



**CAMPBELLTOWN**  
CITY COUNCIL

# **ORDINARY BUSINESS PAPER**

**11 JULY 2023**

## COMMON ABBREVIATIONS

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





04 July 2023

You are hereby notified that the next Ordinary Council Meeting will be held at the Civic Centre, Campbelltown on Tuesday 11 July 2023 at 6:30 pm.

Lindy Deitz  
General Manager

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## **1. WELCOME**

Welcome to the meeting of Campbelltown City Council.

### **Acknowledgement of Country**

I would like to 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.

### **Council Prayer**

Almighty God, we who are gathered in Council, pledge ourselves to work in harmony for the welfare and development of our City. Guide us we pray in our deliberations. Help us to be fair in our judgements and wise in our actions, so that prosperity and happiness shall be the lot of our people. Amen.

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## **2. APOLOGIES/LEAVE OF ABSENCE**

Nil at time of print.

### **3. CONFIRMATION OF MINUTES**

#### **3.1 Minutes of the Ordinary Meeting of Council held 6 June 2023**

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

That the Minutes of the Ordinary Meeting of Council held 6 June 2023, 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 6 June 2023 are presented to Council for confirmation.

##### **Attachments**

1. Minutes of the Ordinary Meeting of Council held 6 June 2023 (contained within this report)

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# CAMPBELLTOWN CITY COUNCIL

## Minutes Summary

Ordinary Council Meeting held at 6:30 pm on Tuesday, 6 June 2023.

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**Minutes of the Ordinary Meeting of the Campbelltown City Council held on 6 June 2023**

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**Present**           The Mayor, Councillor G Greiss  
                  Councillor G Brticevic  
                  Councillor J Chew  
                  Councillor M Chivers  
                  Councillor M Chowdhury  
                  Councillor J Cotter  
                  Councillor M George  
                  Councillor K Hunt  
                  Councillor M Khalil  
                  Councillor D Lound  
                  Councillor R Manoto  
                  Councillor W Morrison  
                  Councillor R Munro  
                  Councillor M Oates  
                  Councillor M Stellino (online via MTeams)

**1.     ACKNOWLEDGEMENT OF LAND**

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

**Council Prayer**

The Council Prayer was presented by the General Manager.

**2.     APOLOGIES/LEAVE OF ABSENCE**

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**Request to attend via audio visual link**

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It was **Moved** Councillor Munro, **Seconded** Councillor Cotter:

That Council approve the request from Councillor M Stellino to attend the Council meeting on 6 June 2023 by audio visual link as he has been held up at work and is unable to attend in person.

**113/2023**     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 9 May 2023

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It was **Moved** Councillor Chew, **Seconded** Councillor Khalil:

That the Minutes of the Ordinary Council Meeting held 9 May 2023, copies of which have been circulated to each Councillor, be taken as read and confirmed.

**114/2023** 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**

The Mayor, Councillor Greiss

Item 8.6 – Glenfield East Site Specific Development Control Plan – Outcome of Public Exhibition

The Mayor, Councillor Greiss advised he lives in the suburb and will leave Chamber.

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

Councillor Brticevic

Item 8.5 – Draft Site Specific Development Control Plan – 80 O’Sullivan Road Leumeah

Item 8.6 – Glenfield East Site Specific Development Control Plan – Outcome of Public Exhibition

Item 8.7 – Glenlee Estate (Glenlee House) Planning Proposal

Councillor Brticevic advised he is a member of the Sydney Western City Planning Panel and will leave Chamber.

Councillor Chowdhury

Item 8.5 – Draft Site Specific Development Control Plan – 80 O’Sullivan Road Leumeah

Item 8.6 – Glenfield East Site Specific Development Control Plan – Outcome of Public Exhibition

Item 8.7 – Glenlee Estate (Glenlee House) Planning Proposal

Councillor Chowdhury advised he is a member of the Sydney Western City Planning Panel and will leave Chamber.

Councillor Hunt

Item 8.5 – Draft Site Specific Development Control Plan – 80 O’Sullivan Road Leumeah

Item 8.6 – Glenfield East Site Specific Development Control Plan – Outcome of Public Exhibition

Item 8.7 – Glenlee Estate (Glenlee House) Planning Proposal

Councillor Hunt advised she is a member of the Sydney Western City Planning Panel and will leave Chamber.



Councillor Stellino

Item 8.5 – Draft Site Specific Development Control Plan – 80 O’Sullivan Road Leumeah

Item 8.6 – Glenfield East Site Specific Development Control Plan – Outcome of Public Exhibition

Item 8.7 – Glenlee Estate (Glenlee House) Planning Proposal

Councillor Stellino advised he is a member of the Sydney Western City Planning Panel and will leave Chamber.

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

Nil

### **Other Disclosures**

Nil

## **5. MAYORAL MINUTE**

### **5.1 Future Cities – Campbelltown**

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It was **Moved** Councillor Greiss:

That the information be noted.

**115/2023** The Motion on being Put was **CARRIED**.

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### **5.2 Infrastructure Investment Program**

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It was **Moved** Councillor Greiss:

That the information be noted.

**116/2023** The Motion on being Put was **CARRIED**.

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## **6. PETITIONS**

Nil

## **7. CORRESPONDENCE**

Nil

## 8. REPORTS FROM OFFICERS

### 8.1 Conflict of Interest Policy - Council Related Development

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

1. That Council adopt the Managing Conflicts of Interest for Council-Related Development Policy shown at attachment 1.
2. That the Managing Conflicts of Interest for Council-Related Development Policy review date be set at 30 June 2027.

**117/2023** The Motion on being Put was **CARRIED**.

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### 8.2 Significant Development Applications

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

That the information be noted.

**118/2023** The Motion on being Put was **CARRIED**.

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### 8.3 Minutes of Campbelltown Wildlife and Environment Advisory Committee Meetings held 30 November 2022 and 22 February 2023

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It was **Moved** Councillor Stellino, **Seconded** Councillor Munro:

That the minutes of the Campbelltown Wildlife and Environment Advisory Committee meetings held 30 November 2022 and 22 February 2023 be adopted.

**119/2023** The Motion on being Put was **CARRIED**.

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#### 8.4 Campbelltown Design Excellence Review Panel - Appointment of New Members

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

1. That Council continue to run a Design Excellence Review Panel.
2. That Council endorse the updated Campbelltown Design Excellence Review Panel Procedure located at attachment 1 to this report.
3. That Council endorse the successful applicants who nominated their expression of interest during the public exhibition period.
4. That the Mayor write to the current members of the Campbelltown Design Excellence Review Panel that have not sought reappointment and thank them for their service to the Campbelltown Community.

**120/2023** The Motion on being Put was **CARRIED**.

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**Meeting Note:** Having declared an interest in Items 8.5, 8.6 and 8.7 Councillor Brticevic, Councillor Chowdhury, Councillor Hunt and Councillor Stellino left the Chamber at 6:52 pm and did not take part in the discussion or vote on the matter.

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## 8.5 Draft Site Specific Development Control Plan - 80 O'Sullivan Road Leumeah

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

### Officer's Recommendation

1. That Council endorse the public exhibition of the draft amendment to the Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP) which seeks to add Part 17 to Volume 2 for 80 O'Sullivan Road Leumeah, as shown in attachment 1 to this report.
2. That where no submissions are received during the public exhibition period, the draft amendment be approved and added as Part 17 of Volume 2 of the Council's SCDCP.
3. That subject to recommendation No. 2, Council publish a notice of its decision to approve the draft amendment on its website, within 28 days after the decision being made, and inform the landowners of 80 O'Sullivan Road Leumeah of the decision.

A Division was recorded in regard to the Resolution for Item 8.5 with those voting for the Motion being Councillors G Greiss, D Lound, R Manoto, M Oates, W Morrison, M Khalil, J Cotter, M Chivers, M George, J Chew and R Munro.

Voting against the Resolution were Nil.

**121/2023** The Motion on being Put was **CARRIED**.

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**Meeting Note:** Having declared an interest in Item 8.6 The Mayor, Councillor Greiss left the Chamber at 6.54 pm and did not take part in the discussion or vote on the matter. The Deputy Mayor, Councillor Cotter assumed the Chair for Item 8.6.

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## 8.6 Glenfield East Site Specific Development Control Plan - Outcome of Public Exhibition

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

1. That Council adopt the draft amendment to the Campbelltown (Sustainable City) Development Control Plan 2015 (CSCDCP) by adding Part 19 "Glenfield East" to Volume 2 of the CSCDCP, as shown in attachment 1 to this report.
2. That subject to recommendation No.1, Council publish a notice of the decision on its website, within 28 days after the decision is made, and notify all landowners in the Glenfield East precinct of the Council's decision.

A Division was recorded in regard to the Resolution for Item 8.6 with those voting for the Motion being Councillors D Lound, R Manoto, M Oates, W Morrison, M Khalil, J Cotter, M Chivers, M George, J Chew and R Munro.

Voting against the Resolution were Nil.

**122/2023** The Motion on being Put was **CARRIED**.

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**Meeting Note:** At the conclusion of the discussion regarding Item 8.6 The Mayor, Councillor Greiss returned to the Chamber at 6.56 pm.

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## 8.7 Glenlee Estate (Glenlee House) Planning Proposal

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

1. That Council endorse the Planning Proposal at attachment 1 which seeks to amend the Campbelltown Local Environmental Plan 2015, as it relates to land comprising "Glenlee Estate", No. 60 Menangle Road Menangle Park.
2. That subject to recommendation no.1, the Planning Proposal be forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.
3. That subject to the Minister determining that the Planning Proposal may proceed, public exhibition be undertaken in accordance with the Gateway Determination.
4. That Council request the Minister delegate the authority for the making/finalising of the Planning Proposal to the General Manager.
5. That following the completion of public exhibition:
  - (a) where submissions are received by Council during the public exhibition period, a submissions report be presented to Council, or
  - (b) where no submissions are received by Council during the public exhibition period, the draft Planning Proposal be finalised.

A Division was recorded in regard to the Resolution for Item 8.7 with those voting for the Motion being Councillors G Greiss, D Lound, R Manoto, M Oates, W Morrison, M Khalil, J Cotter, M Chivers, M George, J Chew and R Munro.

Voting against the Resolution were Nil.

**123/2023** The Motion on being Put was **CARRIED**.

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**Meeting Note:** At the conclusion of the discussion regarding Items 8.5, 8.6 and 8.7, Councillor Brticevic, Councillor Chowdhury, Councillor Hunt and Councillor Stellino returned to Chamber at 6.57pm.

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## 8.8 Policy Review - Access to NSW Roads and Maritime Services Driver and Vehicle Information System (DRIVES24)

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

1. That the revised Access to NSW Roads and Maritime Services Driver and Vehicle Information System (DRIVES 24) Policy be adopted.
2. That the Access to NSW Roads and Maritime Services Driver and Vehicle Information System (DRIVES 24) Policy review date be set at 30 June 2027.

**124/2023** The Motion on being Put was **CARRIED**.

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## 8.9 Policy Review - Management of Feral and Infant Companion Animals

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

That the item be deferred for a councillor briefing.

A Division was recorded in regard to the Resolution for Item 8.9 with those voting for the Motion being Councillors G Greiss, D Lound, K Hunt, M Chowdhury, R Manoto, W Morrison, M Khalil, M Stellino, J Cotter, M George, J Chew and R Munro.

Voting against the Resolution were Councillors M Oates, G Brticevic and M Chivers.

**125/2023** The Motion on being Put was **CARRIED**.

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## 8.10 Policy Review - Second Hand Clothing Bin

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

1. That the revised Second Hand Clothing Bin Policy be adopted.
2. That the Second Hand Clothing Bin Policy review date be set at 30 June 2027.

A Division was recorded in regard to the Resolution for Item 8.10 with those voting for the Motion being Councillors G Greiss, D Lound, K Hunt, M Chowdhury, R Manoto, W Morrison, M Khalil, M Stellino, J Cotter, M George, J Chew and R Munro.

Voting against the Resolution were Councillors M Oates, G Brticevic and M Chivers.

**126/2023** The Motion on being Put was **CARRIED**.

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## 8.11 Investigation into the Feasibility

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

1. That Council note that there are currently no studies or empirical evidence available that confirms the effectiveness of virtual fencing, in reducing the incidence of fauna / vehicle strikes.
2. That Council not implement virtual fencing on local roads, without scientific confirmation that such a system is an effective fauna barrier and does have a measurable impact on the reduction in fauna injuries / fatalities due to vehicle strike.
3. That Council undertake research in core koala habitat areas of the LGA to better understand vehicle volumes and vehicle speeds in those areas, and to seek to understand what proven interventions may be suitable and effective in these areas, in reducing the frequency of fauna injury / fatalities as a result of vehicle strike. As part of the further research that Council follow up with Eurobodalla Council on the outcomes of their trial.

**127/2023** The Motion on being Put was **CARRIED**.

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## 8.12 Licence Framework – Men's Sheds

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It was **Moved** Councillor Khalil, **Seconded** Councillor Cotter:

That Council:

1. notes the recent requests from Men's Sheds (including Women's Sheds and Community Sheds) to occupy Council owned community land to deliver services to the community;
2. endorses the principles outlined in the report for the General Manager to negotiate, advertise and enter agreements for Men's Sheds, located on Community Land, for a period of up to 5 years; and
3. notes that any proposal that falls outside of the framework and process described in this report will be reported to the Council for consideration.

**128/2023** The Motion on being Put was **CARRIED**.

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### 8.13 Campbelltown Billabong Parkland Project - Quarterly Update Report June 2023

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

That Council:

1. Note the contents of this report regarding the Campbelltown Billabong Parklands and Apex Park Project.

**129/2023** The Motion on being Put was **CARRIED**.

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### 8.14 Minutes of the Youth Advisory Committee Report

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It was **Moved** Councillor Cotter, **Seconded** Councillor Munro:

That the minutes of the Campbelltown Youth Advisory Committee held 7 February 2023 be adopted.

**130/2023** The Motion on being Put was **CARRIED**.

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### 8.15 Investments and Revenue Report - April 2023

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

That the information be noted.

**131/2023** The Motion on being Put was **CARRIED**.

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## 8.16 Reports and Letters Requested

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

That the comments and updates to the reports and letters requested be noted.

**132/2023** The Motion on being Put was **CARRIED**.

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## 8.17 Local Government Remuneration Tribunal Determination 2023

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

1. That Council adopt the councillor and mayoral remuneration increase of 3 per cent effective 1 July 2023, as recommended by the Local Government Remuneration Tribunal.
2. That Council fix the remuneration fee for councillors at \$27,650 per annum representing an increase of 3 per cent for the 2023-24 financial year effective 1 July 2023.
3. That Council fix the remuneration fee for the mayor at \$73,440 per annum representing an increase of 3 per cent for the 2023-24 financial year effective 1 July 2023.

**133/2023** The Motion on being Put was **CARRIED**.

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## 8.18 Rate Recovery Procedures Policy review

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It was **Moved** Councillor Cotter, **Seconded** Councillor Khalil:

1. That the revised Rate Recovery Procedures Policy as attached to this report be adopted.
2. That the Rate Recovery Procedures Policy review date be set at 30 June 2027.

**134/2023** The Motion on being Put was **CARRIED**.

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### 8.19 Unclaimed Money Policy review

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It was **Moved** Councillor Munro, **Seconded** Councillor Chew:

1. That the revised Unclaimed Money Policy as attached to this report be adopted.
2. That the Unclaimed Money Policy review date be set at 30 June 2027.

**135/2023** The Motion on being Put was **CARRIED**.

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### 8.20 Fraud and Corruption Control Policy Review

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

1. That the current Fraud and Corruption Prevention Policy (Attachment 1) be rescinded.
2. That the new Fraud and Corruption Control Policy (Attachment 2) be adopted.
3. That the Fraud and Corruption Control Policy review date be set at 30 June 2027.

**136/2023** The Motion on being Put was **CARRIED**.

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### 8.21 Rescind Forms of Release - Insurance Claims on Council Policy

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

That the Forms of Release - Insurance Claims on Council Policy be rescinded.

**137/2023** The Motion on being Put was **CARRIED**.

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## 9. QUESTIONS WITH NOTICE

Nil

## 10. RESCISSION MOTION

Nil

## **11. NOTICE OF MOTION**

### **11.1 Barber Reserve**

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It was **Moved** Councillor Chew, **Seconded** Councillor Cotter:

1. That a report be presented to Council detailing the issues delaying the delivery of Barber Reserve and the expected timeline of completion.

**138/2023** The Motion on being Put was **CARRIED**.

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## 11.2 Campbelltown Hospital Staff Parking

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

1. That Council writes to the federal Member for Macarthur, Dr Freeland, seeking his support to reallocate the \$15 million that was promised to Macarthur as part of the last government 2019 election to expand free parking in Campbelltown hospital and provide a cost of living relief to our residents attending the Campbelltown hospital in these hard times.

**Amendment, Moved** Councillor Hunt, **Seconded** Councillor Lound:

1. That Council writes to the federal Member for Macarthur, Dr Freeland, seeking his support to reallocate the \$15 million that was promised to Macarthur as part of the last government 2019 election to expand free parking in Campbelltown hospital and provide a cost of living relief to our residents attending the Campbelltown hospital in these hard times.
2. That council acknowledges and thanks Dr Mike Freeland and Mr Greg Warren MP for their past and ongoing advocacy for staff and community parking assistance at Campbelltown hospital.

A Division was recorded in regard to the Amendment for Item 11.2 with those voting for the Amendment being Councillors G Greiss, D Lound, K Hunt, M Chowdhury, R Manoto, M Oates, W Morrison, M Khalil, M Stellino and J Chew.

Voting against the Amendment were Councillors J Cotter, G Brticevic, M Chivers, M George and R Munro.

The Amendment on being Put was **CARRIED**

The Amendment became a Motion

**139/2023** The Motion on being Put was **CARRIED**.

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## 12. URGENT GENERAL BUSINESS

### 13. PRESENTATIONS BY COUNCILLORS

1. Councillor Darcy Lound attended the Kids of Macarthur Health Foundation Life is a Caberet Ball on Saturday 3 June 2023 along with the Mayor, Councillor George Greiss. Councillor Lound thanked Denise McGrath, Chairman Bruce Hanrahan and everyone who helped at the event for helping to raise funds for pediatrics at Campbelltown and Camden hospitals.
2. Councillor Darcy Lound also attended the Mr Perfect BBQ at Koshigya Park on Sunday 23 May 2023, the event is run by Leigh Ninham. The Mr Perfect group is for all men, young, old and in between, to meet up for a chat, meet new friends or just relax. It provides an opportunity to talk and have a shoulder to lean on. Councillor Lound thanked Leigh and his committee.
3. Councillor Karen Hunt on Friday 26 May 2023 in company with Councillor Chowdhury, Councillor Oates and Councillor Morrison, attended the Lifeline Macarthur and Western Sydney Gala Dinner. This was Lifeline's major fundraiser and the theme was white. It was a challenge finding something white to wear, especially in winter if you didn't have something already. It was spectacular seeing mostly everyone dressed in white, even the entertainment. Lifeline provides vital support services for suicide prevention. Funds raised from this night will enhance those necessary services. It is disappointing that this service is needed, but thankfully we have Lifeline.
4. Councillor Karen Hunt On Sunday 28 May 2023 attended the inaugural High Tea for the Blue Butterfly Institute, which is an organisation founded by Tina Meyer. The Blue Butterfly Institute is a not-for-profit online platform that advocates for victims and survivors of sexual trauma to provide a safe connection pathway for personal empowerment and to provide community awareness. It is run by volunteers who help victims through the healing journey and provides education to the community about the impact of such trauma on behaviour, attitudes and beliefs. Tina Meyer is a survivor of sexual trauma and domestic violence. She is surrounded by a team of exceptional and professionally qualified people to deliver this assistance. The function was well attended and supported by many well-known Macarthur locals. Special guest was Alison Brahe-Daddo, who is the institute's Ambassador. More information can be found at [hello@thebluebutterflyinstitute.org.au](mailto:hello@thebluebutterflyinstitute.org.au)
5. Councillor Masood Chowdhury attended Eid Mubarak Campbelltown Festival on 21 May 2023. There was a huge turnout. Councillor Chowdhury thanked the Director City Lifestyles, team members, and the Mayor, Councillor George Greiss for supporting the initiative.
6. Councillor Masood Chowdhury on 26 May 2023 attended National Sorry Day March organised by Sarah Redfern Public School students. Councillor Chowdhury walked around Redfern Park Minto.
7. Councillor Masood Chowdhury on 2 June 2023 attended the opening of The Mahal along with Councillor Karen Hunt, Councillor John Chew and the Mayor Councillor George Greiss who officially opened the clothing store.
8. Councillor Masood Chowdhury on 3 June 2023 attended the Big Cuppa at Glenfield Community Hall fundraising for Cancer Council.

9. Councillor Rey Manoto on Thursday 11 May 2023 along with the Mayor, Councillor George Greiss and Councillor Masood Chowdhury were delighted to attend the South West Sydney Academy of Sport (SWSAS) Civic Reception hosted by Campbelltown Council. This event recognises athletes from the Campbelltown LGA. The Mayor Councillor George Greiss presented these local athletes with certificates of appreciation of their athleticism, dedication and commitment in their respective sport. SWSAS provides a consolidated approach with established benchmarks and proven development pathways for dedicated and talented athletes to reach their maximum potentials. Campbelltown Council is a proud partner with SWSAS in supporting athletes from our city.
10. Councillor Rey Manoto on Monday 15 May 2023 was proud and privileged to attend the Citizenship Ceremony at Campbelltown Civic Hall where he watched new Australians receive their Citizenship Certificates from the Mayor Councillor George Greiss. Councillor Masood Chowdhury, Councillor John Chew, and Councillor Musud Khalil assisted in presenting seedlings to the new citizens. State Member of Parliament for Leppington Nathan Hagarty MP was also in attendance. Councillor Rey Manoto reminisced about he and his wife receiving their Australian Citizenship Certificates 34 years ago on 2 November 1989 in Parramatta Hall, City of Parramatta. A truly memorable and happy occasion for them.
11. Councillor Meg Oates represented the Mayor Councillor George Greiss, at the Sorry Day Ceremony Mt Annan Botanic Gardens along with Councillor Warren Morrison and General Manager Lindy Deitz. This ceremony was very well attended with a huge range of people from all different age groups and different demographics. It was a solemn yet joyous occasion. The group visited the Commemorative Stolen Generations Memorial which has been replaced after being vandalised. It was a wonderful day, beautiful entertainment and beautiful people. Councillor Meg Oates thanked Councillor Cotter and the Mayor Councillor George Greiss for the opportunity to attend this event.
12. Councillor Meg Oates congratulated the staff for the Youth Services Workshop and Forum held in the Civic Centre attended by Councillor Joshua Cotter and the Mayor George Greiss. Great to have all the different NGO's, community groups and schools, people working with youth in advocacy and support from across all areas come together and share what they are doing, finding any gaps and duplication and what is needed. Councillor Meg Oates thanked the staff for the work they do in this area.
13. Councillor Warren Morrison on Saturday 12 May 2023 attended the Macarthur Young Champions Awards. Councillor Morrison thanked the Mayor George Greiss for attending and presenting awards, he also thanked Councillor Masood Chowdhury, Councillor Karen Hunt, Councillor John Chew and Councillor Masud Khalil for attending. Dr Mike Freeland MP, Mr Greg Warren MP, Anoulack Chanthivong MP, Nathan Hagarty MP and Judith Hannan MP were also in attendance. This was the third awards ceremony held in Campbelltown. Congratulations to the nominees, families, teachers and friends, Brian Lualaba, Campbelltown Citizen of the Year and his team at Rainbow Crossing, the charity behind organising the event.

14. Councillor Warren Morrison along with Councillor Meg Oates who represented the Mayor Councillor George Greiss at the Sorry Day Ceremony Mt Annan Botanic Gardens. Thank you to Brendan Broadbent and the staff who put on a fantastic day, Uncle Badger Bates and Degan Hunter who explained about the damage to the monument and the repairs undertaken by Uncle Badger and other indigenous people in the community.
15. Councillor Warren Morrison on Friday 26 May 2023 attended the Lifeline Macarthur and Western Sydney Gala Dinner along with Councillor Chowdhury, Councillor Hunt and Councillor Oates. They had a great time supporting the community and raising funds for Lifeline.
16. Councillor Warren Morrison on Tuesday 30 May 2023 represented the Mayor Councillor George Greiss at the McGrath Foundation Pacing for Pink charity event at Menangle Park. Councillor Morrison met one of the McGrath Foundation nurses, Erin, who shared her experiences helping cancer patients. Councillor Morrison Commended the Mayor and Council for supporting many different charity events, as there many volunteers who put in a lot of time and effort organising these events.
17. Councillor Masud Khalil attended the Macarthur Young Champions Awards on 12 May 2023, hosted by Brian Laul and Chairperson Councillor Warren Morrison. It was a wonderful event, great to see the talent, inspiration and commitment of the youth from our local community. Councillor Khalil thanked Brian Laul and Councillor Morrison for organising the event.
18. Councillor Masud Khalil on the 21 May 2023 represented the Mayor Councillor George Greiss at the Eid Mubarak festival. Councillor Khalil passed on the Mayor Councillor George Greiss's apology for not attending due to a personal commitment. Councillor Khalil passed on the prayers and good wishes from the community to the Mayor for organising of this event. The kids had a wonderful time especially at the Kids corner, and on the rides. There was singing, dancing and cooking. Councillor Khalil thanked the Campbelltown City Council staff for their efforts, the festival was a huge success and an outstanding event.
19. Councillor Masud Khalil on 3 June 2023 attended Amra Bangladeshi at Ron Moore Community Centre. This festival gave local families a wonderful pathway to interact. There was traditional Bangladeshi food and desserts. There was a huge turnout and it was a multicultural and colourful event.
20. Councillor Masud Khalil congratulated the Mayor Councillor George Greiss on his PHD academic achievements and expressed his gratitude for having such a highly educated Mayor to guide the council.
21. Councillor Matt Stellino on 3 May 2023 toured the Blacktown Animal Care Facility (ACF) along with the Mayor Councillor George Greiss, the General Manager Lindy Deitz, and the director of City Planning and Environment. The facility is purpose built and is truly State-of-the-Art. The facility has inbuilt waiting rooms and playrooms to meet with potential adopters and private rooms to prevent unnecessary stress for the animals.



22. Councillor Matt Stellino also toured the Sutherland ACF on 12 May 2023 along with he Mayor Councillor George Greiss, the General Manager Lindy Deitz, and the Director City Planning and Environment. Sutherland ACF is similar to the Campbelltown ACF with a similar budget, similar feel and similar build. It was inspiring to see what they could do leveraging their volunteer capacity to deliver positive outcomes for their residents and animals. Councillor Stellino is looking forward to working with staff and council to bring some of these teachings from other ACF's to our own Campbelltown ACF. Councillor Stellino thanked the Mayor for the opportunity of touring these facilities.
23. Councillor Joshua Cotter enjoyed some time off with the arrival of his second child in April and early May.
24. Councillor Joshua Cotter on 10 May 2023 attended the Youth Services Celebration and Collaboration along with Councillor Riley Munro. Staff brought together representatives from around our local community that work with our youth, and have special skill sets that cater to our youth. Councillor Cotter and Coucillor Munro were able to listen to the challenges they are facing, what their expectations of Council are and to create a strategy for Council to invest our time and money into the youth of this area. We need to ensure we are creating spaces and opportunities for them now so they are not going to other areas to seek services. This forum was a step in the right direction, a great opportunity to take on the advice and start the conversations necessary to put strategies in place.
25. Councillor Joshua Cotter on 19 May 2023 through his full time role in Catholic Education hosted Father Rob Galea, a Catholic priest who has a great rapport with Catholic school children. It was great to catch up with Father Galea and have him acknowlege that Campbelltown has changed for the better, that the students, through the things they are saying and doing, expressed excitement in the local area.This forum showcased the hope for our young people.
26. Councillor George Brticevic officially acknowledged Senior Ranger Shane Jamieson for 15 years services with Campbelltown City Council and 22 years services with Local Government. Councillor Brticevic thanked Shane for his contribution during Covid, helping with Meals on Wheels, local businesses, the library service and creating goodwill with the community. Councillor Brticevic also asked the acting director to pass on thanks to all staff involved in the Billabong project, it is really taking shape, for their effort and ongoing passion.
27. Councillor Margaret Chivers was approached by a distressed resident after receiving letter from council stating she will be fined for not re-registering her dog. Councillor Chivers advised this resident to contact council to give them the opportunity to respond in the first instance. The resident rang council and spoke to Lachlan, technical support officer in City Standards and Compliance. Councillor Chivers asked the director to pass on her appreciation to Lachlan for helping this resident. Councillor Chivers believes Lachlan is an asset to the council, he listened to the resident, he told her step by step everything he was doing and provided all the necessary information in how to deal with with the fine. Councillor Chivers again asked to pass on thanks to Lachlan.
28. The Mayor Councillor George Greiss announced 'Thank A First Responder Day' will be observed tomorrow, 7 June. This is a day where I encourage our Councillors and community to reflect on the service of our First Responders who make personal

sacrifice each and every day to protect our community. These are ordinary people, doing extraordinary things in our community; displaying immense courage, bravery and sacrifice.

In Campbelltown, our First Responders include approximately 800 officers, both volunteers and employed, across our emergency services' agencies of NSW State Emergency Service, Rural Fire Service, Fire & Rescue NSW, NSW Police and NSW Ambulance.

I'd encourage our community to reflect on the Gratitude Gallery on the First Responder Day website: [www.firstresponderday.com.au](http://www.firstresponderday.com.au) and share their own gratitude to First Responders.

To our First Responders, I say "thank you".

The Mayor Councillor George Greiss thanked Councillor George Brticevic for being a First Responder and all the work he does in our community.

There being no further business the meeting closed at 9.14pm.

Confirmed by Council on <<enter date>>

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

### **3.2 Minutes of the Extraordinary Meeting of Council held 27 June 2023**

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

That the Minutes of the Extraordinary Meeting of Council held 27 June 2023, 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 27 June 2023 are presented to Council for confirmation.

#### **Attachments**

1. Minutes of the Extraordinary Meeting of Council held 27 June 2023 (contained within this report)

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# CAMPBELLTOWN CITY COUNCIL

## Minutes Summary

Extraordinary Council Meeting held at 6.30pm on Tuesday, 27 June 2023.

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<b><u>2.</u></b>	<b><u>APOLOGIES/ LEAVE OF ABSENCE</u></b>	<b>2</b>
<b><u>3.</u></b>	<b><u>DECLARATIONS OF INTEREST</u></b>	<b>2</b>
	<u>Pecuniary Interests</u>	
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	<u>Non Pecuniary – Less than Significant Interests</u>	
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<b><u>4.</u></b>	<b><u>REPORTS FROM OFFICERS</u></b>	<b>3</b>
<b><u>4.1</u></b>	<u>Adoption of the Delivery Program 2022-2026, Operational Plan 2023-2024, Fees and Charges 2023-2024 and accompanying Resourcing Strategy</u>	<b>3</b>
<b><u>5.</u></b>	<b><u>URGENT GENERAL BUSINESS</u></b>	<b>8</b>

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**Minutes of the Extraordinary Meeting of the Campbelltown City Council held on 27 June 2023**

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**Present**           The Mayor, Councillor G Greiss  
                  Councillor G Brticevic  
                  Councillor J Chew  
                  Councillor M Chivers  
                  Councillor M Chowdhury  
                  Councillor J Cotter  
                  Councillor M George  
                  Councillor K Hunt  
                  Councillor M Khalil  
                  Councillor D Lound  
                  Councillor R Manoto  
                  Councillor W Morrison  
                  Councillor R Munro

**1.     ACKNOWLEDGEMENT OF LAND**

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

**Council Prayer**

The Council Prayer was presented by the General Manager.

**2.     APOLOGIES/ LEAVE OF ABSENCE**

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

That the apology from Councillor M Oates and Councillor M Stellino be accepted..

**139/2023**     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 Adoption of the Delivery Program 2022-2026, Operational Plan 2023-2024, Fees and Charges 2023-2024 and accompanying Resourcing Strategy

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

That Council adopt the following corporate documents under the Integrated Planning and Reporting Framework and make the 2023-2024 land rates and charges:

1. The Delivery Program 2022-2026 and Operational Plan 2023-2024 incorporating the amendments detailed in this report.
2. The Fees and Charges 2023-2024 incorporating the amendments detailed within this report and the amended Companion Animal lifetime registration fees as follows:

Fee name	Description	Classification	2022-23	Excl GST	GST	2023-24
Lifetime registration - DOGS and CATS						
	General - Dog(not desexed or desexed after 6 months)	Legislative	\$234.00	\$234.00	\$0.00	<b>\$252.00</b>
	General - Cat (desexed or not desexed)	Legislative	\$59.00	\$59.00	\$0.00	<b>\$65.00</b>
	Desexed - Dog (before 6 months)	Legislative	\$69.00	\$69.00	\$0.00	<b>\$75.00</b>
	Registered breeder - Dog	Legislative	\$69.00	\$69.00	\$0.00	<b>\$75.00</b>
	Registered breeder - Cat	Legislative	\$59.00	\$59.00	\$0.00	<b>\$65.00</b>
	Pensioners (with desexed - dog 6mnths or cat 4mnths)	Legislative	\$29.00	\$29.00	\$0.00	<b>\$32.00</b>
	Late fee (if not paid within 28-days)	Legislative	\$19.00	\$19.00	\$0.00	<b>\$21.00</b>

3. The Long-Term Financial Plan 2023-2033.

4. The Workforce Management Strategy 2022-2026 (revised for 2023-2024).
5. The Asset Management Strategy 2023-2033.
6. The Asset Management Plans 2023-2033.
7. The Budget and Statement of Revenue Policy reflecting the rating structure outlined below:

**Ordinary Rate** made under Section 494 *Local Government Act 1993*

Name *	Detail 1 July 2023 to 30 June 2024	Minimum	Ad-valorem
Residential	In accordance with Section 494 of the <i>Local Government Act 1993</i> the Ordinary rate of 0.0021609 amount in the dollar be made.	-	0.0021609
	In accordance with Section 548(1) of the <i>Local Government Act 1993</i> the Minimum amount of \$798.20 be made.	\$798.20	-
Farmland	In accordance with Section 494 of the <i>Local Government Act 1993</i> the Ordinary rate of 0.0013904 amount in the dollar be made.	-	0.0013904
	In accordance with Section 548(1) of the <i>Local Government Act 1993</i> the Minimum amount of \$798.20 be made.	\$798.20	-
Business	In accordance with Section 494 of the <i>Local Government Act 1993</i> the Ordinary rate of 0.0031248 amount in the dollar be made.	-	0.0031248
	In accordance with Section 548(1) of the <i>Local Government Act 1993</i> the Minimum amount of \$798.20 be made.	\$798.20	-
Mining	In accordance with Section 494 of the <i>Local Government Act 1993</i> the Ordinary rate of 0.005076 amount in the dollar be made.	-	0.005076
	In accordance with Section 548(1) of the <i>Local Government Act 1993</i> the Minimum amount of \$798.20 be made.	\$798.20	-
* in accordance with Section 543(1) <i>Local Government Act 1993</i>			

**Special Rate** made under Section 495 *Local Government Act 1993*

<b>Name *</b>	<b>Detail 1 July 2023 to 30 June 2024</b>	<b>Minimum</b>	<b>Ad-valorem</b>
Special Rate - Infrastructure	In accordance with Section 495 of the <i>Local Government Act 1993</i> the Special rate of 0.0001826 amount in the dollar be made	-	0.0001826
	In accordance with Section 548(3)(b) of the <i>Local Government Act 1993</i> the Minimum amount of \$2.00 be made	\$2.00	-
* in accordance with Section 543(2) <i>Local Government Act 1993</i>			

**Domestic Waste Management Service** made under Section 496 *Local Government Act 1993*

<b>Name *</b>	<b>Detail 1 July 2023 to 30 June 2024</b>	<b>Weekly</b>	<b>Annual</b>
Domestic Waste Management (WRG)	Provision of periodic collection consisting of weekly waste (putrescible), alternate fortnightly organics and recycling services of a kind and quantity ordinarily generated on domestic premises for each parcel of occupied land where the service is available.	\$8.81	\$458.00
Domestic Waste Management (WR)	Provision of periodic collection consisting of weekly waste (putrescible) and fortnightly recycling services of a kind and quantity ordinarily generated on domestic premises for each parcel of occupied land where the service is available.	\$7.32	\$381.00
Domestic Waste Availability	The Domestic Waste Management Availability Charge be made for the availability of waste management services to vacant Residential land.	\$1.29	\$67.00
Business Garbage (WR)	Provision of periodic collection consisting of weekly waste (putrescible) and fortnightly recycling services of a kind and quantity ordinarily generated on domestic premises for each parcel of occupied land where the service is available.	\$7.85	\$408.00
Additional Domestic Waste	Provision of periodic collection consisting of weekly waste (putrescible) services of a kind and quantity ordinarily generated on domestic premises for each parcel of occupied land where the service is requested.	\$4.56	\$237.00



Additional Recycling Service	Provision of periodic collection consisting of fortnightly recycling services of a kind and quantity ordinarily generated on domestic premises for each parcel of occupied land where the service is requested.	\$1.94	\$101.00
Additional Recycling Dialysis	Provision of periodic collection consisting of fortnightly recycling services based on information supplied by NSW Health of a kind and quantity ordinarily generated on domestic premises for each parcel of occupied land where the service is requested.	-	\$1.00
Additional Green Waste	Provision of periodic collection consisting of fortnightly organics services of a kind and quantity ordinarily generated on domestic premises for each parcel of occupied land where the service is requested.	\$2.52	\$131.00
Additional Green Waste - wildlife carers	Provision of periodic collection consisting of fortnightly organics services supported by advice from National Parks and Wildlife of a kind and quantity ordinarily generated on domestic premises for each parcel of occupied land where the service is requested.	-	\$1.00
Additional Kerbside clean-up	Provision of kerbside collection waste services of a kind and quantity ordinarily generated on domestic premises for each parcel of occupied land where the service is requested in excess of the 4 free annual collections.	-	\$100.00
Additional 240L general waste (weekly)	Provision of periodic collection consisting of weekly waste (putrescible) services to apartment complexes that are eligible for the residential two-bin service (shared service) of a kind and quantity ordinarily generated on domestic premises for each parcel of occupied land where the service is requested.	\$4.77	\$248.18
Additional 240L general waste (twice weekly)	Provision of periodic collection consisting of twice weekly waste (putrescible) services to apartment complexes that are eligible for the residential 2 bin service (shared service) of a kind and quantity ordinarily generated on domestic premises for each parcel of occupied land where the service is requested.	\$9.35	\$486.36

Additional 660L general waste (weekly)	Provision of periodic collection consisting of weekly waste (putrescible) services to apartment complexes that are eligible for the residential 2 bin service (shared service) of a kind and quantity ordinarily generated on domestic premises for each parcel of occupied land where the service is requested.	\$11.30	\$587.27
Additional 660L general waste (twice weekly)	Provision of periodic collection consisting of twice weekly waste (putrescible) services to apartment complexes that are eligible for the residential 2 bin service (shared service) of a kind and quantity ordinarily generated on domestic premises for each parcel of occupied land where the service is requested.	\$23.69	\$1,231.82
Additional 1100L general waste (weekly)	Provision of periodic collection consisting of weekly waste (putrescible) services to apartment complexes that are eligible for the residential 2 bin service (shared service) of a kind and quantity ordinarily generated on domestic premises for each parcel of occupied land where the service is requested.	\$18.11	\$941.82
Additional 1100L general waste (twice weekly)	Provision of periodic collection consisting of twice weekly waste (putrescible) services to apartment complexes that are eligible for the residential 2 bin service (shared service) of a kind and quantity ordinarily generated on domestic premises for each parcel of occupied land where the service is requested.	\$38.71	\$2,012.73
Additional Business Garbage Service	Provision of periodic collection consisting of weekly waste (putrescible) services of a kind and quantity ordinarily generated on domestic premises for each parcel of occupied land where the service is requested.	\$6.36	\$331.00
Additional Business Recycling Service	Provision of periodic collection consisting of fortnightly recycling services of a kind and quantity ordinarily generated on domestic premises for each parcel of occupied land where the service is requested.	\$2.73	\$142.00
Additional Business Green Waste Service	Provision of periodic collection consisting of fortnightly organics services of a kind and quantity ordinarily generated on domestic premises for each parcel of occupied land where the service is requested.	\$3.52	\$183.00

\* in accordance with Section 543(3) *Local Government Act 1993*

**Stormwater Management Service** made under Section 496A *Local Government Act 1993*

The stormwater management charge be applied to each parcel of urban land within the City of Campbelltown and categorised for rating purposes as Residential or Business excluding vacant land, land owned by the Crown (including Housing NSW).

Name *	Detail 1 July 2023 to 30 June 2024	Annual
Stormwater management charge	Urban Residential rateable parcel	\$25.00
	Residential (strata) rateable unit	\$12.50
	\$25.00 per 700 m <sup>2</sup> or part thereof for non-vacant Business land, capped to a maximum of \$1,000	\$25.00
	\$25.00 per 700 m <sup>2</sup> or part thereof of surface land area for strata Business unit (proportioned to each lot based on unit entitlement) not less than \$5.00 or greater than \$1,000	\$25.00
In accordance with Section 543(3) of the <i>Local Government Act 1993</i>		

**Interest on overdue rates**

In accordance with Section 566(3) of the *Local Government Act 1993*, the Minister for Local Government has determined that the maximum rate of interest payable on postponed and overdue rates and charges for the 2023-2024 rating year will be 9 per cent for the period 1 July 2023 to 30 June 2024.

**140/2023** The Motion on being Put was **CARRIED**.

## 5. URGENT GENERAL BUSINESS

There being no further business the meeting closed at 6.50pm.

Confirmed by Council on <<enter date>>

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

#### **4. STATEMENT OF ETHICAL OBLIGATIONS AND DECLARATIONS OF INTEREST**

##### **Statement of Ethical Obligations**

Statement of Ethical Obligations In accordance with section 233A of the Local Government Act 1993, the Mayor and Councillors are bound by the Oath or Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of the City of Campbelltown and the Campbelltown City Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their ability and judgement.

##### **Declarations of Interest**

###### **Pecuniary Interests**

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

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

###### **Other Disclosures**

## **5. MAYORAL MINUTE**

### **5.1 St Peter's Anglican Church 200 Years of History**

#### **Recommendation**

That the information be noted.

I recently had the pleasure of attending the 200-year celebrations of St Peter's Anglican Church.

Opened only three years after Campbelltown itself was founded, the church is believed to be the oldest building in our city and one of the oldest churches in Australia. The first church service was held on 29 June 1823.

The church building is in great condition and an integral part of our city centre. The church was designed and built by Francis Lawless, a bricklayer who was transported to Australia as a convict and worked on several projects across Sydney, including the convict barracks at Parramatta and the Benevolent Society for Sydney.

It has a simple yet graceful classic Georgian architecture, originally designed with a dimensional symmetry of being half as wide as it was as long. The building was altered in the later 1800s to look more gothic and was restored in the middle of the 1900s to its original Georgian style, which included the installation of the windows we see today, in 1962.

Thomas Reddall was the first incumbent of St Peter's. He was trained as a colonial chaplain and schoolmaster, which helped Governor Macquarie's aims of establishing Campbelltown as an orderly town.

While Reverend Thomas Reddall was also the local magistrate, he established a small school to provide tuition to Governor Macquarie's son and others in the area at the time. While not related to the current St Peter's Anglican School, it is important to recognise the church's role in the early history of Campbelltown.

The nearby cemetery is also the final resting place for many of Campbelltown and the Macarthur region's most well-known historical figures, such as John Warby, James Ruse, William Bradbury and James Tyson. While the exact location of his burial site is unknown, Fred Fisher is also buried in the cemetery.

As our city continues to grow, we must recognise, celebrate and preserve the heritage of our region, such as St Peter's Anglican Church. Sitting alongside Mawson Park, it creates a picturesque scene in the heart of the city centre.

I would like to thank senior minister Jason Veitch for inviting me to attend this special event, and the Most Reverend Kanishka Raffel, Archbishop of Sydney, Regional Bishop Peter Lin and Rev. Michael Duckett from Macarthur Indigenous Church for their kind words and inspiring bicentennial service.

I would also like to congratulate the parish community on all their contribution to Campbelltown and wish them all the best for the next 200 years.

### **Attachments**

Nil

## 5.2 Strengthening Our City, Now and Into The Future

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### Recommendation

That the information be noted.

### City Revitalisation and Urban Renewal

In my previous Mayoral Minutes, I wrote of the importance of City Revitalisation and Urban Renewal and the Council's commitment to revitalising underutilised areas and properties to reinforce or re-establish a strong sense of place and resilience. If we, as a Council and a community, are serious about the revitalisation of our CBDs, we must not make decisions based on historical narratives that, while they may make us feel like we are maintaining our past, are costing us our future. We cannot put our city's growth on hold for memories sake.

I have provided updates on the Local Environment Plan (LEP) progress for the Campbelltown City Centre, and I am looking forward to this significant policy progressing. Also, in the coming months, further significant work will be presented to Council for consideration, including the outcome of the public exhibition of the Ingleburn CBD Planning Proposal and the draft amendments to the Campbelltown Local Infrastructure Contributions Plan.

All these policies are critical for ensuring our city grows in an orderly and sustainable way. It is important that we realise that we cannot be in a constant state of planning. While some may argue that the market conditions may have changed due to the time lag between our research and the policy release, and they may be right, we cannot reset and start again. Otherwise, we will never finish.

The next thing we as a council must consider is our own ability to invest in the revitalisation of our city. We must do this in a fair and equitable way. We must do this to signal to all interested parties that we believe in our city's future and are doing all we can to realise it. However, we also must be careful not to give ourselves an unfair market advantage or to crowd out other private investments.

To do this, we need a policy that will strengthen our ability and capacity to deliver and influence urban renewal outcomes within our LGA. This includes potential projects that may sit outside the Council's normal business activities, such as planning and developing strategic sites that will facilitate the creation of vibrant places and generate future revenue streams for the Council.

The team have been working hard on researching and developing a policy that will define our operational mandate in the revitalisation space and work with Council's strategic and operational plans to help realise our revitalisation objectives by setting the renewal agenda. It will create a clearly defined framework for leveraging Council assets to implement transformational projects that will attract private and public sector investment.

In the past, our Council had the foresight to create a portfolio of assets to not only deliver services to the community but also to consider the future needs of a growing population and as

an investment in the future. We now have an obligation to review our land and building assets regularly to ensure they continue to meet the needs and expectations of the community and are leveraged for optimal social and economic benefit.

We must use a “dynamic” approach and assess those assets that are no longer required for community, operational or strategic purposes and may be divested to enable investment in other assets or activities that both serve the needs of the community and potentially support the generation of revenue streams.

This is not a new approach; we have seen the previous Council undertake such investments, rather this is the creation and formalisation of a framework that clearly articulates our intentions and strategies for consistency and transparency.

I look forward to this policy coming to the Council in the next few months for review and endorsement.

### **WestInvest Update**

While we are yet to sign the deeds of agreement to any of our projects, we have received confirmation from the Delivery Office and, more importantly, the Premier of NSW, The Hon. Chris Minns MP, committing to the continuation of our funds under the Council round and the community round.

Campbelltown received significant funding under these two rounds of WestInvest commitments under the previous Government, in the order of \$171 million for important projects to our community such as the expansion of Campbelltown Arts Centre; park and facility enhancements; traffic and connectivity improvements; and the creation of a number of new recreation facilities and playspaces, as I have highlighted numerous times previously.

I want to thank the Premier for making such a commitment and continuing our funding and Mr Greg Warren MP, Member for Campbelltown, for his ongoing support for the projects and his work ensuring that the funding continues to be available to our community.

I look forward to the September budget and hope our community receives its fair share of investments and projects.

We are now re-reviewing all of the projects, before signing the deeds and committing the Council to the projects. This includes undertaking a second round of due diligence and project Quantity Surveying to ensure the projects remain viable after recent cost escalations resulting from the current economic conditions.

### **Project Delivery**

The delivery of WestInvest-funded projects, the development of new services, facilities and infrastructure network projects, and the substantial renewal of Campbelltown’s existing assets will take Council capital project investment to over \$554m in the next ten years. To ensure that these projects deliver the outcomes our community requires, there has been significant attention on building our capability and capacity to plan and deliver projects, ensuring that we invest in the right projects at the right time.

Last year, a new Project Management Office (PMO) and City Projects team were established. This team has built and advanced our project governance model and embedded further rigour



through all project delivery cycles, including an audit function and regular project health checks. Our governance model is now linked through the broader Integrated Planning and Reporting framework and ensures regularity and consistency in reporting.

We have invested significantly in our project delivery capability, with the City Projects team now being responsible for the project management of all of Council's tier one projects. The team will continue to work and advance our project management framework to ensure we have a methodology that is flexible enough to deal with the various types of projects we undertake while being sufficiently vigorous to ensure compliance and transparency.

To further ensure that Council has access to the best possible resources and we have the next level of transparency and accountability, the establishment of an external specialist advisory group is currently being explored. This group would provide expert advice throughout the different stages of the project lifecycle and support the delivery of Council's major projects, including the revitalisation and urban renewal program.

Further detail relating to the function and responsibility of this advisory group will be presented to Council for consideration in the coming months.

### **Sponsorship and City Attraction**

In my Mayoral Minute in April 2023, I highlighted that our Council staff are currently reviewing the enabling policy framework that includes the Policy and any supplementary procedures and standardised tools to ensure that community events are easy to undertake, that we're competitive with other Councils that encourage those activities, and that they're equitable across the range of our residents' interests.

It was expected that these policies were to come to the Council this month. However, last month I also asked General Manager to explore opportunities and review relevant policies to attract quality entertainment activities to our city so that our community can access this entertainment at an affordable price.

The staff have taken this opportunity to combine these two initiatives into a comprehensive framework and have been working intensely to review and edit existing policies and draft new approaches to provide a revised framework for community applications, Council assessment, including community engagement and approval in line with statutory requirements.

To date, Council have supported the establishment of two funds namely the Stadium Content Attraction and the broader Campbelltown City Attraction/Hosting Fund. There is now an opportunity to review the deliverables of these funds and create a community event support framework that includes recruiting additional staff to support the process.

As I have previously highlighted, based on community feedback, empowering community members to establish and develop activities dear to their hearts is important to our community welfare and our city's resilience. Recruitment of additional staff to support community engagement and manage compliance requirements will ultimately deliver the capacity to improve service levels and customer experiences.

The supporting policies are expected to come to the council in the next few months for review and approval, the recruitment for the positions has begun, and the required staff are expected to be on board by the end of August 2023.

Each of the updates I have spoken to in this Mayoral Minute, all have one thing in common. They highlight the work we have set in motion to strengthen our city today, and into the future.

