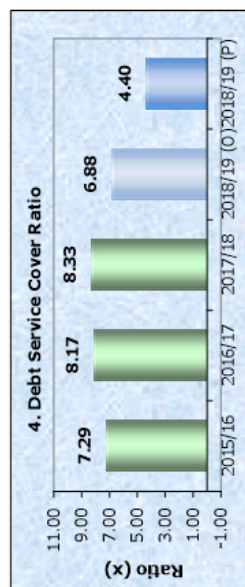
This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.

|   |         |       |       |       |
|---|---------|-------|-------|-------|
| <b>5. Rates, Annual Charges, Interest &amp; Extra Charges Outstanding</b> |         |       |       |       |
| Rates, Annual & Extra Charges Outstanding                                 | 3,600   | 3.2 % | 3.1 % | 3.4 % |
| Rates, Annual & Extra Charges Collectible                                 | 111,400 |       |       | 3.3 % |

To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.

|  |         |       |       |       |
|--|---------|-------|-------|-------|
| <b>6. Cash Expense Cover Ratio</b>                           |         |       |       |       |
| Current Year's Cash & Cash Equivalents (incl. Term Deposits) | 223,600 | 18.50 | 17.54 | 19.62 |
| Operating & financing activities Cash Flow payments          | 145,000 |       |       | 17.99 |

This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.



## Campbeltown City Council

## Contracts Budget Review Statement

Budget review for the quarter ended 31 March 2019  
**Part A - Contracts Listing** - contracts entered into during the quarter

**Quarterly Budget Review Statement**  
 for the period 01/01/19 to 31/03/19

| Contractor  | Contract detail & purpose                              | Procurement Process Undertaken                                 | Start Date | Duration of Contract                               | Budgeted (Y/N) | Notes |
|---|--|--|------------|--|----------------|-------|
| <b>EXPENDITURE \$50,000 - \$150,000</b>   |  |  |            |  |                |       |
| InMotion Occupational Therapy Pty Ltd   | Q18/31 Pre Employment Medical Assessment               | Public Quotation   | 14/01/19   | 2 years with 2 x 12 month options                  | Y              | 1     |
| <b>EXPENDITURE \$150,000 - \$300,000</b>  |  |  |            |  |                |       |
| <b>EXPENDITURE &gt; \$300,000</b>   |  |  |            |  |                |       |
| Casse Glass & Aluminium Pty Ltd   | T18/22 Glazing Services                                | Tender   | 15/02/19   | two years with two 12 month options for extension. | Y              | 1     |
| B&D Latham Pty Ltd,<br>T&C Services Pty Ltd,<br>New Edge Group Pty Ltd,<br>Tiger Electrical Solutions Pty Ltd | T18/21 Electrical and Data Services                    | Tender   | 15/02/19   | two years with two 12 month options for extension. | Y              | 1     |
| Clibe Metal Fabrications Pty Ltd, Falcon Fabrication P  | T18/23 Metal Fabrication and Structural Steel Services | Tender   | 15/02/19   | two years with two 12 month options for extension. | Y              | 1     |
| Principals Pty Ltd  | T18/24 City Identity and Brand Strategy                | negotiations following declining to accept after public tender | 11/02/19   | Until completion - expected August 2019            | Y              |       |

## Notes:

\*\* Contract Values are commercial in confidence

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

This statement forms part of the Quarterly Budget Review Statement (QBR) for the quarter ended 31/03/19 and should be read in conjunction with the full QBR report

Campbelltown City Council

**Quarterly Budget Review Statement**  
for the period 01/01/19 to 31/03/19

**Contracts Budget Review Statement**  
**Comments & Explanations relating to Contractors Listing**

**Notes Details**

1 Contract price is per service therefore contract value is an estimation only

2 Price is per service distributed amongst the panel, therefore price is estimate only

Campbelltown City Council

**Quarterly Budget Review Statement**  
for the period 01/01/19 to 31/03/19**Consultancy & Legal Expenses Budget Review Statement**

## Consultancy &amp; Legal Expenses Overview

| Expense       | YTD Expenditure<br>(Actual Dollars) | Budgeted<br>(Y/N) |
|---------------|-------------------------------------|-------------------|
| Consultancies | 2,508,241                           | Y                 |
| Legal Fees    | 741,560                             | Y                 |

**Definition of a consultant:**

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

**Comments**

Expenditure included in the above YTD figure but not budgeted includes:

**Details**

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## 8.11 Local Government Remuneration Tribunal Determination 2019

### Reporting Officer

Manager Governance and Risk  
City Governance

### Community Strategic Plan

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

### Officer's Recommendation

1. That Council adopt the councillor and mayoral remuneration increase of 2.5 percent effective 1 July 2019, as recommended by the Local Government Remuneration Tribunal.
2. That Council fix the remuneration fee for councillors at \$25,790 per annum representing an increase of 2.5 percent for the 2019-2020 financial year effective 1 July 2019.
3. That Council fix the remuneration fee for the mayor at an additional \$68,530 per annum representing an increase of 2.5 percent for the 2019-2020 financial year effective 1 July 2019.

### Purpose

To advise Council that the Local Government Remuneration Tribunal has made a determination on the minimum and maximum fees payable to mayors and councillors for 2019-2020.

### History

The Local Government Remuneration Tribunal was established to determine the categories for councils and the fees paid to mayors and councillors.

In accordance with Section 241 of the *Local Government Act 1993* (the Act), the Tribunal is required to make an annual determination on the fees payable to mayors and councillors to take effect from 1 July 2019. Sections 248 and 249 of the Act require councils to fix and pay an annual fee based on the Tribunal's determination.

### Report

In accordance with Section 239 of the Act, the Tribunal is required to determine the categories of councils at least once every three years.

The Tribunal did not undertake a broad review of the categorisation of councils and considered that the current allocation of councils into the current categories is appropriate.

The Tribunal will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020. The criteria applicable to each of the categories are published in Appendix 1 of the determination and are unchanged from 2018.

Councils will be monitored by the tribunal to determine the appropriateness of the allocation of councils and the categorisation model for future determinations. Campbelltown City Council has been classified as a Metropolitan Medium council for the purpose of this determination.

The tribunal is required to have regard to the Government's wages policy when determining the increase to the minimum and maximum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 percent.

During the determination process, the tribunal reviewed key economic indicators, including the Consumer Price Index and Wage Price Index, and found that the full increase of 2.5 percent is warranted. Therefore, pursuant to Section 241 of the *Local Government Act 1993*, the annual fees to be paid to Metropolitan Medium Centre category councillors and mayors ranges from \$13,820 - \$25,790 per annum for councillors, and an additional \$29,360 - \$68,530 per annum for the position of mayor, effective 1 July 2019.

A link to the full Local Government Remuneration Tribunal Determination 2019 can be found at <http://www.remtribunals.nsw.gov.au/local-government/current-lgrt-determinations>.

## Attachments

Nil

**9. QUESTIONS WITH NOTICE**

Nil

**10. RESCISSION MOTION**

Nil

**11. NOTICE OF MOTION**

Nil

**12. URGENT GENERAL BUSINESS**

**13. PRESENTATIONS BY COUNCILLORS**

## **14. CONFIDENTIAL REPORTS FROM OFFICERS**

### **14.1 Commercial Opportunity**

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

information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

### **14.2 Extended Medical Leave Request**

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

personnel matters concerning particular individuals (other than Councillors).





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