While acknowledging where we have come from is key to our city's identity, continuing to look ahead and taking a proactive approach, will ensure we have the frameworks in place to support our city and attract investment, and will set us up for a prosperous and rewarding future. I look forward to realising our vision and seeing many of these initiatives come to fruition.

### **Thank you and Farewell**

I would also like to take this opportunity to acknowledge Director City Governance, Phu Nguyen, as tonight will be his final Council meeting, before he takes up a new role as the Chief Executive Officer of the City of Onkaparinga in South Australia.

Phu has contributed significantly to our city and organisation over the past 5 years, and I would like to wish him all the best as he relocates to Adelaide and takes this next step in his career.

### **Attachments**

Nil

## **6. PETITIONS**

## **7. CORRESPONDENCE**

### **7.1 Correspondence regarding WestInvest and Glenfield Integrated Health Hub**

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

That the information be noted.

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Correspondence in relation to WestInvest and Glenfield Integrated Health Hub.

1. Letters regarding WestInvest commitments:
  - a. Letter from Cr George Greiss, Mayor of Campbelltown to the Hon. Chris Minns MP, Premier dated 17 April 2023
  - b. Letter from the Hon. Chris Minns MP, Premier dated 23 May 2023
2. Letters regarding the Integrated Community Health Hubs
  - a. Letter from Cr George Greiss, Mayor of Campbelltown to the Hon. Ryan Park MP, Minister for Health dated 17 April 2023
  - b. Letter from the Hon. Ryan Park MP, Minister for Health (undated, received 5 June 2023)

#### **Attachments**

- 7.1.1 Letter from Cr George Greiss, Mayor of Campbelltown to the Hon. Chris Minns MP, Premier dated 17 April 2023 (contained within this report) [↓](#)
- 7.1.2 Letter from the Hon. Chris Minns MP, Premier dated 23 May 2023 (contained within this report) [↓](#)
- 7.1.3 Letter from Cr George Greiss, Mayor of Campbelltown to the Hon. Ryan Park MP, Minister for Health dated 17 April 2023 (contained within this report) [↓](#)
- 7.1.4 Letter from the Hon. Ryan Park MP, Minister for Health (undated, received 5 June 2023) (contained within this report) [↓](#)

Office of the Mayor



17 April 2023

The Hon. Chris Minns MP  
Premier of NSW

Via email: [kogarah@parliament.nsw.gov.au](mailto:kogarah@parliament.nsw.gov.au)

Dear Premier,

**Re: WestInvest Commitments in South West Sydney**

Prior to the recent NSW election, the government committed to a number of projects under WestInvest, including Glenfield Integrated Health Hub and the Australian Botanic Garden Mount Annan Master Plan.

The new integrated community health hubs in Liverpool and Glenfield are proposed to boost health services across South West Sydney. This approach to delivering health services would help relieve pressure on the hospitals in our fast growing region. These new health hubs could mean that instead of having to go to hospital, people can access many of the same health services closer to home, including cancer care, cardiac rehabilitation, occupational therapy and preventative screening.

The Australian Botanic Garden, Mount Annan upgrades will create new lakes picnic precinct, building biodome greenhouses and establish one of the world's leading and most sustainable scientific gardens. The Australian Botanic Garden is important green space for our community, and the funding will enable enhancements to position the Garden as a leader for botanical science and tourism.

I implore your Government to commit to the delivery of this critical infrastructure.

Yours sincerely,

Cr George Greiss  
**Mayor of Campbelltown**

DOC-23-98342

Campbelltown City Council  
91 Queen Street, Campbelltown  
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ABN: 31 459 914 087

**The Hon Chris Minns MP**  
Premier of New South Wales



Ref: A5749598

23 May 2023

Cr George Greiss  
Mayor of Campbelltown  
PO Box 57  
Campbelltown NSW 2560

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Re: WestInvest Commitments in South-West Sydney

*George*  
Dear Counsellor Greiss,

Thank you for your correspondence, dated 17 April 2023, regarding the WestInvest NSW Government Allocation within South-West Sydney.

The NSW Government is currently undertaking a review of the \$3 billion WestInvest NSW Government Allocation projects approved by the former government. The Review will ensure that this stream of WestInvest funding is focused on delivering transformational infrastructure such as schools, hospitals and public transport.

The Review will also ensure that projects funded as part of the \$3 billion NSW Government Allocation align and complement the outcomes of the other expenditure and infrastructure reviews being undertaken by the Government.

I am pleased to advise that in line with our election commitments, The Hon. Daniel Mookhey, NSW Treasurer, has endorsed the 191 WestInvest Community Project Grants; including all projects approved through the Local Government Allocation Round (\$400 million) and the Community Competitive Round (\$1.6 billion). This provides certainty to councils and community organisations with respect to this program.

I understand Alison Morgan, Executive Director of the WestInvest Program Office and her team are working closely with Campbelltown City Council and can be contacted on 0434 782 648 should you wish to discuss any issues regarding the WestInvest Program.

Sincerely, *[Signature]*

signature has been removed

**Chris Minns MP**  
Premier of New South Wales

*30/5/23*

52 Martin Place Sydney NSW 2000  
GPO Box 5341 Sydney NSW 2001

02 7225 6000  
[nsw.gov.au/premier](https://nsw.gov.au/premier)

1

Office of the Mayor



17 April 2023

The Hon. Ryan Park MP  
Minister for Health  
Minister for Regional Health  
Minister for Illawarra and the South Coast  
Via email: [Office.Park@minister.nsw.gov.au](mailto:Office.Park@minister.nsw.gov.au)

Dear Minister Park,

**Re: Glenfield Integrated Health Hub**

Prior to the recent NSW election, the government committed to new integrated community health hubs to be built in Liverpool and Glenfield as part of the WestInvest investment to boost health services across South West Sydney.

This approach to delivering health services would help relieve pressure on the hospitals in our fast growing region. These new health hubs could mean that instead of having to go to hospital, people can access many of the same health services closer to home, including cancer care, cardiac rehabilitation, occupational therapy and preventative screening.

I implore your Government to commit to the delivery of this critical infrastructure.

Yours sincerely,

signature has been removed

Cr George Greiss  
**Mayor of Campbelltown**

DOC-23-98308

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**The Hon Ryan Park MP**

Minister for Health  
Minister for Regional Health  
Minister for the Illawarra and the South Coast



Ref: M23/1911

Cr George Greiss  
Mayor  
Campbelltown City Council  
council@campbelltown.nsw.gov.au

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**Integrated Community Health Hubs (your ref: DOC-23-98308)**

Dear Mayor *George*

Thank you for writing about Integrated Community Health Hubs in Glenfield and Liverpool.

I acknowledge your concerns and appreciate your advocacy on this matter.

The 2023-24 NSW Budget has been postponed until 19 September 2023, as announced by the Treasurer on 17 April 2023 ([www.nsw.gov.au/media-releases/treasurer-announces-september-budget](http://www.nsw.gov.au/media-releases/treasurer-announces-september-budget)).

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The 2023-24 NSW Budget will be informed by a Comprehensive Expenditure Review led by the Minister for Finance, the Hon Courtney Houssos MLC.

The NSW Government has also committed to undertaking a Strategic Infrastructure Review of significant capital works, to be led by Mr Ken Kanofski and supported by Infrastructure NSW. This review will also inform the 2023-24 NSW Budget.

Thank you again for writing. For more information, please contact Vince McTaggart, Executive Director, Strategic Reform and Planning Branch, NSW Ministry of Health, at [vince.mctaggart@health.nsw.gov.au](mailto:vince.mctaggart@health.nsw.gov.au) or on 0422 450 634.

Yours sincerely

signature has been removed

**Ryan Park MP**

Minister for Health  
Minister for Regional Health  
Minister for the Illawarra and the South Coast



## 8. REPORTS FROM OFFICERS

### 8.1 Significant Development Applications

#### Reporting Officer

Director Planning and Environment  
City Planning and Environment

#### Community Strategic Plan

Objective	Strategy
2 Places For People	2.3.1 Ensure all people in Campbelltown have access to safe, secure, and affordable housing

#### Delivery Program

Principal Activity
2.3.1.2 Lead and build partnerships to achieve diverse and affordable housing options

---

#### Officer's Recommendation

That the information be noted.

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#### Report

Development applications received by the Council, are required to be determined by the appropriate authority in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979*.

Determining authorities include but are not limited to the Campbelltown Local Planning Panel, the Sydney Western City Planning Panel, or the General Manager under delegation.

This report provides information detailing all development applications considered under the authority of entities such as the Local Planning Panel, the Sydney Western City Planning Panel, and any other non-council government authorities, as well as more significant development applications approved by the General Manager under delegation.

The table attached to this report provides a summary of those development applications that meet the above criteria.

## Attachments

DAs where the authority is the Sydney Western City Planning Panel					
DA No. & Link	Address	Description	Value	Authority Criteria	Status
<a href="#">535/2021/DA-SW</a>	Woolwash Road, Greengate Road, Teeswater Place, Wallinga Place, Katella Place and Mamre Crescent, Airs	Stage 7 Airs/Bradbury Renewal - Subdivision of 71 existing lots to create 214 lots comprising of 207 residential lots, 2 lots for future development, 1 lot containing an existing senior housing development	\$13,914,412	>\$5 million capital investment value Crown development	Waiting on information from applicant
<a href="#">2278/2022/DA-RA</a>	22-32 Queen Street, Campbelltown	Construction of a mixed use development incorporating five towers containing 558 apartments, commercial premises, basement car parking and associated site and landscape works	\$218,949,500	>\$30 million capital investment value, SEPP-65 , SEPP-65 development	Waiting on information from applicant
<a href="#">4973/2022/DA-SL</a>	Dobell Road, Claymore	Construction of 23 seniors living units	\$11,787,655	>\$5 million capital investment value Crown development	Assessment in progress.
<a href="#">4606/2022/DA-C</a>	381 St Andrews Road, Varroville	Construction of further stages of education establishment and associated site works	\$16,501,917	>\$5 million capital investment value private infrastructure	Waiting on information from applicant
<a href="#">4836/2022/DA-C</a>	57 Junction Road, Leumeah	Construction of a child care and respite centre	\$5,366,572	>\$5 million capital investment value private infrastructure	Waiting on information from applicant
<a href="#">39/2023/DA-C</a>	Willowdale Drive, Denham Court	Construction of a child care centre and subdivision into 3 lots	\$6,182,012	>\$5 million capital investment value private infrastructure	Assessment in progress

DAs where the authority is the Department of Planning					
DA No. & Link	Address	Description	Value	Authority Criteria	Status
Nil	Nil	Nil	Nil	Nil	Nil

DAs where the authority is Campbelltown Local Planning Panel					
DA No. & Link	Address	Description	Value	Authority Criteria	Status
<a href="#">2675/2008/DA-S</a>	Lot 7304 Kellerman Drive, St Helens Park	Subdivision into 355 residential lots and associated civil and road works	\$9,000,000	More than 10 unique objections	Assessment in progress
<a href="#">3190/2022/DA-RA</a>	17-21 Tyler Street, Campbelltown	Residential apartment building containing 49 units, basement car parking and associated site and landscaping works	\$18,027,422	SEPP 65 – Residential Apartment	Subject to appeal – Land and Environment Court
<a href="#">3400/2022/DA-RA</a>	26 – 32 Iolanthe Street, Campbelltown	Demolition of existing dwellings and construction of a residential apartment building containing 75 units and associated site and landscaping works	\$23,770,670	SEPP 65 building, variation to development standard greater than 10%	Waiting on information from applicant
<a href="#">4090/2022/DA-O</a>	5 Willowdale Drive, Denham Court	Installation of a 22.5 metre high telecommunications tower and associated equipment	\$250,000	Variation to development standard greater than 10%	Assessment in progress
<a href="#">151/2023/DA-RA</a>	6-8 Palmer Street, Ingleburn	Construction of a residential apartment building containing 30 units	\$6,574,000	Variation to development standard greater than 10%	Assessment in progress

Significant DAs approved under delegation by the General Manager since last Council meeting (value exceeding \$3 million)					
DA No. & Link	Address	Description	Value	Authority Criteria	Status
<a href="#">4240/2022/DA-C</a>	6-10 Memorial Avenue, Ingleburn	Demolition of one existing bowling green, alterations and additions to the existing club building, enlargement of the car parking area, provision of additional outdoor amenities and recreation areas, construction of a new ancillary take away food	\$11,796,133	Delegated authority	Approved with conditions

		premises and modification of vehicle access arrangements			
<a href="#">4694/2022/DA-C</a>	68 Blaxland Road, Campbelltown	Construction and operation of a self-storage unit building, advertising signs and associated works	\$12,320,000	Delegated authority	Approved with conditions
<a href="#">1751/2021/DA-CW</a>	Appin Road, Gilead	Construction of an open space park and associated works for recreational use	\$4,109,250	Delegated authority	Approved with conditions
<a href="#">1662/2022/DA-SW</a>	Menangle Road, Menangle Park	Subdivision to create four Torrens titled lots and construction of a road and two laneways	\$6,373,656	Delegated authority	Approved with conditions

## 8.2 Glenlee House Voluntary Planning Agreement

### Reporting Officer

Acting Executive Manager, Urban Release and Engagement  
City Planning and Environment

### Community Strategic Plan

Objective	Strategy
2 Places For People	2.3.1 Ensure all people in Campbelltown have access to safe, secure, and affordable housing

### Delivery Program

Principal Activity
2.3.1.1 Protect the City's heritage through sound planning decisions

### Officer's Recommendation

1. That Council endorse the draft Planning Agreement for Glenlee Estate and the accompanying Explanatory Note for public exhibition for a minimum period of 28 days.
2. That following the completion of public exhibition:
  - (a) where submissions are received by Council during the public exhibition period, a submissions report be presented to Council, or
  - (b) where no submissions are received by Council during the public exhibition period, that Council authorise the General Manager to execute the draft Planning Agreement with the Developer on behalf of Council.

### Purpose

The purpose of this report is to seek Council resolution to support the public exhibition of a draft Voluntary Planning Agreement (VPA) and accompanying Explanatory Note related to the Planning Proposal for Glenlee Estate (Glenlee House), Menangle Park.

### History

Council at the meeting of 8 June 2021, Item 8.6 – Planning Proposal – Glenlee Estate Menangle Park, endorsed a draft Planning Proposal to be forwarded to the Department of Planning seeking endorsement of Gateway Determination.

Council at the meeting of 6 June 2023, Item 8.7 – Glenlee Estate (Glenlee House) Planning Proposal, endorsed a revised Planning Proposal (PP) to be forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

Council's decision to support the PP for the Glenlee Estate in June 2021 was based on a view that the PP demonstrated strategic and site specific merit by providing for an undersupplied housing type in a manner that fulfilled the draft Housing Strategy of the day and objectives and principles of the Local Strategic Planning Statement, in a manner that respects the environmental sensitivities of the site including its unique heritage.

Council's view was further influenced by the proposed dedication of the strategic ridge for public open space and a long-term conservation strategy for the heritage elements and setting of the State Significant holding.

The revised PP considered by Council in June 2023 was a refined version of the 2021 Proposal, having been amended to satisfy concerns raised by the Heritage Council Approvals Committee.

The draft VPA retains the same objectives secured by a formal offer to enter into a Planning Agreement under Section 7.4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) made in conjunction with the 2021 Planning Proposal.

## Report

When the PP for the Glenlee Estate was considered by Council in 2021, it was accompanied with a Letter of Offer, dated 20 May 2021, to enter into a Planning Agreement under s7.4 of the EP&A Act. In summary, the Offer comprised 3 elements:

1. Dedication of Open Space – dedication of the eastern ridgeline and knoll as open space;
2. Restoration of the "Gatehouse" to the standard identified in the CMP; and
3. The existing main residence (Glenlee House) and the Gatehouse will be maintained in accordance with the CMP.

The draft VPA attached to this report will deliver the outcomes listed above generally as follows:

1. Schedule 3 provides for the dedication of open space, being the eastern ridgeline and knoll, having an approximate area of 2.1 hectares, to Council at nil cost.
2. Schedule 4 provides for the "Gatehouse" to be restored to the standard identified in the Conservation Management Plan. A contribution value of \$250,000 has been applied to the restoration.
3. Schedule 3 and 5 provide for a positive covenant to be registered on the Homestead Lot requiring the registered proprietor to carry out ongoing maintenance of the existing residence known as "Glenlee House" in accordance with the Conservation Management Plan. The covenant requires the registered proprietor to provide an initial Security and Ongoing Security to ensure the necessary maintenance works are undertaken.

The draft VPA has been assessed against Council's recently endorsed VPA Policy, which is based on the NSW Government's Planning Agreements Practice Note – February 2021. In particular it has been assessed against the Acceptability test as follows:

- The planning agreement must be directed towards a legitimate planning purpose, which can be identified in the statutory planning controls and other adopted planning strategies and policies applying to development.  
The VPA provides public open space to support both the proposed development and the neighbouring development, while at the same time protecting the ridgeline and knoll from development which would otherwise be unsightly. The VPA also provides for maintenance, in perpetuity, of an item of significant heritage.
- Provide for the delivery of infrastructure or public benefits not wholly unrelated to the development.  
The proposed open space will be accessible to the development proposed on the Glenlee Estate (approximately 50 lots) as well as consolidating with a proposed piece of open space to be provided to serve the adjoining lands.
- Produce outcomes that meet the general values and expectations of the public and protect the overall public interest.  
The public consistently supports them non-development of scenic ridgelines and hills. The proposed open space to be dedicated to Council supports this outcome as it ensures the ridgeline and knoll are unable to be developed. It also has the added benefit of being accessible by the public to enjoy the view from the hilltop and to the heritage item.
- Provide for a reasonable means of achieving the desired outcomes and securing the benefits.  
The VPA provides certainty to the public that the ridgeline will not be developed, nor can it be developed in the future by placing the land into the ownership of the public.
- Protect the community against adverse planning decisions.  
Should the ridgeline and knoll be retained in private ownership, the potential exists in future for a subsequent owner to seek either a planning proposal or development application for some form of development on the ridgeline and knoll. The VPA in delivering the open space to Council as RE1 public open space ensures against adverse planning decisions in future.

## Conclusion

The draft Planning Agreement, in conjunction with the Planning Proposal endorsed by Council at its Meeting of 6 June 2023, delivers good planning, heritage and public outcomes. Accordingly Council should support public exhibition of the draft Planning Agreement, which would be undertaken simultaneously with the Planning Proposal should the Minister for Planning and Public Spaces issue a Gateway Determination.

## Attachments

- 8.2.1 Draft Voluntary Planning Agreement (contained within this report) [↓](#)
- 8.2.2 Explanatory Note (contained within this report) [↓](#)

**Planning Agreement**  
**Glenlee Estate – Menangle Park**

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Campbelltown City Council (ABN 31 459 914 087) (**Council**)

William David Wilson and Patricia Maree Wilson (**Developer**)



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Draft

## Planning Agreement

### Glenlee Estate – Menangle Park

#### Parties

<b>Council</b>	<b>Name</b>	Campbelltown City Council
	<b>Address</b>	PO Box 57 Campbelltown NSW 2560
	<b>ABN</b>	31 459 914 087
<b>Developer</b>	<b>Name</b>	William David Wilson and Patricia Maree Wilson
	<b>Address</b>	Glenlee House 60 Glenlee Road Menangle Park NSW 2563

#### Background

- A** The Developer owns the Land.
- B** The Developer wishes to carry out the Development.
- C** The Developer has applied for the Instrument Change with respect to the Development.
- D** The Developer has offered to enter into a planning agreement and make Development Contributions in connection with the carrying out of the Development, on and subject to the terms of this document.

#### Operative Provisions

##### **1 Agreement**

The agreement of the parties is set out in the Operative Provisions of this document, in consideration of, among other things, the mutual promises contained in this document.

##### **2 Definitions and interpretation**

###### **2.1 Defined Terms**

In this document, words beginning with a capital letter that are defined in Part 1 of **Schedule 2** have the meaning ascribed to them in that schedule.

###### **2.2 Interpretation**

The interpretational rules contained in Part 2 of **Schedule 2** apply in the interpretation of this document.

##### **3 Application and operation of document**

###### **3.1 Planning agreement**

This document is a planning agreement:

- (1) within the meaning set out in s7.4 of the Act; and
- (2) governed by Subdivision 2 of Part 7 of the Act.

---

**3.2 Application**

This document applies to both the Land and the Development.

**3.3 Operation**

This document will only operate if and when Council grants the Instrument Change.

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**4 Application of s7.11 and s7.12****4.1 Application**

This document does not exclude the application of section 7.11 or section 7.12 of the Act to the Development.

**4.2 Consideration of benefits**

Section 7.11(6) of the Act does not apply to the Contributions that are to be carried out or provided pursuant to this document.

**4.3 Section 7.24**

This document does not exclude the application of s7.24 of the Act to the Development.

---

**5 Provision of Contributions****5.1 Developer must make Development Contributions**

The Developer must make Development Contributions to Council in accordance with this document, and in particular in accordance with **Schedule 3** and **Schedule 4**.

**5.2 Designated Land**

- (1) The Developer must dedicate the Designated Land to Council free of any trusts, estates, interests, covenants and Encumbrances by the time specified in **Schedule 3**.
- (2) The Developer must meet all costs associated with the dedication of the Designated Land in accordance with paragraph (1) of this clause, including any costs incurred by Council in relation to that dedication.
- (3) For the purpose of this document, the Designated Land is dedicated to Council:
  - (a) if the relevant land is dedicated in a plan registered with NSW Land Registry Services, when that plan is so registered; or
  - (b) otherwise when the Developer delivers to Council:
    - (i) a transfer of the Dedicated Land in registrable form;
    - (ii) any document in registrable form which, when registered, will remove any Encumbrances registered on the title of that land, excluding encumbrances that would not impede the intended use of all or any part of the Designated Land to be dedicated to the Council including but not limited to easements and covenants for services and drainage.

**5.3 Restoration Works**

The Developer, at its cost, must:

- (1) obtain Development Consent, and any other form of consent required by a relevant Authority, to conduct the Restoration Works;
- (2) carry out and complete the Restoration Works by the time specified in **Schedule 4**; and

- 
- (3) carry out and complete the Restoration Works:
    - (a) in accordance with the specifications referred to in **Schedule 4**;
    - (b) in accordance with any relevant Development Consent;
    - (c) in accordance with the CMP;
    - (d) in accordance with the requirements of, or consents issued by, any Authority; and
    - (e) in a proper and workmanlike manner complying with current industry practice and standards relating to each aspect of the Restoration Works.

#### **5.4 Contribution Value**

If the Developer's actual cost to perform an obligation to carry out the Restoration Works or dedicate land under this document differs from the Contribution Value, then:

- (1) neither party will be entitled to claim credit or reimbursement, as the case may be, for the difference; and
- (2) the Developer is not required to carry out further work, dedicate further land or pay money to Council to make up the difference between the Contribution Value and the cost incurred by the Developer in performing the obligation.

#### **5.5 Access to the Land and location of Restoration Works**

- (1) The Developer is to permit the Council, its officers, employees, agents and contractors to enter the Land at any time, upon giving reasonable prior notice, in order to inspect, examine or test any of the Restoration Works.
- (2) Where Council, its officers, employees, agents and contractors enter the Land for the purposes outlined within this clause 5.5, Council must abide by all reasonable work, health and safety requirements of the Developer.

### **6 Completion of Restoration Works**

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#### **6.1 Issue of Completion Notice**

If the Developer considers that the Restoration Works are Complete, it must serve a notice on Council which:

- (1) is in writing; and
  - (2) specifies the date on which the Developer believes the Restoration Works are Completed;
- (Completion Notice).

#### **6.2 Inspection by Council**

- (1) Council may inspect the Restoration Works set out in a Completion Notice within ten (10) business days of the receipt of that notice.
- (2) If Council fails to carry out an inspection required under paragraph (1) of this clause 6.2, the Restoration Works referred to in the relevant Completion Notice will be deemed to be Complete.

#### **6.3 Restoration Works Notice**

- (1) Within twenty (20) business days of inspecting the Restoration Works, Council must provide notice in writing (**Restoration Works Notice**) to the Developer that the Restoration Works set out in the Restoration Works Notice:
  - (a) have been Completed; or

- 
- (b) have not been Completed, in which case the Restoration Works Notice must also detail:
    - (i) those aspects of the Restoration Works which Council believes have not been Completed; and
    - (ii) the work Council requires the Developer to carry out in order to rectify the deficiencies in those Restoration Works.
  - (2) If the Developer provides Council a Completion Notice and Council does not provide the Developer with a Restoration Works Notice in accordance with paragraph (1), the Restoration Works set out in the Completion Notice will be deemed to have been Completed.
  - (3) Where Council serves a Restoration Works Notice on the Developer, the Developer must:
    - (a) rectify the Restoration Works in accordance with that notice; or
    - (b) serve a notice on the Council that it disputes the matters set out in the notice.
  - (4) Where the Developer:
    - (a) serves notice on Council in accordance with paragraph (3)(b) of this clause 6.3, the dispute resolution provisions of this document apply; or
    - (b) carries out the Restoration Works in accordance with paragraph (3)(a) of this clause 6.3, it must serve upon the Council a new Completion Notice for the Restoration Works it has rectified.

## **7 Variation of scope or timing for provision of Restoration Works**

---

### **7.1 Variation to the Restoration Works**

- (1) The Developer may request that Council approve in writing a variation to the scope of the Restoration Works.
- (2) The Restoration Works are not to be varied unless Council and the Developer, acting reasonably, agree in writing to the variation.

### **7.2 Deferral of the timing of Completion of an item of the Restoration Works**

- (1) Notwithstanding any other provision of this document, if the Developer forms the view at any time, that:
  - (a) it is unable to Complete the Restoration Works by the time specified in **Schedule 4**; or
  - (b) it believes that there is a risk of damage to the Restoration Works if they are delivered by the time required in **Schedule 4**,

(Deferred Restoration Works), then the Developer may seek Council's approval to defer the Completion of the Restoration Works by providing written notice to the Council:

  - (c) specifying the reason for the request to defer the Completion of the Restoration Works; and
  - (d) identifying the anticipated time for Completion of the Restoration Works.
- (2) The Council, acting reasonably, must give the Developer a written notice within thirty (30) Business Days of the date upon which the Developer serves written notice upon Council in accordance with paragraph (1) stating:
  - (a) whether or not it consents to the deferral of the Deferred Restoration Works;

- 
- (b) the revised date for Completion required by Council; and
  - (c) any reasonable conditions Council requires with respect to the deferral (including any requirement for additional Security on account of that deferral, but only to the extent necessary to ensure that Council holds adequate security based on the then estimated cost to complete the relevant item of the Works).
- (3) If the Council consents to the deferral of the Deferred Restoration Works, then the following applies:
- (a) The Developer must comply with any conditions required by Council under paragraph (2)(c) of this clause 7.2;
  - (b) Provided the Developer satisfies those conditions, the Developer will not be considered to be in breach of this document as a result of a failure to achieve Completion of the Deferred Restoration Works by the time for Completion specified in this document; and
  - (c) The time for completion of the Deferred Restoration Works under this document is the revised date for Completion approved by Council.

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## **8 Developer Warranties and Indemnities**

### **8.1 Warranties**

The Developer warrants to Council that it is:

- (1) legally and beneficially entitled to the Land;
- (2) able to fully comply with its obligations under this document;
- (3) it has full capacity to enter into this document; and
- (4) there is no legal impediment to it entering into this document, or performing the obligations imposed under it.

### **8.2 Indemnity**

The Developer indemnifies Council in respect of any Claim that may arise as a result of the conduct of the Restoration Works but only to the extent that any such Claim does not arise as a result of the negligent acts or omissions of Council.

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## **9 Ongoing Maintenance Works**

### **9.1 Conduct**

The Developer, at its cost, must register the Positive Covenant on the title to the Homestead Lot in accordance with **Schedule 3**.

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## **10 Security**

### **10.1 Compulsory acquisition of the Designated Land**

- (1) If the Developer does not dedicate any part of the Land required to be dedicated under this document by the time by which it is to be dedicated, the Developer agrees that Council may compulsorily acquire that Land:
  - (a) for compensation in the amount of \$1.00 without having to follow the pre-acquisition procedures under the Acquisition Act; and
  - (b) at any time determined by Council.
- (2) The parties acknowledge and agree that this clause 10.2 constitutes an agreement for the purpose of section 30 of the Acquisition Act.



- 
- (3) If, as a result of an acquisition referred to in paragraph (1), council is required to pay compensation to any other person other than the Developer, the Developer must reimburse Council, as a Development contribution, for that amount upon a written request being made by Council.
  - (4) The Developer indemnifies and keeps indemnified Council against all claims made against Council as a result of any acquisition by Council of the whole or any part of the Land that is required to be dedicated under this document.
  - (5) The Developer must promptly do all things necessary, and consent to Council doing all things necessary, to give effect to this clause 11.2, including without limitation:
    - (a) signing any documents or forms;
    - (b) giving land owners' consent for the lodgement of any development application;
    - (c) producing certificates of title to the Registrar-General under the *Real Property Act 1900* (NSW); and
    - (d) paying Council's costs arising from this clause 11.2.

#### **10.2 Developer must not deal with property**

- (1) The Developer must not during the term of this document sell, transfer, mortgage, charge or grant a lease or license or any other right of occupancy to any person over the Designated Land without first obtaining Council's consent in writing.
- (2) Council may, at its absolute discretion, refuse its consent or give consent with conditions.

#### **10.3 Council may withhold Subdivision Certificate**

- (1) The Developer may only make, or cause, suffer or permit the making of, an application for a Subdivision Certificate in respect of the Development if, at the date of the application, the Developer is not in breach of its obligation to make any Contribution under this document.
- (2) Council may withhold the issue of a Subdivision Certificate if, at the relevant time, the Developer is in breach of any obligation to make any Contribution under this document until such time as:
  - (a) the breach is rectified; or
  - (b) Council calls upon the Security provided by the Developer in respect of the Contribution to which the breach relates.

### **11 Registration of this document**

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#### **11.1 Registration of this document**

The Developer acknowledges and agrees that:

- (1) this document must be registered on the title to the Land pursuant to section 7.6 of the Act; and
- (2) subject to clause 11.2, Council will undertake that registration at the cost of the Developer.

#### **11.2 Obligations of Developer**

The Developer, at its own expense, will promptly after this document comes into operation, take all practical steps to enable the registration of this document in accordance with clause 11.1.

#### **11.3 Discharge**

- (1) After the Developer has satisfied its obligations in accordance with this document, Council will do all things necessary to remove this document from the title to the Land as quickly as practicable.

- 
- (2) From time to time, the Developer, by notice in writing, may request that Council facilitate the removal of this document from the title to any part of the Land.
  - (3) The Council will provide a release and discharge of this document so that it may be removed from the from the title to any part of the Land if the Developer gives Council a written notice requesting such removal and:
    - (a) the Developer satisfies Council that the Developer has fulfilled its Development Contribution obligations under this document with respect to that part of the Land from which a removal is being sought; and
    - (b) the Developer is not otherwise in default of any of its material obligations under this document.
  - (4) The parties agree that as long as this document is in effect it must be registered on title to the Land on which the Ongoing Maintenance Works are located.

## 12 Assignment

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If the Developer:

- (1) wishes to Assign any part of the Land; and/or
- (2) wishes to Assign its rights or obligations under this document,

then the Developer must:

- (1) provide a written request to Council for the consent of Council to the relevant Assignment;
- (2) provide Council with any evidence required by Council, acting reasonably, to satisfy Council that the third party in whose favour the Assignment is to be made (**Assignee**) is reasonably capable of performing the obligations under this document that are to be Assigned to it;
- (3) obtain written consent of Council to the relevant Assignment; and
- (4) at no cost to Council, procure:
  - (a) the execution by the Assignee of an appropriate deed where the Assignee agrees to be bound by the terms of this document; and
  - (b) the provision of all Security to Council by the Assignee that the Developer is required to provide under this document (and any additional security if required by Council acting reasonably) at the same time as, or prior to, entering into that deed.

## 13 Dispute Resolution

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### 13.1 Notice of dispute

- (1) If a dispute or lack of certainty between the parties arises in connection with this document or its subject matter (**Dispute**), then either party (**First Party**) must give to the other (**Second Party**) a notice which:
  - (a) is in writing;
  - (b) adequately identifies and provides details of the Dispute;
  - (c) stipulates what the First Party believes will resolve the Dispute; and
  - (d) designates its representative (**Representative**) to negotiate the Dispute.
- (2) The Second Party must, within two (2) Business Days of receipt of the notice of dispute, provide a notice to the First Party designating its representative to negotiate the Dispute (the representatives designated by the parties being together, the **Representatives**).

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**13.2 Meeting of the Representatives**

Within five (5) Business Days of the notice of Dispute issued under clause 13.1(1), the Representatives must meet and reasonably endeavour to settle the Dispute.

**13.3 Conduct pending resolution**

The parties must continue to perform their respective obligations under this document if there is a Dispute but will not be required to complete the matter the subject of the Dispute, unless the appropriate party indemnifies the other parties against costs, damages and all losses suffered in completing the disputed matter if the Dispute is not resolved in favour of the indemnifying party.

**13.4 Disputes for mediation or expert determination**

If the Representatives have not been able to resolve the Dispute in accordance with clause 0, the parties must agree to either refer the matter to mediation under clause 13.5 or expert resolution under clause 13.6.

**13.5 Disputes for mediation**

- (1) If the parties agree in accordance with clause 13.4 to refer the Dispute to mediation, the mediation must be conducted by a mediator agreed by the parties and, if the parties cannot agree within five (5) Business Days, then by a mediator appointed by the President of the Law Society of New South Wales for the time being.
- (2) If the mediation referred to in paragraph (1) has not resulted in settlement of the Dispute and has been terminated, the parties may agree to have the matter determined by expert determination under clause 13.6.

**13.6 Choice of expert**

- (1) If the Dispute is to be determined by expert determination, this clause 13.6 applies.
- (2) The Dispute must be determined by an independent expert in the relevant field:
  - (a) agreed between and appointed jointly by the parties; or
  - (b) in the absence of agreement, within five (5) Business Days after the date that the matter is required to be determined by expert determination, appointed by the President of the Law Society of New South Wales for the time being whose decision as to the relevant field is final and binding on the parties.
- (3) The expert appointed to determine a Dispute:
  - (a) must have a technical understanding of the issues in Dispute;
  - (b) must not have a significantly greater understanding of one party's business, functions or operations which might allow the other side to construe this greater understanding as a bias; and
  - (c) must inform the parties before being appointed of the extent of the expert's understanding of each party's business or operations and, if that information indicates a possible bias, then that expert must not be appointed except with the written approval of the parties.
- (4) The parties must promptly enter into a document with the expert appointed under this clause 13.6 setting out the terms of the expert's determination and the fees payable to the expert.

**13.7 Directions to expert**

- (1) In reaching a determination in respect of a dispute under clause 13.6, the independent expert must give effect to the intent of the parties entering into this document and the purposes of this document.

- 
- (2) The expert must:
- (a) act as an expert and not as an arbitrator;
  - (b) proceed in any manner as the expert thinks fit without being bound to observe the rules of natural justice or the rules of evidence;
  - (c) not accept verbal submissions unless both parties are present;
  - (d) on receipt of a written submission from one party, ensure that a copy of that submission is given promptly to the other party;
  - (e) take into consideration all documents, information and other material which the parties give the expert which the expert in its absolute discretion considers relevant to the determination of the Dispute;
  - (f) not be expected or required to obtain or refer to any other documents, information or material (but may do so if the expert so wishes);
  - (g) issue a draft certificate stating the expert's intended determination (together with written reasons), giving each party ten (10) Business Days to make further submissions;
  - (h) issue a final certificate stating the expert's determination (together with written reasons); and
  - (i) act with expedition with a view to issuing the final certificate as soon as practicable.
- (3) The parties must comply with all directions given by the expert in relation to the resolution of the Dispute and must within the time period specified by the expert, give the expert:
- (a) a short statement of facts;
  - (b) a description of the Dispute; and
  - (c) any other documents, records or information which the expert requests.

#### **13.8 Expert may commission reports**

- (1) Subject to paragraph (2):
- (a) the expert may commission the expert's own advisers or consultants (including lawyers, accountants, bankers, engineers, surveyors or other technical consultants) to provide information to assist the expert in making a determination; and
  - (b) the parties must indemnify the expert for the cost of those advisers or consultants in accordance with clause 13.6(4) of this deed.
- (2) The parties must approve the costs of those advisers or consultants in writing prior to the expert engaging those advisers or consultants.

#### **13.9 Expert may convene meetings**

- (1) The expert must hold a meeting with all of the parties present to discuss the Dispute. The meeting must be conducted in a manner which the expert considers appropriate. The meeting may be adjourned to, and resumed at, a later time in the expert's discretion.
- (2) The parties agree that a meeting under paragraph (1) is not a hearing and is not an arbitration.

---

**13.10 Other courses of action**

If:

- (1) the parties cannot agree in accordance with clause 13.4 to refer the matter to mediation or determination by an expert; or
- (2) the mediation referred to in clause 13.5 has not resulted in settlement of the dispute, the mediation has been terminated and the parties have not agreed to refer the matter to expert determination within five (5) Business Days after termination of the mediation,

then either party may take whatever course of action it deems appropriate for the purpose of resolving the Dispute.

**13.11 Confidentiality of information provided in dispute resolution process**

- (1) The parties agree, and must procure that the mediator and the expert agree as a condition of his or her appointment:
  - (a) subject to paragraph (2), to keep confidential all documents, information and other material disclosed to them during or in relation to the mediation or expert determination;
  - (b) not to disclose any confidential documents, information and other material except:
    - (i) to a party or adviser or consultant who has signed a confidentiality undertaking; or
    - (ii) if required by Law or any Authority to do so; and
  - (c) not to use confidential documents, information or other material disclosed to them during or in relation to the mediation or expert determination for a purpose other than the mediation or expert determination.
- (2) The parties must keep confidential and must not disclose or rely upon or make the subject of a subpoena to give evidence or produce documents in any arbitral, judicial or other proceedings:
  - (a) views expressed or proposals or suggestions made by a party or the mediator or the expert during the expert determination or mediation relating to a possible settlement of the Dispute;
  - (b) admissions or concessions made by a party during the mediation or expert determination in relation to the Dispute; and
  - (c) information, documents or other material concerning the dispute which are disclosed by a party during the mediation or expert determination unless such information, documents or facts would be discoverable in judicial or arbitral proceedings.

**13.12 Final determination of expert**

The parties agree that the final determination by an expert will be final and binding upon them except in the case of fraud or misfeasance by the expert.

**13.13 Costs**

If any independent expert does not award costs, each party must contribute equally to the expert's costs in making the determination.

**13.14 Urgent relief**

This clause 13 does not prevent a party from seeking urgent injunctive or declaratory relief concerning any matter arising out of this document.

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## 14 Force Majeure

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### 14.1 Definition

In this clause 0, force majeure (**Force Majeure**), means any physical or material restraint beyond the reasonable control of a party claiming the Force Majeure and includes, without limitation, fire, the discovery of threatened species on the Land or industrial disputes.

### 14.2 Consequences of Force Majeure Event

- (1) If a party is unable by reason of Force Majeure to carry out wholly or in part its obligations under this document, it must:
  - (a) give to the other party prompt written notice of the Force Majeure with reasonably full particulars; and
  - (b) suggest an alternative method, if any, of satisfying its obligations under this document.
- (2) If a party is unable to satisfy its obligations under this document by an alternative method, the obligations of the parties so far as they are affected by the Force Majeure are then suspended during continuance of the Force Majeure and any further period as may be reasonable in the circumstances.
- (3) The party giving such notice under this clause must use all reasonable effort and diligence to remove the Force Majeure or ameliorate its effects as quickly as practicable.

### 14.3 Dispute

If the parties are unable to agree on the existence of an event of Force Majeure or the period during which the obligations of the parties are suspended during the continuance of the Force Majeure, that dispute must be referred for determination under clause 13.

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## 15 Breach of this document

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### 15.1 Breach Notice

If the Developer breaches this document, Council may serve a notice on the Developer (**Breach Notice**) specifying:

- (1) the nature and extent of the alleged breach;
- (2) if:
  - (a) the breach is capable of being rectified other than by the payment of compensation, what Council requires the Developer to do in order to rectify the breach; or
  - (b) the breach is not capable of being rectified other than by payment of compensation, the amount of compensation Council requires the Developer to pay in order to rectify the breach, and
- (3) the time within which Council requires the breach to be rectified, which must be a reasonable time of not less than forty (40) business days.

### 15.2 Events of Default

The Developer commits an **Event of Default** if it:

- (1) fails to comply with a Breach Notice; or
- (2) becomes subject to an Insolvency Event.

### 15.3 Consequences of Events of default

Where the Developer commits an Event of Default, Council may, in addition to any rights it has at Law at its absolute discretion, enter upon the Land for the purpose of carrying out any work specified in the relevant Breach Notice, but only after giving the Developer five (5) business days written notice of its intention to do so.

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## **16 Termination or Determination**

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### **16.1 Termination**

This document terminates in the following events:

- (1) The parties agree in writing to terminate the operation of this document at any time.
- (2) Council serves notice on the Developer terminating this document where the Developer has failed to comply with a notice issued in accordance with clause 15.1.

### **16.2 Consequence of termination**

Upon termination of this document:

- (1) all future rights and obligations of the parties are discharged; and
- (2) all pre-existing rights and obligations of the parties continue to subsist.

### **16.3 Determination**

This document will determine upon the Developer satisfying all of the obligations imposed on it in full.

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## **17 Position of Council**

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### **17.1 Consent authority**

The parties acknowledge that Council is a consent authority with statutory rights and obligations pursuant to the terms of the Planning Legislation.

### **17.2 Document does not fetter discretion**

This document is not intended to operate to fetter, in any unlawful manner:

- (1) the power of Council to make any Law; or
- (2) the exercise by Council of any statutory power or discretion, (Discretion).

### **17.3 Severance of provisions**

- (1) No provision of this document is intended to, or does, constitute any unlawful fetter on any Discretion. If, contrary to the operation of this clause, any provision of this document is held by a court of competent jurisdiction to constitute an unlawful fetter on any Discretion, the parties agree:
  - (a) they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause 17 is substantially satisfied; and
  - (b) in the event that paragraph (1)(a) of this clause 17.3 cannot be achieved without giving rise to an unlawful fetter on a Discretion, the relevant provision is to be severed and the remainder of this document has full force and effect; and
  - (c) to endeavour to satisfy the common objectives of the parties on relation to the provision of this document which is held to be an unlawful fetter to the extent that it is possible having regard to the relevant court judgment.
- (2) Where the Law permits Council to contract out of a provision of that Law or gives Council power to exercise a Discretion, then if Council has in this document contracted out of a provision or exercised a Discretion under this document, then to the extent of this document is not to be taken to be inconsistent with the Law.

### **17.4 No Obligations**

Nothing in this document will be deemed to impose any obligation on Council to exercise any of its functions under the Act in relation to the Instrument Change, the Land or the Development in a certain manner.

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## **18 Confidentiality**

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### **18.1 Document not Confidential**

The terms of this document are not confidential and this document may be treated as a public document and exhibited or reported without restriction by any party.

### **18.2 Other Confidential Information**

- (1) The parties acknowledge that:
  - (a) Confidential Information may have been supplied to some or all of the parties in the negotiations leading up to the making of this document; and
  - (b) The parties may disclose to each other further Confidential Information in connection with the subject matter of this document.
  - (c) Subject to paragraphs (2) and (3), each party agrees:
    - (i) not to disclose any Confidential document received before or after the making of this document to any person without the prior written consent of the party who supplied the Confidential Information; or
    - (ii) to take all reasonable steps to ensure all Confidential Information received before or after the making of this document is kept confidential and protected against unauthorised use and access.
- (2) A party may disclose Confidential Information in the following circumstances:
  - (a) in order to comply with the Law, or the requirements of any Authority; or
  - (b) to any of their employees, consultants, advisers, financiers or contractors to whom it is considered necessary to disclose the information, if the employees, consultants, advisers, financiers or contractors undertake to keep the information confidential.
- (3) The obligations of confidentiality under this clause do not extend to information which is public knowledge other than as a result of a breach of this clause.

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## **19 GST**

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### **19.1 Defined GST Terms**

Defined terms used in this clause 19 have the meaning ascribed to them in the GST Law.

### **19.2 GST to be Added to Amounts Payable**

- (1) If GST is payable on a Taxable Supply made under, by reference to or in connection with this document, the party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.
- (2) This clause does not apply to the extent that the Consideration for the Taxable Supply is expressly agreed to be GST inclusive.
- (3) Unless otherwise expressly stated, prices or other sums payable or Consideration to be provided under or in accordance with this document are exclusive of GST.

### **19.3 GST Obligations to Survive Termination**

This clause 19 will continue to apply after expiration of termination of this document.

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## **20 Miscellaneous**

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### **20.1 Obligation to act in good faith**

The parties must at all times:

- (1) cooperate and use their best endeavours to profitably and professionally give effect to their rights and obligations set out in this document;



- 
- (2) not unreasonably delay any action, approval, direction, determination or decision which is required of them;
  - (3) make approvals or decisions that are required of them in good faith and in a manner consistent with the completion of the transactions set out in this document; and
  - (4) be just and faithful in their activities and dealings with the other parties.

## **20.2 Legal costs**

The Developer agrees to:

- (1) pay or reimburse the reasonable legal costs and disbursements of Council of the negotiation, preparation, execution, and stamping of this document up to an amount of \$10,000.00; and
- (2) pay the reasonable legal costs and disbursements referred to in paragraph (1) within thirty (30) business days of receipt of a Tax Invoice from Council.

## **21 Administrative provisions**

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### **21.1 Notices**

- (1) Any notice, consent or other communication under this document must be in writing and signed by or on behalf of the person giving it, addressed to the person to whom it is to be given and:
  - (a) delivered to that person's address;
  - (b) sent by pre-paid mail to that person's address; or
  - (c) transmitted by facsimile to that person's address.
- (2) A notice given to a person in accordance with this clause is treated as having been given and received:
  - (a) if delivered to a person's address, on the day of delivery if a Business Day, otherwise on the next Business Day;
  - (b) if sent by pre-paid mail, on the third Business Day after posting; and
  - (c) if transmitted by facsimile to a person's address and a correct and complete transmission report is received, on the day of transmission if a Business Day, otherwise on the next Business Day.
- (3) For the purpose of this clause the address of a person is the address set out in this document or another address of which that person may from time to time give notice to each other person.

### **21.2 Entire agreement**

This document is the entire agreement of the parties on the subject matter. All representations, communications and prior agreements in relation to the subject matter are merged in and superseded by this document.

### **21.3 Waiver**

The non-exercise of or delay in exercising any power or right of a party does not operate as a waiver of that power or right, nor does any single exercise of a power or right preclude any other or further exercise of it or the exercise of any other power or right. A power or right may only be waived in writing, signed by the parties to be bound by the waiver.

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**21.4 Cooperation**

Each party must sign, execute and deliver all agreements, documents, instruments and act reasonably and effectively to carry out and give full effect to this document and the rights and obligations of the parties under it.

**21.5 Counterparts**

This document may be executed in any number of counterparts and all of those counterparts taken together constitute one and the same instrument.

**21.6 Amendment**

This document may only be amended or supplemented in writing signed by the parties.

**21.7 Unenforceability**

Any provision of this document which is invalid or unenforceable in any jurisdiction is to be read down for the purposes of that jurisdiction, if possible, so as to be valid or enforceable, and is otherwise capable of being severed to the extent of the invalidity or enforceability, without affecting the remaining provisions of this document or affecting the validity or enforceability of that provision in any other jurisdiction.

**21.8 Power of Attorney**

Each attorney who executes this document on behalf of a party declares that the attorney has no notice of:

- (1) the revocation or suspension of the power of attorney by the grantor; or
- (2) the death of the grantor.

**21.9 Governing law**

The law in force in the State of New South Wales governs this document. The parties:

- (1) submit to the exclusive jurisdiction of the courts of New South Wales and any courts that may hear appeal from those courts in respect of any proceedings in connection with this document; and
  - (2) may not seek to have any proceedings removed from the jurisdiction of New South Wales on the grounds of *forum non conveniens*.
-

## Schedule 1– Requirements under s7.4

REQUIREMENT UNDER THE ACT	THIS PLANNING AGREEMENT
<b>Planning instrument and/or development application – (Section 7.4(1))</b> The Developer has: <ul style="list-style-type: none"> <li>(a) sought a change to an environmental planning instrument.</li> <li>(b) made, or proposes to make, a Development Application.</li> <li>(c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.</li> </ul>	<ul style="list-style-type: none"> <li>(a) Yes</li> <li>(b) No</li> <li>(c) Not applicable</li> </ul>
<b>Description of land to which this agreement applies – (Section 7.4(3)(a))</b>	(1) Lot 1 in Deposited Plan 713646; (2) Lot 2 in Deposited Plan 713646; and (3) Lot 3 in Deposited Plan 713646, known as 60 Menangle Road, Menangle Park 2563
<b>Description of change to the environmental planning instrument to which this agreement applies – (Section 7.4(3)(b))</b>	Yes. See definition for “Instrument Change” <b>Schedule 2.</b>
<b>Application of section 7.11 of the Act – (Section 7.4(3)(d))</b>	Applies
<b>Applicability of section 7.12 of the Act – (Section 7.4(3)(d))</b>	Applies
<b>Consideration of benefits under this agreement if section 7.11 applies – (Section 7.4(3)(e))</b>	Refer to clause 4.2 of the Planning Agreement.
<b>Mechanism for Dispute resolution – (Section 7.4(3)(f))</b>	See clause 13.
<b>Enforcement of this agreement (Section 7.4(3)(g))</b>	See clause 10.
<b>No obligation to grant consent or exercise functions – (Section 7.4(3)(9))</b>	See clause 17.

## Schedule 2 – Defined Terms and Interpretation

### Part 1 – Definitions

<b>Acquisition Act</b>	means the Land Acquisition (Just Terms Compensation) Act 1991.
<b>Act</b>	means the <i>Environmental Planning and Assessment Act 1979</i> (NSW).
<b>Assign, Assigned or Assignment</b>	as the context requires refers to any assignment, sale, transfer, disposition, declaration of trust over or other assignment of a legal and/or beneficial interest.
<b>Authority</b>	means (as appropriate) any: <ol style="list-style-type: none"> <li>(1) federal, state or local government;</li> <li>(2) department of any federal, state or local government;</li> <li>(3) any court or administrative tribunal; or</li> <li>(4) statutory corporation or regulatory body.</li> </ol>
<b>Claim</b>	against any person any allegation, action, demand, cause of action, suit, proceeding, judgement, debt, damage, loss, cost, expense or liability howsoever arising and whether present or future, fixed or unascertained, actual or contingent whether at law, in equity, under statute or otherwise.
<b>CLEP</b>	means the “ <i>Campbelltown Local Environmental Plan 2015</i> ”.
<b>CMP</b>	means the “ <i>Glenlee Estate, Lots 1, 2 &amp; 3 DP713646, Glenlee Road, Menangle Park Conservation Management Plan</i> ”.
<b>Completed</b>	means completed in accordance with the requirements of this document.
<b>Confidential Information</b>	means any information and all other knowledge at any time disclosed (whether in writing and orally) by the parties to each other, or acquired by the parties in relation to the other's activities or services which is not already in the public domain and which: <ol style="list-style-type: none"> <li>(1) is by its nature confidential;</li> <li>(2) is designated, or marked, or stipulated by either party as confidential (whether in writing or otherwise);</li> <li>(3) any party knows or ought to know is confidential;</li> <li>(4) is information which may be reasonably considered to be of a confidential nature.</li> </ol>
<b>Contributions</b>	means the Restoration Works, Ongoing Maintenance Works and the Designated Land.
<b>Contribution Value</b>	means the amount specified in <b>Schedule 3</b> and <b>Schedule 4</b> (if any) under the column headed “contribution value” for each of the Contributions.

<b>Designated Land</b>	means that part of the Land proposed to be zoned “ <i>RE1 Public Recreation</i> ” as shown on the plan that is attached as <b>Annexure 1</b> .
<b>Development</b>	<p>means the residential development of the Land that will be permitted if the CLEP is amended in accordance with the Instrument Change, with the residential development of the Land being:</p> <ol style="list-style-type: none"> <li>(1) limited and responsive to, and protective of, the Land’s heritage significance;</li> <li>(2) restricted to the “<i>E4 Environment Living</i>” zoned areas applying to the Land under the amended CLEP;</li> <li>(3) subject to detailed Development Controls; and</li> <li>(4) subject to the MPCP.</li> </ol>
<b>Development Consent</b>	means the consent issued under the Act for the Development.
<b>Development Controls</b>	means detailed development controls to be added to the <i>Campbelltown (Sustainable City) Development Control Plan 2015</i> .
<b>Dispute</b>	has the meaning ascribed to it in clause 13.1.
<b>Encumbrance</b>	<p>means an interest or power:</p> <ol style="list-style-type: none"> <li>(1) reserved in or over an interest in any asset;</li> <li>(2) arising under, or with respect to, a Bio-Banking Agreement;</li> <li>(3) created or otherwise arising in or over any interest in any asset under any mortgage, charge (whether fixed or floating), pledge, lien, hypothecation, title retention, conditional sale agreement, hire or hire purchase agreement, option, restriction as to transfer, use or possession, easement, covenant, lease, subordination to any right of any other person and any other encumbrance or security interest, trust or bill of sale; or</li> <li>(4) by way of security for the payment of a debt or other monetary obligation or the performance of any obligation.</li> </ol> <p><b>Encumber</b> means to grant an Encumbrance.</p>
<b>Event of Default</b>	has the meaning ascribed to it in clause 15.2.
<b>Force Majeure</b>	has the meaning ascribed to it in clause 0.
<b>GST Law</b>	means <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cth) and any other Act or regulation relating to the imposition or administration of the GST.
<b>Homestead Lot</b>	means Lot in in DP713646.
<b>Insolvency Event</b>	<p>means the happening of any of the following events:</p> <ol style="list-style-type: none"> <li>(1) An application which is not withdrawn or dismissed within fourteen (14) days is made to a court for an order or an order is made that a body corporate be wound up.</li> <li>(2) An application which is not withdrawn or dismissed within fourteen (14) days is made to a court for an order appointing a liquidator or provisional liquidator in respect of</li> </ol>

a body corporate or one of them is appointed, whether or not under an order.

- (3) Except to reconstruct or amalgamate while solvent, a body corporate enters into, or resolves to enter into, a scheme of arrangement, agreement of company arrangement or composition with, or assignment for the benefit of, all or any class of its creditors, or it proposes a reorganisation, moratorium or other administration involving any of them.
- (4) A body corporate resolves to wind itself up, or otherwise dissolve itself, or gives notice of intention to do so, except to reconstruct or amalgamate while solvent or is otherwise wound up or dissolved.
- (5) A body corporate is or states that it is insolvent.
- (6) As a result of the operation of section 459F(1) of the *Corporations Act 2001* (Cth) (**Corporations Act**), a body corporate is taken to have failed to comply with a statutory demand;
- (7) A body corporate is or makes a statement from which it may be reasonably deduced that the body corporate is, the subject of an event described in section 459C(2)(b) or section 585 of the Corporations Act.
- (8) A body corporate takes any step to obtain protection or is granted protection from its creditors, under any applicable legislation or an administrator is appointed to a body corporate.
- (9) A person becomes an insolvent under administration as defined in section 9 of the Corporations Act or action is taken which could result in that event.
- (10) A receiver, manager or receiver and manager is appointed to the Company.
- (11) A claim is filed in a court against a person that is not defended, released or otherwise settled within twenty eight (28) days of the date of its filing at the court.
- (12) Anything analogous or having a substantially similar effect to any of the events specified above happens under the law of any applicable jurisdiction.

#### **Instrument Change**

means the proposed amendment to the CLEP to permit limited residential development of the Land by way of:

- (1) rezoning the Land from “*RU2 Rural Landscape*” to part “*E2 Environmental Conservation*”, part “*E3 Environmental Management*”, part “*E4 Environmental Living*” and part “*RE1 Public Recreation*”;
- (2) amending the “Lot Size” and “Lot Size for Dual Occupancy Development” under the CLEP; and
- (3) amending the “Height of Building Map” under the CLEP.

#### **Land**

means the “Land” set out in **Schedule 1**.

#### **Law**

means all legislation, regulations, by-laws, common law and other binding order made by any Authority.

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<b>MPCP</b>	means the “ <i>Menangle Park Contributions Plan 2020</i> ”.
<b>Ongoing Maintenance Work</b>	means the ongoing maintenance of the existing main residence known as “Glenlee House” and the Gatehouse on the Land
<b>Planning Legislation</b>	means the Act, the <i>Local Government Act 1993</i> (NSW) and the <i>Roads Act 1993</i> (NSW).
<b>Positive Covenant</b>	means a positive covenant on the terms set out in <b>Schedule 5</b> .
<b>Restoration Works</b>	means the works specified or described in <b>Schedule 4</b> .
<b>Subdivision Certificate</b>	has the same meaning as in section 6.4(d) of the Act.

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## Part 2 - Interpretational Rules

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<b>clauses, annexures and schedules</b>	a clause, annexure or schedule is a reference to a clause in or annexure or schedule to this document.
<b>reference to statutes</b>	a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them.
<b>singular includes plural</b>	the singular includes the plural and vice versa.
<b>person</b>	the word “person” includes an individual, a firm, a body corporate, a partnership, joint venture, an unincorporated body or association or any government agency.
<b>executors, administrators, successors</b>	a particular person includes a reference to the person’s executors, administrators, successors, substitutes (including persons taking by novation) and assigns.
<b>dollars</b>	Australian dollars, dollars, \$ or A\$ is a reference to the lawful currency of Australia.
<b>calculation of time</b>	if a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day.
<b>reference to a day</b>	a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later.
<b>accounting terms</b>	an accounting term is a reference to that term as it is used in accounting standards under the Corporations Act or, if not inconsistent with those standards, in accounting principles and practices generally accepted in Australia.
<b>reference to a group of persons</b>	a group of persons or things is a reference to any two or more of them jointly and to each of them individually.
<b>meaning not limited</b>	the words “include”, “including”, “for example” or “such as” are not used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind.

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<b>next day</b>	if an act under this document to be done by a party on or by a given day is done after 4.30pm on that day, it is taken to be done on the next day.
<b>next Business Day</b>	if an event must occur on a stipulated day which is not a Business Day then the stipulated day will be taken to be the next Business Day.
<b>time of day</b>	time is a reference to Sydney time.
<b>headings</b>	headings (including those in brackets at the beginning of paragraphs) are for convenience only and do not affect the interpretation of this document.
<b>agreement</b>	a reference to any agreement, document or instrument includes the same as varied, supplemented, novated or replaced from time to time.
<b>Gender</b>	a reference to one gender extends and applies to the other and neuter gender.

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### Schedule 3 – Designated Land

Item	Time for Completion	Contribution Value
<b>Dedication of Open Space</b> The Developer will dedicate the whole of the Designated Land to Council at no cost to Council	Prior to the release of the first Subdivision Certificate for the creation of a residential lot as part of the Development.	Nil
<b>Registration of Positive Covenant</b> The Developer must register the Positive Covenant on the Homestead Lot.	Prior to the release of the first Subdivision Certificate for the creation of a residential lot as part of the Development.	Nil

**Schedule 4 – Restoration Works**

Item Description	Specification	Time for Completion	Contribution Value
Restoration of Gatehouse	The “Gatehouse” situated on the Land will be restored to the standard identified in the CMP.	Prior to the release of the first Subdivision Certificate for the creation of a residential lot as part of the Development.	\$250,000

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## Schedule 5 – Terms of Positive Covenant

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### 1 Definitions

**“Bank Guarantee”** means an irrevocable and unconditional undertaking without any expiry or end date by one of the following trading banks:

- (1) Australia and New Zealand Banking Group Limited.
- (2) Commonwealth Bank of Australia.
- (3) Macquarie Bank.
- (4) National Australia Bank Limited.
- (5) St George Bank Limited.
- (6) Westpac Banking Corporation.
- (7) Any other financial institution approved by the Council, in its absolute discretion, in response to a request from the Developer.

**“Registered Proprietor”** means the registered proprietor of the Burdened Land from time to time, and all its heirs, executors, assigns and successors in title to the Burdened Land and, where there are two or more registered proprietors of the Burdened Land, the terms of this covenant shall bind all those persons jointly and severally.

### 2 Conduct

The Registered Proprietor, at its cost, must carry out the ongoing maintenance of the existing main residence known as “Glenlee House” and the Gatehouse on the Burdened Land (**Ongoing Maintenance Works**):

- (1) in accordance with the “Glenlee Estate, Lots 1, 2 & 3 DP713646, Glenlee Road, Menangle Park Conservation Management Plan” from time to time;
- (2) in accordance with the requirements of, or consents issued by, any relevant authority; and
- (3) in a proper and workmanlike manner complying with current industry practice and standards.

### 3 Inspection by Council

Council may inspect the Ongoing Maintenance Works:

- (1) no more than one (1) time per calendar year; and
- (2) provided it gives the Registered Proprietor not less than ten (10) business days notice prior to carrying out an inspection of the Ongoing Maintenance Works.

### 4 Ongoing Maintenance Works Notice

Within ten (10) business days of inspecting the Ongoing Maintenance Works, Council may provide notice in writing (**Ongoing Maintenance Works Notice**) to the Registered Proprietor that the Ongoing Maintenance Works have not been conducted in accordance with clause 2 and detail the work Council requires the Registered Proprietor to carry out in order to rectify the deficiencies in those Ongoing Maintenance Works.

### 5 Failure to rectify

5.1 If the Registered Proprietor fails to rectify the Ongoing Maintenance Works in accordance with the Ongoing Maintenance Works Notice, Council may:

- (1) issue a further Ongoing Maintenance Works Notice in accordance with the provisions of clause 4, which will apply to the Ongoing Maintenance Works subject to the Rectification Notice; or

- 
- (2) at its absolute discretion, enter upon the Burdened Land for the purpose of carrying out the Ongoing Maintenance Works in accordance with the Ongoing Maintenance Works Notice, but only after giving the Registered Proprietor five (5) business days written notice of its intention to do so.

5.2 Where Council exercises its step-in rights, Council may call upon the Security provided by the Registered Proprietor to cover the costs incurred by Council in carrying out the Ongoing Maintenance Works.

#### **6 Provision of initial Security**

The Registered Proprietor must ensure Council holds a Bank Guarantee in an amount equivalent to the estimated value of the cost of the Ongoing Maintenance Works for the two (2) year period commencing on the date of delivery of the Bank Guarantee (**Security**).

#### **7 Ongoing Security**

7.1 No more than once in any calendar year, Council may serve a notice on the Registered Proprietor (**Updated Security Notice**) which:

- (1) states that it is a notice issued for the purpose of this clause 7.1;
- (2) provides an estimate of the cost of the Ongoing Maintenance Works for the two (2) year period commencing on the date of the Ongoing Security Notice (**Updated Security Amount**); and
- (3) requires the Registered Proprietor to provide a replacement Bank Guarantee in an amount equal to the Updated Security Amount (**Updated Security**).

7.2 Where Council serves an Updated Security Notice on the Registered Proprietor, the Registered Proprietor must within forty (40) business days from the date of the Updated Security Notice, provide the relevant Updated Security.

#### **8 Replacement of Security**

On receipt of any Updated Security, Council must immediately release the Security then held by it and return it to the Registered Proprietor.

#### **9 Release of Security**

Council must return the Security within ten (10) days of the release of this document from the title to the Burdened Land.

#### **Name of Authority with the right to release, vary or modify this positive covenant:**

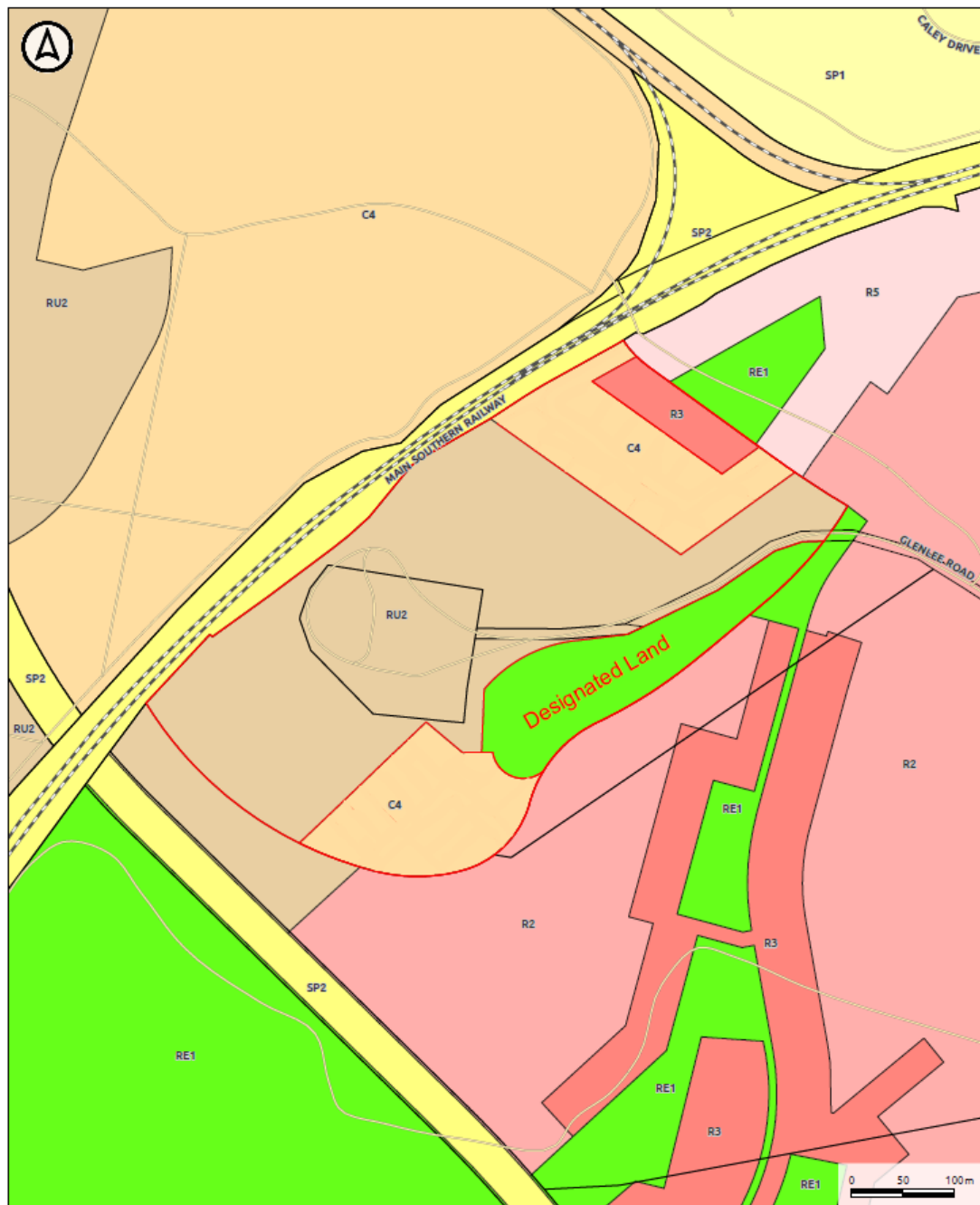
Campbelltown City Council.

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**Annexure 1 – Plan of Designated Land**

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## Execution page

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### Executed as an agreement

Dated:

**Executed by Campbelltown City Council ABN 31 459 914 087** by its General Manager and Mayor by the affixing of the Common Seal of Council in accordance with resolution dated [insert]

---

General Manager (Signature)

---

Mayor (Signature)

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Name of General Manager (Print Name)

---

Name of Mayor (Print Name)

**Executed by William David Wilson and Patricia Maree Wilson** in the presence of:

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Witness (Signature)

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*William David Wilson (Signature)*

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Name of Witness (Print Name)

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*Patricia Maree Wilson (Signature)*

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## **Planning Agreement – Glenlee Estate, Menangle Park Explanatory Note**

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Campbelltown City Council (ABN 31 459 914 087) (**Council**)

William David Wilson and Patricia Maree Wilson (**Developer**)  
Fax: 02 4626 4826  
Ref: 435138



# Planning Agreement – Glenlee Estate, Menangle Park

## Explanatory Note

### 1 Introduction

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This Explanatory Note has been prepared jointly between the parties in accordance with clause 25E of the Environmental Planning & Assessment Regulation 2000 (NSW).

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft planning agreement (Planning Agreement) between the parties under s7.4 of the Environmental Planning & Assessment Act 1979 (NSW) (EPA Act).

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

### 2 Parties to the Planning Agreement

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The parties to the Planning Agreement are:

- (1) Campbelltown City Council (ABN 31 459 914 087) (**Council**).
- (2) William David Wilson and Patricia Maree Wilson (**Developer**).

### 3 Description of the Subject Land

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The land to which the Planning Agreement applies, and to which the Planning Agreement will be registered, is set out in the table below (Land).

Folio Identifier	Location
Lots 1-3 DP713646	60 Menangle Road, Menangle Park NSW 2563

### 4 Description of the Development to which the Planning Agreement applies

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#### 4.1 Instrument Change

The Planning Agreement will only have effect if the *Instrument Change* is made. The Instrument Change is defined in the Planning Agreement as follows:

*the proposed amendment to the CLEP to permit limited residential development of the Land by way of:*

- 
- (1) *rezoning the Land from "RU2 Rural Landscape" to part "E2 Environmental Conservation", part "E3 Environmental Management", part "E4 Environmental Living" and part "RE1 Public Recreation";*
  - (2) *amending the "Lot Size" and "Lot Size for Dual Occupancy Development" under the CLEP; and*
  - (3) *amending the "Height of Building Map" under the CLEP.*

#### **4.2 The Development**

If the Instrument Change is made, the Planning Agreement will apply to the *Development* as defined in the Planning Agreement as follows:

*the residential development of the Land that will be permitted if the CLEP is amended in accordance with the Instrument Change, with the residential development of the Land being:*

- (1) *limited and responsive to, and protective of, the Land's heritage significance;*
- (2) *restricted to the "E4 Environment Living" zoned areas applying to the Land under the amended CLEP;*
- (3) *subject to detailed Development Controls; and*
- (4) *subject to the Menangle Park Contributions Plan.*

The Development will only be permitted to be carried out if development consent for that development is issued by the appropriate consent authority.

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### **5 Summary of objects, nature and effect of the Planning Agreement**

#### **5.1 Object of the Planning Agreement**

The object of the Planning Agreement is site specific, providing for limited residential development in a manner that fulfils the draft *Campbelltown Housing Strategy*, and objectives and principles of the *Local Strategic Planning Statement*, such that it respects the environmental sensitivities of the site, including its unique heritage. The proposed Development, Instrument Change and Dedication of the Designated Land to Council for public open space, provides for ongoing conservation of the important heritage elements of the site.

#### **5.2 Nature of the Planning Agreement**

The nature of the Planning Agreement is a contractual relationship between the Council and the Developer for providing the Contributions with respect to the Development.

#### **5.3 Effect of the Planning Agreement**

Contributions

The Developer will provide the Contributions in the manner provided for by the Planning Agreement (**Contributions**). The Contributions will be non-monetary contributions performed by the Developer as set out in the following table:

<b>Restoration Works</b>	<p>The Developer is required to restore the 'Gatehouse' situated on the Land to the standard identified in the <i>Glenlee Estate, Lots 1, 2 &amp; 3 DP713646, Glenlee Road, Menangle Park Conservation Management Plan (CMP)</i>.</p> <p>The Restoration Works must be completed prior to the release of the first subdivision certificate for the creation of a residential lot as part of the Development.</p> <p>The Contribution Value of the Restoration Works is \$250,000.00.</p>
<b>Ongoing Maintenance Works</b>	<p>The Developer is required to undertake Ongoing Maintenance Works to the existing main residence known as 'Glenlee House' and to the Gatehouse on the Land.</p> <p>Those ongoing maintenance works will be carried out in accordance with the CMP and the requirements of Council from time to time.</p> <p>The obligation to undertake the Ongoing Maintenance Works in accordance with a Positive Covenant which must be registered on the title of Lot 1 DP713646 (<b>Burdened Land</b>) prior to the release of the first subdivision certificate for the creation of a residential lot as part of the Development.</p>
<b>Dedication</b>	<p>The Developer is required to dedicate part of the Land as open space for use by the public (<b>Designated Land</b>).</p>

#### Security

As security for the Developer's obligations, under the terms of the Positive Covenant the Developer must provide Council with a bank guarantee in an amount equivalent to the estimated value of the cost of the Ongoing Maintenance Works for the two (2) year period commencing on delivery of the bank guarantee to Council.

Council must return the bank guarantee within ten (10) days of the release of the Positive Covenant from the title to the Burdened Land.

Council will have the right to compulsorily acquire the Designated Land if the Developer fails to make the Dedication in accordance with the Planning Agreement.

The Developer must not register any dealings in relation to the Land (e.g. mortgage, lease, etc.) without Council's consent.

Council may withhold any subdivision certificates for the Development until any Contributions required to be provided prior to the release of the relevant subdivision certificate are made.

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#### Registration on title

The Planning Agreement will also be registered on the title to the Land and not released from a lot until the Developer has satisfied all its obligations with respect to the provision of Contributions under the Planning Agreement.

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## **6 Assessment of the merits of the Planning Agreement**

### **6.1 The planning purposes served by the Planning Agreement**

In accordance with section 7.4 of the EPA Act, the Planning Agreement promotes the following public purposes:

- (1) Provision of contributions to maintain the existing and future use of Glenlee House, being a State Heritage item.
- (2) Dedication of part of the Land to provide open public space proposed to be zoned “RE1 Public Recreation”, and consolidating Glenlee House and the southern pastures into a single “E3 Environment Management Zone”, to accommodate and meet the demands of future developments and mitigate the potential impacts of the Development on existing resources and infrastructure.
- (3) Provision of appropriate mechanisms to control or limit dwelling sizes, provide for an adequate landscape setting for dwellings and ancillary development, controlling building footprints, clustering of buildings and maximum number of buildings, in the precinct, having regard to various Heritage Impact Statements.

### **6.2 How the Planning Agreement promotes the public interest**

In accordance with the objects of the EPA Act, the Planning Agreement promotes the public interest in the following manner:

- (1) By providing certainty for the Developer and Council as to the provision of the Contributions directed towards the maintenance and protection of Glenlee House, being a State Heritage Item, as well as community infrastructure within the precinct surrounding Glenlee House.
- (2) The proper management and development of land to which the Planning Agreement applies, including creation of public open spaces and opportunity for future residential development, having regard to protection of the heritage and environment of the precinct in which the Land is situated.
- (3) The promotion and co-ordination of the orderly and economic use and development of Land to which the Planning Agreement applies.
- (4) The Planning Agreement will provide an opportunity for involvement and participation by members of the community in development assessment, and are invited to make comment on the Planning Agreement.

### **6.3 How the Planning Agreement promotes Council’s guiding principles**

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The Planning Agreement promotes a number of Council's guiding principles under section 8A of the *Local Government Act 1993* (NSW), as follows:

- (1) The exhibition of the Planning Agreement facilitates the involvement of members of the public in the consultation process for the Planning Agreement;
- (2) To plan strategically for the provision of effective and efficient services and regulation to meet the diverse needs of the local community;
- (3) To act fairly, ethically and without bias to the interests of the local community;
- (4) To recognise diverse local community needs and interests.
- (5) To have regard to the long term and cumulative effects of its decisions on future generations.
- (6) To engage in long-term strategic planning on behalf of the local community;
- (7) To bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible.
- (8) The Planning Agreement makes it clear that Council has a statutory role as consent authority in relation to the development proposal and that the Planning Agreement is not intended to unlawfully influence the exercise of Council's regulatory functions.

## **7 Identification of whether the Planning Agreement conforms with the Council's capital works program**

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The Planning Agreement conforms to Council's capital works program and has been accounted for in Council's long-term financial plan.

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### 8.3 Planning Proposal – Rosalind Park

#### Reporting Officer

Acting Executive Manager, Urban Release and Engagement  
City Planning and Environment

#### Community Strategic Plan

Objective	Strategy
1 Community and Belonging	1.2.2 Improve wellbeing and quality of life

#### Delivery Program

Principal Activity
5.2.1.4 Build a Resilient City and community

#### Officer's Recommendation

1. That Council endorse the draft Planning Proposal at (attachment 1) which seeks to amend the Campbelltown Local Environmental Plan 2015, as it relates to land comprising 33 Medhurst Road, 101 Menangle Road and 111 Menangle Road, Menangle Park.
2. That subject to recommendation no.1, the Planning Proposal be forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.
3. That subject to the Minister determining that the Planning Proposal may proceed, public exhibition be undertaken in accordance with the Gateway Determination.
4. That Council request the Minister delegate the authority for the making/finalising of the Planning Proposal to the General Manager.
5. That following the completion of public exhibition:
  - (a) where submissions are received by Council during the public exhibition period, a submissions report be presented to Council, or
  - (b) where no submissions are received by Council during the public exhibition period, the draft Planning Proposal be finalised.
6. That Council support the Cumberland Plain Conservation Plan (CPCP) Modification Application, subject to the suggested CPCP team (of the Department of Planning and Environment (DPE)) amendments and further fauna investigations.

7. That having regard to the preliminary review of the BDAR for Lot 1 DP 622362, in the context of previous Biodiversity Certification considerations, the inclusion of the land in the proposal and its advancement for a Gateway Determination is considered appropriate.
  8. That Council note there are key issues that have entailed interim strategies to advance the draft PP and potentially require further post Gateway actions including:
    - (a) Further review of the BDAR for Lot 1 DP 622362, including any implications for amendment of the proposed planning provisions / structure plan.
    - (b) Additional fauna investigations in support of the Cumberland Plain Conservation Plan modification proposal.
    - (c) Advancement of the interim Left In Left Out (LILO) access scenario for the Medhurst Road/Transport Corridor and Menangle Road intersection, including potential political representation.
    - (d) Finalisation of the integrated Rosalind Park/Gilead 2 Menangle Creek crossing.
    - (e) Detailed provisions to be included in an accompanying DCP that address fine grained issues
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## Executive Summary

- SJB Planning on behalf of Leda Holdings Pty Ltd has submitted a Planning Proposal Request (PPR) (attachment 7) seeking approval to amend the Campbelltown Local Environmental Plan 2015 (CLEP 2015) that applies to land known as 33 Medhurst Road, Menangle Park, and 101 and 111 Menangle Road, Menangle Park (Pt Lot 35 DP 230946, Pt Lot 2 DP 622362, Pt Lot 3 DP 622362, Lot 58 DP 632328, Lot 1 DP 622362, Lot 1 DP 589241).
- The PPR seeks to amend the LEP Land Zoning Map in order to nominate residential, commercial, environmental, recreational, and infrastructure spaces.
- The PPR seeks to amend the Urban Release Area Map in order to nominate the site as an urban release area.
- The proposal also includes the establishment of a koala corridor that will be a dedicated and fenced area in accordance with the recommendations of the Office of the Chief Scientist & Engineer for the long term preservation and wellbeing of the local Koala population. The final configuration of the edges and location of fencing remains to be resolved with input from the DPE's CPCP team.
- The PPR seeks to amend the LEP Height of Buildings Map in order to nominate maximum building heights of 10 m (R2 zone), 12 m (R3 zone) and 15 m (MU1 zone). This was not supported in part by Council and the LPP. A maximum building height of 9 m is proposed for the R2 zone and 12 m for the MU1 zone.

- The PPR seeks to amend the LEP Lot Size Map in order to nominate minimum lot sizes within residential zones. These minimum lot sizes range from 200 m<sup>2</sup> to 600 m<sup>2</sup>. This was not supported by Council and in liaison with the proponent, has been amended to 420 m<sup>2</sup> and 600 m<sup>2</sup> for the R2 zone and a dwelling type aligned minimum lot size in the R3 zone.
- The PPR seeks to amend the Lot Size Map for Dual Occupancy Development in order to nominate minimum lot sizes for dual occupancy development on lots zoned R2 Low Density. The proposed size is 600 m<sup>2</sup> on general lots and 950 m<sup>2</sup> on lots identified as steeper areas. This was not supported by Council and in liaison with the proponent, has been amended to 700 m<sup>2</sup> and 950 m<sup>2</sup> on lots identified as steeper areas in this Proposal.
- The PPR seeks to amend Clause 4.1 of the LEP to insert a new sub clause. This is to provide an exception to the minimum lot sizes for land in Rosalind Park, in a manner similar to the Menangle Park and Gilead urban release areas. The proposed wording was not supported by Council and an amended version was drafted in liaison with the proponent (Clause 4.1X).
- The PPR seeks to amend the LEP Terrestrial Biodiversity (BIO) Map in order to reflect proposed amendments to vegetation on the site.
- The PPR seeks to amend the Land Reservation Acquisition (LRA) Map in order to reflect areas identified as classified road. The proposed LRA Map identifies the land required for road widening and upgrade of Medhurst Road.
- The site is identified by the Greater Sydney Region Plan: A Metropolis of Three Cities, as part of the Greater Macarthur Growth Area.
- Both Greater Macarthur 2040 and the Cumberland Plain Conservation Plan (CPCP) identify large portions of the site as certified urban capable land.
- Potential mine subsidence is not considered to be an impediment to the rezoning, subject to further clarification or are any of the other environment issues raised.
- The “negotiated” structure plan and Proposal are considered to represent a balanced planning outcome, including in principle, a superior ecological outcome to that contained in the CPCP.
- The final CPCP modification application that accompanies the PPR, is the subject of an independent application to the Department of Environment and Planning (DPE) CPCP group and is supported by Council in principle, subject to some supplementary fauna investigations and further investigations and review of the outcomes of the recently submitted BDAR Assessment for Lot 1 DP 622362.
- The principal access to the proposed urban release area is proposed via a left in – left out (LILO) interim access scenario that has a limited period of acceptable performance and requires resolution of a final access arrangement in a timely manner.
- The current transport corridor “non alignment” at the Menangle Creek crossing between the Rosalind Park and Gilead 2 urban release areas is capable of resolution and not considered an impediment to advancing the Proposal.



- The PPR is considered to exhibit sufficient site specific merit to inform and facilitate the advancement of the Planning Proposal (compiled by Council).
- The PPR is accompanied by Voluntary Planning Agreement (VPA) principles and a letter of irrevocable offer proposing to enter both State and Local Agreements for the provision of land and delivery of works attributable to the Planning Proposal.
- The Planning Proposal (as compiled by Council) is considered to be sufficiently consistent with “higher order” plans/policies/directions and local plans/strategies/statements and departures where evidenced appropriately justified, accordingly exhibiting satisfactory strategic merit.
- The Proposal (as compiled by Council) is considered sufficiently robust as a rezoning proposal, to submit to the DPE accompanied by a recommendation for a Gateway Determination, acknowledging that there will be some Post Gateway refinement.
- The PPR and draft Planning Proposal (compiled by Council) was supported by the Campbelltown Local Planning Panel (the Panel) at its meeting of 24 May 2023, as exhibiting strategic and site-specific merit and worthy of advancement. The Panel also noted areas for further refinement and pursuit of longer term strategies/commitments.
- The matters raised by the Panel have been sufficiently progressed to reinforce Council’s view that the Draft Planning Proposal should be referred to the DPE for a Gateway Determination.

## Purpose

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

<b>Property Description</b>	Rosalind Park, 33 Medhurst Road, Menangle Park 111 Menangle Road, Menangle Park 101 Menangle Road, Menangle Park
<b>Application No</b>	4125/2022/E-PP
<b>Applicant</b>	SJB Planning on behalf of Leda Holdings Pty Ltd
<b>Owner</b>	RE Bloom and Sons Pty Ltd Menangle Road Pty Ltd
<b>Provisions</b>	Campbelltown Local Environmental Plan 2015 Section 9.1 Ministerial Directions Greater Sydney Region Plan Western City District Plan Campbelltown Community Strategic Plan Campbelltown Local Strategic Planning Statement Campbelltown Local Housing Strategy

## State Environmental Planning Policies

## Campbelltown (Sustainable City) Development Control Plan 2015

**Date Received**

13 October 2022

**History**

The subject locality was identified in the broader New Cities of Campbelltown, Camden and Appin: Structure Plan (1973), as a key connected precinct in the southerly growth of Campbelltown's New City.

It has been the subject of passing growth area investigations over a period of decades, until the most recent concerted investigations culminated in the preparation of Greater Macarthur 2040: An Interim Plan for the Greater Macarthur Growth Area (GM2040).

The focus of GM 2040 south of the established areas of Glen Alpine and Rosemeadow, was the large tract of non-urban land from Menangle Park to Appin. The Greater Macarthur Structure Plan for the urbanisation of these lands included the subject land and designated it to be "urban capable" land, as part of the Gilead growth area precinct.

The Planning Proposal Request (PPR) (attachment 7) and its refinement in the form of the refined Planning Proposal (Proposal) (attachment 1) are the product of extensive consultation with Council, the Department of Planning and Environment (DPE) and other relevant agencies / authorities, some of which remains ongoing.

The current draft Proposal is considered to be sufficiently advanced and documented to refer to the DPE for a Gateway determination, which of itself may be conditional.

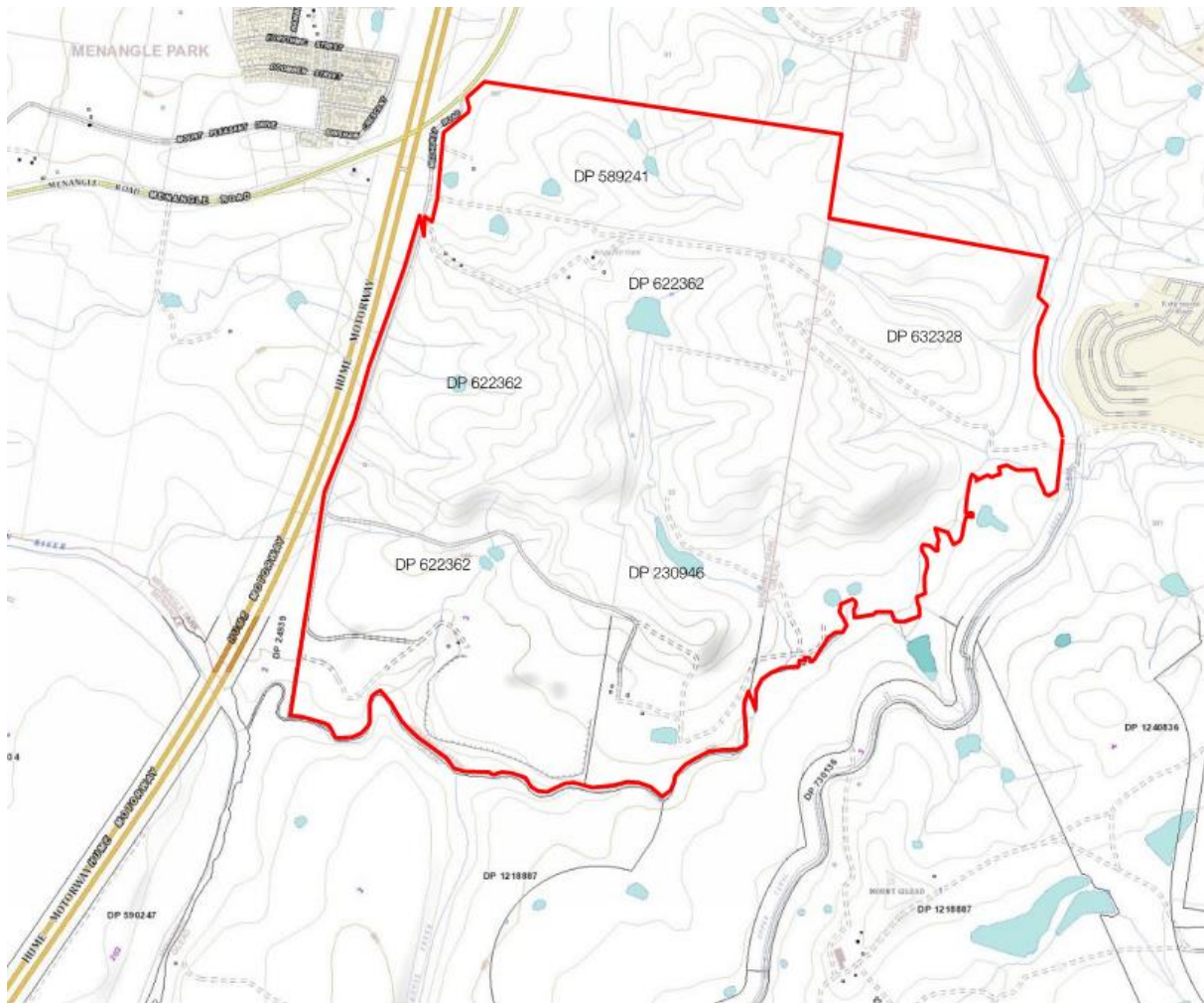
**The Site**

The subject land (the site) is a large holding of approximately 264 ha consisting of 6 adjoining lots on the Eastern side of the Hume Highway, within the suburb of Menangle Park, and the Growth Area Precinct of Gilead. The land is located approximately 6.5 km south-west of the Campbelltown CBD.

Current and former uses of the site include:

- A largely decommissioned AGL coal seam gas operation, including a number of gas wells and a gas treatment plant (Rosalind Gas Plant);
- A sandstone quarry and crushing/screening facility;
- Low intensity rural and associated residential (Rosalind Park – former dairy farm and current grazing);
- Perennial horticulture; and
- Telecommunications facility (mobile phone tower).

The PPR applies to Lots 1, 2, and 3 DP 622362, Lot 35 DP 230946, Lot 58 632328, and Lot 1 DP 589241 at Medhurst Road and Menangle Road, Menangle Park referred to as 'Rosalind Park' as shown in Figure 1.



### Figure 1 – Site Plan (and immediate context)

## Proposal

The PPR for the subject land holdings located in Menangle Park (South Campbelltown) was submitted with the intention of changing the existing zoning, minimum lot size map, height of buildings map, urban release map, land reservation map, terrestrial biodiversity and lot size for dual occupancy maps within the site to facilitate the future subdivision of the site into a residential precinct with environmental corridors, open space, a new local centre, primary school and associated uses.

The proposal also includes the establishment of a koala corridor that will be a dedicated and fenced area largely in accordance with the recommendations of the Chief Scientist for the long term preservation and wellbeing of the local Koala population.

The proponent has worked extensively with Council post lodgment to refine the structure plan in accordance with achieving a more balanced outcome that best preserves and enhances the natural environment while retaining a projected yield of 1,450 dwellings across the site.

The background PPR was prepared by SJB Planning on behalf of LEDA holdings, being the developer and proponent, and has been modified by Council, largely in consultation with the proponent and prescribed as the draft Planning Proposal forming attachment 7.

The original structure plan is included as (attachment 2)(superseded) together with the revised Structure Plan presented as (attachment 3).

It is noted that the revised plan is consistent with the maps contained in the Proposal and is considered to present a superior planning outcome as discussed elsewhere in this report. In particular it is consistent with the CPCP modification (CPCP Mod) application compiled by the Proponent and lodged with the DPE (CPCP Team). Such modification has been supported by Council, subject to some additional fauna investigation.

A recent review of the CPCP Modification by the CPCP team has, however, suggested a minor amendment to the CPCP Modification, with minor flow on effects for the Structure Plan.

Additionally, a Biodiversity Development Assessment Report (BDAR), for an area not covered by the CPCP (Lot 1 DP 622362) has recently been lodged with Council and is generally consistent with previous Biodiversity Certification considerations for this land.

Both recent actions have been discussed later in this report.

## **Report**

### **1. Strategic Context**

#### **1.1 Greater Sydney Region Plan – A Metropolis of Three Cities**

The Greater Sydney Region Plan – Metropolis of Three Cities (GSRP) has been prepared by the NSW State Government to guide Greater Sydney land use planning decisions for the next 20 years. The Plan sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 689,000 new jobs and 665,000 new homes by 2031. The GSRP identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

The Proposal is generally consistent with the GSRP particularly as it seeks to ensure that development outcomes leverage off the strategic location of the site within an identified urban release area, providing opportunities to accommodate additional housing supply in alignment with the strategic direction of the Plan for this locality and to best utilise infrastructure. The identification as a future land release area has implications for the Metropolitan Rural Area (MRA) layer that impacts the subject site and other similar sites in the land release area. Although the land shares some of the environmental attributes of the MRA, it has limited potential to be used for more productive rural uses due to topography, soils, vegetation and urban encroachment from the north and east.

A detailed assessment of the PPR against the relevant Directions and Objectives of the GSRP is provided in table 2 of the proposal (refer to attachment 1).

## 1.2 Western City District Plan

The Western City District Plan (WCDP) sets out more detail with respect to the anticipated growth in housing and employment in the Western District and strategic corridors and amongst other things, is intended to inform the assessment of planning proposals.

The PPR is generally not inconsistent with the WCDP. The following planning priorities are of particular relevance to the proposal:

- W1 Planning for a city supported by infrastructure
- W2 Working through collaboration
- W5 Providing housing supply, choice and affordability, with access to jobs, services and public transport
- W6 Creating and renewing great places and local centres, and respecting the District's heritage
- W7 Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City
- W12 Protecting and improving the health and enjoyment of the District's waterways
- W14 Protecting and enhancing bushland and biodiversity
- W17 Better Managing Rural Areas
- W18 Delivering high quality open space

An assessment of the PPR against the relevant Directions and Priorities of the WCDP is provided in table 2 of the Proposal (refer to attachment 1).

## 1.3 Consideration of State Environmental Planning Policies

The PPR is considered generally consistent with relevant State Environmental Planning Policies (SEPP) that apply to the site. A detailed list of the SEPPs and statement of consistency is provided in table 5 of the Proposal (refer to attachment 1).

Specifically relevant SEPPs have been addressed below.

### • SEPP (Biodiversity and Conservation) 2021

- Given that the proposal is subject to the modification of a Strategic Conservation Planning Area, the proposal is inconsistent with elements of the Chapter 13 of the SEPP. The proposal is considered to be justifiably inconsistent based upon the superior ecological outcome.

Based upon the proximity of the site to the Nepean River, Clause 6.13 of the SEPP must also be considered relevant to the proposal. It is noted that the site falls within the Hawksbury –Nepean Sub-Catchment and as such, consideration must be given to the following matter when deciding whether to grant development consent:

- (a) whether the development will minimise human interference with the condition of the sub-catchment,
- (b) whether the development will maintain and enhance the structure and floristics of native vegetation in the sub-catchment,

- (c) whether the development will maintain or enhance the scenic quality of the locality,
- (d) whether development has previously been carried out on the development site.

These considerations are not deemed to restrict the proposal from progressing.

Biodiversity considerations have been alluded to previously and are addressed in greater detail in section 2.2 of this report.

- **SEPP (Precincts – Western Parkland City) 2021**

- This SEPP sets controls for the North West and South West Growth Centres of Sydney. In relation to the Greater Macarthur Growth Area, the SEPP formalises this area as that identified in the NSW Government's Greater Macarthur 2040: An interim plan for the Greater Macarthur Growth Area. The Greater Macarthur Growth Area Precinct Boundary is that identified on the relevant map within the SEPP.

Clause 3.11 of the SEPP identifies that the provisions applying to the carrying out of development on land in Menangle Park Precinct and Mount Gilead Precinct within the Greater Macarthur Growth Area are those contained within the Campbelltown Local Environmental Plan 2015.

- **SEPP (Resilience and Hazards) 2021**

- The Resilience and Hazards SEPP provides a statutory framework for further investigations and suitable remediation through the rezoning and Development Application process.

In accordance with Chapter 4 of the SEPP, and based upon the findings of the Preliminary Site Contamination Assessment, Council is satisfied, at a preliminary level, that the site can be made suitable for the proposed use. Detailed site investigations will be required prior the issuing of development consent.

Any future development in regards to contamination and remediation on this site will be require detailed site investigations pursuant to this SEPP prior to the granting of any development consent.

- **SEPP (Transport and Infrastructure) 2021**

- The Transport and Infrastructure SEPP aims to facilitate the efficient delivery of Infrastructure across the State.

On a preliminary level, based on the Traffic Impact Assessment conducted by the Proponent, the proposal appears capable of complying with the requirements of the SEPP, albeit noting the limitations of the proposed interim intersection of Menangle Road and Medhurst Road.

Any future development in regards to Infrastructure provision on this site will be required to fulfill this SEPP at Development Application (DA) stage. This will include consultation with the relevant authorities for works in the vicinity of the electricity

and gas easements, any access/works to Menangle Road, and the design of any schools.

#### **1.4 Consideration of Section 9.1 Ministerial Directions**

The PPR is considered generally consistent with Section 9.1 directions issued by the Minister for Planning with the following exceptions.

- 3.6 Strategic Conservation Planning
- 9.1 Rural Zones

Where inconsistencies have been identified, the proposal has been deemed justifiably inconsistent based upon the provided criteria.

Specifically relevant directions are addressed as follows.

- **1.1 Implementation of Regional Plans**

- The PPR is consistent with the Greater Macarthur 2040 Regional Plan which designates the site part of the Greater Macarthur Growth Area. The PPR is therefore considered consistent with the requirements of this direction.

- **1.3 Approval and Referral Requirements**

- The PPR does not trigger the need for any additional concurrence, consultation or referral to a Minister or Public Authority and is therefore consistent with this direction.

- **1.4 Site Specific Provisions**

- All proposed future developments are to be facilitated using zones already existing as part of the LEP, thus satisfying clause 1(b) and therefore the direction itself.

- **3.1 Conservation Zones**

- The PPR includes provisions that facilitate the protection and conservation of environmentally sensitive areas, specifically areas noted as Avoided Land under the Cumberland Plain Conservation Plan, except where varied in accordance with the CPCP modification, discussed under ecology in this report. Additionally, no reduction will occur of conservation standards relating to these areas.

- **3.2 Heritage Conservation**

- The proponent has submitted separate reports detailing site conditions and recommendations relating to Aboriginal and European heritage. It is considered that the conservation of all relevant heritage sensitivities are facilitated by the proposal.

- **3.6 Strategic Conservation Planning**

- Parts of the site are identified as both avoided land under State Environmental Planning Policy (Biodiversity and Conservation) 2021 and is within a Strategic Conservation Area. Effort has been made to ensure that Council can be satisfied that the proposal is consistent with the applied criteria as per the direction.

Parts 1 and 2 of the direction address planning proposals on avoided land as well as planning proposals within Strategic Conservation Areas. The proposal both incorporates avoided land and occurs in part, within a designated Strategic Conservation Area.

Council is satisfied that the Proposal in its current form, demonstrates consistency with all provided criteria. Given that the proposal is the subject of a CPCP Mod application, an evaluation of the ecological merit of the proposal, as it relates to the Strategic Conservation Area, will also be considered at that level.

It is acknowledged that the proposal is inconsistent with Part 3 of this direction, as the proposal seeks to rezone avoided land for residential purposes. The inconsistency is considered justified as the proposal is both to facilitate infrastructure that is required to service and support development within a nominated area, and the planning proposal is consistent with the Cumberland Plain Conservation Plan Guidelines, subject to the pending modification application.

Likewise, it is acknowledged that the proposal is inconsistent with Part 4. This inconsistency relates the intention to rezone a small portion of the site (which is located within a Strategic Conservation Area) to SP2 Infrastructure. Again, the proposal is both to facilitate infrastructure that is required to service and support development within a nominated area, and the planning proposal is consistent with the Cumberland Plain Conservation Plan Guidelines, subject to the pending modification application. It is therefore considered to be justifiably inconsistent.

- **3.7 Public Bushland**

- Priority has been given to the retention of public bushland in the design of the structure plan.

With the exception of bushland areas designated proposed to be removed a part of the CPCP modification (discussed under ecology), development is planned in existing cleared areas.

- **3.10 Water Catchment Protection**

- A Water Cycle Management Plan was submitted with the PPR and feedback has been received following an initial referral to Sydney Water. Based upon these documents it is considered that at a preliminary level, the proposal is capable of complying with all requirements of this direction.



- **4.1 Flooding**

- A Water Cycle Management Plan was submitted with the application and acceptable flood management outcomes are detailed elsewhere in this report.

- **4.3 Planning for Bushfire Protection**

- The Proposal has addressed bushfire hazards and the applicant has provided a Bushfire Hazard Report. The management suggestions are considered to be generally acceptable, but will further be reviewed in statutory engagement with the Rural Fire Service (RFS).

- **4.4 Contamination**

- The Proposal is accompanied by a Preliminary Site Investigation (PSI). Any future subdivision will need to further address the potential for land contamination as addressed by the applicant in the PSI. Subject to appropriate remediation of areas of environmental concern, the proposal is considered capable of proceeding.

- **4.5 Acid Sulfate Soils**

- Department of Planning and Environment mapping does not list the site as having a probability of containing acid sulfate soils.

- **4.6 Mine Subsidence**

- The site is identified as a risk area for mine subsidence. Consultation has taken place with Subsidence Advisory NSW. The issue has been addressed in greater detail elsewhere in the report, with a conclusion that the urban release area can be advanced subject to certain qualifications.

- **5.1 Integrating Land Use and Transport**

- The proposal provides for a permeable, connected new urban community that provides for multiple movement modes, including buses, private passenger and service vehicles, pedestrians and cyclists. Land uses are appropriately juxtaposed and serviced.

Some interim access arrangements and higher order connectivity issues remain for final resolution, but are suitably advanced to facilitate progress of the Proposal.

- **5.2 Reserving Land for Public Purposes**

- Portions of the land are to be reserved for public use. This will occur in accordance with the requirements set forth in this direction.

- **6.1 Residential Zones**

- The proposal encourages a variety of housing types and can be structured to ensure service utilities and social infrastructure are sufficiently in place prior to commencement of dwelling construction.

- **9.1 Rural Zones**

- The proposal is justifiably inconsistent with this direction based upon the fact that the land has been identified for urban purposes in the relevant Regional Strategy, Regional Plan and the District Plan. It is importantly consistent with the urban release “designation” in Greater Macarthur 2040.

## 1.5 Campbelltown Community Strategic Plan 2022-2032

The Campbelltown City Community Strategic Plan (CSP) is a 10 year vision that identifies the main priorities and aspirations for the future of the Campbelltown Local Government Area (LGA) and is Council’s long term plan to deliver the community inspired vision.

The CSP acknowledges and promotes the need to provide for housing diversity and affordability in a structured way, whilst preserving the important natural attributes of the LGA and facilitating its promotion.

The PPR is generally consistent with the CSP and would support the following outcomes:

CSP Outcome	Statement of Consistency
<b>Outcome 1</b>	
Community and belonging	<ul style="list-style-type: none"> <li>• The proposed community is being designed with consideration to accessibility for residents and visitors, the wellbeing and quality of life of residents, and the safety of the community.</li> <li>• The proposal respects and endeavours to preserve the physical and cultural heritage of the site, both of Indigenous and European origin.</li> </ul>
<b>Outcome 2</b>	
Places for people	<ul style="list-style-type: none"> <li>• The Proposal is being designed to include high quality community places in accordance with identified community needs. Consideration has been given to transport access and the general connectivity to the local area.</li> <li>• The potential for 1450 new residential lots will contribute to housing supply in the growing city, helping to ensure access for all to safe, secure, diverse and affordable housing.</li> </ul>
<b>Outcome 3</b>	
Enriched natural environment	<ul style="list-style-type: none"> <li>• The Proposal aims to minimise impacts on the natural environment. Key areas of significance are to be preserved, with additional areas to be provided for revegetation, with the goal of strengthening existing fauna transit corridors.</li> </ul>
<b>Outcome 4</b>	
Economic prosperity	<ul style="list-style-type: none"> <li>• The Proposal will contribute to the provision of housing, thus servicing the direct needs of the local workforce.</li> <li>• The provision of local commercial precincts will support growth in the local economy and attract investment into the area.</li> </ul>

## 1.6 Campbelltown Local Strategic Planning Statement (CLSPS)

The CLSPS details Campbelltown City Council's plan for the community's social, environmental and economic land use needs over the next 20 years. The CLSPS provides context and direction for land use decision making within the Campbelltown Local Government Area (LGA). It seeks to:

- provide a 20 year land use vision for the Campbelltown LGA
- outline the characteristics that make our city special
- identify shared values to be enhanced or maintained
- direct how future growth and change will be managed

The CLSPS responds to the Regional and District Plans and to the community's documented aspirations. The document establishes planning priorities to ensure that the Campbelltown LGA thrives now and remains prosperous in the future, having regard to the local context. The specific actions relevant to the PPR are discussed below:

CLSPS Action	Comment
1.24 Work in partnership with Government to enable urban growth supported by infrastructure with a focus on connectivity through sustainable land use integrated with transport planning, and transit-orientated development	<p>The Proposal has highlighted the need for TfNSW to advance their design for the Menangle Road upgrade and Greater Macarthur (GM) Transport Corridor. The proponent, TfNSW, Council and DPE are involved in elevated discussion to develop interim and permanent accessibility solutions.</p> <p>These discussions must continue to be vigorously pursued with a clear outcomes focus.</p> <p>Sydney Water have identified relevant service strategies, as have other utility providers.</p>
2.5 Contain urban development to existing urban areas and within identified growth and urban investigation areas, in order to protect the functions and values of scenic lands, environmentally sensitive lands and the Metropolitan Rural Area	<p>The proposal is situated in a designated urban release area, highlighted in:</p> <ul style="list-style-type: none"> <li>• Greater Sydney Region Plan which maps the area as part of the Greater Macarthur Growth Area</li> <li>• Cumberland Plain Conservation Plan identified the majority of the site as certified urban capable land</li> <li>• Macarthur 2040 also recognises much of the site as urban capable land</li> </ul> <p>Given that the site has been identified for growth, the proposal is considered to be in alignment with this action of the LSPS.</p>
3.8 Work in partnership with Government to protect important heritage sites.	<p>Whilst no LEP mapped heritage items are on the site, protection of items and sites of both Aboriginal and European significance remains an important consideration.</p> <p>The proponent has submitted reports concerning Aboriginal and European heritage on site and how the proposal will impact it. The heritage assessment report prepared by Ecological noted a Federation era house on site that is not listed on any statutory or non-statutory heritage registers. It is noted that the dwelling and associated outbuildings have undergone significant modification over time and it is not deemed a good representative example of its type. The assessment concluded that the Federation-era house would not reach the threshold for local significance under the NSW Heritage Office criterion. Notwithstanding this it is proposed to retain and upgrade the dwelling to be incorporated into the</p>

	<p>village centre.</p> <p>The Aboriginal Heritage Assessment prepared by Kayandel Archaeological Services identified 4 registered Aboriginal sites within the site. No other previous unrecorded Aboriginal objects or sites were identified in Kayandel's survey of the site. The proposed layout of the structure plan has been informed by this report and the locations identified.</p>
5.18 Work in partnership with Government and key stakeholders, including the development industry, to ensure that future development is undertaken in a manner that protects areas of biodiversity value	<p>Extensive discussion between the Proponent, Council and CPCP team (DPE) shaped the current CPCP Mod application and was reflected in the revised structure plan and related draft statutory plans. It was considered to represent in principle, an enhanced environmental outcome and reflects an overarching balanced planning outcome.</p> <p>A recent more detailed review of the CPCP Mod by the CPCP team, however, has suggested a minor amendment to the CPCP Mod, with minor flow on effects for the Structure Plan.</p> <p>Additionally, the BDAR assessment for Lot 1 DP 622362 recently furnished, is generally consistent with previous Biodiversity Certification considerations for this land.</p>

## 1.7 Local Housing Strategy 2020

The Western City District Plan (WCDP) requires local housing strategies to be prepared by all Councils in the Western City District. The approval of the Campbelltown (Local Strategic Planning Statement) by the Greater Sydney Commission, which came into effect on 31 March 2020, was an important first step in the broader LEP review process and has informed the preparation of the draft Campbelltown Local Housing Strategy.

The Campbelltown Local Housing Strategy (LHS) was prepared by Council in 2020 in accordance with the Western City District Plan and as a required action of the LSPS. The Campbelltown LHS was endorsed by Council at its meeting on 29 September 2020.

In order to have effect, the draft LHS must be endorsed by both Council and the DPE. Thereafter, future planning proposals and policy actions relating to housing provision in the LGA will need to align with the final Campbelltown LHS.

The LHS was conditionally approved by the Department of Planning and Environment (DPE) on 8 July 2021, with an amended approval issued by DPE on 12 April 2022. It is a requirement of the amended conditions of approval from the DPE, dated 12 April 2022, that Council review and update of the Campbelltown LHS in 2022/23.

Council resolved at its Ordinary Council Meeting of 11 April 2023, in part, to endorse the updated LHS and forward it to the DPE for their endorsement.

The Planning Proposal is considered to be largely consistent with the objectives of the LHS. Most of the site has been identified as urban capable in the GM2040 Structure Plan and largely urban capable under the CPCP. It sits between growth areas of Menangle Park and Gilead. The proposal has the potential to contribute to the adopted new dwelling targets and facilitate enhanced diversity in an area that has been identified as being suitable for growth.

## 1.8 Campbelltown Local Environmental Plan 2015

The CLEP 2015 is the principal environmental planning instrument for the City of Campbelltown.

A summary of the existing planning framework, proposed amendment and evaluation is summarised below.

CLEP 2015 Current	Proposed PPR Amendment	Comment / Final Position
<b>Land Use Zoning Map</b>		
The subject land is zoned RU2 Rural Landscape.	<p>The PPR seeks to rezone the site to the following:</p> <ul style="list-style-type: none"> <li>• R2 Low Density Residential</li> <li>• R3 Medium Density Residential</li> <li>• MU1 Mixed Use</li> <li>• C2 Environmental Conservation</li> <li>• RE1 Public Recreation</li> <li>• SP2 Infrastructure</li> </ul>	<p>Given that the land is identified in GM2040 as an urban release area and has been further identified as urban capable under the CPCP, residential zoning (R2 and R3) are considered appropriate principal alternative land use zones.</p> <p>Other proposed support zonings are used to facilitate protection of the natural environment, support commercial facilities / services, and community and physical infrastructure are considered appropriate.</p>
<b>Urban Release Area Map</b>		
The site is not currently identified as an area of urban release.	The PPR seeks to amend LEP Urban Release Area (URA) Map Sheet 003 to nominate the site as an urban release area.	As the objective of the proposal is to create an urban release precinct, amending the mapping to reflect this change is considered appropriate.
<b>Height of Buildings Map</b>		
The site current has a height limit of 9 m.	<p>The PPR seeks to amend the existing height limitation in the following way:</p> <ul style="list-style-type: none"> <li>• 10 m for lots zoned R2</li> <li>• 12 m for lots zoned R3</li> <li>• 15 m for lots zoned MU1</li> </ul>	<p>After detailed review / assessment and consideration of the nearby urban release area controls, unique qualities of this site / precinct, LPP advice and limitations imposed by clause 4.3 (in the extent of residential buildings), the following maximum building heights are recommended:</p> <p>R2 – 9.0 m</p> <p>R3 – 12.0 m</p> <p>MU1 – 12.0 m (subject to DCP controls)</p>

CLEP 2015 Current	Proposed PPR Amendment	Comment / Final Position
<b>Lot Size Map</b>		
The site is currently mapped with a minimum lot size of 100 ha.	<p>The PPR sought to amend the existing minimum lot size in the following way:</p> <ul style="list-style-type: none"> <li>• R2 – 400 m<sup>2</sup></li> <li>• R2 (steep sites) – 600 m<sup>2</sup></li> <li>• R3 – 200 m<sup>2</sup></li> </ul>	<p>The Proponent was requested to re-evaluate the proposed lot size lot sizes, notwithstanding the challenging nature of the topography, with Menangle Park and Gilead urban release areas as a starting point.</p> <p>Based upon this re-evaluation, the following minimum lot sizes are recommended:</p> <p>R2 – 420 m<sup>2</sup></p> <p>R2 (steep sites) – 600 m<sup>2</sup></p> <p>R3 – Use based clause similar to clause 4.11 as used in the Gilead urban release area.</p>
<b>Lot Size Map for Dual Occupancies</b>		
The site is currently mapped with a minimum lot size for dual occupancies of 100 ha.	<p>The PPR seeks to amend the existing minimum lot size for dual occupancy development in the following way:</p> <ul style="list-style-type: none"> <li>• 600 m<sup>2</sup> for lots zoned R2</li> <li>• 950 m<sup>2</sup> for lots zoned R2 in the steeper parts of the site</li> </ul>	<p>The 600 m<sup>2</sup> limit is 100 m<sup>2</sup> less than that applied in neighbouring residential developments and is similarly 100 m<sup>2</sup> less than applies to R2 areas of the LGA in general.</p> <p>The proponent, upon request, accepted a proposed limit of 700 m<sup>2</sup>. The limit of 950 m<sup>2</sup> in designated steep areas remains as proposed.</p> <p>Given that the amendment is consistent with other residential developments and with the LGA as a whole, the amendment is supported.</p>
<b>Terrestrial Biodiversity Map</b>		
At present, mapping reflects the current nature of the site.	The Proposal seeks to amend LEP Terrestrial Biodiversity (BIO) Map to reflect proposed amendments to vegetation across the site.	<p>It is noted that the final mapping of the Terrestrial Biodiversity, is subject to change pending the outcome of the application to modify the Cumberland Plain Conservation Plan and final review of the BDAR for Lot 1 DP 622362.</p> <p>Given this, no mapping amendment can be supported in this regard at this stage of the process.</p>

CLEP 2015 Current	Proposed PPR Amendment	Comment / Final Position
		It is however acknowledged that mapping will require amendment given foregoing.
<b>Land Reservation Acquisition Map</b>		
At present, mapping reflects the current nature of the site.	The Proposal seeks to amend the LEP Land Reservation Acquisition (LRA) Map to reflect areas identified as classified road.	Given the nature of the road in question, the designated authority would be a state level agency. Such should be indicated in the draft PP.
<b>Clause 4.1</b>		
Clause 4.1 establishes minimum lot sizes for subdivision. It is not uncommon for urban release precincts to include a subclause with site specific standards.	<p>It is proposed to use a clause, Exception to Minimum Lot Sizes for certain land in Rosalind Park Urban Release Area.</p> <p>It should be noted that the proposal identifies the clause as 4.1J however this has since been utilised by an earlier amendment. Numbering will be established should the changes come into effect.</p>	<p>The proposal for an exception clause that facilitates the structured "salt and pepper" distribution of a limited number of smaller lots is accepted in principle given the appropriateness of the concept and its general application in nearby urban release areas.</p> <p>After liaison with the Proponent, the proposal has been revised as follows:</p> <ul style="list-style-type: none"> <li>• The range of lot sizes has been clarified.</li> <li>• Acceptance of 10% small lots and 20% medium lots.</li> <li>• Acceptance of 300 m<sup>2</sup> to 345 m<sup>2</sup> for "small" lots and 345 m<sup>2</sup> to 420 m<sup>2</sup> for "medium lots."</li> </ul>

### **Proposed Additional Minimum Lot Size Provisions - Campbelltown LEP - 4.1**

#### **4.1X Exception to minimum lot sizes for certain land in Rosalind Park Urban Release Area**

- (1) This clause applies to land in Zone R2 Low Density Residential and identified as "Rosalind Park Urban Release Area" on the Urban Release Area Map.
- (2) Land to which this clause applies may be subdivided, with development consent, to create lots with a size less than the minimum lot size shown on the Lot Size Map if—
  - (a) the subdivision will result in not more than 20 per cent of the total residential lots being mid-sized lots and not more than 10 per cent of the total residential lots being small-sized lots on the land, and
  - (b) each resulting small-sized or mid-sized lot will not be on a corner allotment, and

- (c) no more than 3 contiguous resulting lots sharing a street frontage will have a lot size of less than 400 m<sup>2</sup>, and
  - (d) each resulting mid-sized lot will have a street frontage that is at least 11.5 m, and
  - (e) each resulting small-sized lot will have a street frontage that is at least 10 m, and
  - (f) the consent authority is satisfied that each resulting small or mid-sized lot will be located within 200 m of a planned or existing bus route, community centre or open space.
- (3) In this clause—

**mid-sized lot** means a lot with a size that is at least 345 m<sup>2</sup> but not more than 420 m<sup>2</sup>.

**small-sized lot** means a lot with a size that is at least 300 m<sup>2</sup> but less than 345 m<sup>2</sup>.

#### **4.1Y Minimum lot size for certain residential accommodation in Rosalind Park Urban Release Area**

Development for the purpose specified in Column 1 of the following table is permitted with development consent on land in Zone R3 Medium Density Residential and identified as "Area 1" on the Lot Size Map if the lot is at least the lot size specified opposite in Column 2.

<b>Column 1</b>	<b>Column 2</b>
Attached Dwellings	200 m <sup>2</sup>
Dual Occupancies	500 m <sup>2</sup>
Dwelling Houses	250 m <sup>2</sup>
Multi Dwelling Houses	1,500 m <sup>2</sup>
Semi-detached Dwellings	250 m <sup>2</sup>

#### **1.9 Campbelltown (Sustainable City) Development Control Plan 2015**

Should Council support the progression of the Proposal, Rosalind Park would be subject to a Site Specific Development Control Plan located in Volume 2 of the Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP).

Progression of this plan would occur should a Gateway Determination be supported. As previously noted it should include massing provisions/graphics in respect of built form expectations for the village centres.

## **2. Environmental Evaluation**

The proponent has commissioned a number of technical reports and studies to support the Proposal. They are summarised and discussed below.

### **2.1 Traffic**

#### **2.1.1 Existing Network**

The subject site has limited public road access given the prevailing non-urban context. Access is available from Medhurst Road, a particularly limited local road (undivided 7 m carriageway) that transitions into a private road. Medhurst Road intersects "obliquely" with Menangle Road.



Menangle Road is an arterial road (State) that functions as a north-south connector between the Macarthur/Campbelltown Centre and Picton Road at Maldon. It comprises an undivided carriageway, with one travel lane in each direction, set within a 13m wide carriageway. Menangle Road crosses the M31 (Hume Motorway cutting) on a bridge structure approximately 150 m to the south west of the Medhurst Road intersection. Refer to Figure 3 (page 19) of (attachment 7) for an aerial photograph portraying the strategic road context, and the immediate site context.

Limited public transport in the form of buses service the locality on Menangle Road some 350 m north of the Medhurst Road intersection. Similarly, limited pedestrian and cycling infrastructure service the locality. It is noted, however, that Council's cycling map indicates an on-road cycle path in Menangle Road commencing to the south of the Medhurst Road intersection, with plans to extend in a southerly directions towards Menangle Park.

### **2.1.2 Greater Macarthur Structure Plan Context**

The traffic, transport and accessibility network are clearly planned to evolve to service the Greater Macarthur urban release areas. Key, higher order features of the accessibility network established in the Greater Macarthur Structure Plan (GMSP) are:

- The proposed Transport Corridor linking the proposed urban release areas of West Appin and North Appin via Gilead 2 and Rosalind Park with the Macarthur/Campbelltown Centre.
- The proposed upgrade of Appin Road.
- The proposed construction of the Spring Farm Link Road (Appin Road to Menangle Park, the M31 and Spring Farm Parkway to Glenlee and Spring Farm. (North of Rosalind Park)

The subject version of the GMSP was only released in November 2022 and reinforced a transport corridor width of 45.2 m.

To the immediate south of Rosalind Park is the proposed Gilead 2 urban release area which is the subject of a State Assessed Planning Proposal which is nearing finalisation.

An extract of the Structure Plan highlighting the location and relationship of Rosalind Park and Gilead 2 forms Figure 2 of the SJB Planning Proposal (refer to attachment 7).

### **2.1.3 Proposed Accessibility Scenario**

Vehicle access is proposed to be provided to the site by Menangle Road and an upgraded Medhurst Road. Access to future residential areas will generally be via intersections along Medhurst Road into proposed Entry and Collector Roads. The proposed network is further described at Section 4.7 of the PPR (refer to attachment 7).

The salient elements of the vehicle access network include optimisation and facilitation of:

- Responsiveness to topography
- Perimeter roads
- Permissibility and connectivity
- Landscapes reinforcement of hierarchy, legibility and creates visual and physical connectivity
- Public space amenity
- Bushfire management

- The transport corridor

Public transport will be provided in the form of a service aligned with the orbital collector road, servicing the resident population on-site attractors and Macarthur and Campbelltown City Centres/transport interchanges.

A network of pedestrian and cycle paths is proposed within open space and riparian corridors and along the street network providing high levels of connectivity and recreational/healthy life style opportunities.

Supporting the access and transport outcomes is a Traffic Impact Assessment by Stantec.

#### **2.1.4 Critique of Accessibility Scenario in pursuit of an acceptable outcome**

The principal access is proposed at a new and upgraded intersection of Medhurst Road and Menangle Road. Such intersection is not only proposed to provide access to the new Rosalind Park Estate, it also proposed to accommodate the district level sub arterial transport corridor within a road reservation of 36.4 m (More recently accepted to be 45.2 m).

Despite extensive meetings with Transport for NSW (TFNSW) over a 12 month period, it is only of recent months that the necessity of resolving the access issue and the need to advance the PPR has gained real traction. TfNSW have separate teams involved with the Menangle Road Upgrade Design, the Transport Corridor Design, the Spring Farm Link Road and the Appin Road upgrade.

TfNSW has not been fully aware of the imminent rezoning and target rezoning timelines established by DPE that apply to the Rosalind Park proposal. Concurrently, as previously referenced, the rezoning of Gilead 2 which affects Rosalind Park is being fast tracked as a State Assessed SEPP amendment and is in the finalisation stage.

#### **2.1.5 TFNSW Preliminary Response**

TfNSW have recently provided a detailed response to the PPR and traffic impact assessment prepared by Stantec. The subject response has been reviewed with comments surrounding the key issues, which focus upon:

- Accommodating the Greater Macarthur Transport Corridor (GMTC).
  - (It is noted that provision for the GMTC has been provided).
- The Menangle Creek Crossing.
  - (The DPE have advised Council that the proposed creek crossing is generally consistent with the GM Structure Plan to the extent required to proceed to Gateway/Public Exhibition (Consultation))
- The Menangle Road/Medhurst Road Intersection and upgrade of Menangle Road.
  - (The upgrade design being progressed by TfNSW does not provide for a fully integrated Medhurst Road/Transport Corridor intersection and further detailed dialogue is required with the Menangle Road Upgrade team and the GMTC team.

As referenced above the Menangle Road Upgrade Design (MRU) and the final design and location of the Menangle Road/Medhurst Road/Transport Corridor intersection is not suitably advanced by TfNSW for assessment.

The proponent in an endeavour to respond to recent and projected delays surrounding resolution of the subject intersection treatment has proposed an interim intersection based upon a left in-left out (LILO) configuration, (occasioned by a proposed central medium) incorporating the TfNSW design levels for the MRU.

The LILO configuration requires traffic with a northerly destination to initially travel south to the Menangle Road/Cummins Road intersection to effect a roundabout controlled U-turn for a northerly destination such as the Macarthur and Campbelltown Centres and Spring Farm Link Road/M1 interchange.

This interim access scenario, although less than ideal, is considered to be sufficiently robust to allow a relevant Planning Proposal to be advanced for a Gateway Determination. That said, it is imperative that the key stakeholders; namely, the Proponent, Council, TfNSW and the DPE prioritise resolution of the location and design of the Medhurst Road/Menangle Road/Transport Corridor intersection and a related funding and implementation strategy. Council has already initiated meetings with TfNSW and DPE on this matter and regular dialogue has commenced. TfNSW have commenced initial scoping works with regard to the most suitable location for the Menangle Creek crossing and the Menangle Road Upgrade team have been informed of the potential connection to Menangle Road of the GMTC in the near term (<5 years).

Establishment of the final intersection is critical to optimising public transport efficiency and attractiveness, minimising vehicle kilometres travelled (and related emissions), providing cycle and pedestrian local/district level movements and minimising community complaints in pursuit of sustainable accessibility outcomes.

The proposed intersection has been subject to traffic modelling to establish the longevity of the proposed LILO intersection. The SIDRA modelling identifies that this intersection will only be sufficient to service the first 5 years of the project, enabling the filling of the quarry and early stages of development.

The proposed Menangle Creek Crossing as previously documented, does not fully align with that contained in the Gilead 2 Planning Proposal. The proposed location in the PPR is considered to be sufficiently consistent with the Greater Macarthur Structure Plan (urban release lands) so as to proceed to Gateway/public exhibition and further consultation with DPE, TfNSW and the Gilead 2 land developer.

It is believed that the delivery of the GMTC and the Menangle Creek Crossing may form part of the Gilead 2 VPA commitments. Council has informed the DPE that while we support the Menangle Creek crossing being delivered by the Gilead 2 developer, It is Council's view that the GMTC, as it exists north of Menangle Creek, should ideally be linked to the Rosalind Park land developer as this development is likely to occur in advance of Gilead 2, and also as this development is fully reliant on the GMTC and the existing Medhurst Road for access purposes.

## **2.2 Biodiversity**

### **2.2.1 Existing Ecological Framework – General**

The natural qualities of the site including its ecological framework have been extensively modified by activities associated with European settlement and in particular agricultural and resource extraction activities.

The existing vegetation, (and related habitat) apart from limited cultural plantings associated with its past/current limited support residential usage, is principally present in the creek and informal drainage lines.

### **2.2.2 Flora and Fauna – General**

The PPR is accompanied by a Biodiversity Assessment Report (BAR) prepared by Cumberland Ecology. The report identifies 13 vegetation types across the site (refer to Figure 20), with a number of these conforming to various threatened communities listed under the *NSW Biodiversity Conservation Assessment Act 2016* (BC Act) and/or *Commonwealth Environment Protection and Biodiversity Conservation Assessment Act 1999* (EPBC Act). Of these 13 vegetation types, 7 are listed as endangered, endangered ecological community (EEC) or critically endangered ecological community (CEEC) under the BC Act and/or EPBC Act.

The site, despite past modification cultures, provides habitat features that provide foraging, shelter and breeding opportunities for native fauna, including threatened species.

While no threatened fauna species were recorded within the site by Cumberland Ecology, a BioNet Atlas of Australia (EHG 2022) search and Protected Matters Search Tool (DAWS 2022) search of the locality identifies a total of 32 threatened fauna species that are considered to have a potential to occur within the site.

Furthermore, it is noted that the site includes areas mapped as Potential Koala Habitat as well as Strategic Linkage Areas along Menangle Creek, under the Campbelltown Koala Plan of Management (CKPoM) adopted by Council.

### **2.2.3 Cumberland Plain Conservation Plan (CPCP)**

The site and surrounding lands are subject to the CPCP. Such plan came into effect on 17 August 2022 to protect Western Sydney's biodiversity and support its growth to 2056 and beyond. In particular, the CPCP seeks to avoid and minimise negative impacts to biodiversity and offset residual impacts on biodiversity from future development in the Growth Areas. This includes the Greater Macarthur Growth Area.

The majority of the land in question is identified as 'Certified – Urban Capable' land under the CPCP. Areas identified as 'Certified – Urban Capable' land under the CPCP are areas that will be certified under the BC Act as having the biodiversity approvals to progress development. Such areas will not require further site-specific biodiversity assessments as these areas have been strategically chosen to avoid and minimise impacts on biodiversity values.

Any areas of the site not designated 'Certified – Urban Capable' which are proposed to be zoned for development will require site-specific biodiversity assessments, in accordance with the Biodiversity Assessment Report Method (BAM) provided by Cumberland Ecology in support of

the Proposal. Namely, this will apply to Lot 1 DP 622362, being No. 111 Menangle Road, which is identified as Excluded Land on the CPCP mapping.

The CPCP maps identify parts of the site along predominantly the eastern and southern boundary along Menangle Creek as Important Koala Habitat, Restoration area for Koala Habitat and Strategic Conservation Area. This correlates with what is referred to as Corridor A under the Chief Scientist and Engineer Report “Advice on the protection of the Campbelltown Koala population”, (April 2020). The Proposal importantly delivers a 40.67 ha Koala Corridor along the eastern and southern boundaries of the site largely consistent with the Koala Habitat mapping and Strategic Conservation Area mapping of the CPCP and the recommendations of the Chief Scientist and Engineer Report.

However, it is noted that the PPR seeks some variations to the CPCP mapping. Figure 2 provides a comparison between the CPCP mapping and the PPR, as it has evolved. Most notably the 2 fingers of vegetation in the north-east corner of the site (coloured purple), where the proposal impacts on the CPCP Avoided areas are proposed to be modified. These 2 “fingers” contain some vegetation of diminished value due to invasive weed infestation in both corridors. This area is proposed to be offset by the conservation of vegetation in the central riparian corridor currently identified as Urban Capable which is considered to hold higher conservation value in addition to areas shown in pale blue, which are otherwise excluded.

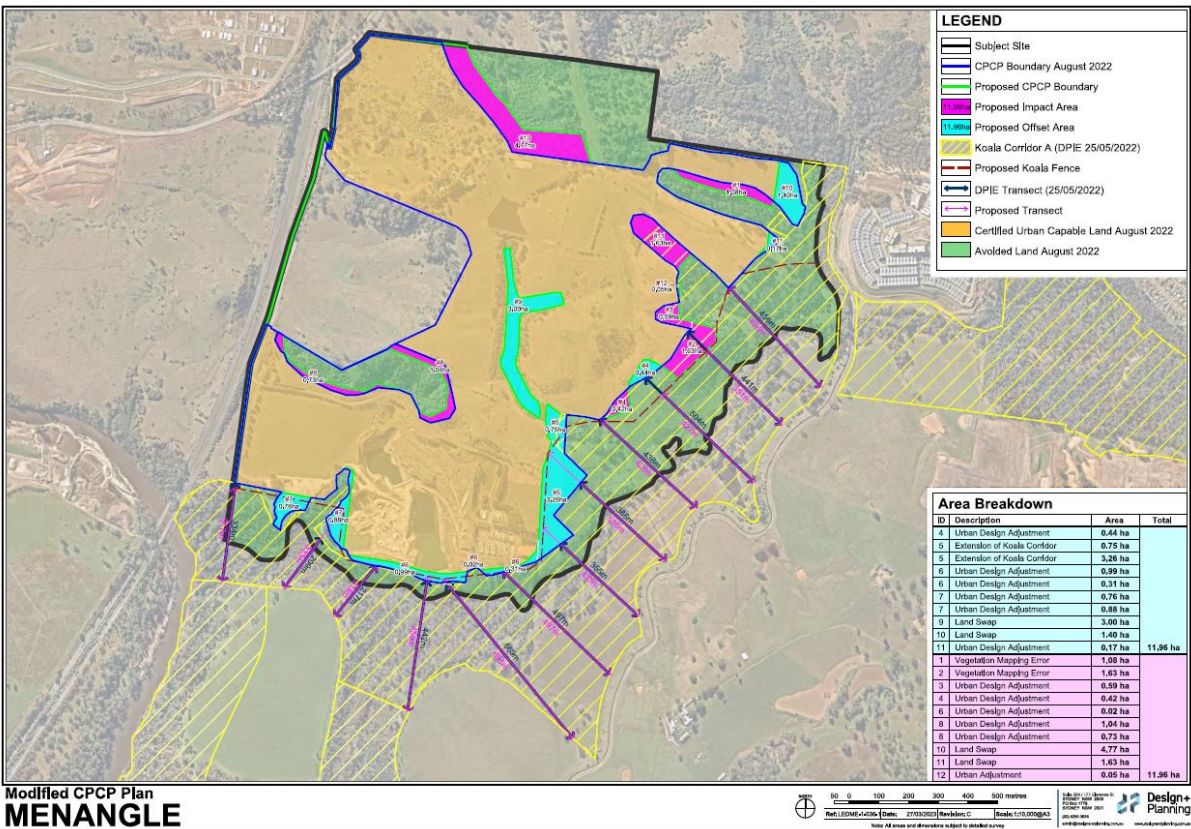


Figure 2 – Modified CPCP Plan

In this context, it is noted that the proponent, having completed advanced discussions with the DPE’s CPCP Team regarding the extent of ‘Certified – Urban Capable’ land and modification to the CPCP mapping will be sought via the modification process identified on the CPCP website. These discussions are noted to have also entailed extensive dialogue with Council’s ecologists

and planners and have led to a more refined approach to the proposed modification. Vegetation retention and corridor development in the modification application is depicted in Figure 2 and produced as (attachment 4).

As such, the final ecological strategy seeks to modify areas that hold reduced conservation value, while retaining those areas that hold higher conservation value and forging enhanced corridor linkages. This is evidenced by the Proposal retaining the majority of land proposed to become Strategic Conservation Area under the CPCP. This includes the retention of land identified in the CPCP as 'Important Koala Habitat' and land identified in the CKPoM as 'Strategic Koala Linkage' that links to Mount Gilead to the east and the Nepean River to the southwest and an enhanced corridor linkage at the extreme north east of the site with the northern off site remnant and enhance the connectivity of the northern most "finger" to the North West.

The final CPCP modification proposal recently lodged with the DPE (CPCP team) is reproduced as (attachment 4). This scenario, which also retains the central corridor, is considered to be a preferable ecological and planning outcome, subject to enhanced fauna surveys occurring.

The CPCP team have recently communicated that it supports the CPCP Mod, subject to minor amendments including;

- Retention of remnant vegetation in the bottom of the "hockey stick".
- Mapping of easements through the avoided land in the south as excluded land (refer to section 4.2.1 of this report and attachment 6).

#### **2.2.4 Excluded Land**

Lot 1 DP 622362 (No. 111 Menangle Road) was the subject of a Biodiversity Certification Application by others that was discontinued upon the recent independent acquisition by the Proponent. The land is accordingly designated as excluded land on the CPCP.

Preliminary biodiversity assessment of the subject land has been undertaken by Cumberland Ecology and together with previous Biodiversity Certification preliminary conclusions, has informed the Structure Plan for this precinct, and more broadly the proposed land use zone arrangement and related planning provisions.

The DPE recently confirmed the importance that a BDAR which arrives at generally acceptable outcomes and is of a form considered adequate to advance the Proposal to the Gateway Determination stage, provides a relevant threshold test.

#### **2.2.5 Koala Impacts/Management/Conservation**

The Proposal is generally consistent with this mapping and the delivery of a Koala corridor in accordance with the requirements of the CPCP and the Chief Scientist's and Engineer report. The Proposal identifies approximately 40.67 ha of the site to be conserved as a Koala corridor in accordance with the transect requirements of the DPE CPCP team.

However, it is acknowledged that the Proposal seeks to remove part of the southern of 2 fingers in the north east and trim the northern most "finger", identified as Koala Habitat. These areas line the banks of 2 Category 1 creeks that are somewhat weed infested and contain some degraded vegetation. The loss of these two areas is proposed to be offset through the retention and revegetation of two areas of urban capable designated land elsewhere on the site. These

areas are the central riparian corridor and an area adjacent to Menangle Creek in the North Eastern corner of the site. These will provide improved wildlife connections to the adjoining lands to the north. This latter corridor will incorporate realigned/rationalised Koala fencing.

The matter of fencing is further at section 4.2.1 of this report.

It is also proposed to enhance the connectivity of the northern most finger with the remnant vegetation on the northern boundary of the site and adjoining land, through the provision of integrated wildlife crossing of the proposed local road as per a relevant DCP provision.

The Proposal is considered to be generally consistent with Chapter 4 of the SEPP and the CKPoM.

### **2.2.6 Balanced Planning Outcome**

The Proposal that has evolved from the PPR and review of the proposed conservation initiatives and urban design blueprint (structure plan) and is considered to present a superior planning outcome for the site.

The increased rigour of ecological assessment (including identification of trees greater than 50 cm (girth), hollow bearing trees and Koala siting's undertaken to date and landscape scale wildlife considerations as reflected in the revised structure plan, forming (attachment 3), reinforce this view.

Supplementary fauna investigations, however, are encouraged for the nominated offset areas and broader ecological investigation for the non-certified land. Additionally, the previously mentioned amendment to the CPCP Modification proposed by the CPCP Team (refer to section 4.2.1 of this report and attachment 4) adds value to the final projected ecological outcome.

## **2.3 Bushfire Hazard**

### **2.3.1 Nature of Hazard**

The site comprises bushfire prone land, namely Vegetation Category 1 within the north and along the eastern and southern perimeter, Vegetation Category 2 generally across the centre of the site and Vegetation Buffer in the north east, along the western boundary and within the southern portion of the site.

A Strategic Hazard Study (SHS) prepared by Australian Bushfire Protection Planners Pty Ltd (August 2022) accompanied the PPR.

The SHS noted the following remaining internal and external bushfire risks to the site:

External

- Vegetation within the C3 zoned land to the northeast; and
- Vegetation on the RU4 zoned land to the southwest of the site – west of the Hume Highway.

### Internal

- Retention of vegetation within the site, including in the riparian corridor to Menangle Creek and internal open space areas.

A Strategic Bushfire Study (SBS-DPE) was also commissioned by DPE at the scale of the Greater Macarthur Urban Release Area and was undertaken by Eco Logical Australia (October 2021).

The study identified the site as forming part of the Gilead (A) precinct and concluded/recommended an insignificant bushfire risk and that precinct planning should be able to provide an appropriate combination of Bushfire Protection measures in accordance with Planning for Bushfire Protection 2019 (PFBP).

### 2.3.2 Hazard Management

Having regard to the potential bushfire risk to the site from internal and external sources, and the proposed structure plan, the Study makes the following comments/conclusions:

- The provision of Asset Protection Zones (APZs) to the external and internal hazards addresses the requirements of Table A1.12.5 of PFBP and reduce the bushfire risk to the residential development.
- A review of the access provisions has found that a hazard remains to the southeast of Menangle Road – the primary emergency exit from the site, where there is no alternate egress from the site. However, to address this non-compliant access requirement, a Neighbourhood Safer Place has been recommended, combined with the provision of a site for a new fire station will provide coverage for the estate and surrounding development. (The SBS-DPE noted that with respect to on-site community refuges, although not currently formally recognised in the PFBP, the current literature suggests that these should be part of best practice strategic planning).
- The proposed Structure Plan prepared by Design & Planning achieves compliance with the Strategic Planning provisions of Chapter 4.1 and Chapter 4.2 PFPB and the aim and objectives of PFPB.

### 2.3.3 Conclusion

The declaration of land as urban capable had regard to strategic bushfire hazard impact/management. The SHS has presented a management strategy that will be further reviewed, inclusive of the final Asset Protection Zone configuration at Development Application stage.

Pursuant to Section 9.1(2) of the EP&A Act Focus Area 4, Resilience and Hazards 4.3 Planning for Bushfire Protection, Council is obliged to consult with and have regard to any comments from the Commissioner of the NSW Rural Fire Service, in the event of a Gateway Determination and prior to undertaking community consultation.



## **2.4 Hydrology / Flooding / Stormwater Management**

### **2.4.1 Hydrology**

The topography of the site is complex, comprising areas of undulating to steep land, together with flatter elevated plateaus and low lands.

The southern end of the site includes steep escarpments along Menangle Creek and quarry high walls within the existing quarry. The land then rises gently from Menangle Creek in the south to form a series of ridgelines in the north. These ridgelines are incised by watercourses that flow typically east and south into Menangle Creek. A number of easterly and westerly spurs and an east-west orientated ridge line in the northern part of the site connects the dominant north-south ridges.

The land along the western edge and north comprises a series of rolling hills that typically fall to the west towards Medhurst and Menangle Roads.

The hydrology in being consistent with the topography comprises a series of ephemeral water courses draining to the east and south into Menangle Creek, which ultimately flows into the Nepean River. Ephemeral streams in the north and west flow onto adjoining lands. While the water courses in the west flow toward the Hume Highway and into a structure beneath the Highway, ultimately toward the Nepean River.

Five farm dams are located across the site strategically in the various principal catchments.

### **2.4.2 Flooding**

A Water Cycle Management Report was undertaken by Craig and Rhodes which included an assessment of flood risks across the site.

The report concludes that existing flood conditions within the 3 tributaries that traverse the site is well contained and does not overtop the banks. There is a presence of shallow sheet flooding throughout the site to depths up to 150 mm, which can be managed within a drainage strategy.

The proposed water cycle and flood management strategy detailed in the report focuses on mitigating the impacts of the development on the total water cycle and maximising the environmental, social and economic benefits achievable by utilising responsible and sustainable stormwater management practices.

### **2.4.3 Stormwater Management**

Key opportunities for employing Water Sensitive Urban Design stormwater management principles (WSUD) in the structure plan are identified to include:

- Implementation of WSUD devices including rain water tanks, Proprietary Gross Pollutant Traps (GPTs) and Bio retention basins/systems; and
- Integrating WSUD devices into the riparian corridors and complimenting them with innovative landscape solutions. This may come in various forms such as basins, swales or vegetated channels.

It is noted that no on site detention (OSD) is proposed in the stormwater management strategy. This aspect needs further exploration in conjunction with additional modelling needed for the Gilead Stage 2 Planning Proposal. The flood modelling for these 2 adjoining release areas, both discharging to Menangle Creek and subsequently the Nepean, need to be coordinated to ensure they do not exacerbate flood conditions downstream.

The treatment of water through WSUD devices is expected to limit the Stream Erosion Index (SEI) to between 1 and 2. SEI calculations will need to be shown during detailed design at a later stage of the Development Application process.

Table 8 from the Craig & Rhodes report included as Figure 3 following details the stormwater quality performance targets that have been established based on the neighbouring Menangle Park Precinct site specific DCP controls for pollutant retention targets.

Pollutant	Typical % Reduction	Stretch target % Reduction
Total Suspended Solids (TSS)	85%	85%
Total Phosphorus (TP)	65%	70%
Total Nitrogen (TN)	45%	55%
Gross Pollutants	90%	90%
Stream Erosion Index (SEI)	1.0 – 3.5	1.0 – 2.0

Table 8: Stormwater Quality Performance Targets (Source: Craig & Rhodes)

### **Figure 3 – Extract of Stormwater Quality Performance Targets sourced from Craig & Rhodes**

MUSIC modelling was undertaken and demonstrates that the proposed stormwater treatment train provides adequate treatment, which exceeds the water quality treatment “stretch targets”.

A groundwater bore search has identified 3 bores within the site, utilised principally for industrial and domestic purposes.

#### **2.4.4 Conclusion**

It has been demonstrated at a concept level that potential flood impacts and stormwater generated by the urbanisation process can be adequately managed in a sustainable manner and that detailed design at the development application stage will further demonstrate appropriate water cycle management outcomes as an integral element in the urban design blue print for the new urban community.

## **2.5 Infrastructure**

### **2.5.1 Introduction**

The proponent has commissioned a servicing report together with a social infrastructure needs assessment study. These reports demonstrate that the site can be serviced with appropriate infrastructure.

## **2.5.2 Water/Sewer/Electricity**

The servicing report assessed the potential provision of potable water, sewer and electrical services that would be required to facilitate the development of 1,450 lots. In respect of reticulated water provision, the report identified the site to be located in the Rosemeadow Reservoir supply catchment with trunk main servicing for the site to come from either this system or the Trility main that runs through the site. In exploring a number of options Sydney Water indicates that potable water servicing will be available in the Menangle Precinct in the current year of 2023.

From a reticulated sewage perspective, the report states that the site is situated within the Glenfield Water Recycling Plant sewer catchment. Sydney Water's Growth Servicing Plan (GSP) indicates that sewer servicing for the Menangle Precinct is currently in concept planning stage and infrastructure is flagged for delivery in the 2023 year. Further representation of Sydney Water confirmed that Sydney Water are building capacity within their network to service future developments within the precinct on both a temporary (interim) and permanent (ongoing) basis.

Recent correspondence from Sydney Water confirms that sewer servicing will be provided to the site within a 5-10 year indicative timeframe. The proponent is understood to be working with Sydney Water to expedite the availability of sewer services.

The site is located within the Endeavour Energy electrical supply zone. The report included initial early engagement with Endeavour Energy and Council officers followed up directly with Endeavour Energy for further advice. Endeavour Energy responded with high level advice that the proposed development will need to be serviced from 2 new 11kV feeders from the Ambarvale ZS. Other Endeavour Energy assets and easements to consider are the existing 66kV Feeder 852, which runs from Macarthur BSP to Douglas Park SS (66kV). Endeavour Energy indicated that they may plan to duplicate this feeder in the future.

As such, the proposed development can be serviced with potable water, sewer and electricity in a timely manner with ongoing collaboration with Sydney Water and Endeavour Energy.

## **2.5.3 Social Infrastructure**

### **Introduction**

The social infrastructure needs assessment study assessed existing services and provided recommendations for the social infrastructure and open space that would be required to support the proposed development and the resulting population of new residents.

### **Higher Order Facilities**

The study outlines the social infrastructure for the Menangle Park precinct which includes the need for higher order facilities such as community centres, libraries and district parks and health services which will largely be provided outside of the proposed development.

### **Open Space**

The proposal includes the provision of 7.14 ha of active open space located in a consolidated area in the southern precinct of the site. Such precinct can accommodate 2 playing fields as well as other recreational facilities.

A Council assessment, based on an expected population of 4,900 resulting from a yield of 1,450 lots establishes that there is a minimum requirement for the provision of 6.7 ha of active open space and a further 7.1 ha of passive open space, totalling 13.8 ha of open space. The proposal includes 76 ha of environmental conservation land, including bushland reserves, riparian corridors and koala habitat as detailed further in Section 2.2 of this report.

Further evaluation of the open space provision will occur as the structure plan is further refined in the compilation of a relevant DCP chapter. In short however, the minimum requirements in respect of active and passive open space are met.

The need for the timely delivery of active open space is detailed in section 4.3.13 of this report.

The Social Infrastructure Needs Assessment prepared in support of the Proposal has determined that the site and projected population will generate the need for a new primary school. Accordingly, the structure plan allocates land for a 3.2 ha primary school adjacent to a proposed village centre and open space.

## **Centres**

The proposal includes a village centre focussed on the existing federation-era homestead and its northern gardens, which has vistas to the surrounding areas. In addition, a small neighbourhood centre within the development will cater to residents and is proposed to be located adjacent to the proposed school and proposed playing fields.

The proposal is considered to be adequately supported by proposed diverse social infrastructure provision that will not only satisfy minimum requirements but will potentially provide a place making template for an inspiring new community. The need for timely access to at least informal active open space from the earliest days of development is reinforced at section 4.2.13 of this report, in response to the LPP advice is acknowledged and proposed to be committed to by the proponent and documented in the VPA.

## **2.6 Heritage**

The proponent has commissioned a Heritage Assessment, Aboriginal Heritage Due Diligence Report and Connecting with Country Report for the proposal included as Annexures 11, 17 and 12 respectively.

### **2.6.1 European Heritage**

The relevant report found that the site does not contain any listed heritage items; however, it is located in a landscape of early land grants and State significant farming properties. The Mount Gilead property, (part) Sydney Water Upper Canal, Camden Park Estate, Sugarloaf Farm and Belgenny Farm are State heritage listed items within the vicinity of the site. Furthermore, the Menangle Landscape Conservation Area (Wollondilly LEP 2011 item C6) is a locally listed item located to the southwest. The site has no direct association with these heritage items; however, distant views of the historic mill and homestead of Mount Gilead can be seen from locations on the site.

Select glimpses of these views are projected to remain post development. Conversely, distant views of the site and broader urbanisation of the Menangle Park and Gilead Precincts will remain available to the subject items. As such, it is important that extensive urban canopy

planting accompany development to minimise the distinctly urban transformation of the landscape when viewed from the items (and other public spaces).

The property has operated in a pastoral and dairying capacity from the 1860s and comprises a brick Federation era house (1890-1915), and timber and brick ancillary buildings all of which have been extensively modified. The existing Federation-era house is proposed to be retained within its existing landscape setting.

The report notes that the Federation-era house and associated outbuildings are not listed on any statutory or non-statutory heritage registers. Whilst the house maintains several elements of original fabric, it has been modified to a point where it would be largely unrecognisable to its original configuration and aesthetic. Considering the extensive modifications the house has undergone, it is not deemed a good representative example of its type, with a number of better examples located within the surrounding landscape. Furthermore, the Federation-era house would not reach the threshold for local significance under the NSW Heritage Office criterion (historic, associative, aesthetic, social, research potential, rarity, or representativeness).

The site may have potential to contain archaeological resources from sheds and previous farming infrastructure (i.e. building foundations, and subsurface features including cesspits, rubbish pits, cisterns etc.). Archaeological resources of this nature are unlikely to fulfil the criterion for local significance as they are commonplace and unlikely to answer important questions about the history or development of the property and wider area. It is unlikely that significant archaeological resources or relics will be disturbed as part of the proposed works as no early 19th century buildings are known to be located within the site.

The Federation-era house is not visible from these heritage items, whilst the southeast boundary of the study area maintains a riparian corridor (Menangle Creek) which acts as a visual buffer.

## **2.6.2 Aboriginal Heritage**

### **Introduction**

An Aboriginal Heritage Assessment (AHA) was undertaken by Kayandel Archaeological Services.

### **Assessment Findings**

The AHA identifies that there are a total of 101 Aboriginal sites registered within a 4km area of the site, with 4 being located on the site. Another 9 sites were located within proximity of the site, being within 100 m of the subject area. The 4 registered Aboriginal sites within the site are located on the flats associated with Menangle Creek on the southern and eastern edge of the site.

No other previous unrecorded Aboriginal objects or sites were identified in Kayandel's survey of the site.

Kayandel also prepared a preliminary evaluation of archaeologically sensitivity within the site. The crests located close to water sources, the flats associated with Menangle Creek, and Menangle Creek itself have been assessed as archaeologically sensitive landforms, with further investigation and impact assessment of these identified areas to be undertaken at the development application (DA) stage.

**Advancing the design**

In developing the structure plan, the Proposal is noted to be informed by Aboriginal Cultural Heritage Assessments, including an AHIMS search, field survey and consultation with the Aboriginal community. The result of this work has provided guidance on Aboriginal sites and archaeologically sensitive locations, including landforms. It has provided direction on the proposed layout of the structure plan, as well direction on further investigations that would be required at development stage.

In progressing the detailed design at the development application stage, the Aboriginal stakeholders are to be further engaged in accordance with the Connecting to Country report to:

- Identify Aboriginal words that may be used for the names of streets, and public places and spaces;
- Identify possible locations for the establishment of Yarning Circle(s);
- Discuss design options for the Yarning Circle(s);
- Assist the landscape architect in identifying local plant species to be established in the riparian corridors and public places and spaces;

As feedback is received from this ongoing consultation process, the CwC report will evolve to reflect this process.

**2.7 Contamination****2.7.1 Introduction**

The site has a history of potentially contaminating activities in the form of quarrying, waste recycling, coal seam gas extraction and farming. Accordingly, notwithstanding the progressive decommissioning and removal of these historic uses, a Preliminary Site Investigation (Contamination) was commissioned by the Proponent.

**2.7.2 Investigation Results**

The focus of the Investigation was the identification of potential areas of environmental concern (PAECs). Some 93 PAECs were identified including the Menangle Park Recycling Facility (identified as the Quarry) and the Gas Plant.

**2.7.3 Conclusions**

The report found that the level of contamination found on the site is typical of other rural properties in the area, with the exception of the existing quarry and gas plant infrastructure. However notwithstanding the presence of these features, it was concluded that the site could be made suitable for the proposed use following further investigations. Groundwater contamination was not considered to be a significant issue for the majority of the site, unless soil contamination is found during soil testing.

Further investigation of the PAECs and limited investigation of non PAEC areas should occur as the planning is advanced and remediation plans prepared and implemented strategically.

It is noted that decommissioning and remediation of the gas plant and related infrastructure is scheduled for completion in March 2024, and the filling and remediation of the quarry within 8 years subject to fill availability.

## **2.8 Urban Design**

### **2.8.1 Introduction**

A detailed site analysis review was undertaken and underpins an urban design response that has regard to the site's constraints and opportunities and history, building on the 3 pillars of best practice, namely, context, structure and best practice. The process and design response is encapsulated in an Urban Design Report.

### **2.8.2 The Vision / Structure Plan**

Central to the vision and related Structure Plan has been engagement with local indigenous representatives in a Connecting with Country context. The Structure Plan importantly has regard to the undulating terrain, vegetated areas, creek lines and internal and external views establishing a strong connection to country.

Utilising this platform, an urban fabric was fashioned to facilitate the staged delivery of a sustainable connected new community comprising approximately 1,450 dwellings and supporting social and physical infrastructure, environmental rehabilitation and protection measures and a hazard management template.

### **2.8.3 Key Features of the Structure Plan**

Key features of the structure plan are:

- A framework that responds to the topography of the site including its ridge lines, water courses, vegetation and other natural features to create a strong underlying connection to this landscape structure;
- Development of a diverse road hierarchy that provides for flexibility of development of varying residential densities and supporting land uses including the creation of collector road;
- A key structural link that connects the precincts distinct characters, land use types and densities;
- A local street network that delivers engaging and active streets that promotes permeable connections and accessibility, trip containment, walking, cycling;
- A village centre, integrating the existing federation-era dwelling as part of the former Rosalind Farm to provide opportunities for its adaptive reuse. The Village Centre will serve the day to day needs of local residents and be a key identity and focal point for the Rosalind Park community;
- Capitalisation on existing views and creation of new views and vistas, particularly from the existing ridgelines and the federation-era dwelling as part of the former Rosalind

Farm. Significant green space has been located at important locations with roads being aligned with the existing topography to maintain important views and vistas;

- A range of densities and dwelling types providing opportunities for increased housing diversity and affordability;
- Walking and cycling networks designed to provide access for residents to key amenities within the site (village centre, school, open space, and residential areas) and linking up to regional networks;
- Provision of an extensive passive and active open space and landscape / vegetation network that shapes an identity and character responsive to the topography of the site and integrates a liveable, robust network of parks, reserves, corridors and streetscapes; and
- Use of water bodies, performing both an aesthetic and functional (water sensitive urban design) purpose, as a contributing element of the public domain.

## **2.9 Economic Impacts**

### **2.9.1 Introduction**

The Proponent has commissioned an economic benefits assessment of the proposal which assessed job creation, value added to the economy and future retail expenditure from the new residents.

### **2.9.2 Economic Outcomes**

The assessment makes the following conclusions:

- The construction of the proposed development would generate an average total of 501 jobs over the 10-year development period.
- The development phase will generate a total Gross Value Added (GVA) of \$796.6 million to the NSW economy during the 10-year construction period.
- The ongoing operation of the proposed school and retail precinct development upon completion will also create economic value to the local economy. The operation of the proposed development will have the potential to deliver \$14.9 million direct and indirect annual gross value added to the economy.
- Upon completion of the development, the ongoing operations from the school and the southern retail precinct will generate new employment in the local economy.
- The school will have a capacity of 1,000 students while the southern retail precinct will deliver 1,800 m<sup>2</sup> of retail space.
- The operational phase of the development will generate a total net increase of 145 jobs, including 125 direct jobs and 20 indirect jobs.



- Direct jobs are associated with the future intended uses on the site. Using a density of 13.5 students per staff for the school and 35 m<sup>2</sup> per job for the retail, the school and southern retail precinct will support 125 jobs.

### **2.9.3 Conclusion**

Accordingly, it is concluded that the proposed development will have significant economic benefits during its ten year expected construction period and additional economic benefits and job creation on an ongoing basis.

## **2.10 Acoustic Impacts**

### **2.10.1 Existing Acoustic Environment**

The site is impacted by various levels of noise due principally to its location in close proximity to the Hume Highway on its western boundary. The north-western corner of the site is affected by road traffic noise from both the Hume Highway and Menangle Road.

The central and eastern areas of the site are affected by a much lower level of road traffic noise. The existing quarry at the south of the site is being decommissioned as part of the overall proposal and therefore will not form part of the acoustic environment.

### **2.10.2 Environmental Noise Assessment**

The proponent commissioned an Acoustic report to address the potential acoustic impacts on the proposed development.

The report made an assessment that measured ambient and road traffic noise levels, predicted the road traffic noise from the surrounding road network on the development with details of noise control recommendations.

The report found that the central and eastern areas of the site are expected to be affected by a much lower level of road traffic noise. At present, the ambient noise environment in these areas is typically dominated by sounds of the natural environment. Due to its intended decommissioning, the impact of any noise from the existing quarry was not assessed as part of the report.

Ambient and road traffic noise assessment was undertaken in two locations on the site with noise loggers placed on the boundary with the Hume Highway.

### **2.10.3 Noise Mitigation Measures**

Based on the noise measurements and site inspection, the western boundary of the site is predominately impacted by road traffic noise from the Hume Highway, noise mitigation will be required for dwellings located within 420 m of the western site boundary.

These measures should initially focus upon acoustic design consideration of the future dwellings. In addition to acoustic design measures in the dwellings, mechanical ventilation may be required for future dwellings where the internal criteria cannot be met with open windows or natural ventilation.

Notwithstanding the minimum impact of a noise attenuation barrier of 3 to 4 dB at select locations, the Proponent is committed to installing a barrier adjacent to the principal noise source; namely the Hume Highway.

## **2.11 Quarry Decommissioning**

### **2.11.1 Introduction**

The site includes a sandstone quarry with associated crushing and screening facility that is proposed to be decommissioned and repurposed principally as open space/recreation in the form of playing fields and support infrastructure, hard surface sports facilities, playground, outdoor fitness, part primary school and related playground space. The location of the quarry is shown in Figure 5 (page 21) of (attachment 4).

### **2.11.2 Decommissioning/Remediation**

The decommissioning/remediation of the quarry site shapes as a very significant undertaking. Initially it is projected that 3,350,000 m<sup>3</sup> of closely monitored fill material sourced both off site and on site, will be required. Related truck movements will be significant (over potentially an 8 year time horizon) and needs to be carefully managed as part of a relevant Development Application and accompanying Traffic Management Plan.

### **2.11.3 Potential Risks/Transfer of Ownership**

It is imperative that Council is protected from all risks surrounding the quarry decommissioning and remediation. The subject land must be omitted from Council land acquisition responsibilities. It is critical that remediation is mandated in the VPA, together with timing, and maintenance and monitoring responsibilities. This position is acknowledged by the proponent and committed to.

## **2.12 Gas Plant Decommissioning**

The site includes the Rosalind Park Gas Plant (RPGP), gas and gas wells operated by AGL coal seam gas operations. The subject infrastructure is planned to be decommissioned and remediated to facilitate the Proposal. The proposed land use post remediation is largely residential.

The location of the gas plant is shown in Figure 11 (page 23) of (attachment 7).

The decommissioning and remediation of the gas plant would be subject to a development application and strict environmental controls to prevent ongoing gas leakage.

## **2.13 Mine Subsidence**

The site is located within the South Campbelltown Mine Subsidence District.

As part of staged subdivision and early works Development Applications (DAs) across the Site, approval from Subsidence Advisory NSW under section 22 of the *Coal Mine Subsidence Compensation Act 2017* will be required.

Preliminary advice from Subsidence Advisory NSW (SANSW) has indicated that the proposed lots are located within a mine subsidence district and are subject to a current coal exploration title. SANSW further confirmed that their approval will be required in the granting of any consent. Finally, SANSW advised that the site may be undermined in the future due to the presence of the coal resource, it being noted that extraction of coal can cause subsidence which may impact surface development.

GM2040 has, however, indicated that coal extraction is unlikely to continue where exploration licences exist given the declaration of the Growth Area. The plan further indicates that extraction would only be permitted if zero subsidence mining techniques to prevent damage to buildings and infrastructure from subsidence are adopted. As such mine subsidence is considered to be a manageable constraint as evidenced elsewhere in the Menangle Park and Gilead release areas.

### **3. Infrastructure Impacts / Delivery**

#### **3.1 Introduction**

The delivery of a sustainable comprehensive new urban release area will be dependent upon the provision of broad ranging local and state infrastructure of both a social and physical / engineering nature. The required infrastructure is also supported by community / estate building infrastructure beyond minimum requirements.

The minimum infrastructure requirements are documented in:

- a) The Social Infrastructure Needs Assessment (Urbis: August 2022)
- b) The VPA Proposal Report (Craig and Rhodes: August 2022)

#### **3.2 Proposed Works / Assets Delivery**

The proposed works/assets to be undertaken/delivered include in summary:

- Upgrades to Medhurst Road to a 4-lane sub-arterial road, including 2 roundabouts with a new collector road connecting into the development, and a signalised intersection with Menangle Road. This is subject to change as the Greater Macarthur 2040 Interim Plan provides details of the Transport Corridor (Figure 13) which indicates 4 travel lanes, 2 parking lanes and 14.8 m transport corridor allowing for 2 transport lanes and right turn lane as required.
- An acoustic wall barrier to assist noise attenuation from this future sub-arterial road.
- Land for a new 3.2 ha primary school to be delivered to support the population growth generated from the proposed Rosalind Park Development.
- CPCP and Koala corridor lands to meet legislative requirements, including Koala fencing and Koala planting/revegetation.
- One local collector road within the site to service future residents by linking local streets via a circular alignment to the 2 roundabouts along Medhurst Road. This collector road will include 5 roundabouts.

- Passive open space – comprising local parks and green space including land dedication and landscaping embellishments.
- Active open space – including 2 playing fields, 4 smaller sports courts to support local sports clubs and community events within the Rosalind Park development.
- Embellishment of the gas easement – includes embellishment of the gas pipe easements to function as linear passive open space and APZs.
- Bush Open Space – comprising 2 reserves of local bushland identified as Avoided Land in the CPCP, to be dedicated.
- The provision of 15 bio retention basins and 15 Gross Pollutant Traps (GPTs) to ensure downstream water quality is protected from future pollutants including macronutrients, chemicals, suspended solids and physical waste.
- Rural fire station – aligning with growth to meet the needs of the growing population and the high presence of bushfire prone land within and adjacent to the site.

To facilitate the above infrastructure outcomes, the Proponent proposes to dedicate land for public uses and complete infrastructure works in accordance with the structure plan under separate VPAs with both the State Government and Campbelltown City Council in order to demonstrate that the development, once rezoned, would accommodate the required public infrastructure for new residents.

### **3.3 Proposed Contributions**

A proposed Local Voluntary Planning Agreement would establish a value of \$84,374,050 in local contributions, comprising \$60,065,450 in land dedications and \$24,308,600 in infrastructure works. The Proponent has submitted a Formal Letter of Offer to Council – Rosalind Park Draft VPA (Leda Holdings May 2023). This will be forwarded to Council's legal representative and revised such that it can be considered an irrevocable offer.

A proposed State Voluntary Planning Agreement established an estimated total value of \$76,109,768 in state contributions, comprising \$38,905,500 in land dedications and \$37,204,268.

### **3.4 Infrastructure Conclusion**

It should be noted that the above mentioned contributions are the subject of on-going review. Importantly, they demonstrate a commitment to the requisite infrastructure requirements that potentially exceeds the minimum requirements and facilitate timely delivery of such infrastructure and community building.

## **4. Local Planning Panel (LPP)**

### **4.1 Introduction**

The Proposal was considered by the Campbelltown Local Planning Panel (LPP) at its meeting of 24 May 2023, after an extensive site visit and briefing.

The LPP made the following observations and provided the following advice:

#### **4.2 LPP Observations / Advice**

- To note the report to rezone the subject land for urban purposes
- To concur with the proposed amendments to CLEP 2015
- To acknowledge the merit of the proposed Cumberland Plain Conservation Plan (CPCP) modification application. It was suggested that the final outcome should be outcomes focussed not purely on equation of losses and gains. Efforts to secure the koala corridor were highlighted to be a priority requirement.
- Noted and questioned the proposed retention of the central natural corridor as a multipurpose corridor, without a credit offset value.
- An ownership/management strategy for the CPCP should be prepared prior to finalisation of the Proposal.
- Concurred that a BDAR assessment is required for Lot 1 DP 622362
- The significant hilly character of the site was noted to provide both opportunities and constraints which should be clearly highlighted in the Planning Proposal.
- The maximum building height should be 9.0 m rather than the 10.0 m proposed for the R2 zone.
- The maximum building height of 15.0 m for the proposed homestead focused village centre is inconsistent with the vision for the centre.
- To note the short term access scenario and non-alignment of the proposed Menangle Creek corridor crossing should not prejudice progress of the Planning Proposal but encourages priority pursuit of longer-term solutions. It is noted that the interim Menangle Road access scenario is problematic and has limited operational capacity.
- To acknowledge an accompanying VPA and Irrevocable offer proposing relevant agreements for provision of land and delivery of works attributable to the Proposal.
- To note that the variety of lot sizes and housing types is responsive to the sites topography and that more dense housing forms are not appropriate.
- To support the proposed amended general minimum lot size of 420 m<sup>2</sup> and 600 m<sup>2</sup> (the latter in mapped steep areas).
- That the proposed provision to facilitate a percentage of smaller lots whilst supported should be clearly explained in the Planning Proposal.
- That a sustainable strategy be developed to ensure integration of the large infrastructure easements into the urban environment without prejudicing their functioning.

- To highlight a need for access to parks capable of performing a number of open space functions, in the early stages of the development for early resident arrivals.
- To acknowledge the site-specific and strategic merit of the Planning Proposal and recommend its progress for a Gateway Determination.

#### **4.3 Proponents Response and Council Observations / Conclusions**

The Proponent (LEDA Holdings Pty Ltd – represented by SJB Planning) has responded to the matters raised by the LPP. Additionally, a copy of email communication between the CPCP team of the DPE (Resilience and Sustainability Division) and the Proponent has recently been forwarded to Council. These responses form (attachments 5 and 6).

Having regard to the LPP minutes, the Proponent's response and the CPCP team response to the proposed CPCP Modification Application it is proposed that the Council compiled Planning Proposal be amended and a commitment made to the specific actions as follows.

##### **4.3.1 CPCP Modification**

- The response from the Proponent highlights the outcomes focussed nature of the submitted version of the proposed Modification, a position largely concurred with by Council ecologists, subject to some additional fauna investigations. The status of the supporting "numerical equation" is acknowledged.
- Additionally, the response includes more comprehensive visual analysis.
- At the days end, the Modification Application is to be determined by others; namely, the CPCP team of DPE, after assessment by an accredited assessor.
- The CPCP team have advised it supports the Modification Application subject to:
  - Retention of remnant vegetation in the bottom of the "hockey stick":
  - Mapping of the easements through the avoided land in the South as excluded land (Refer to attachment 6)

Council supports the suggested amendment and the structure plan will be amended accordingly

- The CPCP team also raised concerns with the proposed location of the Koala Fence, but deferred to its final alignment being a matter for DA consideration. It is considered appropriate that relevant fencing principles be documented in the proposed DCP Chapter and that such occur prior to public exhibition in the event of a positive Gateway Determination.

##### **4.3.2 CPCP Ownership / Management**

- The Proposal proposes the conservation of over 70 ha of land as either Koala Corridor or other bushland conservation. It is proposed that the smaller, fragmented areas of bushland are dedicated to Council.

The final proposed dedications will need to be evaluated by Council property asset managers and open space and natural areas managers.

- The majority of the 70 ha comprises the proposed Menangle Creek aligned Koala Corridor. The future ownership of the corridor remains unresolved and is understood to be the subject of ongoing discussions with the CPCP team and needs ultimately to involve Council's relevant managers as cited above.
- The future maintenance of the Corridor is noted to entail a huge responsibility, if dedicated to Council.
- The future ownership and maintenance of the Corridor should be the subject of a strategy that is suitably resolved prior to public exhibition of the Planning Proposal.

#### **4.3.3 Central Multi-Purpose Corridor**

- The retention, rehabilitation and integration of the central corridor as a multi-function corridor is supported.
- The matter of its credit offset value be left for determination by the CPCP team (DPE).

#### **4.3.4 BDAR Assessment Lot 1 DP 622362**

- A BDAR assessment was recently undertaken for the subject site which was previously deleted from a Bio Certification Application by previous owners.
- The Proponent opines that the BDAR reinforces the previous preliminary bio certification conclusions and preliminary ecological investigations which informed the compilation of the Structure Plan and accordingly does not necessitate further adjustments to the Structure Plan.
- An initial review of the BDAR generally supports the above mentioned view and is considered sufficient to advance the Proposal for a Gateway Determination and further review and consultation with the CPCP (DPE) team and the Environment and Heritage Group.

#### **4.3.5 Hilly Topography**

- The significant variations in topography across the site are recognised as both opportunities and constraints and have informed the development of the Structure Plan.
- The Proponent has reinforced the landform and views analysis underpinning the background Urban Design Study as being central to the Structure Plan's compilation.

#### **4.3.6 Maximum Building Height R2 Zone**

- The prevailing maximum building height in nearby urban release areas is 9.0 m, this pertains to all types of terrain.
- Clause 4.3A of CLEP 2015 restricts dwelling houses, dual occupancies and semi-detached housing (amongst others) to 2 storeys, notwithstanding the building height.

- It is considered unlikely that buildings in excess of 9 m would be built and restricted to 2 storeys.
- Clause 4.6 – exceptions to the development standards would be available for any unique situation that exceeded 9 m in height and conformed with the 2 storey height restriction.
- The case presented by the Proponent in support of a maximum height of 10.0 m and compromise of 9.5 m is noted, but not supported.
- The maximum building height in the R2 zone should accordingly be 9.0 m.

#### **4.3.7 Maximum Building Height MU1 Zone**

- The Proponent advances that it is not proposed to deliver tall buildings throughout the “homestead village” precinct and that future DCP provisions will be restrictive, in this regard to ensure compatibility of scale with the key existing buildings that are to be retained and restored.
- It is further promoted that the taller building elements will be proximate to the silos.
- Notwithstanding, the Proponent accedes to a maximum building height of 12 m.
- The Planning Proposal should adopt a 12 m maximum building height and ensure that the accompanying DCP clearly details the objectives in respect of building massing and relationships and demonstrate the same in relevant diagrams and urban perspectives.
- The proposed neighbourhood centre (adjacent to the proposed school) should similarly be restricted to a 12.0 m maximum building height, with relevant “design cues” incorporated into the accompanying DCP.

#### **4.3.8 Access**

- The principal access is to occur via an upgraded intersection of Medhurst Road and Menangle Road.
- The proposed interim access is noted to have performance limitations and a limited timeframe of acceptability.
- Despite endeavours to advance the design of this intersection, the Menangle Road Upgrade Design team of Transport for NSW (TfNSW), as communicated by the Proponent, have yet to fully focus on the design and location of the intersection and its integration with an upgraded Menangle Road
- It is acknowledged that residential traffic generated by the precinct may be several years off. Heavy vehicles associated with the filling of the quarry and subdivision civil works, however, will be occurring in a shorter timeframe.



- Advancing the Planning Proposal should not be prejudiced because of the subject limited adequacy of the interim access, as communicated by the LPP. Equally, however, as suggested by the LPP, a longer term solution should be pursued as a priority.
- It may even be appropriate, in the event of inadequate progress with TfNSW that relevant political representations are made.

#### **4.3.9 Menangle Creek Crossing Alignment (Proposed Transport Corridor)**

- The non-alignment of the proposed transport corridor servicing the Campbelltown South and Appin Urban Release Areas at the Menangle Creek interface of the proposed Rosalind Park and Gilead 2 urban release areas is understood to be approximately 50 m and capable of reasonable resolution.
- It is imperative that the DPE seeks to facilitate the resolution of this matter in a manner clearly informed by engineering and natural corridors opportunities and constraints, economics and equity.
- With the finalisation of the Gilead 2 rezoning imminent, it is absolutely critical that the matter is appropriately and promptly resolved.

#### **4.3.10 Allotment Diversity**

- The proposed urban release area master planning has sought to ensure diverse housing opportunities are available, but importantly are distributed having regard to site constraints, particularly topography and access to physical and social infrastructure.

#### **4.3.11 Minimum Lot Size in the R2 – Low Density Precincts**

- The amended minimum R2 zone lot sizes of 420 m<sup>2</sup> and 600 m<sup>2</sup> (the latter in mapped steeper areas) is reinforced, as are the minimum dual occupancy lot sizes of 700 m<sup>2</sup> and 900 m<sup>2</sup> (the latter for steeper land).

It should be noted that Clause 4.1X of the Planning Proposal proposes to permit the distribution of a range of smaller lot sizes in the R2 zone in a manner consistent with the principle adopted in Gilead 1 and Menangle Park, whilst proposed clause 4.1Y details minimum lot sizes for different housing forms in the proposed R3 zone.

#### **4.3.12 Easement Ownership / Management Strategy**

- The Proponent has indicated that the gas easement will function as an additional lineal open space traversing the site, accessible to residents for lineal movements, passive enjoyment and the like
- In respect of the Transmission Line outside of open space, bushland or the proposed Koala Corridor the Proponent has indicated the land will form part of common property of adjoining medium density residential development or part of larger residential lots extended activities.
- There appears to be some merit in the ownership/management/use model advanced. The practicality and sustainability of the model needs, however, to be further reviewed

and possibly refined, but should not prevent the passage of the Planning Proposal to a Gateway Determination.

#### **4.3.13 Timely Provision of Active Open Space**

- The principal formal active open space areas are to be provided in the flatter areas focussed on the rehabilitated quarry precinct toward the end of the development time line.
- It is imperative however that new residents have reasonable access to at least informal active open space from the earliest days.
- The Proponent acknowledges this central tenet of community building in temporarily somewhat remote settings and proposes the provision of accessible local open space from the first stage and at staged intervals.
- The subject commitment is to be formalised in a proposed Voluntary Planning Agreement (VPA) accompanying the advancement of the Planning Proposal.

### **5. Gateway Determination**

The preparation of a Planning Proposal (PP) is noted to be the first step in the process of amending a Local Environment Plan. The draft Planning Proposal forming (attachment 1) has been compiled in response to the Proponent PPR, Council staff review of such document and advice from the LPP.

The draft PP is considered to have site specific and strategic merit, with such, view reinforced by the LPP. Accordingly, it is appropriate that the draft PP be referred to the Department of Planning and Environment (DPE) accompanied by a request for a Gateway Determination.

### **6 Formal Consultation**

The Gateway Determination (GD) will specify the duration and extent of public exhibition required and the nature of consultation required. The GD may also nominate specific authorities/agencies to be consulted.

Council's Community Participation Plan may also augment the subject requirements.

The draft PP is considered to be most appropriately categorised as a "complex" PP and accordingly require 30 days of public exhibition.

Notification at the public exhibition stage should occur:

- on Council's website
- on the Planning Portal
- in writing to affected and adjoining land owners (where practical)

The LEP Making Guidelines (DPIE) detail more fully the requirements of notices and material that must be made available for inspection.

Council, at its discretion, may include additional consultation actions.

## **7. Post Exhibition**

A further report need only be submitted to Council in the event that submissions are received from the public and/or authorities and agencies that object to the PP. In the absence of a future report Council should be advised of strategic progress of the PP.

## **8. Delegation Process**

As part of the Gateway Authorisation process, Section 3.34 of the EP&A Act allows the Minister and the Secretary to delegate functions to a Council and/or an officer or employee of a Council. When submitting a PP, Council is required to identify whether it wishes to Exercise Delegation (the Authorisation). Authorisation delegates the following plan making powers to Council:

- to make and determine not to make an LEP
- to defer inclusion of certain matters
- to identify which matters must be considered and which stages of the plan making process must be carried out again

Exercising plan making delegations can speed up the finalisation process for a PP. It is recommended that Council request delegation in this instance, assuming any agency / authority and community submissions received are readily resolvable.

## **Conclusion**

The proposal to rezone the Rosalind Park site for urban, conservation and support purposes, as refined and documented in the draft Planning Proposal at attachment 1 and revised structure plan is considered to demonstrate strategic and site specific merit to a level sufficient to advance to a Gateway Determination.

Equally, the proposed Cumberland Plain Conservation Plan Modification application (subject to the Cumberland Plain Conservation Plan team's suggested amendment and further fauna investigation), is considered to be worthy of support in principle, given the enhanced ecological planning outcome.

Key issues that have entailed interim strategies to advance the draft PP and potentially require further post Gateway actions include:

- Further review of the Biodiversity Development Assessment Report for Lot 1 DP 622362, including any implications for amendment of the proposed planning provisions/structure plan.
- Additional fauna investigations in support of the Cumberland Plain Conservation Plan modification proposal.
- Advancement of the interim LILo access scenario for the Medhurst Road/Transport Corridor and Menangle Road intersection, including potential political representation.
- Finalisation of the integrated Rosalind Park/Gilead 2 Menangle Creek crossing.
- Detailed provisions to be included in an accompanying DCP that address fine grained issues.

**Attachments**

- 8.3.1 Planning Proposal (contained within this report) [↓](#)
- 8.3.2 Original Structure Plan (contained within this report) [↓](#)
- 8.3.3 Updated Structure Plan (contained within this report) [↓](#)
- 8.3.4 Lodged CPCP Modification Plan (contained within this report) [↓](#)
- 8.3.5 Proponents Response to LPP Comments (contained within this report) [↓](#)
- 8.3.6 CPCP Modification Feedback (contained within this report) [↓](#)
- 8.3.7 Proponent Planning Proposal Request (due to size)(distributed under separate cover)

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ROSALIND PARK PLANNING PROPOSAL



**Pt Lot 35 DP 230946**

**Pt Lot 2 DP 622362**

**Pt Lot 3 DP 622362**

**Lot 58 DP 632328**

**Lot 1 DP 622362**

**Lot 1 DP 589241**

**33 Medhurst Road, Menangle Park**

**111 Menangle Road, Menangle Park**

**101 Menangle Road, Menangle Park**

**Planning Proposal**

**July 2023**

**Proposed Amendment to Campbelltown  
Local Environmental Plan 2015****ROSALIND PARK PLANNING PROPOSAL****Introduction**

This Planning Proposal (PP) explains the intent of, and justification for, the proposed amendment to the Campbelltown Local Environmental Plan 2015 (CLEP 2015). The following changes are proposed;

- Amendment to the Urban Release Area Map
- Amendment to the LEP Land Zoning Map
- Amendment to the LEP Height of Buildings Map
- Amendment to the LEP Lot Size Map
- Amendment to the LEP Lot Size Map for Dual Occupancy Development
- Amendment to LEP Terrestrial Biodiversity (BIO) Map
- Amendment to the Land Reservation Acquisition (LRA) Map
- Amendment to Clause 4.1 to insert a new sub clause 4.1X
- Amendment to Clause 4.1 to insert a new sub clause 4.1Y

The proposed amendments impact the following lots;

- Pt Lot 35 DP 230946
- Pt Lot 2 DP 622362
- Pt Lot 3 DP 622362
- Lot 58 DP 632328
- Lot 1 DP 622362
- Lot 1 DP 589241

The subject lots are commonly known as 33 Medhurst Road, 101 Menangle Road and 111 Menangle Road Menangle Park and referred to as 'Rosalind Park'.

The proposed amendment that forms the basis of the PP seeks to update the Urban Release Area Map in order to nominate the site as an urban release area.

The PP seeks to amend the LEP Land Zoning Map in order to nominate residential, mixed use, environmental, recreational, and infrastructure spaces.

The PP seeks to amend the LEP Height of Buildings Map in order to nominate maximum building heights of 9 m (R2 zone), 12 m (R3 zone and part MU1 zone) and 15 m (part MU1 zone).

The PP seeks to amend the LEP Lot Size Map in order to nominate minimum lot sizes within residential zones. These minimum lot sizes range from 420 m<sup>2</sup> to 600 m<sup>2</sup> for lots within the R2 zone. The PP also seeks to insert a use-based, minimum lot size clause into the LEP, for R3 zoned lots.

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The PP seeks to amend the Lot Size Map for Dual Occupancy Development in order to nominate minimum lot sizes for dual occupancy development on lots zoned R2 Low Density. The proposed size is 700 m<sup>2</sup> on general lots and 950 m<sup>2</sup> on lots identified as steeper areas.

The PP seeks to amend the LEP Terrestrial Biodiversity (BIO) Map in order to reflect proposed amendments to vegetation on the site.

The PP seeks to amend the Land Reservation Acquisition (LRA) Map in order to nominate reflect areas identified as classified road. The proposed LRA Map identifies the land required for road widening and upgrade of Medhurst Road.

The PP seeks to amend Clause 4.1 to insert a new sub clause 4.1X (numbering to be determined at a later stage). This is to provide an exception to the minimum lot sizes for land in Rosalind Park.

The PP seeks to amend Clause 4.1 to insert a new sub clause 4.1Y (numbering to be determined at a later stage). This is to provide a use-based, minimum lot size clause into the LEP, for R3 zoned lots.

**The Site**

The site is a large holding of approximately 264 hectares consisting of 6 adjoining lots on the Eastern side of the Hume Highway, within the suburb of Menangle Park. The land is located approximately 6.5 kms south-west of the Campbelltown CBD (Refer to Figure 1).

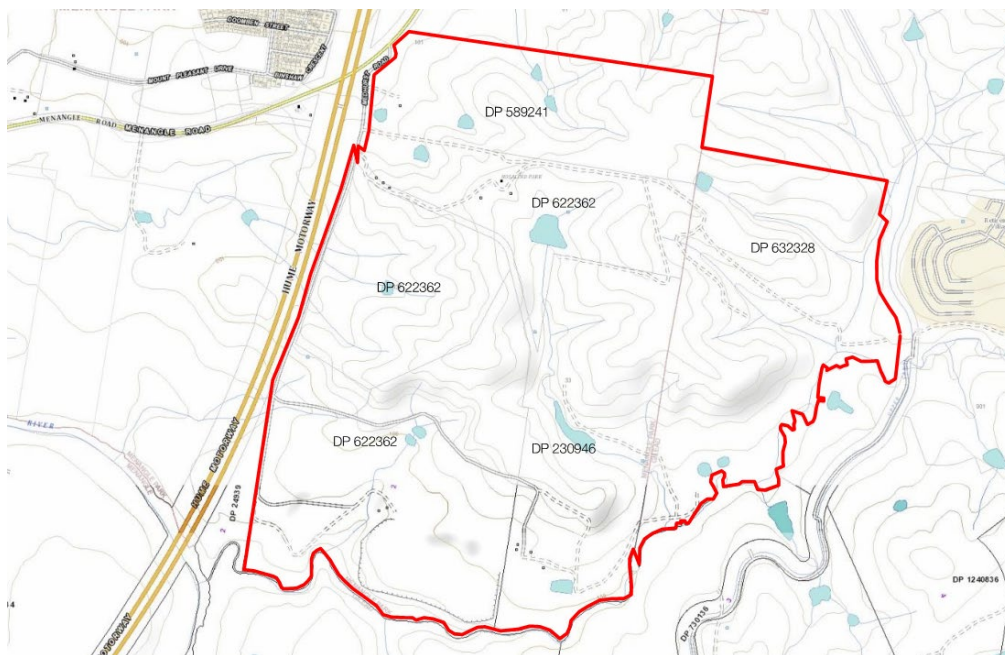
Current and former uses of the site include:

- Decommissioned AGL coal seam gas operations, including a number of gas wells and a gas treatment plant (Rosalind Gas Plant);
- Sandstone quarry and crushing/screening facility;
- Rural residential and agriculture (Rosalind Park – former dairy farm);
- Perennial horticulture; and
- Telecommunications facility (mobile phone tower).

This PPR applies to Lots 1, 2, and 3 DP 622362, Lot 35 DP 230946, Lot 58 632328, and Lot 1 DP 589241 at Medhurst Road and Menangle Road, Menangle Park referred to as 'Rosalind Park'.

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**Figure 1 – Location Map**

The site is currently zoned RU2 Rural Landscape under the Campbelltown Local Environmental Plan 2015.

### Background

This PP is submitted with the intention of changing the existing zoning, minimum lot size map, height of buildings map, urban release map and land reservation map within the site to facilitate the future subdivision of the site into a residential precinct with environmental corridors, open space, a new local centre and primary school and associated uses. The proposal also includes the establishment of a koala corridor that will be a dedicated and fenced area in accordance with the recommendations of the Chief Scientist for the long term preservation and wellbeing of the local Koala population.

The proponent has worked with Council post lodgment to refine the structure plan in accordance with achieving a more balanced approach that best preserves and enhances the natural environment while retaining a projected yield of 1,450 dwellings across the site. Council have advocated for the protection and enhancement of the central corridor within the site and an area referred to as 'Finger A' to protect views and vistas, existing trees and existing wildlife corridors. The proponent has worked with Council in this regard and the revised layout and CPCP mapping reflects this outcome.



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The background Planning Proposal Request (PPR) was prepared by SJB Planning on behalf of the LEDA holdings being the developer and proponent.

The original structure plan is included below as Figure 2 (superseded) together with the updated proposed Structure Plan as Figure 3.

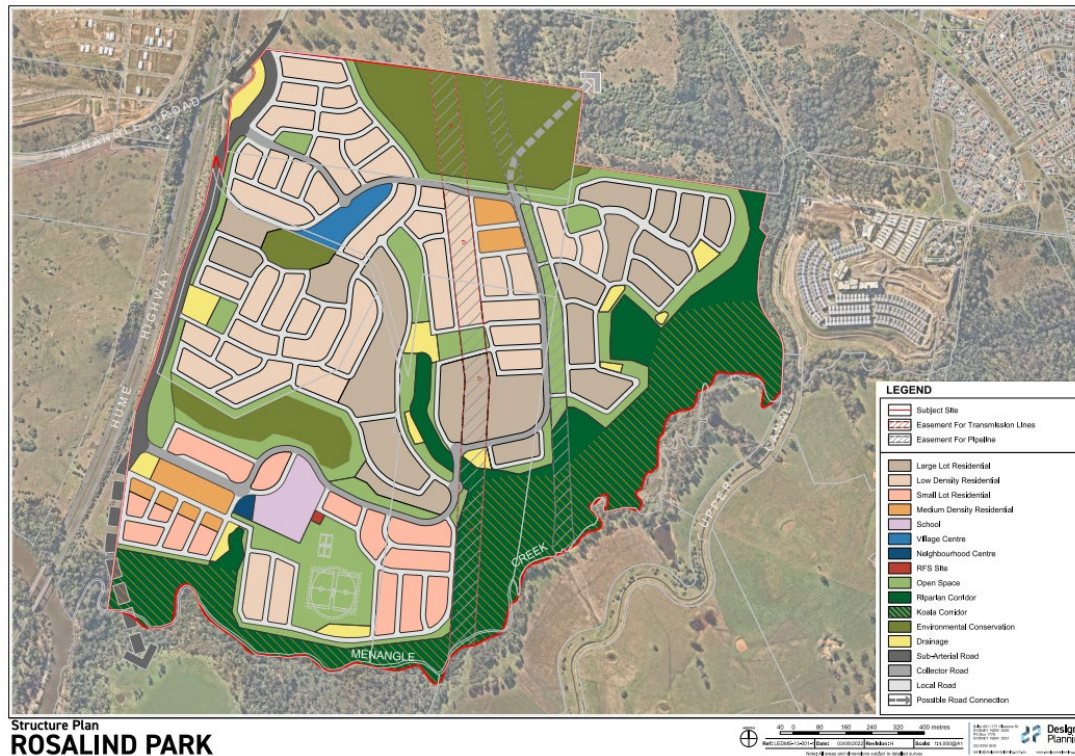
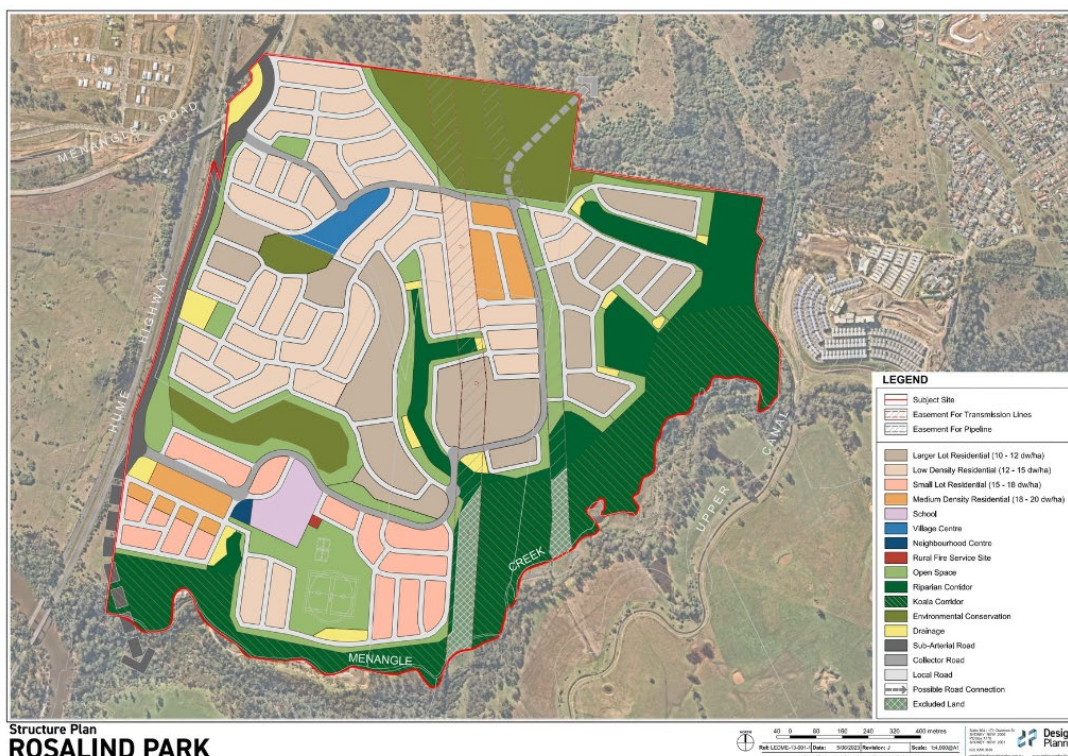


Figure 2 Original Structure Plan (Superseded)

## Proposed Amendment to Campbelltown Local Environmental Plan 2015

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**Figure 3 Updated Structure Plan**

### Existing Situation

The site comprises six lots being Lots 1, 2 and 3 in DP 622362, Lot 1 in DP 589241, Lot 35 in DP 230946 and Lot 58 in DP 632328 known as 33 Medhurst Road, Menangle Park and 101 and 11 Menangle Road, Menangle Park.

The site is approximately 264 hectares in area and has historically been used for grazing purposes, quarrying and coal seam gas mining.

The Federation-era house located within the site originates from a 60-acre land grant made to convict James Harrex in 1812 and has been modified extensively. As such, the Federation-era house and associated outbuildings are not listed on any statutory or non-statutory heritage registers.

The site is located within the Campbelltown Council Local Government Area (LGA) and is zoned RU2 Rural Landscape under the Campbelltown Local Environmental Plan 2015 (CLEP 2015) and has a current minimum lot size of 100 hectares.

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The PP has been prepared in accordance with the Environmental Planning and Assessment Act 1979 (EP&A Act) and the Department of Planning and Environment's Local Environment Plan Making Guidelines.

**Part 1 – Objectives or Intended Outcomes**

The principal objective or intended outcome of the PP is to facilitate the transformation of the site into a new residential precinct with associated environmental protection, establishment of a koala corridor and areas of open space together with a new centre and land for a future primary school.

The site has existing remnant vegetation, existing trees and hollow bearing trees that this proposal seeks to protect and enhance where possible through the retention of the central corridor as a dual function drainage and wildlife corridor, the protection of existing vegetation on the northern boundary in the existing retirement village precinct, the widening of the buffer between the proposed development and the existing retirement village to create a north-south wildlife corridor.

Extensive consultation has occurred between the proponent and Council with input from the Department of Planning CPCP team. As such, the proponent seeks to modify the existing CPCP mapping through the CPCP modification process and this process will run parallel to this Planning Proposal.

The Proposed Modification is reflected in Figure 4 below. The modified plan seeks to include a section of vegetation in the north of the site as urban capable land, together with a portion of 'Fingers A and B' in the area adjoining the existing retirement village, together with minor adjustments to accommodate asset protection zones. It then seeks to create a wider area of land shown in light blue adjoining the retirement village as a wildlife corridor that will run north-south into the proposed Koala Corridor. In addition, the existing central corridor shown in light blue is proposed to be retained as a multi-function area that sensitively manages drainage and existing wildlife habitat, enabling for the protection of view and vistas.



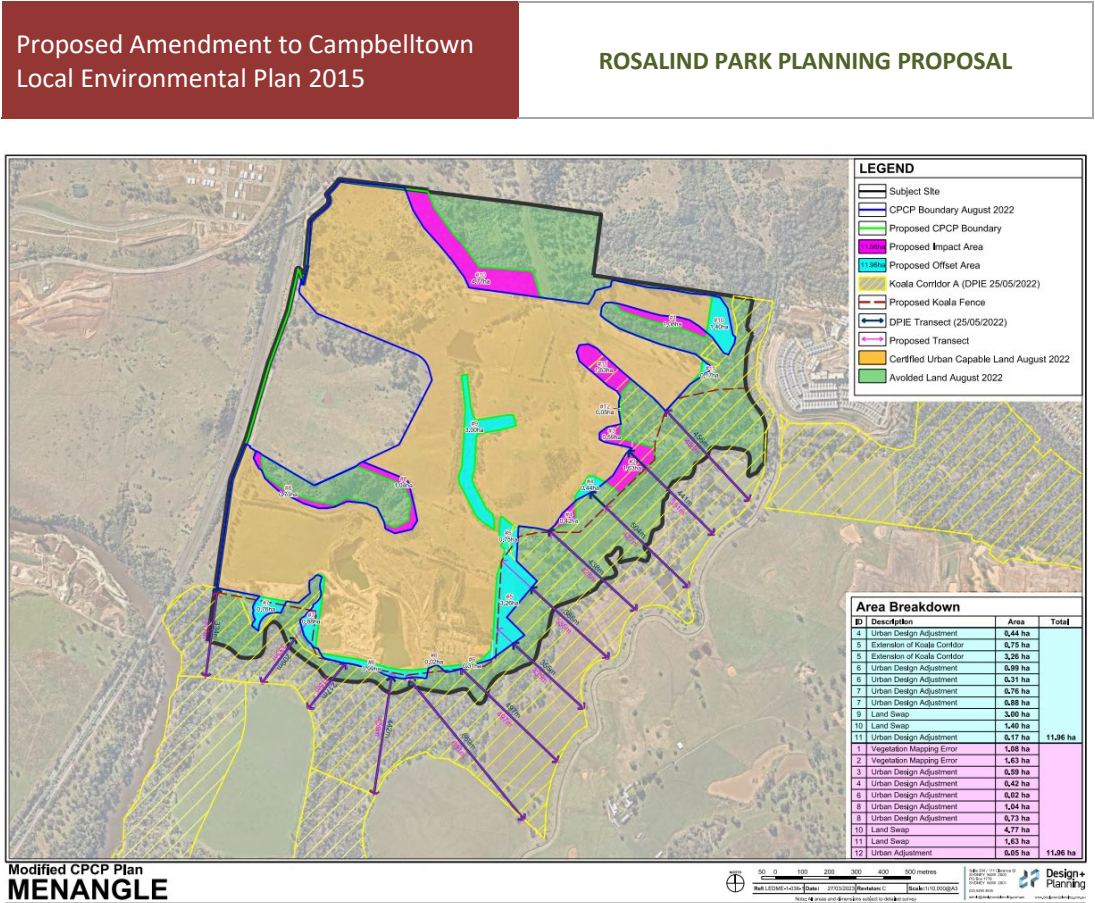


Figure 4 Proposed Modified CPCP Plan (as lodged with CPCP team)

The Proposal aims to enable the redevelopment of the site for urban purposes in a sustainable manner by providing residential allotments of various sizes, commercial land, community and recreation facilities, as well as passive and active open space including the protection of riparian land and a koala corridor.

The Proposal seeks to amend the CLEP 2015 to:

- Rezone the site to a mix of residential, mixed use, environmental, open space and infrastructure zones;
- Apply appropriate height and minimum lot size controls; and
- Apply the terrestrial biodiversity and environmental constraint controls.

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**Part 2 – Explanation of provisions**

The objectives and intended outcomes of the PP will be achieved by amending the Land Zoning Map, Minimum Lot Size Map, Height of Buildings Map, Urban Release Area Map, Terrestrial Biodiversity Map, Land Reservation Acquisition, Lot Size for Dual Occupancy Development Map and by amending Clause 4.1 of the LEP to insert a pair of subclauses relating to minimum lot size exceptions and use based minimum lot sizes in the R3 zone.

Changing the zoning and the minimum lot sizes within the site will allow for a future subdivision application to be lodged that creates separate parcels based on the proposed land uses within the site.

This will require a change to the Campbelltown Local Environmental Plan 2015 Land Zoning Map – Sheet LZN\_003, Lot Size Map Sheet LSZ\_003, Height of Buildings Map HOB\_003, Urban Release Area Map URA\_003, Terrestrial Biodiversity Map BIO\_003, Land Reservation Acquisition Map LRA\_003, Lot Size for Dual Occupancy Development Map LSD\_003 and Clause 4.1 of the Local Environmental Plan.

**Part 3 – Justification**

**Section A – Need for the planning proposal**

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

The PP is not a result of any strategic study or report. However, the Proposal importantly does not compromise the overarching strategic planning framework at a regional, district and local level and facilitates the long term sustainability of the principal existing entities (refer to Part 3 and 4 below).

The Proposal is supported by the reports and studies detailed in Table 1 below and additional information in the PPR.

<b>Specialist Technical Studies</b>	<b>Author</b>	<b>Date</b>
Social Infrastructure Needs Assessment	Urbis	August 2022
Historic Heritage Assessment	Eco Logical Australia	July 2022
Water Cycle Management Report	Craig & Rhodes	July 2022
Economic Benefits Assessment	Urbis	July 2022
Environmental Noise Assessment	TTM	8 August 2022

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Aboriginal Heritage Due Diligence Assessment	Kayandel Archaeological Services	August 2022
Connecting With Country Report	Kayandel Archaeological Services	August 2022
VPA Proposal	Craig & Rhodes	11 August 2022
Traffic Impact Assessment	Stantec	29 July 2022
Biodiversity Assessment Report	Cumberland Ecology	12 September 2022
Preliminary Geotechnical Assessment	Douglas Partners	August 2022
Strategic Bushfire Study	ABPP	3 June 2022
Preliminary Site Investigation (Contamination)	Douglas Partners	August 2022
Servicing Report	IDC	August 2022
Urban Design Report	Design + Planning	18 August 2022

**Table 1: Background Studies and Reports**

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

The PPR to amend the Campbelltown Local Environmental Plan 2015 Land Zoning Map – Sheet LZN\_003, Lot Size Map Sheet LSZ\_003, Height of Buildings Map HOB\_003, Urban Release Area Map URA\_003, Terrestrial Biodiversity Map BIO\_003, Land Reservation Acquisition Map LRA\_003, Lot Size for Dual Occupancy Development Map LSD\_003 and Clause 4.1 of the Local Environmental Plan. Amending the CLEP 2015 is the only identified way to achieve the intended outcomes.

**Section B – Relationship 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)?**

Yes.

The PP is consistent with the relevant objectives and actions outlined in the Greater Sydney Region Plan and the Western City District Plan.

**Greater Sydney Region Plan**

The Greater Sydney Region Plan has been prepared by the NSW State Government to guide land use planning decisions for the next 20 years. The Plan sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 817,000 new jobs and 725,000 new

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homes by 2031. The Plan identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

An assessment of the Planning Proposal against the relevant Directions and Objectives of the GSRP is provided in table 2. The Planning Proposal is generally consistent with the GSRP particularly as the proposal seeks to ensure that development outcomes meet contemporary expectations.

**Western City District Plan**

The Western City District Plan (the District Plan) sets out more detail with respect to the anticipated growth in housing and employment in the Western District and amongst other things, is intended to inform the assessment of planning proposals.

The key action relating to the site is set out within Planning Priority W5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.

The Plan also sets out the following in relation to housing diversity and choice under Planning Priority W5.

*New housing must be in the right places to meet demand for different housing types, tenure, price points, preferred locations and design. Housing supply must be coordinated with local infrastructure to create liveable, walkable and cycle-friendly neighbourhoods with direct, safe and universally designed pedestrian and cycling connections to shops, services and public transport.*

The proposal is directly in alignment with this aspect of the District Plan. The proposal incorporates the South Campbelltown Transit Corridor which will provide public transport access to employment zones to the north. Proposed walking tracks and cycle ways, which will internally connect the precinct, have been shown on the proposed Indicative Layout Masterplan.

The following table provides an assessment of the Planning Proposal against the relevant aspects of the Greater Sydney Region Plan and their realisation at the level of the Western City District Plan.

<b>A City Supported by Infrastructure</b>		
Greater Sydney Region Plan	Justification	Consistency
<b>Objective 1</b> – Infrastructure supports the three cities	The site abuts the expansive urban release areas in the Camden Local Government Area, with existing and proposed perimeter development serviced and/or capable of being serviced with requisite infrastructure.	Yes

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	<p>The Proposal is supported by a Servicing and Infrastructure Report prepared by IDC in August 2022).</p> <p>Advice has also been received from Endeavour Energy that the proposal could be serviced, subject to required infrastructure upgrades.</p> <p>A Traffic and Transport Assessment (prepared by Stantec July 2022) has also been carried out which notes that overall, the proposal can be supported from a traffic and transport perspective.</p>	
<b>Objective 2</b> – Infrastructure aligns with forecast growth	<p>As the land has been historically used for farming and agricultural purposes, there is presently no social infrastructure to support urban development on the site. Rosalind Park is in proximity to existing and emerging areas that will provide social infrastructure items to support and complement the infrastructure to be provided as part of the development of the Rosalind Park site. Likewise the proposal would support and compliment the requirements of neighboring emerging areas.</p> <p>The quantity of proposed infrastructure has been calculated to accommodate the entirety of the potential population for the site.</p>	Yes
<b>Objective 3</b> – Infrastructure adapts to meet future needs	<p>No barriers are anticipated that would inhibit the ability of the proposed infrastructure to adapt to the future needs of the growing community.</p> <p>Transport pathways will be able to adapt to fluctuating demand, and it is anticipated that the planned road network is capable of accommodating increased electrification of vehicles through charging infrastructure, both private and public.</p>	Yes
<b>Objective 4</b> – Infrastructure use is optimised	<p>In consultation with Council, areas of direct infrastructure need have been identified and differentiated from areas where demand will be met in neighboring areas, through future and existing assets.</p>	Yes



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	The use of the common transport corridor will facilitate optimized provision of public transport to this, and other planned precincts in the South Campbelltown area.	
Western City District Plan	Justification	Consistency
<b>Planning Priority W1</b> – Planning for a City Supported by Infrastructure	The proposal creates a new residential community connected to Macarthur via a new Transit Corridor providing bus transit and cycleways. It will further connect to the proposed Gilead 2 residential community to the south which is being developed by Lendlease. The subdivision will be well serviced by roads and footpaths to provide connections to Menangle Road.	Yes
<b>A Collaborative City</b>		
Greater Sydney Region Plan	Justification	Consistency
<b>Objective 5</b> – Benefits of growth realised by collaboration of governments, community and business	<p>The realisation of the vision underpinning the Planning Proposal will require collaboration with various government agencies, Council, the development sector and existing and envisaged community.</p> <p>As part of the Gateway Determination, Council would undertake public consultation to seek the views of relevant agencies and interested persons as discussed.</p> <p>The GCC will also be consulted by Council.</p>	Yes
Western City District Plan	Justification	Consistency
<b>Planning Priority W2</b> – Working Through Collaboration	The proponent has worked collaboratively with Council, their adjoining major landowner Lend lease together with a number of state government agencies including but not limited to Transport for NSW, The Department of Planning and the CPCP team. This collaborative approach ensures the timely resolution of issues to create a liveable new community within Campbelltown.	Yes

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A City for People		
Greater Sydney Region Plan	Justification	Consistency
<b>Objective 6</b> – Services and infrastructure meet communities changing needs	<p>The Proposal creates a new residential community that will assist in meeting the diverse housing, social, recreational and education needs of the community with new facilities, roads, footpaths, cycle ways, primary school and habitat protection in a koala and wildlife corridor.</p> <p>The proposed community will additionally have access to diverse open space and recreation opportunities and the transport network can support the proposed growth in the context of existing planned upgrades beyond the site.</p>	Yes
<b>Objective 7</b> – Communities are healthy resilient and socially connected	Community access to the social infrastructure cited at Objective 6 will mean that future residents would be capable of living a healthy, resilient and socially connected lifestyle with local shopping to be located adjacent to a new primary school and the subdivision being framed by a new wildlife corridor.	Yes
Western City District Plan	Justification	Consistency
<b>Planning Priority W3</b> – Providing services and social infrastructure to meet peoples changing needs	The subdivision is not of a sufficient scale to provide new regional scale infrastructure. However, the proponent has made provisions for the RFS within the proposal for ongoing bushfire protection.	Yes
<b>Planning Priority W4</b> – Fostering healthy, creative, culturally rich and connected communities	The new community will provide opportunities for creativity in the design and delivery of new parks and infrastructure and at entry ways. The new community will provide further spectators for local attractions.	Yes

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<b>Housing the City</b>		
Greater Sydney Region Plan	Justification	Consistency
<b>Objective 10</b> – Greater Housing Supply	The Proposal provides an additional 1,450 dwellings, contributing to housing supply.	Yes
<b>Objective 11</b> – Housing is more diverse and affordable	The Proposal, provides a variety of lot sizes and has opportunities for affordable housing with a selection of smaller lots. The proponent has not specifically put forward an offer to provide affordable housing.	Yes
Western City District Plan	Justification	Consistency
<b>Planning Priority W5</b> – Providing housing supply, choice and affordability with access to jobs, services and public transport	<p>The proposal will likely leverage off skilled jobs and utilise specialist services at the Western Sydney Airport and Badgerys Creek Aerotropolis and Campbelltown Regional City Specialist employment opportunities.</p> <p>Access will also be available via the new Transit Corridor providing bus access to Macarthur Station.</p>	Yes
<b>A City of Great Places</b>		
Greater Sydney Region Plan	Justification	Consistency
<b>Objective 13</b> – Environmental heritage identified, conserved and enhanced	<p>The proposal seeks to retain aspects of its former identity including the existing charming cottage.</p> <p>The Proposal seeks to rehabilitate the environmentally sensitive woodland and riparian areas and establish a koala corridor.</p> <p>Notwithstanding the foregoing, it seeks to importantly balance the sensitive integration of existing riparian land into a new residential community.</p>	Yes

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Western City District Plan	Justification	Consistency
<b>Planning Priority W6</b> – Creating and renewing great places and local centres and local centres and respecting the District’s heritage	The District’s Heritage is protected through the retention of the Rosalind Park homestead, to be repurposed and open to the public together with its gardens. The subdivision retains the central corridor providing important scenic vistas that add to a sense of community identity. The subdivision will have distinct character with its undulating hills and wildlife corridors. The creation of a new local centre will further add value.	Yes
<b>A Well Connected City</b>		
Greater Sydney Region Plan	Justification	Consistency
<b>Objective 14</b> – A Metropolis of Three Cities – integrated landuse and transport creates walkable and 30 minute cities	The Proposal seeks to leverage off its relatively accessible setting having regard to the higher order Menangle Road and its relative proximity to the Campbelltown Regional City Centre and emergent Western Sydney Aerotropolis.  Long term, the proposal will be well connected via the Transit Corridor through to south Campbelltown.	Yes
Western City District Plan	Justification	Consistency
<b>Planning Priority W7</b> – Establishing the landuse and transport structure to deliver a liveable, productive and sustainable Western Parkland City	The proposal includes an extensive local road network, together with footpaths and cycle ways connecting to a new Transit Corridor to provide bus transit to ensure that transport structures are in place for new residents.	Yes

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<b>Jobs and Skills for the City</b>		
Greater Sydney Region Plan	Justification	Consistency
<b>Objective 20 –</b> Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City	The Airport and Aerotropolis will be attracting in part a highly skilled workforce some of whom may be seeking alternate environmental living opportunities.  Significant local construction and maintenance employment opportunities will attach to the Proposal.	Not Inconsistent
Western City District Plan	Justification	Consistency
<b>Planning Priority W8 –</b> Leveraging industry opportunities from the Western Sydney Airport and Badgerys Creek Aerotropolis	The proposed residential community is not directly related to the new airport but will provide additional potential workers and homes to support its success, together with new demand for the airport.	Not Inconsistent
<b>A City in its Landscape</b>		
Greater Sydney Region Plan	Justification	Consistency
<b>Objective 25 –</b> The coast and waterways are protected and healthier	Central to the Proposal is the rehabilitation and conservation of riparian corridors including the central corridor, together with bush regeneration that will increase the health and functioning of these areas.	Yes
<b>Objective 27 –</b> Biodiversity is protected, urban bushland and	The Proposal seeks to retain significant vegetation within conservation zones in accordance with the proposed modified CPCP plan. The proposal will provide rehabilitation and protection in perpetuity to currently	Yes

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remnant vegetation is enhanced	<p>degraded Cumberland Plain Woodland. Areas proposed for residential lots, road, walking trails and parks are proposed to be located in areas with lower biodiversity value.</p> <p>Future development would be supported by vegetation management plans which would identify opportunities to manage and enhance existing vegetation.</p>	
<b>Objective 28 –</b> Scenic and cultural landscapes are protected	The proposal protects scenic vistas and views to the proposed wildlife reserves and koala corridor.	Yes
<b>Objective 29 –</b> Environmental, social and economic values in rural areas are protected and enhanced	The proposed new residential community is to be situated in an existing rural landscape and will benefit from the retention of the existing rural homestead and unique character and undulating hills located on site. The land to be developed is designed urban capable and the decision to develop it into a residential community has been made in order to increase housing supply.	Yes
<b>Objective 30 –</b> Urban Tree Canopy is increased	<p>Significant street tree planting is envisaged together with extensive amenity planting associated with the proposed dwellings.</p> <p>Finally, the proposed parks will be the subject of significant strategic landscape planting. Existing gardens around the homestead are proposed to be retained.</p>	Yes
<b>Objective 31 –</b> Public open space is accessible, protected and enhanced	The Proposal will open up access to a site that is currently private, through a public street network, parks and community shopping and a new school.	Yes

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<b>Objective 32 –</b> The Green Grid links parks, open spaces, bushland and walking and cycling paths	A key underpinning feature of the Proposal is the retention of conservation areas together with new parks and community spaces. The site has large bushland areas and koala habitat being protected.	Yes
Western City District Plan	Justification	Consistency
<b>Planning Priority W12 –</b> Protecting and improving the health and enjoyment of the District's waterways	Central to the Proposal is the rehabilitation and conservation of riparian corridors including the central corridor, together with bush regeneration that will increase the health and functioning of these areas.	Yes
<b>Planning priority W14 –</b> Protecting and enhancing bushland and biodiversity	A key underpinning feature of the Proposal is the retention of conservation areas. The site has large bushland areas and koala habitat being protected.	Yes
<b>Planning Priority W16 –</b> Protecting and enhancing scenic and cultural landscapes	The proposal protects scenic vistas and views to the proposed wildlife reserves and koala corridor.	Yes
<b>Planning Priority W17 –</b> Better managing rural areas	The proposed new residential community is to be situated in an existing rural landscape and will benefit from the retention of the existing rural homestead and unique character and undulating hills located on site. The land to be developed is designed urban capable and the decision to develop it into a residential community has been made in order to increase housing supply.	Yes
<b>Planning Priority W18 –</b> Delivering	The proposal includes a mixture of open spaces in the form of riparian corridors and bushland areas together	Yes

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high quality open space	with new parks with playgrounds that will add to the amenity of the community.	
<b>An Efficient City</b>		
Greater Sydney Region Plan	Justification	Consistency
<b>Objective 33</b> – A low carbon city contributes to net zero emissions by 2050 and mitigates climate change	<p>The Proposal would provide a permeable and accessible movement network, supporting public transport and healthy lifestyles.</p> <p>The new BASIX provisions will also apply to future development on the site, supporting net zero emissions.</p>	Yes
<b>Objective 34</b> – Energy and water flows are captured used and reused	<p>Water management would be addressed by private stormwater management and implementation of BASIX requirements at the dwelling construction stage.</p> <p>Additionally, solar energy capture is likely at the residential and mixed use scales, now that this has become relatively affordable to install.</p>	Yes
<b>Objective 35</b> – More waste is used and recycled to support the development of a circular economy	The prospects of recycling are enhanced at the neighbourhood scale in the proposed community title styled residential development and mixed use precinct.	Yes
Western City District Plan	Justification	Consistency
<b>Planning Priority W19</b> – Reducing carbon emissions and managing energy, water and waste efficiency	The new community will have recycling bins and the dwellings will be required to be designed to meet the new BASIX provisions ensuring efficiency in design.	Yes



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<b>A Resilient City</b>		
Greater Sydney Region Plan	Justification	Consistency
<b>Objective 37 –</b> Exposure to natural and urban hazards is reduced	Appropriate flood and bushfire hazard management strategies underpin the Proposal.	Yes
<b>Objective 38 –</b> Heat waves and extreme heat are managed	<p>Opportunities to proactively address potential urban heat island at the scale of the Proposal exist; being reflected in:</p> <ul style="list-style-type: none"> <li>• Appropriate building materials</li> <li>• Passive solar design principles adopted in dwellings</li> <li>• Rehabilitation and revegetation of the woodland additional green corridor plantings and opportunities for significant domestic plantings.</li> </ul>	Yes
Western City District Plan	Justification	Consistency
<b>Planning Priority W20 –</b> Adapting to the impacts of urban and natural hazards and climate change	The proposal ensures development outside of the flood plain in an area that is suitable for urban development.	Yes

**Table 2: Key Directions and Planning Priorities**

**Greater Macarthur 2040 (GM 2040)**

The site sits within the Gilead precinct as defined within Greater Macarthur 2040. The proposed 1,450 dwellings will contribute to the overall target of 15,000 new homes within a scenic landscape.

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

**Campbelltown Local Environmental Plan 2015 (CLEP 2015)**

The CLEP 2015 is the principal environmental planning instrument for the City of Campbelltown.

A summary of the existing planning framework, proposed amendment and evaluation is summarised below.

<b>CLEP 2015 Current</b>	<b>Proposed PPR Amendment</b>	<b>Comment / Final Position</b>
<b>Land Use Zoning Map</b>		
The subject land is zoned RU2 Rural Landscape.	<p>The PPR seeks to rezone the site to the following:</p> <ul style="list-style-type: none"> <li>• R2 Low Density Residential</li> <li>• R3 Medium Density Residential</li> <li>• MU1 Mixed Use</li> <li>• C2 Environmental Conservation</li> <li>• RE1 Public Recreation</li> <li>• SP2 Infrastructure</li> </ul>	<p>Given that the land is identified in GM2040 as an urban release area and has been further identified as urban capable under the CPCP, residential zoning (R2 and R3) are considered appropriate principal alternative land use zones.</p> <p>Other proposed support zonings are used to facilitate protection of the natural environment, support commercial facilities / services, and community and physical infrastructure are considered appropriate.</p>
<b>Urban Release Area Map</b>		
The site is not currently identified as an area of urban release.	The PPR seeks to amend LEP Urban Release Area (URA) Map Sheet 003 to nominate the site as an urban release area.	As the objective of the proposal is to create an urban release precinct, amending the mapping to reflect this change is considered appropriate.
<b>Height of Buildings Map</b>		
The site current has a height limit of 9 m.	<p>The PPR seeks to amend the existing height limitation in the following way:</p> <ul style="list-style-type: none"> <li>• 10 m for lots zoned R2</li> <li>• 12 m for lots zoned R3</li> <li>• 15 m for lots zoned MU1</li> </ul>	After detailed review / assessment and consideration of the nearby urban release area controls, unique qualities of this site / precinct, LPP advice and limitations imposed by clause 4.3 (in the extent of residential buildings), the following

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CLEP 2015 Current	Proposed PPR Amendment	Comment / Final Position
		<p>maximum building heights are recommended:</p> <p>R2 – 9.0 m</p> <p>R3 – 12.0 m</p> <p>MU1 – 12.0 m (subject to DCP controls)</p>
<b>Lot Size Map</b>		
The site is currently mapped with a minimum lot size of 100 ha.	<p>The PPR sought to amend the existing minimum lot size in the following way:</p> <ul style="list-style-type: none"> <li>• R2 – 400 m<sup>2</sup></li> <li>• R2 (steep sites) – 600 m<sup>2</sup></li> <li>• R3 – 200 m<sup>2</sup></li> </ul>	<p>The Proponent was requested to re-evaluate the proposed lot size lot sizes, notwithstanding the challenging nature of the topography, with Menangle Park and Gilead urban release areas as a starting point.</p> <p>Based upon this re-evaluation, the following minimum lot sizes are recommended:</p> <p>R2 – 420 m<sup>2</sup></p> <p>R2 (steep sites) – 600 m<sup>2</sup></p> <p>R3 – Use based clause similar to clause 4.11 as used in the Gilead urban release area.</p>
<b>Lot Size Map for Dual Occupancies</b>		
The site is currently mapped with a minimum lot size for dual occupancies of 100 ha.	<p>The PPR seeks to amend the existing minimum lot size for dual occupancy development in the following way:</p> <ul style="list-style-type: none"> <li>• 600 m<sup>2</sup> for lots zoned R2</li> <li>• 950 m<sup>2</sup> for lots zoned R2 in the steeper parts of the site</li> </ul>	<p>The 600 m<sup>2</sup> limit is 100 m<sup>2</sup> less than that applied in neighbouring residential developments and is similarly 100 m<sup>2</sup> less than applies to R2 areas of the LGA in general.</p> <p>The proponent, upon request, accepted a proposed limit of 700 m<sup>2</sup>. The limit of 950 m<sup>2</sup> in designated steep areas remains as proposed.</p> <p>Given that the amendment is consistent with other residential developments and with the LGA as a whole, the amendment is supported.</p>

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CLEP 2015 Current	Proposed PPR Amendment	Comment / Final Position
<b>Terrestrial Biodiversity Map</b>		
At present, mapping reflects the current nature of the site.	The Proposal seeks to amend LEP Terrestrial Biodiversity (BIO) Map to reflect proposed amendments to vegetation across the site.	<p>It is noted that the final mapping of the Terrestrial Biodiversity, is subject to change pending the outcome of the application to modify the Cumberland Plain Conservation Plan and final review of the BDAR for Lot 1 DP 622362.</p> <p>Given this, no mapping amendment can be supported in this regard at this stage of the process.</p> <p>It is however acknowledged that mapping will require amendment given foregoing.</p>
<b>Land Reservation Acquisition Map</b>		
At present, mapping reflects the current nature of the site.	The Proposal seeks to amend the LEP Land Reservation Acquisition (LRA) Map to reflect areas identified as classified road.	Given the nature of the road in question, the designated authority would be a state level agency. Such should be indicated in the draft PP.
<b>Clause 4.1</b>		
Clause 4.1 establishes minimum lot sizes for subdivision. It is not uncommon for urban release precincts to include a subclause with site specific standards.	<p>It is proposed to use a clause, Exception to Minimum Lot Sizes for certain land in Rosalind Park Urban Release Area.</p> <p>It should be noted that the proposal identifies the clause as 4.1J however this has since been utilised by an earlier amendment. Numbering will be established should the changes come into effect.</p>	<p>The proposal for an exception clause that facilitates the structured "salt and pepper" distribution of a limited number of smaller lots is accepted in principle given the appropriateness of the concept and its general application in nearby urban release areas.</p> <p>After liaison with the Proponent, the proposal has been revised as follows:</p> <ul style="list-style-type: none"> <li>• The range of lot sizes has been clarified.</li> <li>• Acceptance of 10% small lots and 20% medium lots.</li> <li>• Acceptance of 300m<sup>2</sup> to 345 m<sup>2</sup> for "small" lots and</li> </ul>

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CLEP 2015 Current	Proposed PPR Amendment	Comment / Final Position
		345 m <sup>2</sup> to 420 m <sup>2</sup> for "medium lots.

**Table 3: Campbelltown Local Environmental Plan 2015 Proposed Amendments**

**Proposed Additional Minimum Lot Size Provisions - Campbelltown LEP - 4.1**

**4.1X Exception to minimum lot sizes for certain land in Rosalind Park Urban Release Area**

- (1) This clause applies to land in Zone R2 Low Density Residential and identified as "Rosalind Park Urban Release Area" on the Urban Release Area Map.
- (2) Land to which this clause applies may be subdivided, with development consent, to create lots with a size less than the minimum lot size shown on the Lot Size Map if—
  - (a) the subdivision will result in not more than 20 per cent of the total residential lots being mid-sized lots and not more than 10 per cent of the total residential lots being small-sized lots on the land, and
  - (b) each resulting small-sized or mid-sized lot will not be on a corner allotment, and
  - (c) no more than 3 contiguous resulting lots sharing a street frontage will have a lot size of less than 400 m<sup>2</sup>, and
  - (d) each resulting mid-sized lot will have a street frontage that is at least 11.5 m, and
  - (e) each resulting small-sized lot will have a street frontage that is at least 10 m, and
  - (f) the consent authority is satisfied that each resulting small or mid-sized lot will be located within 200 m of a planned or existing bus route, community centre or open space.
- (3) In this clause—

**mid-sized lot** means a lot with a size that is at least 345 m<sup>2</sup> but not more than 420 m<sup>2</sup>.

**small-sized lot** means a lot with a size that is at least 300 m<sup>2</sup> but less than 345 m<sup>2</sup>.

**4.1Y Minimum lot size for certain residential accommodation in Rosalind Park Urban Release Area**

Development for the purpose specified in Column 1 of the following table is permitted with development consent on land in Zone R3 Medium Density Residential and identified as "Area 1" on the Lot Size Map if the lot is at least the lot size specified opposite in Column 2.

Column 1	Column 2
Attached Dwellings	200 m <sup>2</sup>

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Dual Occupancies	500 m <sup>2</sup>
Dwelling Houses	250 m <sup>2</sup>
Multi Dwelling Houses	1,500 m <sup>2</sup>
Semi-detached Dwellings	250 m <sup>2</sup>

**Campbelltown Community Strategic Plan – Campbelltown 2032 (CSP)**

The overarching CSP represents the principal community outcome focused strategic plan guiding Council's policy initiatives and actions.

The Proposal is considered to be consistent with the relevant outcomes headed accordingly within the Plan:

- Community and belonging
- Places for People
- Enriched Natural Environments
- Economic Prosperity
- Strong Leadership

The applicant has submitted a Social Infrastructure Needs Assessment prepared by Urbis referenced in Table 1 which explores the historical context of the site and the demographic context of the uses within the Campbelltown Local Government Area.

The PP is not inconsistent with the outcomes listed and supports the principles of community, belonging and economic prosperity. An analysis of the alignment of the proposal to the stated outcomes is presented in the table below.

<b>CSP Outcome</b>	<b>Statement of Consistency</b>
<b>Outcome 1</b>	
Community and belonging	<ul style="list-style-type: none"> <li>• The proposed community is being designed with consideration to accessibility for residents and visitors, the wellbeing and quality of life of residents, and the safety of the community.</li> <li>• The proposal respects and endeavours to preserve the physical and cultural heritage of the site, both Indigenous and European origin.</li> </ul>
<b>Outcome 2</b>	
Places for people	<ul style="list-style-type: none"> <li>• The Proposal is being designed to include high quality community places in accordance with identified community needs. Consideration has been given to transport access and the general connectivity to the local area.</li> <li>• The potential for 1450 new residential lots will contribute to housing supply in the growing city, helping to ensure access for all to safe, secure, and affordable housing.</li> </ul>
<b>Outcome 3</b>	
Enriched natural environment	<ul style="list-style-type: none"> <li>• The Proposal aims to minimise impacts on the natural environment. Key areas of significance are to be preserved, with</li> </ul>

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	additional areas to be provided for revegetation, with the goal of strengthening existing fauna transit corridors.
<b>Outcome 4</b>	
Economic prosperity	<ul style="list-style-type: none"> <li>The Proposal will contribute to the provision of housing, thus servicing the direct needs of the local workforce.</li> <li>The provision of local commercial precincts will support growth in the local economy and attract investment into the area.</li> </ul>

**Table 4: CSP Outcome Analysis**

**Campbelltown Local Strategic Planning Statement (LSPS)**

The Campbelltown Local Strategic Planning Statement (LSPS) came into effect on 31 March 2020.

The LSPS is Campbelltown City Council's plan for our community's social, environmental and economic land use needs over the next 20 years.

The LSPS provides context and direction for land use decision making within the Campbelltown Local Government Area (LGA).

Its purpose is to:

- Provide a 20 year land use vision for the Campbelltown LGA
- Outline the characteristics that make our city special
- Identify shared values to be enhanced or maintained
- Direct how future growth and change will be managed
- Prioritise changes to planning rules in the Local Environmental Plan (Campbelltown Local Environmental Plan 2015) and Council's Development Control Plans
- Implement the Region and District Plans as relevant to the Campbelltown LGA
- Identify where further detailed strategic planning may be needed.

The LSPS responds to region and district planning initiatives and information received from the Campbelltown community during the public exhibition of the CSP and draft LSPS period for the future of our city.

The PP is consistent with the relevant outcomes listed by providing a desirable new residential community that balances the need for housing and growth with the environmental outcomes intended in the Campbelltown Local Environmental Plan 2015. The proposal balances the creation of new dwellings with associated amenities together with the protection of parcels of existing koala habitat and wildlife corridors.

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

The following table provides a brief assessment of consistency against each State Environmental Planning Policy (SEPP) relevant to the PP.

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State Environmental Planning Policies	Consistency	Comment
SEPP 65 - Design Quality of Residential Apartment Development	N/A	Not relevant to this Proposal.
SEPP (Biodiversity and Conservation) 2021	Yes	<p>Given that the proposal is partially subject to the modification of a Strategic Conservation Planning Area, the proposal is inconsistent with elements of the Chapter 13 of the SEPP. The proposal is considered to be justifiably inconsistent based upon the superior ecological outcome.</p> <p>Based upon the proximity of the site to the Nepean River, Clause 6.13 of the SEPP must also be considered relevant to the proposal. It is noted that the site falls within the Hawksbury - Nepean Sub-Catchment and as such, consideration must be given to the following matter when deciding whether to grant development consent:</p> <ul style="list-style-type: none"> <li>(a) whether the development will minimise human interference with the condition of the sub-catchment,</li> <li>(b) whether the development will maintain and enhance the structure and floristics of native vegetation in the sub-catchment,</li> <li>(c) whether the development will maintain or enhance the scenic quality of the locality,</li> <li>(d) whether development has previously been carried out on the development site.</li> </ul> <p>These considerations are not considered to prohibit the proposal from progressing.</p>
SEPP (Building Sustainability Index: BASIX) 2004	N/A	State Environmental Planning Policy (BASIX) 2004 (SEPP BASIX) requires all future residential developments to achieve mandated levels of energy and water efficiency, as well as thermal comfort. BASIX Certificates are included as part of future DAs to demonstrate compliance with SEPP BASIX requirements. No residential development is proposed as part of this Proposal. Future development of the site would take into consideration the requirements of the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	N/A	Not relevant to the Proposal
SEPP (Housing) 2021	N/A	Not relevant to this Proposal.
SEPP (Industry and Employment) 2021	N/A	Not relevant to this Proposal.
SEPP (Planning Systems) 2021	Yes	The PPR is not inconsistent with the SEPP. The proposal does not propose any state significant infrastructure or development on Aboriginal land.



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SEPP (Precincts – Eastern Harbour City) 2021	N/A	Not relevant to the Proposal.
SEPP (Precincts – Western Parkland City) 2021	Yes	<p>This SEPP sets controls for the North West and South West Growth Centres of Sydney. In relation to the Greater Macarthur Growth Area, the SEPP formalises this area as that identified in the NSW Government's Greater Macarthur 2040: An interim plan for the Greater Macarthur Growth Area. The Greater Macarthur Growth Area Precinct Boundary is that identified on the relevant map within the SEPP.</p> <p>Clause 3.11 of the SEPP identifies that the provisions applying to the carrying out of development on land in Menangle Park Precinct and Mount Gilead Precinct within the Greater Macarthur Growth Area are those contained within the Campbelltown Local Environmental Plan 2015</p>
SEPP (Precincts – Central River City) 2021	N/A	Not relevant to the Proposal.
SEPP (Precincts – Regional SEPP)	N/A	Not relevant to the Proposal.
SEPP (Primary Production) 2021	N/A	Not relevant to the Proposal.
SEPP (Resilience and Hazards) 2021	Yes	<p>In accordance with Chapter 4 of the SEPP, and based upon the findings of the Preliminary Site Contamination Assessment provided as attachment 21, Council is satisfied, at a preliminary level, that the site can be made suitable for the proposed use. Detailed site investigations will be required prior to the issuing of development consent.</p> <p>Any future development in regards to contamination and remediation on this site will be required to fulfil this SEPP at Development Application stage.</p>
SEPP (Resources and Energy) 2021	N/A	Not relevant to this Proposal.
SEPP (Transport and Infrastructure) 2021	Yes	<p>On a preliminary level, based on the Traffic Impact Assessment conducted by the Proponent and reproduced as attachment 17, the proposal appears capable of complying with the requirements of the SEPP, albeit noting the proposed interim intersection of Menangle Road and Medhurst Road.</p> <p>Any future development in regards to Infrastructure provision on this site will be required to fulfill this SEPP at Development Application (DA) stage. This will include consultation with the relevant authorities for</p>

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		works in the vicinity of the electricity and gas easements, any access/works to Menangle Road, and the design of any schools.

Table 5 - State Environmental Planning Policies Consistency

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**6. Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?**

The following table provides a brief assessment of consistency against each section 9.1 direction relevant to the PP.

Consideration of s9.1 Directions	Consistency	Comment
<b>Focus Area 1: Planning Systems</b>		
1.1 Implementation of Regional Plans	Yes	The PPR is consistent with the Greater Macarthur 2040 Regional Plan which designated the part of the Greater Macarthur Growth Area. The PPR is therefore consistent with the requirements of this direction.
1.2 Development of Aboriginal Land Council land	N/A	Not relevant to the Proposal.
1.3 Approval and Referral Requirements	Yes	The PP does not trigger the need for any additional concurrence, consultation or referral to a Minister or Public Authority and is therefore consistent with this direction.
1.4 Site Specific Provisions	Yes	All proposed future developments are to be facilitated using zones already existing as part of the LEP, thus satisfying clause 1(b) and therefore the direction itself.
1.5 Parramatta Road Corridor Urban Transformation Strategy	N/A	Not relevant to the Proposal as the proposal is not located within this area.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	Not relevant to the Proposal as the Proposal is not within the North West Priority Growth Area.
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use Infrastructure Implementation Plan	N/A	Not relevant to the Proposal as the proposal is not within the Greater Parramatta Priority Growth Area.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use Infrastructure Implementation Plan	N/A	Not relevant to the Proposal as the Proposal is not within the Wilton Priority Growth Area.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	Not relevant to the Proposal as the proposal is not included in the Glenfield to Macarthur Urban Renewal Corridor
1.10 Implementation of Western Sydney Aerotropolis Plan	N/A	Not relevant to the Proposal as the proposal is remote from the Western Sydney Aerotropolis Precinct.
1.11 Implementation of Bayside West Precincts 2036 Plan	N/A	Not relevant to the Proposal as the proposal is remote from the Bayside West Precinct.

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1.12 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	Not relevant to the Proposal as the proposal does not relate to the Cooks Cove Precinct.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	N/A	Not relevant to the Proposal as the site is not located within this area.
1.14 Implementation of Greater Macarthur 2040	Yes	The proposal is consistent in that it supports amenities for new communities.
1.15 Implementation of the Pyrmont Peninsula Place Strategy	N/A	Not relevant to the Proposal as the site is not located within this area.
1.16 North West Rail Link Corridor Strategy	N/A	Not relevant to the Proposal as the site is not located within this area.
1.17 Implementation of the Bays West Place Strategy	N/A	Not relevant to the Proposal as the site is not located within this area.
1.18 Implementation of the Macquarie Park Innovation Precinct	N/A	Not relevant to the Proposal as the site is not located within this area.
1.19 Implementation of the Westmead Place Strategy	N/A	Not relevant to the Proposal as the site is not located within this area.
1.20 Implementation of the Camellia-Rosehill Place Strategy	N/A	Not relevant to the Proposal as the site is not located within this area.
1.21 Implementation of South West Growth Area Structure Plan	N/A	Not relevant to the Proposal as the site is not located within this area.
1.22 Implementation of the Cherrybrook Station Place Strategy	N/A	Not relevant to the Proposal as the site is not located within this area.
<b>Focus Area 2</b>		
Design and Place (Not adopted)	N/A	Not relevant to the Proposal.
<b>Focus Area 3: Biodiversity and Conservation</b>		
3.1 Conservation Zones	Yes	The PPR includes provisions that facilitate the protection and conservation of environmentally sensitive areas, specifically areas noted as Avoided Land under the Cumberland Plain Conservation Plan, except where varied in accordance with the CPCP modification, discussed under ecology in this report. Additionally, no reduction will occur of conservation standards relating to these areas.
3.2 Heritage Conservation	Yes	The proponent has submitted separate reports detailing site conditions and recommendations relating to Aboriginal and European heritage. It is considered that the conservation of all such sites are facilitated by the proposal.
3.3 Sydney Drinking Water Catchments	N/A	Not relevant to the Proposal as the site is not located within this area.

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3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs 26	N/A	Not relevant to the Proposal.
3.5 Recreation Vehicle Areas	N/A	This Planning Proposal does not enable any land to be developed for the purpose of a recreational vehicle area.
3.6 Strategic Conservation Planning	No, but justifiably inconsistent	<p>Parts of the site are identified as both avoided land under State Environmental Planning Policy (Biodiversity and Conservation) 2021 and is within a Strategic Conservation Area. Effort has been made to ensure that Council can be satisfied that the proposal is consistent with the applied criteria as per the direction.</p> <p>Parts 1 and 2 of the direction address planning proposals on avoided land as well as planning proposals within Strategic Conservation Areas. The proposal both incorporates avoided land and occurs in part, within a designated Strategic Conservation Area.</p> <p>Council is satisfied that the Proposal in its current form, demonstrates consistency with all provided criteria. Given that the proposal is the subject of a CPCP Mod application, an evaluation of the ecological merit of the proposal, as it relates to the Strategic Conservation Area, will also be considered at that level.</p> <p>It is acknowledged that the proposal is inconsistent with Part 3 of this direction, as the proposal seeks to rezone avoided land for residential purposes. The inconsistency is considered justified as the proposal is both to facilitate infrastructure that is required to service and support development within a nominated area, and the planning proposal is consistent with the Cumberland Plain Conservation Plan</p>

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		<p>Guidelines, subject to the pending modification application.</p> <p>Likewise, it is acknowledged that the proposal is inconsistent with Part 4. This inconsistency relates the intention to rezone a small portion of the site (which is located within a Strategic Conservation Area) to SP2 Infrastructure. Again, the proposal is both to facilitate infrastructure that is required to service and support development within a nominated area, and the planning proposal is consistent with the Cumberland Plain Conservation Plan Guidelines, subject to the pending modification application. It is therefore considered to be justifiably inconsistent.</p>
3.7 Public Bushland	Yes	<p>Priority has been given to the retention of public bushland in the design of the masterplan.</p> <p>With the exception of bushland areas designated proposed to be swapped with cleared areas to improve biodiversity outcomes, development is planned in existing cleared areas.</p>
3.8 Willandra Lakes Region	N/A	Not relevant to the Proposal as the site is not located within this area.
3.9 Sydney Harbour Foreshores and Waterways Area	N/A	Not relevant to the Proposal as the site is not located within this area.
3.10 Water Catchment Protection	Yes	A Water Cycle Management Plan was submitted with the application and feedback has been received following an initial referral was made to Sydney Water. Based upon these documents it is considered that at a preliminary level, the proposal is capable of complying with all requirements of this direction.
<b>Focus Area 4: Resilience and Hazards</b>		
4.1 Flooding	TBD	A Water Cycle Management Plan was submitted with the application and flood considerations have been discussed in detail elsewhere in this proposal.
4.2 Coastal Management	N/A	Not relevant to the Proposal as the site is not located within this area.

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4.3 Planning for Bushfire Protection	Yes	The PP has addressed bushfire hazards and the applicant has provided a Bushfire hazard report. This includes creating additional asset protection zones to protect proposed development areas.
4.4 Remediation of Contaminated Land	Yes	The PPR has addressed land contamination and provided a Preliminary Site Investigation. Any future subdivision will need to further address the potential for land contamination as addressed by the applicant in the PSI.
4.5 Acid Sulfate Soils	TBD	Not relevant to the Proposal as the site is not mapped as a risk area.
4.6 Mine Subsidence and Unstable Land	TBD	The site is identified as a risk area for mine subsidence. Consultation has taken place with Subsidence Advisory NSW. The topic has been analysed in greater detail elsewhere in the report.
<b>Focus Area 5: Transport and Infrastructure</b>		
5.1 Integrating Land Use and Transport	Yes	Traffic plans and reports have been provided and considered within this report. Compliance with the referenced policies can be achieved based in current plans.
5.2 Reserving Land for Public Purposes	Yes	Portions of the land are to be reserved for public used. This will occur in accordance with the requirements set forth in this direction.
5.3 Development Near Regulated Airports and Defence Airfields	N/A	Not relevant to the Proposal.
5.4 Shooting Ranges	N/A	Not relevant to the Proposal.
<b>Focus Area 6: Housing</b>		
6.1 Residential Zones	Yes	The proposal encourages a variety of housing types and can be structured to ensure service delivery is in place prior to commencement of construction.
6.2 Caravan Parks and Manufactured Home Estates	N/A	Not relevant to the Proposal.
<b>Focus Area 7: Industry and Employment</b>		
7.1 Business and Industrial Zones	N/A	Not relevant to the Proposal.

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7.2 Reduction in non-hosted short-term rental accommodation period	N/A	Not relevant to the Proposal.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	Not relevant to the Proposal.
<b>Focus Area 8: Resources and Energy</b>		
8.1 Mining, Petroleum and Extractive Industries	N/A	Not relevant to the Proposal.
<b>Focus Area 9: Primary Production</b>		
9.1 Rural Zones	No, but justifiably inconsistent	The proposal is justifiably inconsistent with this direction based upon the fact that the land has been identified for residential use in the relevant Regional Strategy, Regional Plan and the District Plan.
9.2 Rural Lands	N/A	Not relevant to the Proposal.
9.3 Oyster Aquaculture	N/A	Not relevant to the Proposal.
9.4 Farmland of State and Regional Significance on the NSW Far Coast	N/A	Not relevant to the Proposal.

**Table 6 – Consistency with Section 9.1 Directions**

**Section C – Environmental, social and economic impact**

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

Yes.

The land is identified as having significant vegetation present with vegetation to be largely protected under the CPCP. The proponent has lodged a modification application to the CPCP and the proposal is consistent with this modification. Consultation with the CPCP team indicates that the proposed changes are likely to be supported. Additionally, a BDAR has been lodged for the portion of land not included in the CPCP.

The proposal will result in the creation of protected habitat within wildlife and koala corridors in perpetuity.

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

Yes, a proposal of this scale and magnitude will have environmental impacts, many of which will need to be managed at construction stage to ensure the preservation of trees on the boundary for example and the management of cut and fill to prevent run off into local waterways.

Large holdings of existing vegetation will be retained as part of the proposal and protected in perpetuity.



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**9. Has the Planning Proposal adequately addressed any social and economic effects?**

Yes.

The PP is supported by a social infrastructure needs assessment and an economic benefits analysis. The Proposal has the potential to improve the long term economic sustainability of the area through job creation and ongoing economic activity. The social infrastructure and economic benefits analysis concludes that the facilitated outcome of a new residential precinct has the following benefits:

- Creation of 1,450 new dwellings with an estimated 4,900 potential new residents
- New active open space within the Southern Precinct accommodating two playing fields
- Village centre as a focal point of the development with a new primary school adjacent
- 76 hectares of environmental conservation land including bushland reserves, riparian corridors and koala habitat
- Job creation in the order of 502 during a ten year construction period generating \$798 million in gross value to the economy.

The proposal will provide new housing supply at a time when Sydney is in dire need of additional dwellings in the private and rental market.

**Section D – State and Commonwealth Interests**

**10. Is there adequate public infrastructure for the Planning Proposal?**

Yes.

The proposal includes provision for community infrastructure and services including the provision of a primary school site, RFS site, local centre, sporting and recreational facilities and new roads.

The inclusion of the transit corridor will provide bus services connecting to Macarthur train station providing options to reduce car dependence.

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

Consultation will occur with any public authorities identified in the Gateway Determination and their views considered accordingly.

As a preliminary step, Council has corresponded directly via email with a large number of state government agencies including the Department of Planning, The CPCP team, Endeavour Energy, Sydney Water, Transport for NSW and Mine Subsidence Board in regards to the proposal. Council officers have also met with the Department of Planning, The CPCP team, Sydney Water and Transport for NSW and commentary is provided as relevant to each section. Council also wrote to the Department of Education but did not receive a response directly.

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**Part 4 – Mapping**

The PP seeks to amend the following Maps within CLEP 2015 as proposed below.

<b>Map</b>	<b>No</b>	<b>Requested Amendment</b>
Land Zoning Map	LSN_003	Amend the land zoning across the site being Lots 1, 2 and 3 in DP 622362, Lot 1 in DP 589241, Lot 35 in DP 230946 and Lot 58 in DP 632328.
Lot Size Map	LSZ_003	Amend the minimum lot size across the site being Lots 1, 2 and 3 in DP 622362, Lot 1 in DP 589241, Lot 35 in DP 230946 and Lot 58 in DP 632328.
Height of Buildings Map	HOB_003	Amend the height of building map across the site being Lots 1, 2 and 3 in DP 622362, Lot 1 in DP 589241, Lot 35 in DP 230946 and Lot 58 in DP 632328.
Urban Release Area Map	URA_003	Amend the urban release area map across the site being Lots 1, 2 and 3 in DP 622362, Lot 1 in DP 589241, Lot 35 in DP 230946 and Lot 58 in DP 632328.
Terrestrial Biodiversity Map	BIO_003	Amend the terrestrial biodiversity map across the site being Lots 1, 2 and 3 in DP 622362, Lot 1 in DP 589241, Lot 35 in DP 230946 and Lot 58 in DP 632328.
Land Reservation Acquisition Map	LRA_003	Amend the land reservation acquisition map across the site being Lots 1, 2 and 3 in DP 622362, Lot 1 in DP 589241, Lot 35 in DP 230946 and Lot 58 in DP 632328.
Lot Size for Dual Occupancy Map	LSD_003	Amend the lot size for dual occupancy map across the site being Lots 1, 2 and 3 in DP 622362, Lot 1 in DP 589241, Lot 35 in DP 230946 and Lot 58 in DP 632328.

**Table 7: Proposed Mapping Amendments**

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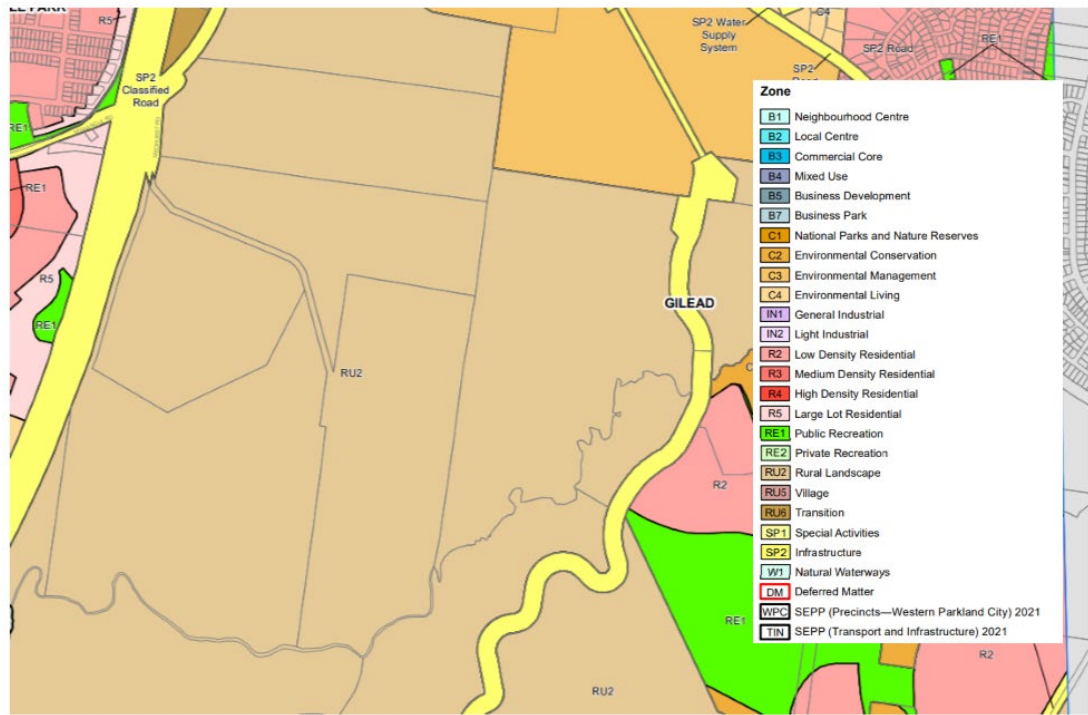


Figure 5 Existing Zoning Map

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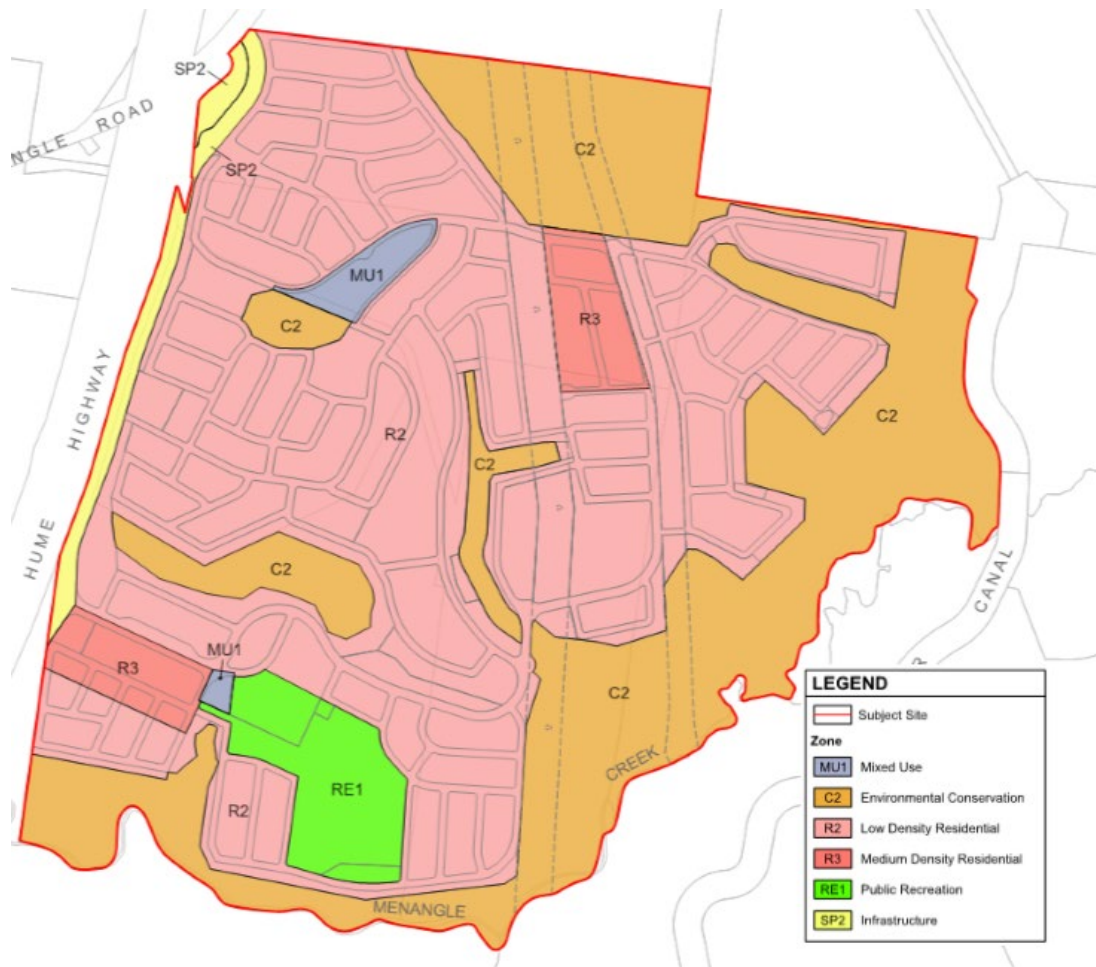


Figure 6 Proposed Zoning Map

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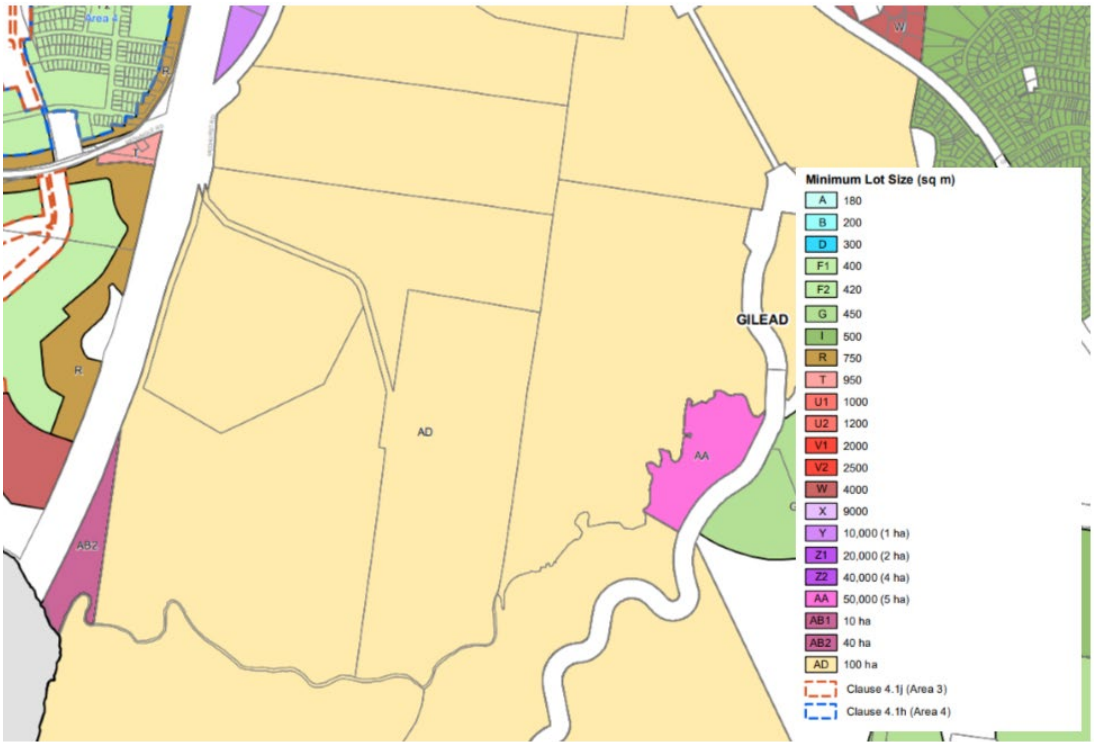


Figure 7 Existing Minimum Lot Size Map

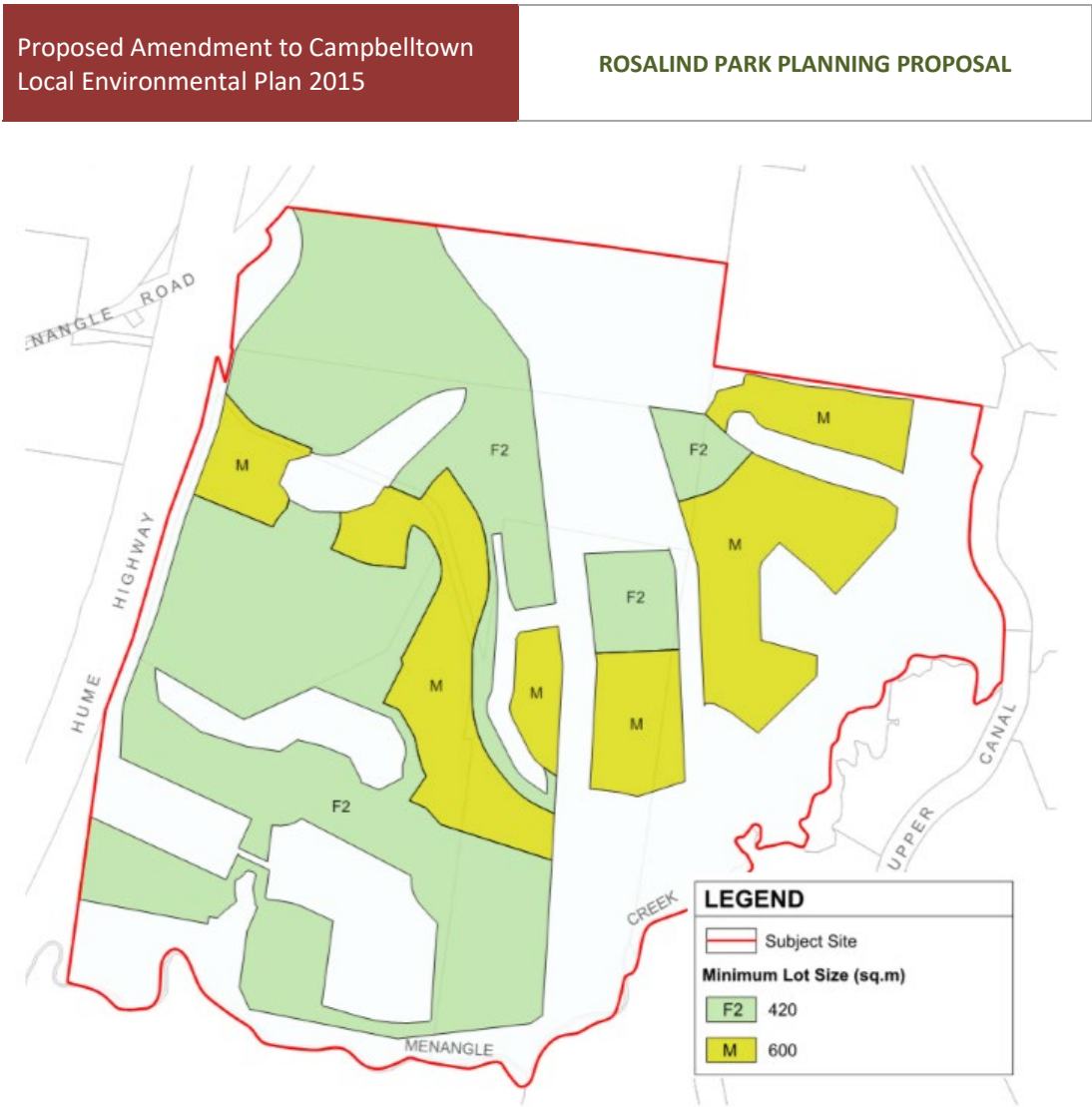


Figure 8 Proposed Minimum Lot Size Map

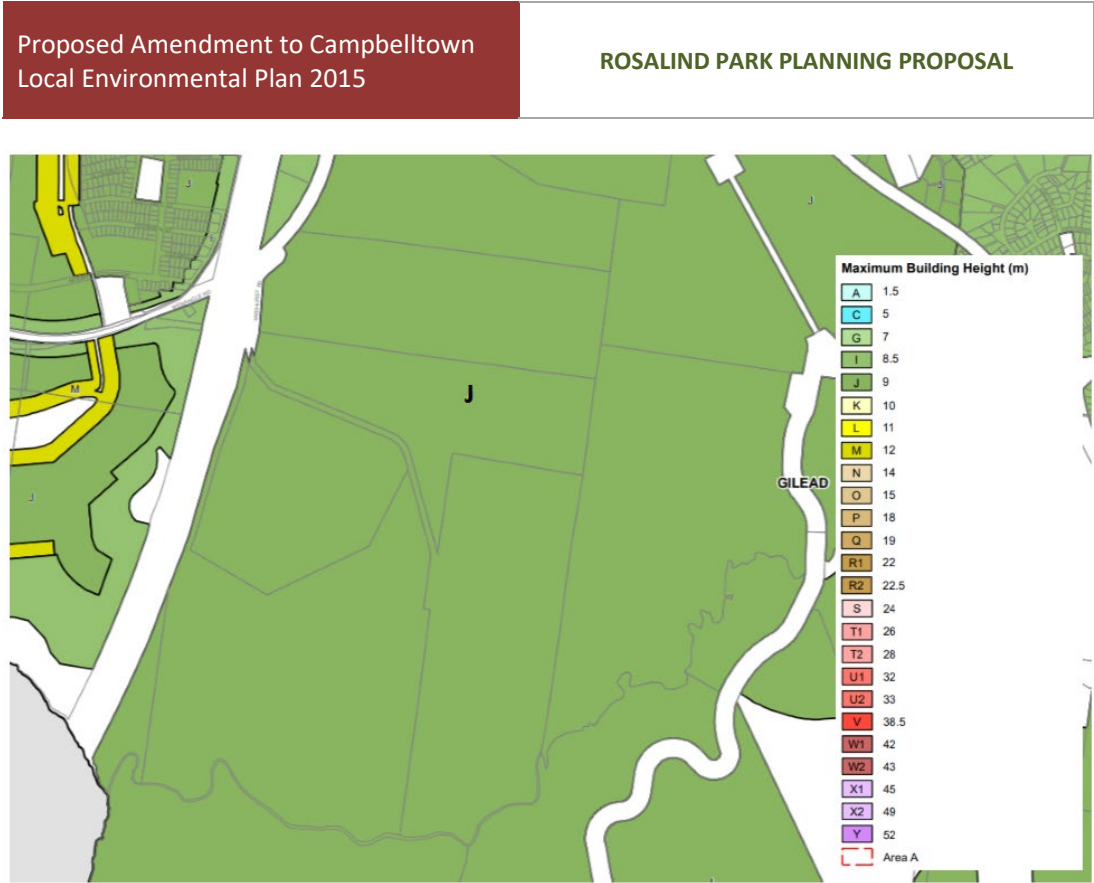


Figure 9 Existing Height of Building Map



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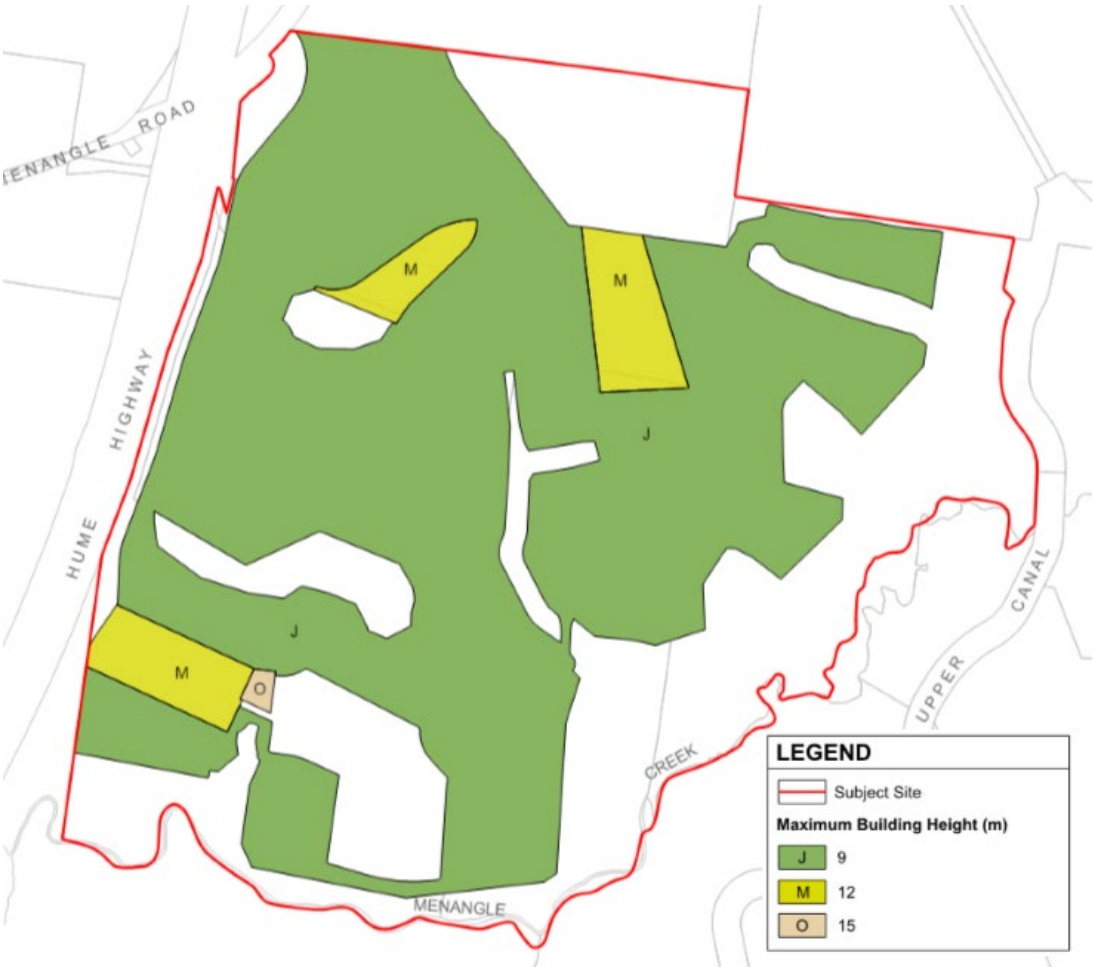
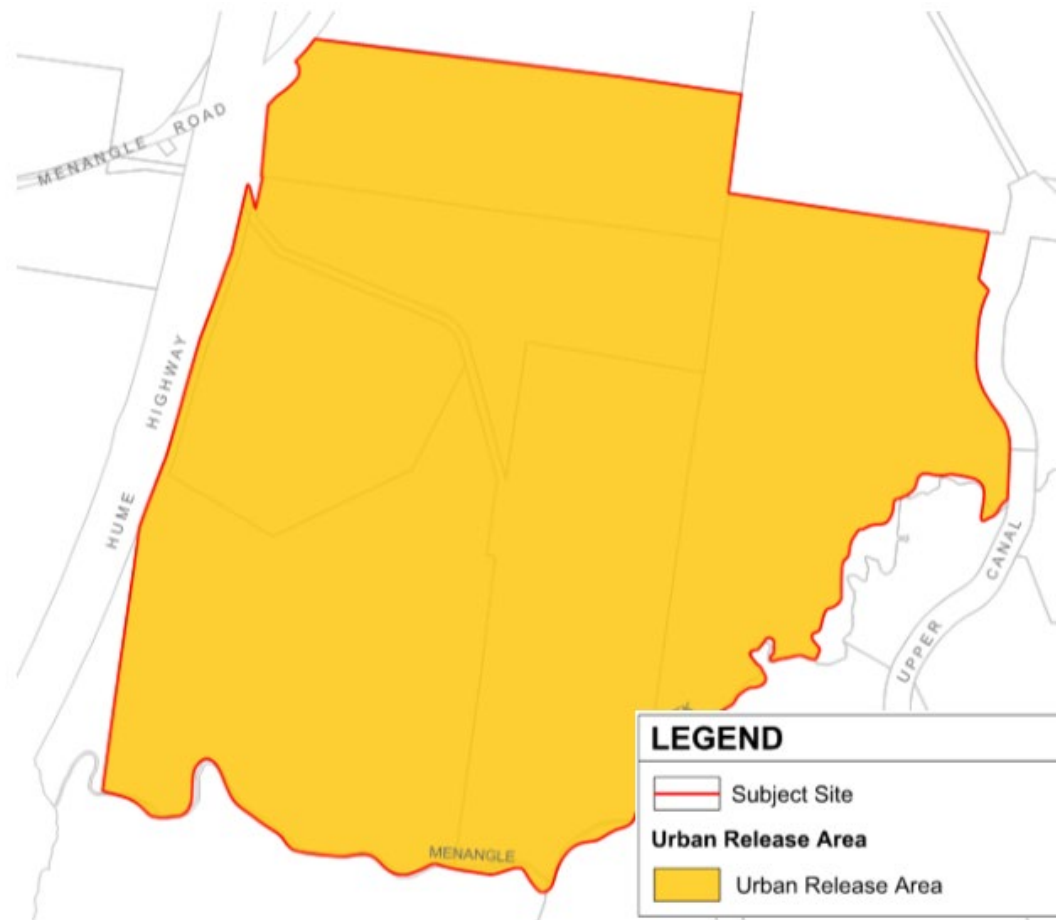


Figure 10 Proposed Height of Building Map



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**Figure 11 Proposed Addition to Urban Release Area Map**

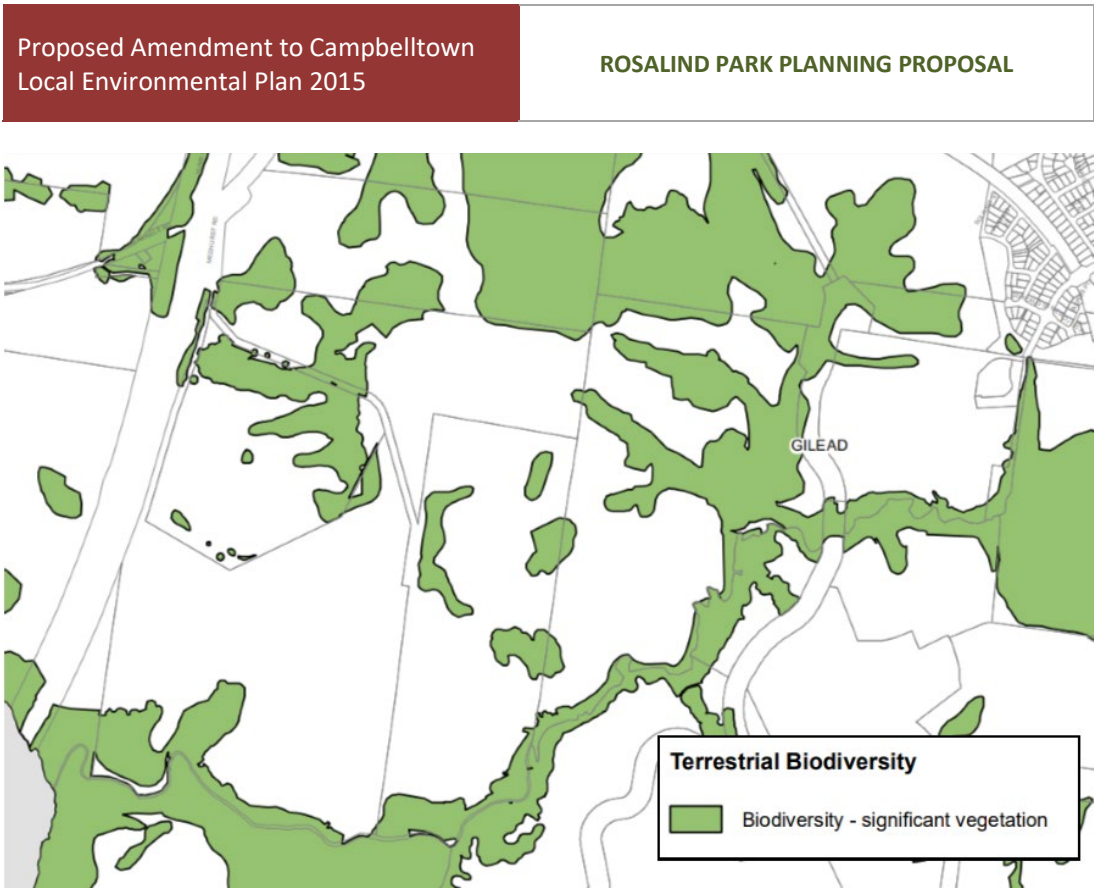


Figure 12 Existing Terrestrial Biodiversity Map

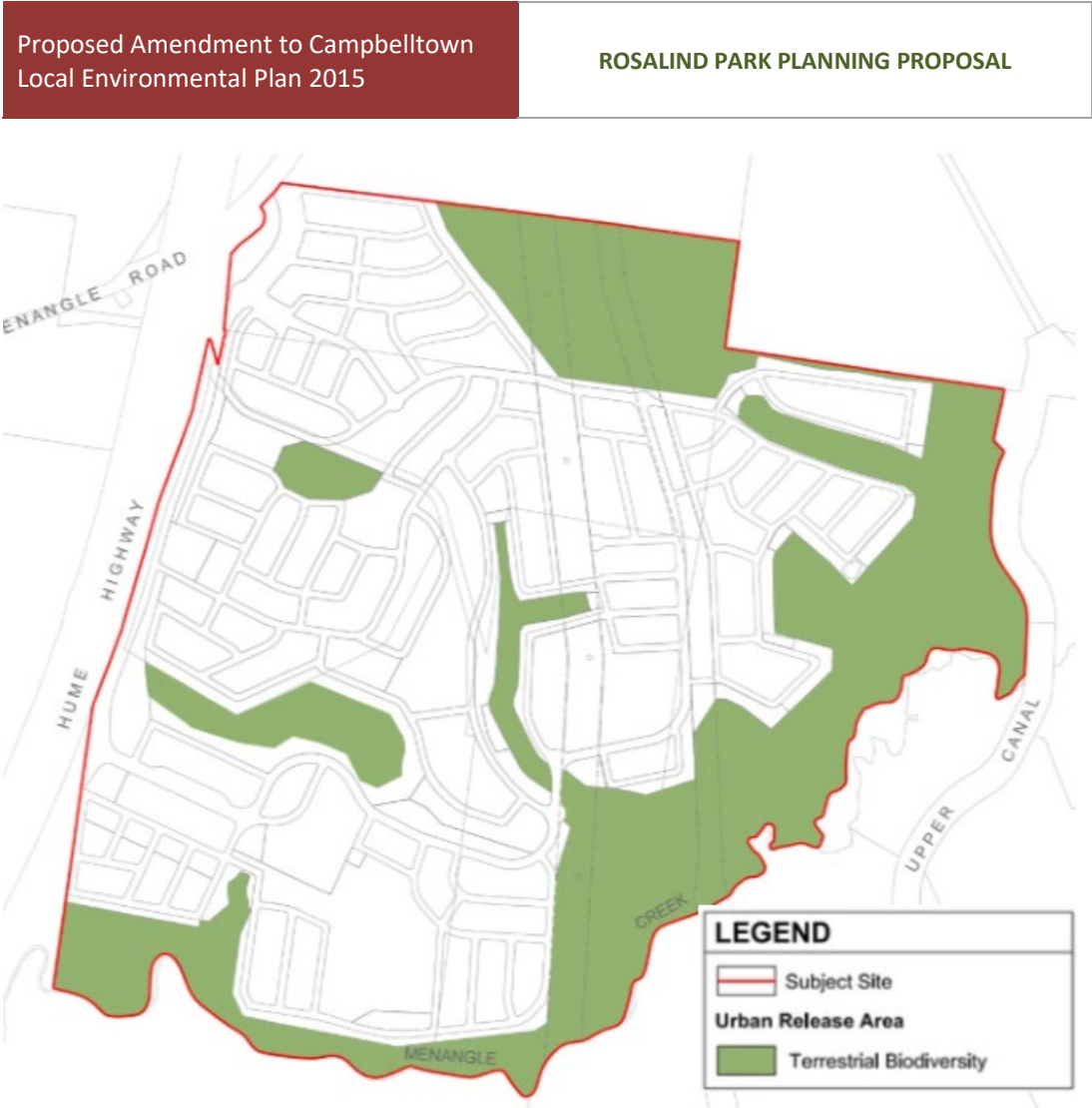
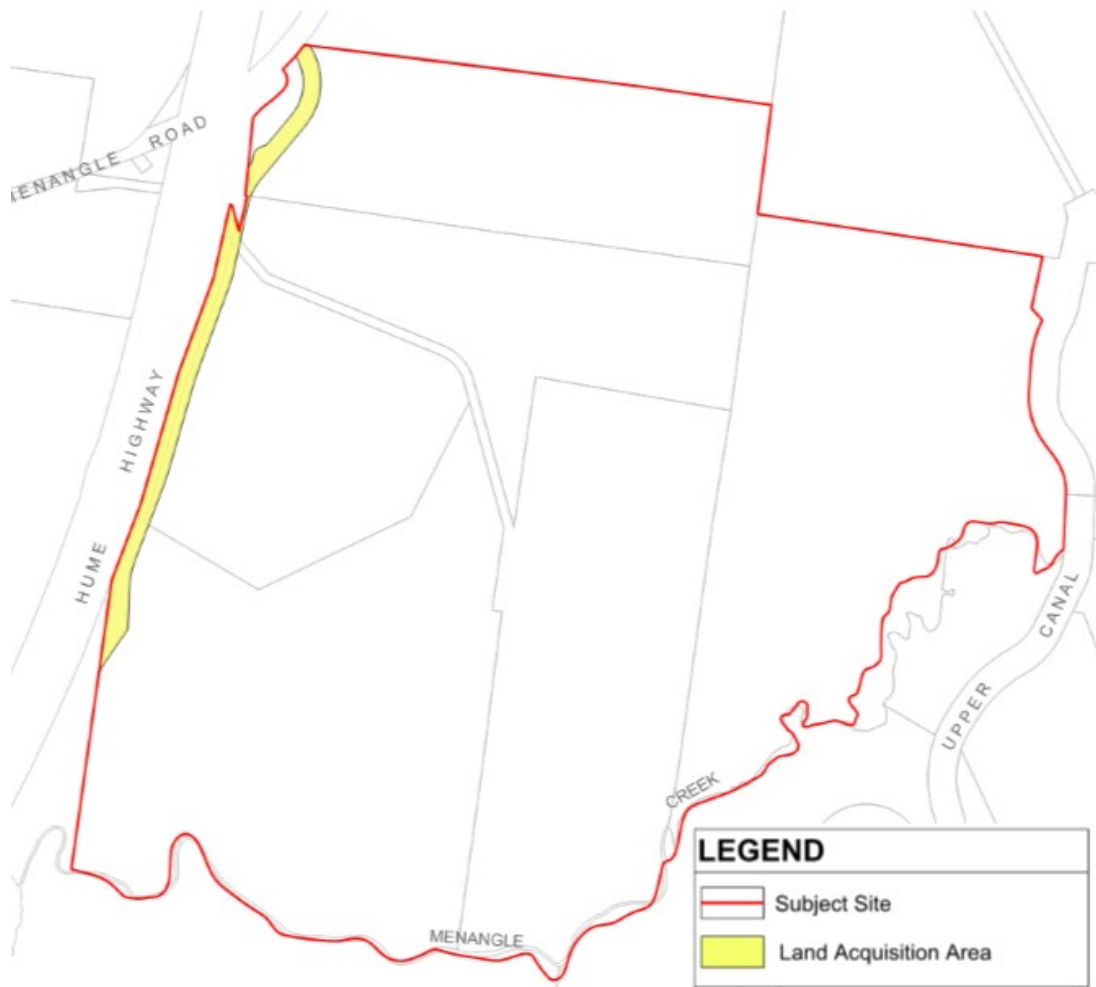


Figure 13 Proposed Terrestrial Biodiversity Map

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**Figure 14 Proposed Land Acquisition Map**

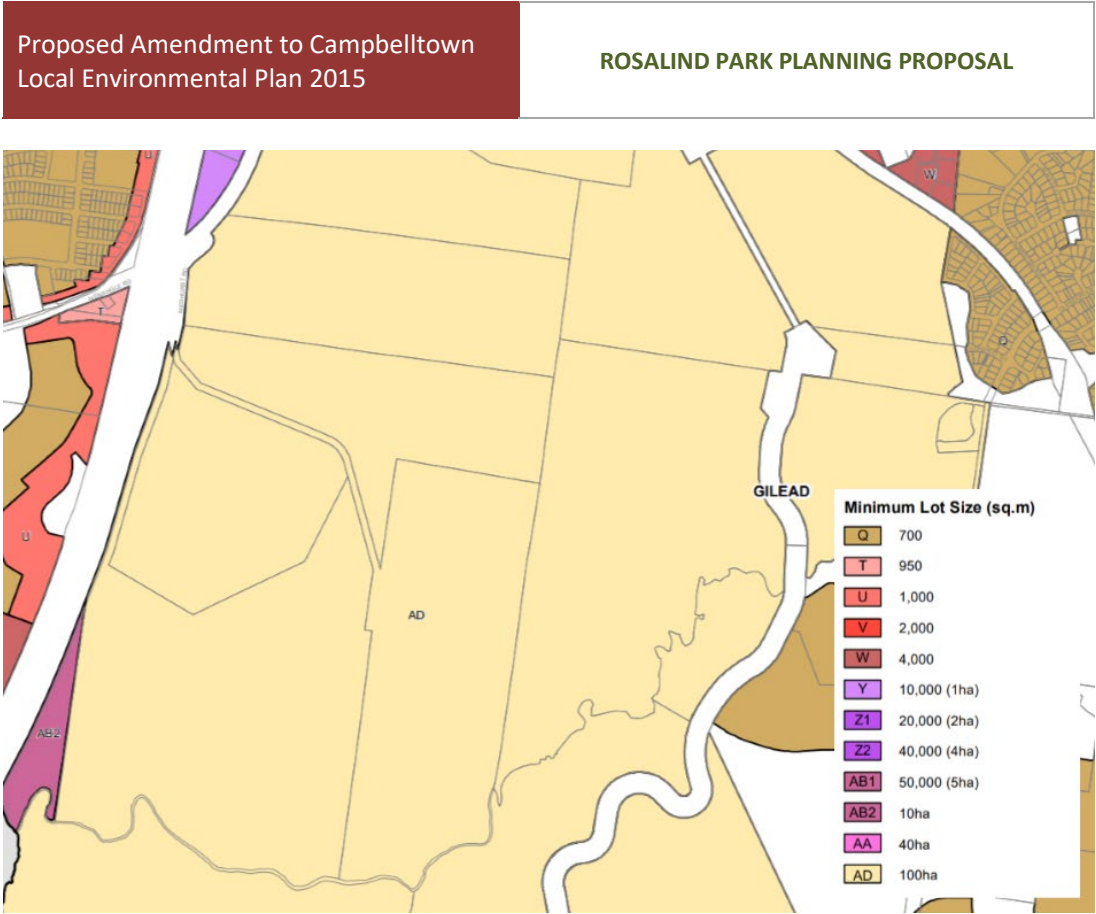


Figure 15 Existing Lot Size for Dual Occupancy Map

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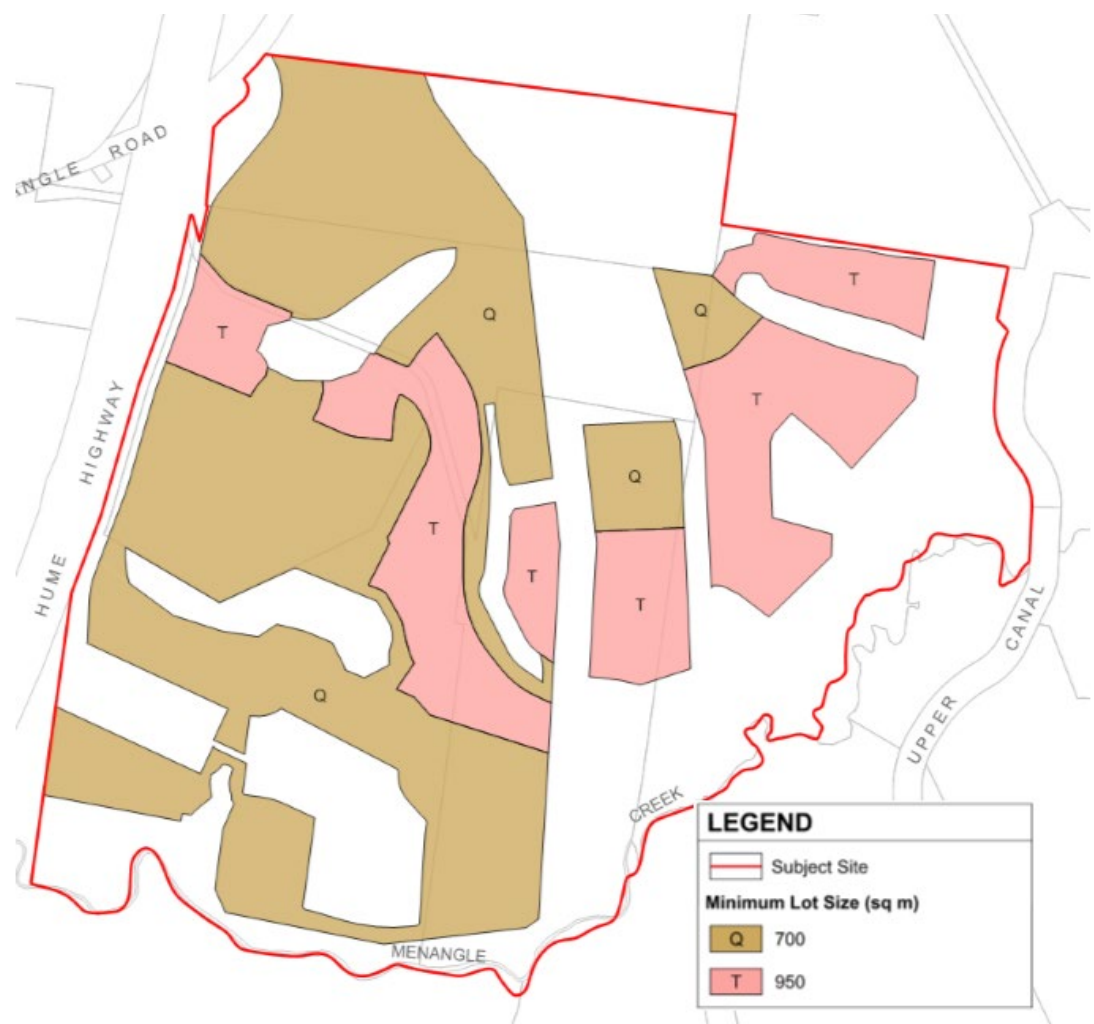


Figure 16 Proposed Lot Size for Dual Occupancy Map

Part 5 – Community consultation

The Gateway determination will specify the duration and extent of public exhibition required and engagement with the community and public authorities/agencies.

Additionally, Council’s Community Participation Plan may detail further requirements.

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Part 6 – Project Timeline

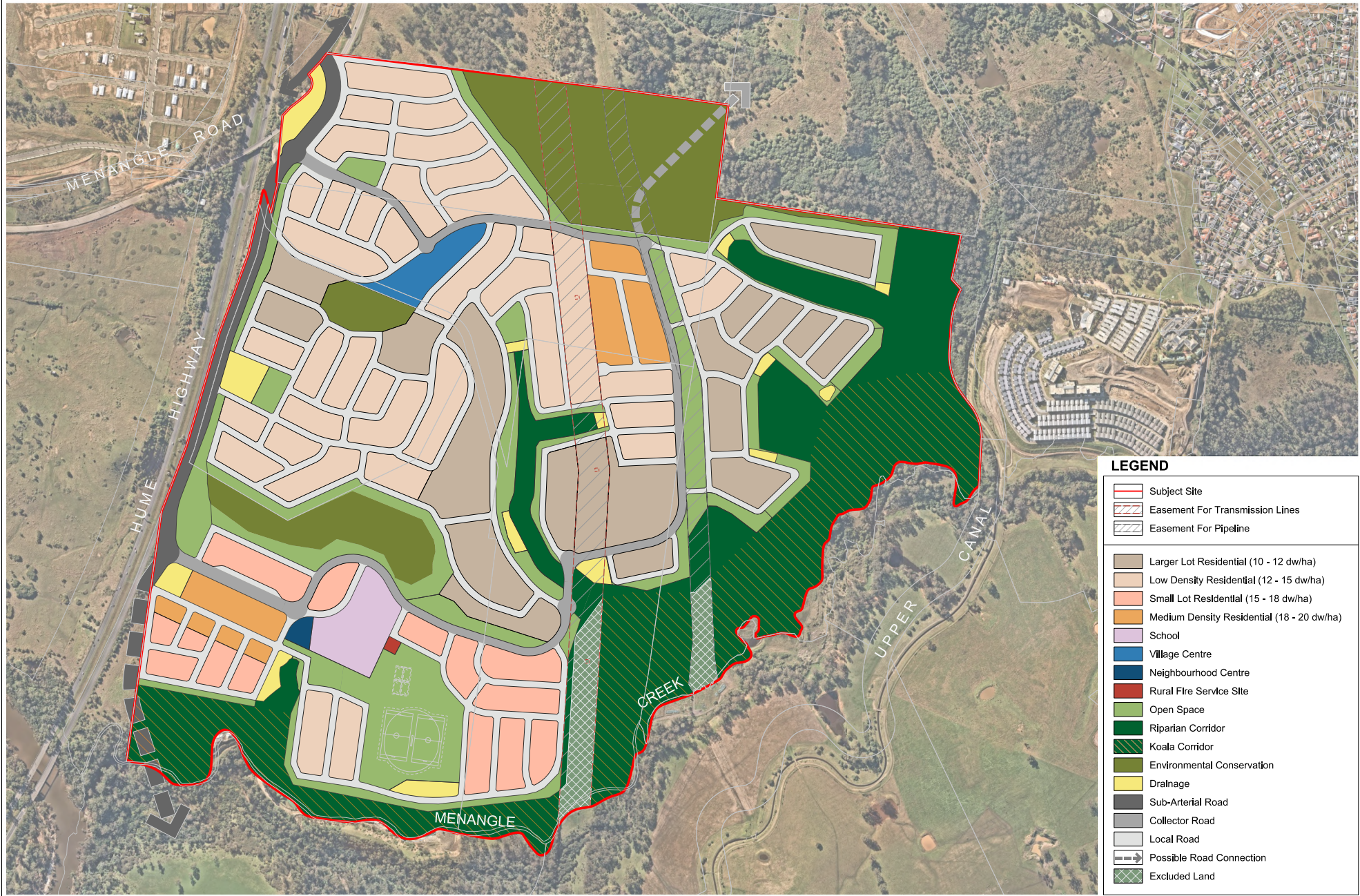
Dates	Item
May 2023	Local Planning Panel advice
July 2023	Council endorsement of Planning Proposal
August 2023	Referral to DPE for Gateway Determination
October 2023	Gateway Determination
December 2023	Public exhibition and referral to any required public authorities
March 2024	A report to Council on Submissions received
August 2024	Send planning proposal to DPIE for finalisation
October 2024	Making of LEP Amendment

Table 8: Indicative Project Timeline









**LEGEND**

- Subject Site
- Easement For Transmission Lines
- Easement For Pipeline
- Larger Lot Residential (10 - 12 dw/ha)
- Low Density Residential (12 - 15 dw/ha)
- Small Lot Residential (15 - 18 dw/ha)
- Medium Density Residential (18 - 20 dw/ha)
- School
- Village Centre
- Neighbourhood Centre
- Rural Fire Service Site
- Open Space
- Riparian Corridor
- Koala Corridor
- Environmental Conservation
- Drainage
- Sub-Arterial Road
- Collector Road
- Local Road
- Possible Road Connection
- Excluded Land

Structure Plan  
**ROSALIND PARK**





## SJB Planning



Campbelltown City Council  
PO Box 57  
Campbelltown NSW 2560

Attn: Graham Pascoe

2 June 2023

### Re: Rosalind Park Planning Proposal – Additional Information

Dear Graham,

We refer to Council's email correspondence of 1 June 2023 and the Campbelltown Local Planning Panel Meeting Minutes of 24 May 2023 in relation to the Rosalind Park Planning Proposal.

We note that the Campbelltown Local Planning Panel (LPP) raised or sought clarification on the following issues:

- Biodiversity Development Assessment Report (BDAR) for Lot 1 DP 622362
- Cumberland Plain Conservation Plan (CPCP) Modification
- Future ownership of the CPCP land and Koala corridor
- Hilly topography of the site
- Proposed 10m height control for the R2 Low Density Residential zone
- Proposed 15m height control for the village centre
- Menangle and Medhurst Road intersection
- Menangle Creek crossing alignment
- Variety of Housing types and Density of development
- Minimum lot size in the R2 zone
- Easements function
- Delivery of active open space

In response to the issues raised, we provide the following information and responses and attach the following documents:

- Response to issues raised by LPP prepared by SJB Planning
- BDAR prepared by Cumberland Ecology dated 30 May 2023 (provided under separate cover)
- Amended Proposed Height of Buildings Map prepared by Design and Planning
- Amended Structure Plan with Staging Overlay prepared by Design and Planning

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Level 2, 490 Crown Street  
Surry Hills NSW 2010  
Gadigal Country

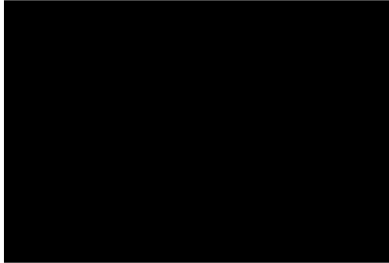
T 61 2 9380 9911  
E [planning@sjb.com.au](mailto:planning@sjb.com.au)  
W [sjb.com.au](http://sjb.com.au)

SJB Planning (NSW) Pty Ltd  
ABN 47 927 618 527  
ACN 112 509 501

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We trust that the attached information is of assistance and addresses the abovementioned issues raised by the LPP.

Should you require any further information, please do not hesitate to contact me on (02) 9380 9911 or by email at [mbaker@sjb.com.au](mailto:mbaker@sjb.com.au).





## Clarification and Response to Issues Raised by LPP

### 1. Biodiversity Development Assessment Report (BDAR)

*With respect to Lot 1 DP 622362, it is noted that the preliminary ecological investigations which informed the Structure Plan are the subject of a supplementary BDAR assessment.*

A copy of the BDAR for Lot 1 DP 622362 is attached for your information. It is noted the BDAR requires no changes to the Structure Plan.

### 2. CPCP Modification

*The LPP's comments that the methodology in relation to the smoothing of the boundaries and removal of one of the fingers, as proposed under the CPCP Modification Application, should not be purely mathematical but should be outcomes focussed.*

In response to this comment, we argue that the methodology is not purely mathematical and is primarily outcomes focussed. The Modification Application is informed by the following:

- Extensive site surveys, tree surveys and vegetation analysis.
- The central corridor is certified under the CPCP as "urban capable land", however the Modification Application seeks to retain this corridor due to the existing vegetation, wildlife/biodiversity habitat and stormwater and amenity assets that this corridor provides to the site.
- Vegetation surveys of the two north-eastern fingers identified that these Category 1 riparian corridors to be heavily weed infested and of limited value. Notwithstanding this, the proposal now seeks to retain the majority of the northern finger and the lower half of the southern finger, being the areas of better vegetation and significant trees;
- The Modification Application seeks to substantially increase the width of the Menangle Creek corridor in the north-eastern corner of the site, above the requirements of the DPE's CPCP teams and the Chief Scientist's Koala Corridor A requirements. This will involve the revegetation of existing cleared and certified "urban capable" land to deliver an improved wildlife connection to the Office of Strategic Land owned land to the north of the site, improving connectivity to other koala habitat.
- The smoothing of the boundary between urban capable and avoided land is proposed to facilitate a more logical and manageable boundary that will provide for future Koala corridor fencing in accessible locations that enable future maintenance, including vehicle track adjacent to the fencing boundary.
- Overall improved environmental, community and urban design outcome.

A further visual analysis of the proposed CPCP Modification Application has been prepared and is attached for your information. The analysis provides maps and aerial photographs showing the location of each of the areas of the site that are subject of the CPCP Modification and the merits of these areas.

Notwithstanding the merits of the proposed CPCP Modification Application, it must be acknowledged that one of the criteria for the Modification Application was that there was to be no nett loss of land. For this reason, the modification documentation was required to submit area calculations for any proposed modifications to demonstrate this.

### 3. Future ownership of the CPCP land and Koala corridor

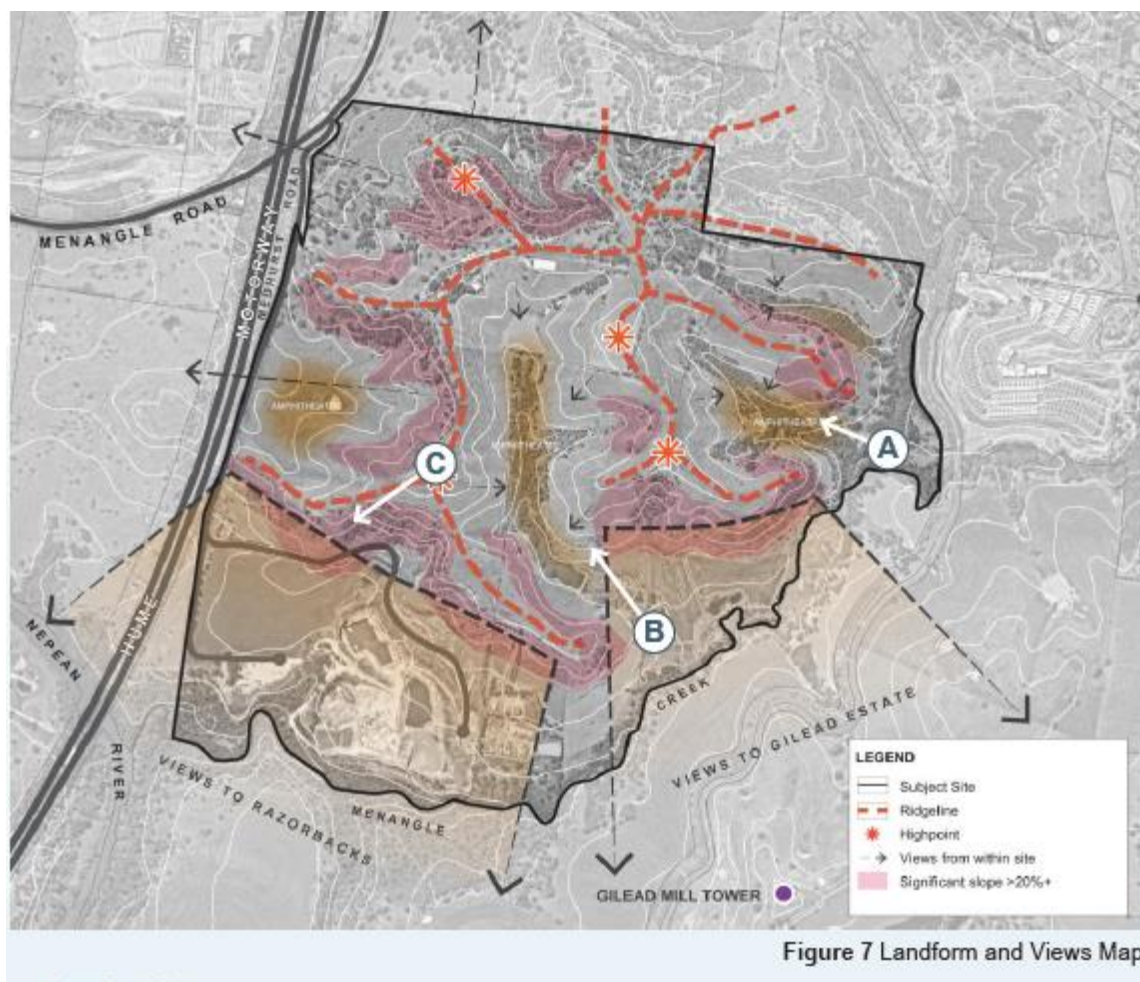
The PP proposes the conservation of over 70 hectares of the site for either Koala Corridor or other bushland conservation. The smaller fragmented areas of bushland are proposed to be dedicated to Council.

However, the vast majority of the 70ha comprises the proposed Koala corridor along the Menangle Creek on the southern and eastern boundaries of the site. It is understood that the Koala Corridor is required to be fenced off to maximise the protection of Koalas and the associated habitat consistent with the state government objectives for the conservation of this species. The future ownership of this corridor is the subject of further discussions with the DPE's CPCP Team. It is still to be determined whether it would become a Biodiversity Stewardship site or be transferred to either state or local government ownership. Given the location of the corridor within a major urban release area, identified for the delivery of Sydney housing supply, the retention of the koala corridor within private ownership is not feasible.

#### 4. Hilly topography of the site

*The Panel notes that the PP should clearly highlight that the land is hilly which provides both opportunities and constraints.*

The PP documentation submitted to date clearly identifies that parts of the site are of a hilly topography, comprising a series of ridges and valleys. This is particularly illustrated in the Urban Design Study prepared by Design and Planning as illustrated in Figure 7 of the report, replicated below.



The constraints of this topography have also been acknowledged in the larger lot sizes proposed for the more challenging parts of the site. Again, this hilly topography was also one of the reasons for seeking a small variation to the standard height controls applying to the proposed R2 Low Density Residential zoning to account for the significant gradients on some of the land.

**5. Proposed 10m height control for the R2 Low Density Residential zone**

*The Panel was of the view that the maximum building height in the R2 zone should be 9 m rather than 10 m. The proposed 10 m height limit is considered excessive for 2 storey development and would be likely to cause solar access issues. Any development above 9 m should be justified on a case by case basis rather than by broadly permitting 10 m across the residential areas of the site.*

A 10m maximum building height control has been sought within the R2 Low Density Residential zone to provide a level of flexibility for the proposed dwelling products. The topography of this site is not comparable to the adjacent precincts of Menangle Park or Gilead 1, with parts of the site subject to significant slope. The increased in the height control is to maximise the ability for future dwelling houses to be able to utilise the Complying Development Certificates (CDC) approval pathway and to avoid unnecessary DA's and potential Clause 4.6 objections to the height control.

Given the Panels concern with the proposed height, we request whether Council would consider a 9.5m height limit for the R2 Low Density zoned portions of the site. This again would provide a little more flexibility in the design of the future dwellings across the site, bearing in mind that the topography of parts of this site is not comparable with the neighbouring precincts. An amended Height of Buildings Map is attached.

**6. Proposed 15m height control for the Village Centre**

*The Panel identifies that the 15m height control for the village centre is considered excessive and is not consistent with the vision to maintain the existing character of the homestead and surrounding farm buildings.*

The concerns of the Panel are noted in relation to the 15m height limit proposed for the homestead precinct. It is not intended to deliver tall buildings throughout this precinct. In fact, detailed DCP provisions will be developed for this precinct that will ensure that future development will respect the vision and existing character of the village.

The purpose of the 15m height control was to allow a taller building element in and around the silos structure at the eastern end of the precinct. However, in light of the concerns of the LPP, we propose to amend the height control for this precinct to 12m. An amended Height of Buildings Map is attached.

**7. Menangle and Medhurst Road intersection**

*The Panel notes that the short-term access scenario (left-in and left out) is a matter that does not prejudice the progress of the draft Planning Proposal but encourages the pursuit of longer-term solutions as a priority. The Panel is of the view that the interim access arrangements are problematic and the operational capacity will be inadequate and needs to be addressed as expeditiously as possible.*

The applicant is continuing to progress the matter of the Menangle Road and Medhurst Road intersection as a priority. Further concept intersection plans are being prepared to accommodate construction and residential staging traffic requirements.

However, the ultimate location of this intersection and the design is dependent on Transport for NSW's design of the Menangle Road Upgrade project. The design of the upgrade of Menangle Road by TfNSW dictates the layout and ultimate location for any such location. Sufficient information for the design of the ultimate intersection is unavailable and does not appear to be being considered by TfNSW as part of the Menangle Road Upgrade project.

**8. Menangle Creek crossing alignment**

*The Panel notes that the “nonalignment” of the Menangle Creek proposed transport corridor crossing is a matter that does not prejudice the progress of the draft Planning Proposal.*

Notwithstanding this, the applicant has identified that the nonalignment of the crossing between the Rosalind Park PP and the Gilead 2 PP, is approximately 50m and can be readily resolved during the PP assessment process.

**9. Variety of Housing types and Density of development**

*The variety of lots sizes and housing types proposed is important as it reflects the topography of the site. It is important that other more dense forms of housing are not allowed on this land.*

The proposed lot size map has been specifically designed in such a way so as to reflect the constraints of the topography of the site, with larger minimum lot sizes mandated in those areas of the site subject to steeper topography. This minimum lot size control will restrict more dense forms of housing. Furthermore, it is supported by the zoning which restricts the R3 Medium Density Residential development to the flatter less topographically constrained parts of the site.

**10. Minimum lot size in the R2 zone**

*The Panel supports the proposed amended minimum lot sizes in the R2 zone of 420m<sup>2</sup> and 600m<sup>2</sup> in mapped steep areas. The proposal to include a provision allowing a percentage of smaller lots, while supported in principle, should be clearly explained in the Planning Proposal.*

This is noted. The clause has been explained in documentation submitted to Council staff.

**11. Easements' function**

*Further consideration should be given to the easements that cross the land and a sustainable strategy should be prepared detailing how they will be integrated into the urban environment without prejudicing the easement functions which they perform.*

The Planning Proposal as submitted to Council includes a Landscape Masterplan prepared by Distinctive landscape architects. This document identifies the location and proposed function of all open spaces proposed throughout the precinct, including pedestrian pathway and cycleway connectivity.

In relation to the function of the gas easement, the Landscape Masterplan identifies that the gas easement will function as an additional lineal open space traversing the site. This will enable the residents of the precinct to utilise this lineal corridor for additional passive open space with the provision of shared paths and seating etc. It must be noted that this space is in addition to the local open space requirements of Council.

In relation to the function of the transmission line easement, where outside of open space, bushland or the Koala Corridor, the transmission line easement will form part of the private residential lots. Whilst dwellings are unable to be constructed within the easement, the land will either form part of the common property of the medium density development or form part of several larger residential lots, allowing the land to be used for ancillary residential purposes, such as gardens, horse riding etc.

**12. Delivery of active open space**

*The Panel is concerned that the active open space is proposed to be delivered towards the later stages of the proposed development. The Council should ensure that the parks in the early stages of the development are*



*available at the time residents first move in, are adequate and can perform a number of open space functions to cater for the needs of the community.*

In response to the concern that the active open space will be delivered towards the later stages of the project, there are two key reasons for this. Firstly, active open space i.e. playing fields, require relatively flat or level land to delivery such spaces. The flattest part of the site is located at the southern end of the precinct furthest from the existing site access, utilities and infrastructure. Given this location, the flattest land is to be delivered in the latter stages of the development. Secondly, the site of the existing quarry is the most sensible location for the active open space, as the previous quarry use will not permit buildings to be constructed on this part of the site and therefore is ideal for playing fields. The quarry is subject to a lease until 2026 and then will take considerable time to remediate and fill. The timing of the completion of this process will enable the delivery of the active open space as part of the latter stages of the development.

Notwithstanding this, the staging of the proposed development will see the delivery of accessible local open space from the first stage of the project. This has been illustrated in the Staging Plans attached. Each stage of the project contains a parcel of local open space that will provide for both passive and active uses. In addition to this, those stage which the gas easement traverses will also benefit from the delivery of a lineal open space along the gas easement.

A copy of the amended Structure Plan with the proposed staging highlighted (attached) provides more details of the delivery of the local open space within each stage.

Furthermore, the timing of all open spaces will be delivered in accordance with the staging, specifications and requirements spelt out and agreed upon by Council under the future VPA. The VPA with Council will ensure the delivery of open space areas in a timely manner. An irrevocable letter of offer has been submitted to Council as part of the PP.

----- Forwarded message -----

From: **Michael Baker** <[MBaker@sjb.com.au](mailto:MBaker@sjb.com.au)>

Date: Fri, 2 Jun 2023 at 15:50

Subject: FW: CPCP modification - 33 Medhurst Road Menangle Park (SJ9266A)

To: Graham Pascoe <[Graham.Pascoe@campbelltown.nsw.gov.au](mailto:Graham.Pascoe@campbelltown.nsw.gov.au)>, Graham Pascoe

Cc: Archive Plan Syd <[ArchivePlanSyd@sjb.com.au](mailto:ArchivePlanSyd@sjb.com.au)>, Nathan Cutler

<[nathan.cutler@ledaholdings.com.au](mailto:nathan.cutler@ledaholdings.com.au)>, Keith Apps ([tnconsulting@bigpond.com](mailto:tnconsulting@bigpond.com))

<[tnconsulting@bigpond.com](mailto:tnconsulting@bigpond.com)>, [NigelM@designandplanning.com.au](mailto:NigelM@designandplanning.com.au)

<[NigelM@designandplanning.com.au](mailto:NigelM@designandplanning.com.au)>

Hi Graham,

Please find attached below a copy of an email we received from the CPCP Team late last week.

We did not send this through earlier as we have just met with CPCP this afternoon, to discuss their advice and establish a way forwards.

Broadly the CPCP Team are very supportive of the CPCP Modification as submitted. However, you will note from their advice below that there is one street block of proposed R3 Medium Density Residential zoned land at the northern end of the site, between the gas and transmission easements, that will impact upon mapped Cumberland Plain Woodland. The CPCP have advised that they cannot support the clearing of this vegetation and therefore this component of the CPCP Modification.

Given this, we will have be amending the CPCP Modification as submitted to address the issues raised. This will mean the loss of this one street block from our proposal. We will prepare an amended Structure Plan and LEP maps and endeavour to issue them to you on Monday.

Regards

Michael Baker  
Director



SJB Planning

L2, 490 Crown Street,

Surry Hills NSW 2010

[www.sjb.com.au](http://www.sjb.com.au)

T: +61 2 9380 9911 / M: 0403 664 855

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Caring for the lands, waters, and skies of the Country on which our projects visit.



## DCP HARMONISATION for Georges River Council

Read more



**From:** DPIE PDPS Cumberland Plain Conservation Plan Mailbox <[CPCP@planning.nsw.gov.au](mailto:CPCP@planning.nsw.gov.au)>

**Sent:** Thursday, May 25, 2023 2:32 PM

**To:** Michael Baker <[mbaker@sjb.com.au](mailto:mbaker@sjb.com.au)>

**Subject:** CPCP modification - 33 Medhurst Road Menangle Park

You don't often get email from [cpcp@planning.nsw.gov.au](mailto:cpcp@planning.nsw.gov.au). [Learn why this is important](#)

Dear Michael

Thank you for submitting your application to the CPCP modification. The department has reviewed your application and provides the following feedback.

We appreciate that you have made a genuine effort to reduce overall impacts to avoided land by proposing alternative areas to be “given back” to offset the small losses to avoided land elsewhere.

### **Avoided land**

The department supports the proposal to protect an additional 1.4 ha of avoided land along the Nepean River corridor in the NE corner of the property. We also support the proposal to protect the remnant vegetation along Menangle Creek. The minor changes to the boundaries of the avoided land in the two “fingers (in the north and south-west) are considered acceptable to allow for boundary rationalisation.

The department has concerns about the proposal to trim the avoided land in the north to enable one additional lot for development (this area in pink is referred to here as “the hockey stick”). While we acknowledge that the majority of this area (the handle of the hockey stick) is cleared land there will be impact to remnant Cumberland Plain Woodland at the bottom of the hockey stick. DPE requests that this area be retained as avoided land. The department notes that losing this one block from the development footprint has no impact on surrounding road layouts.



### **Excluded land / easements**

We note that there was a change to the excluded land as a result of the proposed modification. On closer investigation we concluded that this is occurring in the south due to the proposal to convert urban capable land to avoided land. While we have no objections to this change in the land categories, we need to maintain the easements as excluded land where they run through avoided land (on obht sides). This is because they cannot be considered as protected or conserved land when they are being managed as part of an easement.



### **Proposed koala exclusion fence**

The department notes that the koala exclusion fencing is not a matter for inclusion in the modification and will not be considered as part of the application. We have some concerns about the proposed location of the koala fence. The location of the koala fence needs to be discussed with Council and it will be considered at the DA stage. You are welcome to seek further advice from us at a later stage, and I note that you have requested guidelines for fencing which our team is now working on. One of the main issues with the current proposal is that the fence cuts across the middle of the Nepean corridor, therefore blocking access to the north.

### **Summary of outcome of application**

If the applicant addresses the two minor issues below, the department supports its inclusion in stage 1 of the CPCP modification application. This means it will be included as part of the CPCP modification package that will be assessed by an accredited assessor.

These two minor issues are:

1. retain remnant vegetation in the bottom of the “hockey stick” by removing one lot from the proposed footprint
2. mapping of the easements through the avoided land in the south must remain as excluded land.

We are happy to discuss this feedback on your application further if needed. Please continue to correspond through the CPCP mailbox, or let me know if you would like to organise a meeting.

Regards

**Dayle Green**  
**Senior Policy Officer**

Resilience and Urban Sustainability Division | Department of Planning and Environment  
4 Parramatta Square | 84 Crown Street Wollongong  
**Mon-Tue-Wed-Thu**

---

This email has been scanned by the Symantec Email [Security.cloud](#) service.

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

### Reporting Officer

Manager City Standards and Compliance  
City Planning and Environment

### Community Strategic Plan

Objective	Strategy
1 Community and Belonging	1.2.3 Promote and support a safe community

### Delivery Program

Principal Activity
1.2.2.1 Deliver and promote services and programs that keep our community safe and healthy.

### Officer's Recommendation

1. That a notice be placed on Council's website for 14 days 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.
- 

## Purpose

To submit to Council for endorsement, a proposal to re-establish without changes 8 Alcohol Free Zones that are located within the northern area of the Campbelltown Local Government Area and due to expire on 24 December 2023.

## History

The *Local Government Act 1993* (the Act) provides Council with the ability to establish an Alcohol Free Zone to promote the safe use of roads, (including footpaths) and public car parks (including privately owned shopping centre car parks) without interference from anti-social behaviour caused by public drinkers. The object of an Alcohol Free Zone is an early intervention measure to prevent the escalation of irresponsible street drinking to incidents involving public nuisance, disturbance or serious crime.

Any person living or working within the Local Government Area, the local police or a local community group can make an application for an Alcohol Free Zone. Once established, an Alcohol Free Zone prohibits the drinking of alcohol on the roads, footpath and public car parks in the specified zone. A proposal to establish an Alcohol Free Zone must, in all cases, be supported by evidence that street drinkers have compromised the public's use of those footpaths, roads or car parks. The maximum duration of an Alcohol Free Zone is 4 years although it may be re-established upon following the same procedure that was used to originally establish the zone.

Council considered a report to re-establish 8 Alcohol Free Zones at its Ordinary Meeting of 8 October 2019 and resolved:

1. That Council re-establish Alcohol Free Zones over the streets, footpaths, reserves and public housing open areas and car park areas detailed in the attachment to the report for the Alcohol Free Zones at:
  - a) Claymore (as amended)
  - b) Glenfield
  - c) Ingleburn
  - d) Macquarie Fields
  - e) Minto
  - f) Minto 2 (Zone 2) (as amended)
  - g) Raby
  - h) St Andrews
2. That the Alcohol Free Zones referred to in Recommendation 1 commence on 25 December 2019 and that a public notice advising of Council's decision be placed in a local paper at least seven days in advance of re-establishing the zones.

3. That the Alcohol Free Zones referred in Recommendation 1 be sign posted in accordance with Council's standard Alcohol Free Zone sign template including a contact phone number of the appropriate Police Local Area Command.
4. That the Alcohol Free Zones referred to in Recommendation 1 be reviewed prior to the expiration of the re-establishment period, being 24 December 2023.

These zones were re-established subsequent to the above resolution and are due to expire on 24 December 2023.

## Report

The management and operation of an Alcohol Free Zone is a collaborative approach between Council and Police Local Area Commands. Council's role has been the establishment and sign posting of the zones, while Police are responsible for enforcement.

Consultation with the Police will occur subsequent to the public consultation process and prior to any decision to declare re-establishment of the Alcohol Free Zones in accordance with the procedure outlined below.

### Re-establishment of Existing Alcohol Free Zones

The procedure that Council must follow in resolving to declare an Alcohol Free Zone is outlined in the legislation and is summarised as follows:

1. Publish a notice advising of Council's intention to re-establish the Alcohol Free Zone and inviting public submissions. The minimum period for lodging representations is 14 days after the publication of the notice.
2. Consider any submissions received, and where it is decided to declare the zone, advise:
  - The Anti-Discrimination Board
  - The Officer in charge of the Police Station nearest the zones
  - The liquor licensees and secretaries of registered clubs whose premises border on, adjoin or are adjacent to the proposed zone
  - Any known group that might be affected by the creation of the Alcohol Free Zone.

Council must give each of the abovementioned notified organisations or persons a minimum of 30 days to make a written submission.

3. Consider any submissions received and where it is decided to proceed with the declaration, notify that decision (whether as originally proposed as amended), at least seven days in advance of the proposed date of commencement.
4. Signpost the area in accordance with the Act.

The zones shown in attachment 1 to this report are listed below:

- a) Claymore
- b) Glenfield
- c) Ingleburn
- d) Macquarie Fields

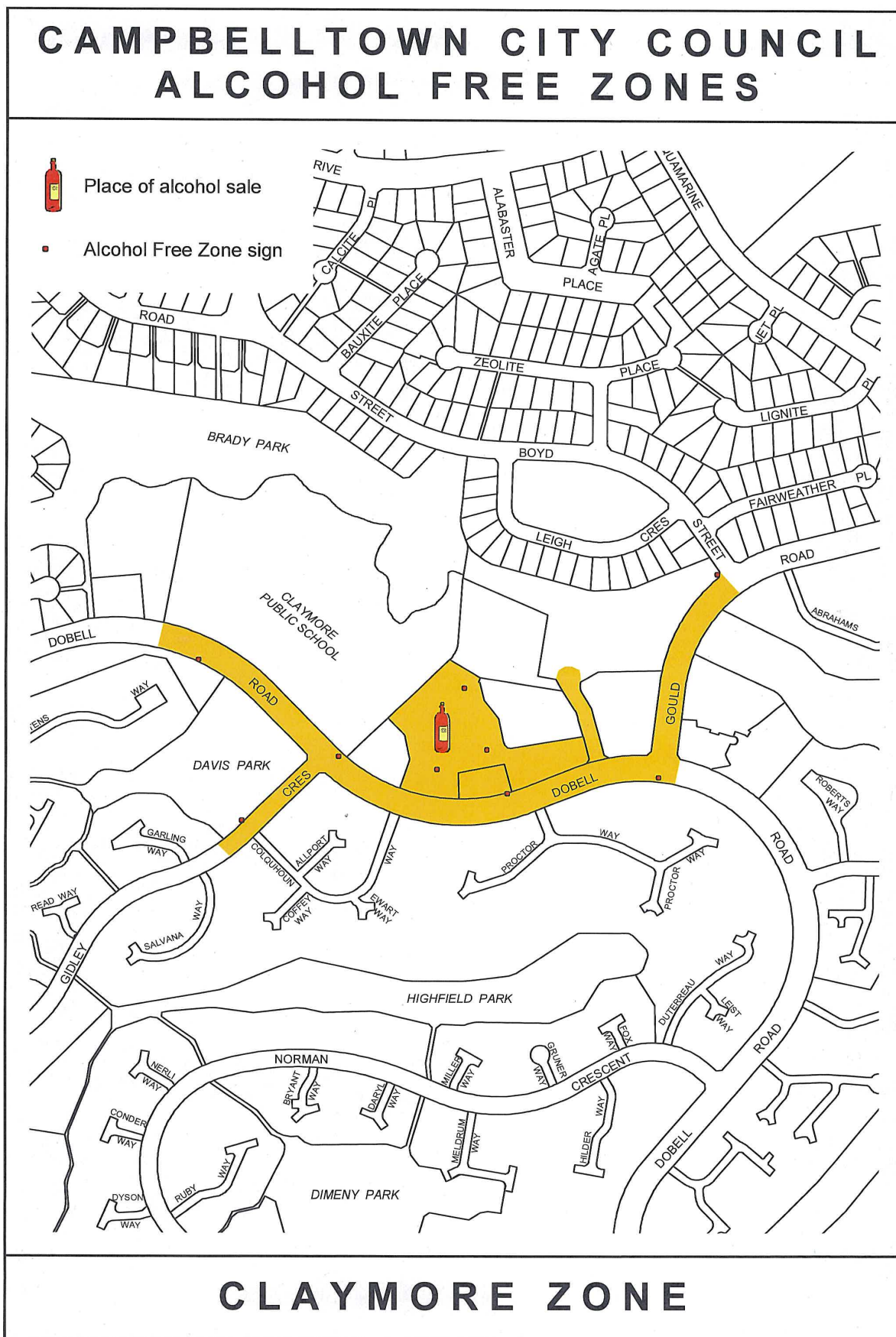


- e) Minto
- f) Minto Zone 2
- g) Raby
- h) St Andrews

The zones subject of this report are proposed to be re-established and are due to expire on 24 December 2023. Therefore in the interest of continuing to promote the safe use of roads and road related areas within each Alcohol Free Zone, it is proposed these zones be re-established.

## Attachments

- 8.4.1 Claymore Alcohol Free Zone Map (contained within this report) [↓](#)
- 8.4.2 Glenfield Alcohol Free Zone Map (contained within this report) [↓](#)
- 8.4.3 Ingleburn Alcohol Free Zone Map (contained within this report) [↓](#)
- 8.4.4 Macquarie Fields Alcohol Free Zone Maps (contained within this report) [↓](#)
- 8.4.5 Minto 2 Alcohol Free Zone Map (contained within this report) [↓](#)
- 8.4.6 Minto Alcohol Free Zone Map (contained within this report) [↓](#)
- 8.4.7 Raby 2 Alcohol Free Zone Map (contained within this report) [↓](#)
- 8.4.8 Raby Alcohol Free Zone Map (contained within this report) [↓](#)
- 8.4.9 St Andrews Alcohol Free Zone Map (contained within this report) [↓](#)



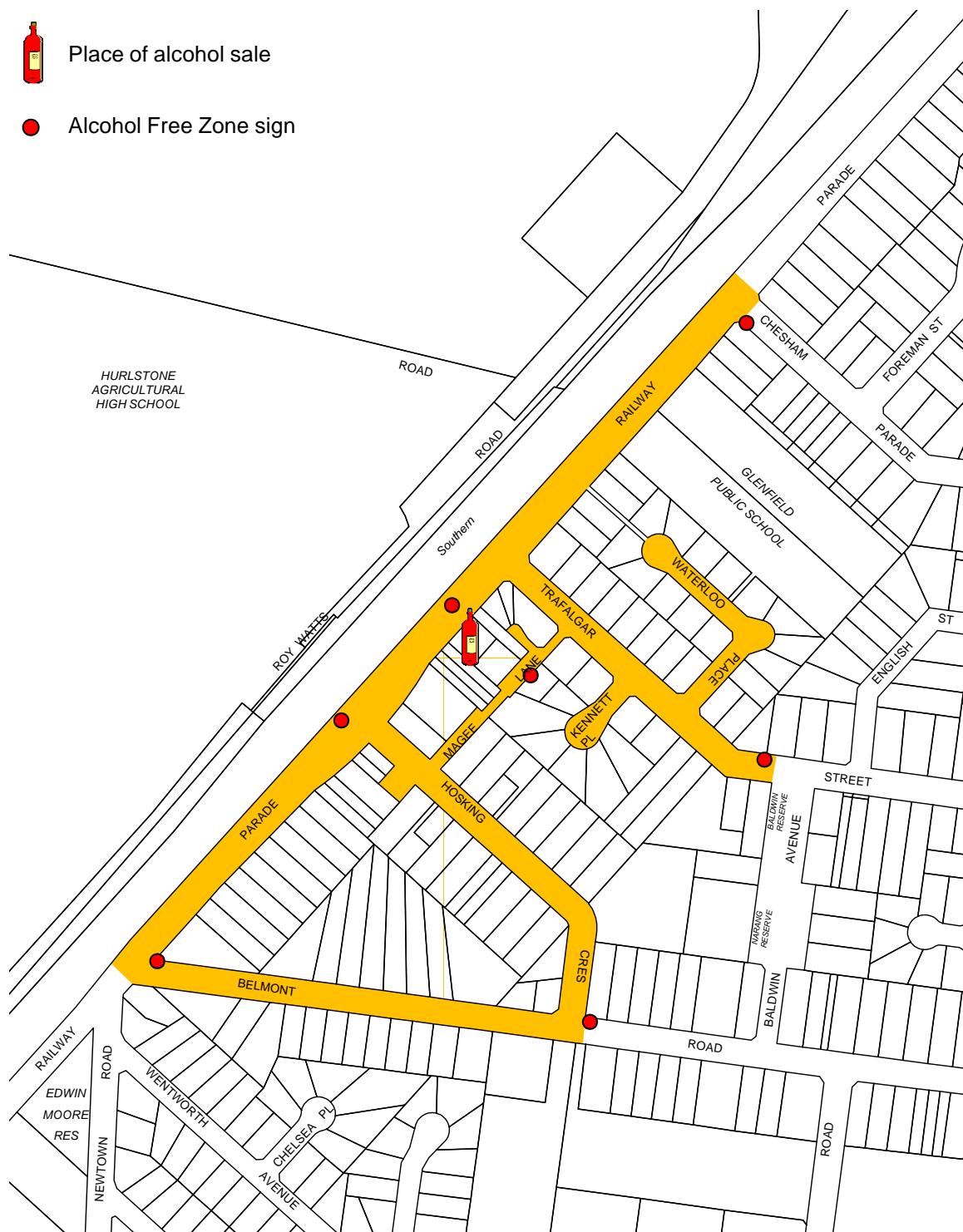
# CAMPBELLTOWN CITY COUNCIL ALCOHOL FREE ZONES



Place of alcohol sale






Alcohol Free Zone sign



## GLENFIELD ZONE

# CAMPBELLTOWN CITY COUNCIL ALCOHOL FREE ZONES

-  Place of alcohol sale
-  Alcohol Free Zone sign
-  Regulatory sign:  
Alcohol, Skateboarding & Cycling



## INGLEBURN ZONE

# CAMPBELLTOWN CITY COUNCIL ALCOHOL FREE ZONES



## MACQUARIE FIELDS ZONE



[illegible]

# CAMPBELLTOWN CITY COUNCIL ALCOHOL FREE ZONES



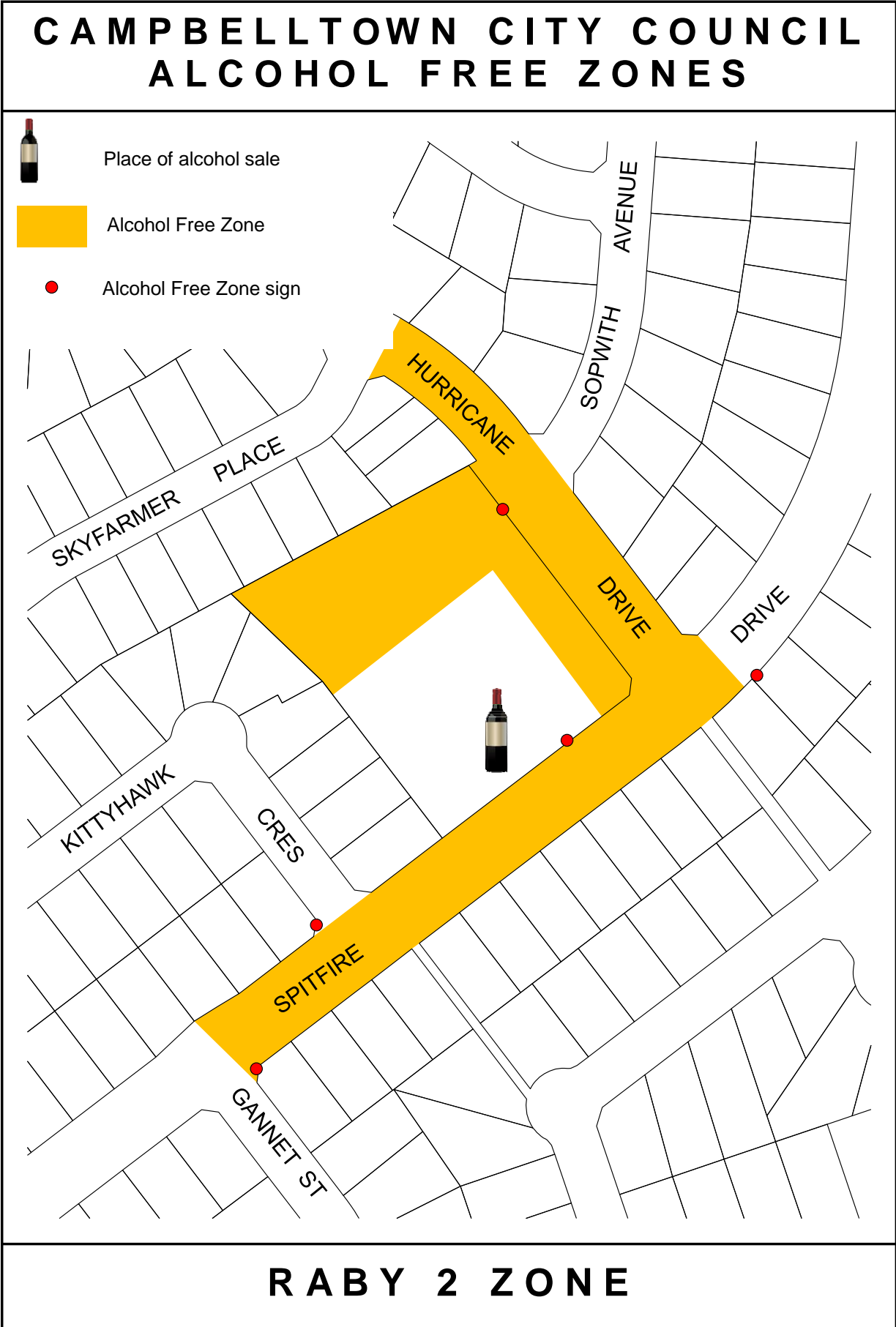
Place of alcohol sale



Alcohol Free Zone sign



## MINTO ZONE



RABY 2 ZONE



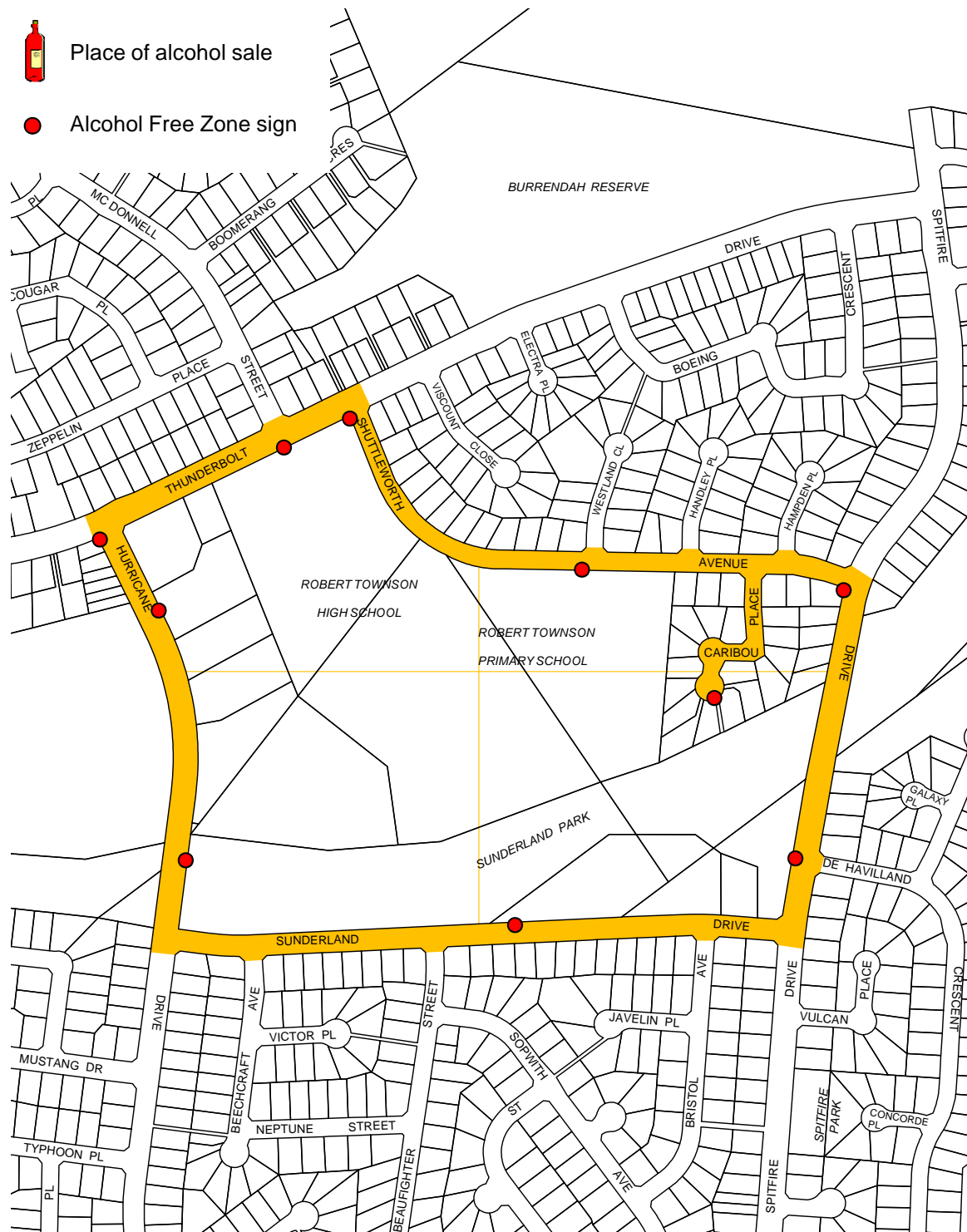
# CAMPBELLTOWN CITY COUNCIL ALCOHOL FREE ZONES



Place of alcohol sale



Alcohol Free Zone sign



## RABY ZONE

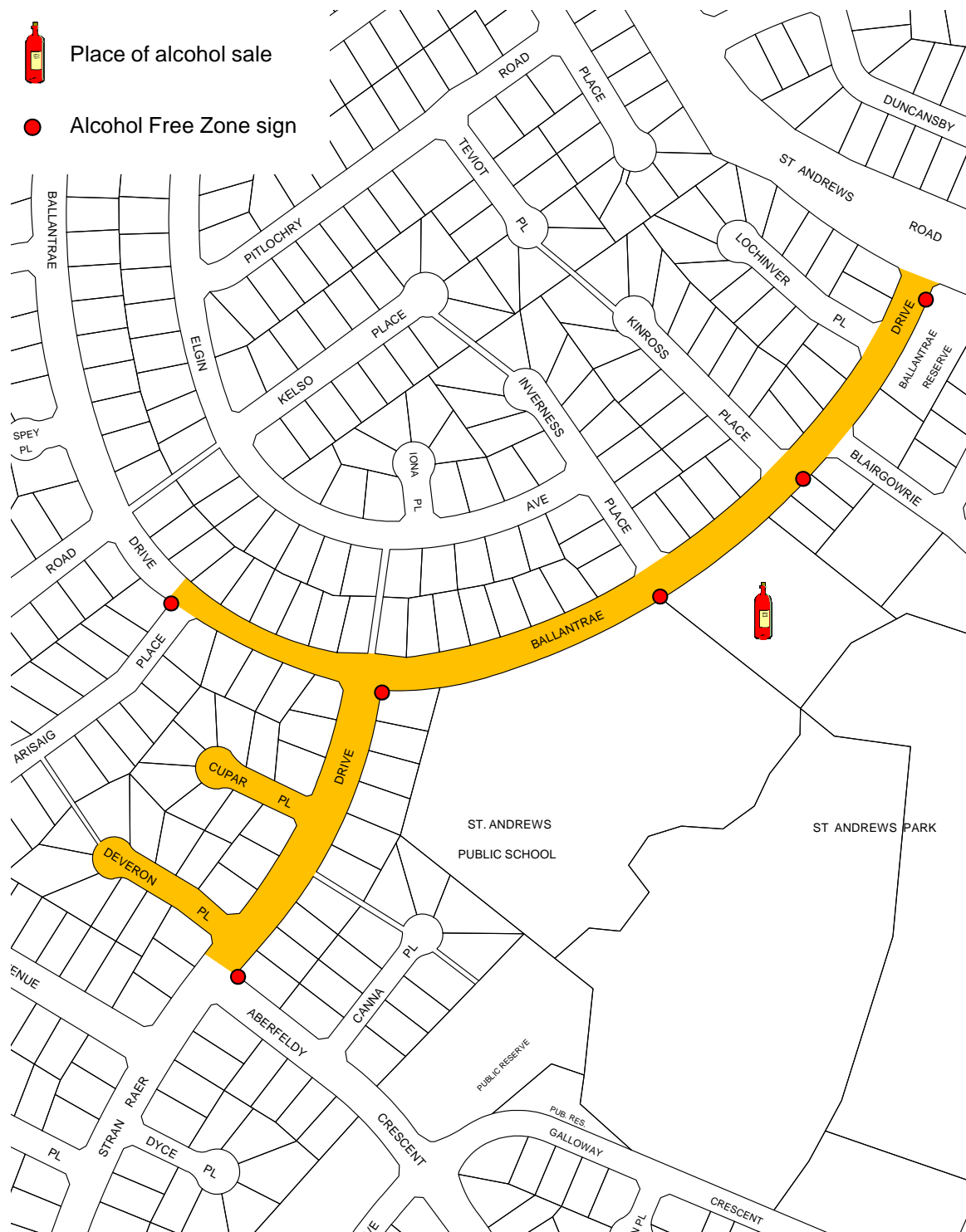
# CAMPBELLTOWN CITY COUNCIL ALCOHOL FREE ZONES



Place of alcohol sale



Alcohol Free Zone sign



## ST ANDREWS ZONE

## **8.5 Appointment of Additional Community Members to Campbelltown Local Planning Panel**

### **Reporting Officer**

Executive Manager Urban Centres  
City Planning and Environment

### **Community Strategic Plan**

<b>Objective</b>	<b>Strategy</b>
5 Strong Leadership	5.1.1 Increase opportunities for the community to engage and collaborate with Council and Key Delivery Partners

### **Delivery Program**

<b>Principal Activity</b>
5.1.1.1 Implement a holistic community engagement approach
5.2.2.1 Conduct Council business in an open, transparent and accountable manner

---

### **Officer's Recommendation**

That Council endorse the appointment of Alison Dunshea and Adam Novek as additional community members of the Campbelltown Local Planning Panel for the period until 30 June 2024.

---

### **Purpose**

The purpose of this report is to inform Council of changes to the membership requirements of the Campbelltown Local Planning Panel (LPP) and recommend that the additional community members identified in the recommendation be appointed to the LPP for the period until 30 June 2024.

### **History**

Council initially established the Campbelltown Local Planning Panel, as required by the NSW Government, at its Ordinary Meeting on 13 February 2018. The Panel held its' first meeting in March, 2018. The Panel members were originally appointed for a 3 year term and this was extended by 3 months in March, 2021.

At its meeting on 8 June 2021 Council noted the chair and alternate chairs appointed by the Minister for Planning and Public Spaces and the appointment of expert members and community members.

The Panel at any particular meeting is made up of 4 people – the chair, 2 expert members and 1 community member. The actual attendees at any particular meeting are chosen from the pool of people appointed to each role.

The Panel chair is appointed by the relevant Minister along with 2 alternate chairs also appointed by the Minister. One of these people will preside at each Panel meeting.

Council appoints a pool of expert members that come from a larger pool of experts approved by the Department of Planning and Environment. A roster is in place for the sharing of the expert roles.

Council appoints a pool of community members. Currently there are 3 community members appointed to the Panel.

As a result of recent changes Council is now required to have a pool of at least 4 community representatives. An invitation for expressions of interest for the local community member positions on the LPP was undertaken. This involved advertising on Council's website and on social media from 27 March 2023 to 27 April 2023.

Council is required to do a full refresh of the LPP membership in June 2024. The current appointment of the Panel chairs also lapses at this time. Rather than have overlapping periods of appointment for Community representatives it was decided to conduct the EOI seeking members until the larger refresh occurs in June 2024 instead of appointing them for a 3 year term.

## Report

This report outlines the selection and nomination process for the Community members and Expert members on the Panel.

### 1. Selection of community members

The Guidelines for the Recruitment and Appointment of LPP Community Representatives issued by the Department of Planning, Industry and Environment (DPIE) provide that the General Manager may appoint the community representative and alternates to the LPP on behalf of council and notify the Department and nominees of the outcomes.

All LPPs are required to follow a standard model comprising a chair, 2 other expert members and a community representative.

The selection criteria of community members include that they must:

- Be current residents within the local government area
- Have knowledge and awareness of the LGA and issues of concern to the local community
- Be able to represent and communicate the interests of the local community
- Have an understanding of the planning process and assessment issues (but not expected to be experts)

- Commit to attending the LPP meetings and contributing constructively to the determination of applications
- Be willing to adhere to the LPP code of conduct and operational procedures.

In response to the advertisement of the expression of interest for the local community member position, three submissions were received. Each person that lodged an expression of interest demonstrated that they satisfy the selection criteria. Interviews were held with each candidate and further consideration was given to those nominations that best demonstrated their knowledge and understanding of Council and the local area at the interview.

Preferred candidates were then subject to required probity tests, including a police check, bankruptcy check and a search of the register of real estate agents. Both Alison Dunshea and Adam Novek passed these tests.

At the completion of the interview process, it was considered that Ms Alison Dunshea and Mr Adam Novek presented the best claims to the position demonstrating both knowledge of decision making processes, sound understanding of local issues and knowledge of the planning framework.

## **Conclusion**

Local Planning Panels have been established under State Government planning legislation to determine development applications that are sensitive or where certain conflict of interest standards are met.

Pursuant to the Guidelines issued by the Department of Planning, Industry and Environment, it is the role of the General Manager to appoint the community representative and alternates to the Local Planning Panel on behalf of Council and notify the Department and nominees of the outcomes.

Council has undertaken an expression of interest process to select suitable community members, in addition to the 3 already appointed to the Local Planning Panel, and as a result it is recommended that 2 additional people be appointed to the pool of community representatives that sit on the Local Planning Panel.

## **Attachments**

Nil

## 8.6 Campbelltown Illegal Dumping Strategy

### Reporting Officer

Manager City Standards and Compliance  
City Planning and Environment

### Community Strategic Plan

Objective	Strategy
1 Community and Belonging	1.2.3 Promote and support a safe community

### Delivery Program

Principal Activity
1.2.1.1 Deliver, and advocate for, essential community services

### Officer's Recommendation

That Council adopts the draft Campbelltown Illegal Dumping Strategy.

### Purpose

This report aims to have Council adopt the draft Campbelltown Illegal Dumping Strategy.

### History

Illegal dumping is a scourge that costs the community dearly. The investigation of illegal dumping is expensive and resource intensive, as are the related and ongoing costs associated with legal proceedings related to prosecuting offenders.

In the 2021/22 financial year, illegal dumping cost our community nearly \$500,000 in clean-up and disposal costs alone.

Putting aside the financial costs, illegal dumping seriously impacts our natural environment through the contamination of our soils and waterways, higher rates of fauna mortality due to waste ingestion and/or poisoning, and the unwanted impact on the human environment/desired amenity of our community.

An illegal dumping audit and material study was completed to seek a deeper understanding of the number, type and frequency of the illicit dumping across the Campbelltown local government area, and how best to manage these incidents. The results of the Campbelltown Illegal Dumping Study were used to provide baseline data about illegal dumping and inform the recommendations for change identified in the Illegal Dumping Strategy.

## Report

Research undertaken by the NSW EPA shows that people from all walks of life carry out illegal dumping, and depending on the waste type illegally dumped, there were 4 recurring reasons that motivate illegal dumpers:

1. Convenience
2. Lack of planning
3. An unwillingness to pay
4. An uncaring attitude

A compositional study of waste items was conducted to understand what and where waste is illegally dumped and from where it was sourced. The information was then used to create an informed approach to best handling illegal dumping within the Campbelltown Local Government Area (LGA).

Between 27 June 2022 and 27 July 2022, 339 audits were completed across the LGA.

The information gathered at each location was:

- Source – Municipal, Construction and Demolition, and Commercial and Industrial
- Composition of materials – what was dumped
- Recyclability and reusability component
- Weight/volume and count of illegal dumping
- Suburb and site description (Single Unit dwelling, Multi-Unit dwelling, open space and industrial)
- Photographs

This information was used to identify key illegal dumping hot spots, suburbs with the most occurrences of illicit dumping, specific locations or geographical trends where the illegal dumping was occurring and the types of materials illegally dumped.

The results (attachment 4) showed that illegal dumping occurs across the whole LGA, with the top suburbs being Campbelltown, Macquarie Fields and Ingleburn.

The study found that illegal dumping primarily occurred in open spaces (parklands, bushlands and vacant blocks) and near single-unit dwellings. Almost 98 per cent of the items were from households, with the top illegally dumped materials being – bagged general waste, composite furniture, plastics, organics and cardboard.

Unfortunately, if disposed of correctly, over 90 per cent of the illegally dumped material found could have been reused or recycled.

The recommendations from this study were to:

- Increase preventative measures around the LGA to assist in reducing illegal dumping
- Increase education/communication regarding the process of booking a kerbside clean-up and review the process in place

### **The draft Illegal Dumping Strategy**

The draft Illegal Dumping Strategy (the Strategy) for Campbelltown is based on the results of the material study completed as outlined above.

The Strategy has been developed to ensure that it aligns with the following:

- NSW Illegal Dumping Strategy 2022-27
- Macarthur Strategic Waste Alliance Regional Waste Resource Recovery Strategy 2022-2027
- Community Strategic Plan 2032 - 2.1.1 Provide public places that are accessible, safe, shaded and attractive
- Community Strategic Plan 2032 - 3.2.3 Improve waste management and recycling practices

At the core of the Strategy, 6 key approaches to reducing illegal dumping are identified. This includes an action plan that identifies the timeframes of each initiative, responsible teams and possible funding sources.

The 6 approaches are:

1. Moving towards a circular economy
2. Collaboration and capacity building
3. Services, infrastructure and Clean-Up
4. Behavioural change awareness and engagement
5. Regulation and enforcement
6. Growing evidence through research, monitoring and evaluation

The Strategy will guide our Environmental Protection Officers and Waste and Resource Recovery Education staff on how best to respond to and reduce illegal dumping.

It is recommended that the Council adopt the draft Campbelltown Illegal Dumping Strategy.

### **Attachments**

- 8.6.1 Illegal Dumping Strategy (contained within this report) [↓](#)
- 8.6.2 Illegal Dumping Material Study - Graphics (contained within this report) [↓](#)
- 8.6.3 Dumping Incidents - Locations Density Map (contained within this report) [↓](#)
- 8.6.4 Illegal Dumping Material Study (due to size)(distributed under separate cover)





## Illegal Dumping Strategy



Prepared for Campbelltown City Council

14 March 2023

Project Number: TW22084

Illegal Dumping Strategy  
Campbelltown City Council



DOCUMENT CONTROL

Version	Description	Date	Author	Reviewer	Approver
1.0	First Approved Release	20/12/2022	TA	MG	CW
2.0	Second Approved Release	14/03/2023	TA	MG	CW

Approval for Release

Name	Position	File Reference
Courtney Williams	Senior Waste Management Consultant	TW22084 - Illegal Dumping Strategy_2.0
Signature	<div><div>Courtney Williams</div><div>Digitally signed by Courtney Williams Date: 2023.03.14 12:06:51 +11'00'</div></div>	

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Illegal Dumping Strategy  
Campbelltown City Council



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## Appendices

### APPENDIX A Action Plan

## 1 Background

The Campbelltown Local Government Area (LGA) is made up of 31,200 hectares of land, with 1,189 hectares in protected national park. Due to its location, the Campbelltown region is noted as having a distinctive natural setting. The city of Campbelltown is the regional centre, and is located 55km south-west from the Sydney Central Business District (CBD).

Campbelltown LGA is currently home to a population of more than 175,000 people with projected growth in the region forecasting a rise to approximately 250,000 by 2036. The current population is very diverse with nearly a third of residents born overseas. The LGA also is comparatively youthful and has a higher percentage of households with families in comparison to NSW demographics.

In terms of housing, over 75% of households are classified as a separate household or single unit dwelling (SUD). Remaining households are classified as semidetached, row/ terrace townhouses, flats and apartments, or multi-unit dwellings (MUDs). An average of 2.9 people live in each household throughout the region.

## 2 Why we need this Strategy

In 2021/22 a total of 729 tonnes of material was illegally dumped across the LGA, costing the community an estimated \$450,000 in clean up and disposal costs.

Illegal dumping is defined within the *NSW Illegal Dumping Strategy 2022-2027* as:

*The disposal of waste that is larger than litter, to land or water at a location where it is unlawful. It ranges from dumping bags of rubbish or unwanted household items in urban areas to larger-scale dumping of materials such as construction and demolition waste in more isolated areas*

All illegally dumped materials collected across the Campbelltown LGA, with the exception of mattresses, are collected and sent to landfill. This not only results in a loss of valuable resources, it also contributes to production of carbon emissions as certain materials breakdown in the landfill.

The NSW Environment Protection Authority (EPA) research shows that illegal dumping is carried out by people from every demographic within NSW and that depending on the type of waste illegally dumped, there were four recurring reasons that motivate illegal dumpers:

1. Convenience;
2. Lack of planning;
3. An unwillingness to pay; and
4. An uncaring attitude.

While classified as illegal dumping, kerbside dumping can differ immensely from other illegal dumping cases due to variations in behaviours behind the dumping. In some instances, items may be placed on the kerbside with the intent and hope of it being reused rather than being disposed in landfill. In other cases, the kerbside dumping may be intended for a legitimate council collection but one of the following issues occurs:

- The materials are put out too early;
- Collection exceeds the size limitation on pickup and materials are left behind as a result; or
- The materials are not accepted in Campbelltown's kerbside clean-up system.

It must be noted however that other less well-intentioned behaviours can contribute to kerbside dumping such as leaving unwanted items at the kerbside while moving, adding to existing piles of kerbside waste, and disposing of waste in another LGA during the collection time.

The number of reported illegal dumping incidences to the NSW EPA's online reporting service, RIDonline is increasing. Contributing factors to the increase include:

- Increased cost of bulky waste disposal;
- Population growth;
- Disaster waste generated during the 2019-20 bushfires;
- Increased packaging usage and decreased waste facility availability during the COVID- 19 pandemic;



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- International students and workers leaving their possessions on the kerbside when returning home during the COVID- 19 Pandemic; and
- Increased use of RIDonline for tracking illegal dumping.

Whilst the occurrence of illegal dumping has increased, the types of materials illegally dumped have mostly remained consistent. The exception is household waste items which have increased from 59% in 2017 to 67% in 2022. This may be influenced by:

- Increased availability of low-cost household items with poor resale value and limited repairability;
- Increased proportion of community living in multi-unit dwellings; and
- Changes to community perceptions around dumping of household waste

Illegal dumping is a major issue for councils, state government, public land managers and community members. The impacts of illegal dumping are detailed below in Table 2-1.

**Table 2-1: Impacts of Illegal Dumping (Sourced from NSW Illegal Dumping Strategy 2022-27)**

Impact	Description
Environmental	Dumped waste can contaminate and degrade land, plant and animal habitats and pollute waterways. It can also pose a fire risk. Dumped garden organics can result in the spread of weeds.
Human	Dumped waste can affect our health, especially if it contains hazardous chemicals or asbestos.
Visual	Dumping makes public places unsightly, which lowers community pride and attracts more dumping.
Resource	Dumped waste leads to a loss of resources from the circular economy. Easily recycled resources like whitegoods, tyres, and garden organics, are lost when dumped. Reusable goods such as furniture in good condition, can become unusable after they have been dumped.
Economic	Dumping waste, especially hazardous waste, can lower property values. Cleaning up illegal dumping is a significant expense for councils, public land managers, private property owners and charities.

### 3 Guiding principles

#### 3.1 Waste & Sustainable Materials Strategy (WaSM) 2021-2027

As part of the *Waste and Sustainable Materials Strategy 2021-2027* (WaSMS), the NSW government is aiming to build on previous work protecting the environment and human health from waste pollution by decreasing the prevalence of illegal dumping. Current methods of illegal dumping reduction include:

- The NSW government partnering with land managers, local councils, and the community to address illegal dumping at the source;
- The NSW EPA co funding and supporting Regional Illegal Dumping Squads (RID Squads) and Councils specialising in investigating and preventing illegal dumping; and
- The monitoring of illegal dumping rates and hotspots using data sources such as RIDonline.

#### 3.2 NSW Illegal Dumping Strategy

While illegal dumping is only a facet of the WaSMS, it is the focal point of the *NSW Illegal Dumping Prevention Strategy 2022-2027*. As such, the *Illegal Dumping Prevention Strategy* outlines six approaches to reducing illegal dumping:

- Moving towards a circular economy;
- Collaboration and capacity building;
- Services, infrastructure and clean- up;
- Behaviour change, awareness and engagement;
- Regulation, enforcement and legislative reform; and
- Research, monitoring and evaluation.

#### 3.3 Macarthur Strategic Waste Alliance Regional Waste Resource Recovery Strategy 2022-2027

Council is a member of the Macarthur Strategic Waste Alliance (MSWA). An objective of the MSWA Regional Waste and Resource Recovery Strategy is to:

*Engage the community to correctly dispose of waste to prevent illegal dumping across the region*

Council will work with and support the member councils of the MSWA, including Camden, Penrith and Wollondilly to deliver a unified approach to illegal dumping.

## 4 What is being dumped

Council undertook a project to determine what and where illegal dumping was occurring. During the month of June 2022, 339 incidents of illegal dumping were audited across a four-week period.

Almost 98% of material audited was from a municipal source, that is, household items. The remaining 2% were from commercial and industrial (C&I) and construction and demolition (C&D) sources.

The ten most frequently dumped items, by count, are detailed in Figure 4-1.

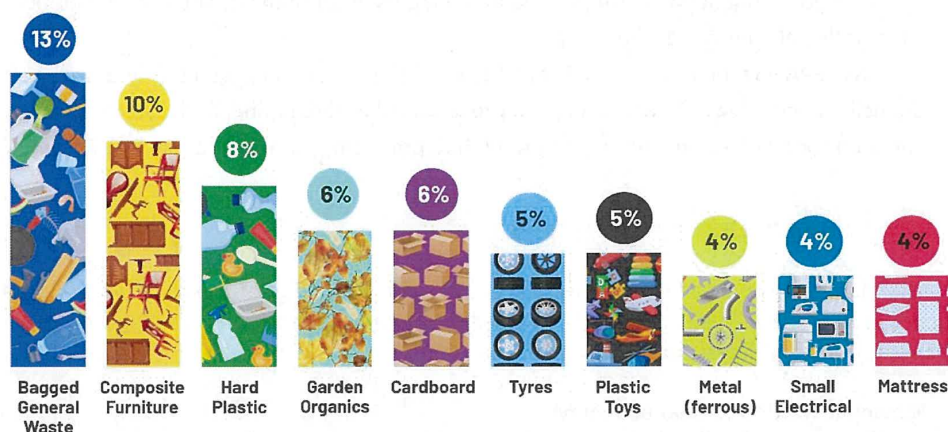


Figure 4-1: Top ten illegal dumped items (per count)

Of the material illegally dumped, an average of 92% (by weight) could be recycled, recovered or reused, as detailed in Table 4-1.

Table 4-1: Recyclability and recoverability of illegal dumped materials

Materials	Recoverable Weight (Kg)	Percentage of Total Volume (%)
Composite	5,356	54.00
Electrical	2,095	99.05
Garden Organics	62,019	100.00
Hazardous	47	12.48
Inert	29,374	99.52
Metal	1,976	100.00
Paper- Cardboard	644	100.00
Plastic	659	50.00
Rubber	1,630	100.00
Textiles	202	19.30
Wood	720	26.39
<b>Total</b>	<b>104,722</b>	<b>92.44</b>

The recovery of these items, for recycling or repurposing into new products, as opposed to being landfilled, reduces the reliance on virgin materials and increases the opportunity for the



Campbelltown community to participate in the circular economy. Well established treatment processes and down-stream markets exist for the majority of these items. Their disposal to land effectively ends their life.

The following images are instances of illegal dumping from June 2022 that were audited as part of the project.



Figure 4-2: Composite material



Figure 4-4: Tyres



Figure 4-3: Hazardous materials

## 5 Where is it being dumped?

Illegal dumping occurs across the entire Campbelltown LGA. The audit in June 2022 noted the percentage occurrence in each suburb relative to the total, as detailed in Figure 5-1.

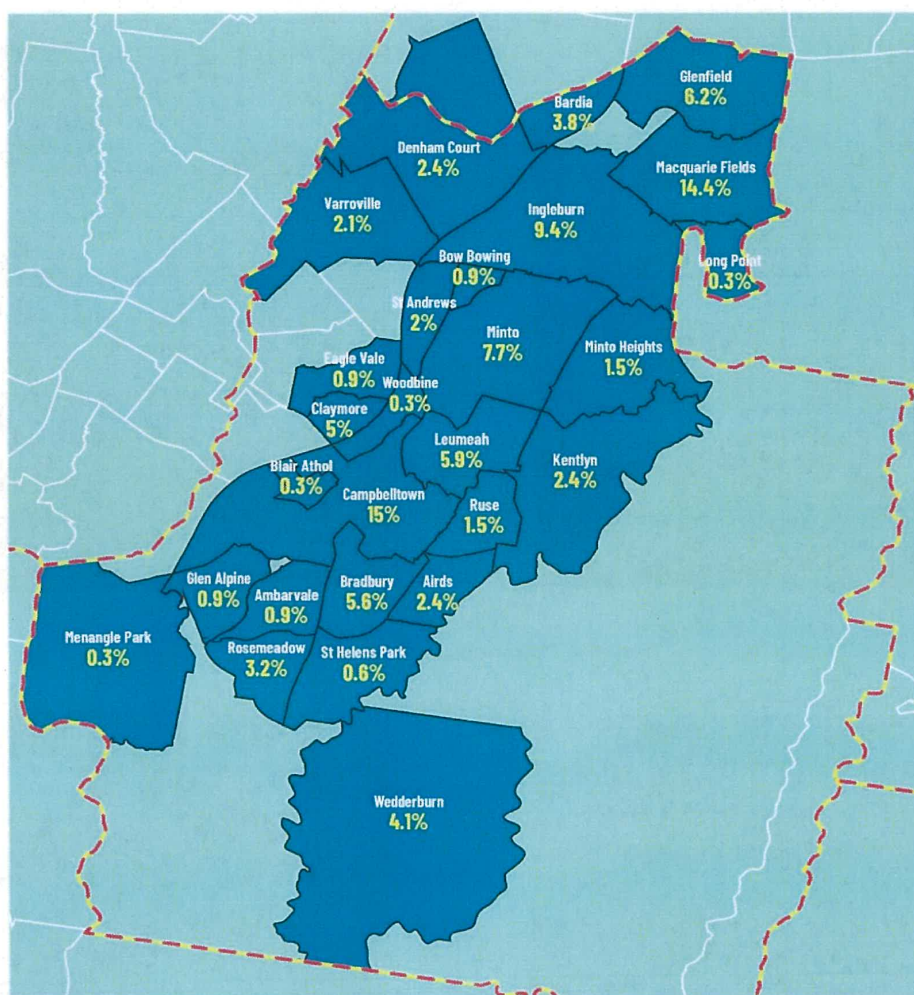


Figure 5-1: Incidents of illegal dumping by suburb

The majority of illegal dumping incidents occurred near or adjacent to single unit dwellings and in open space, as detailed in Figure 5-2.

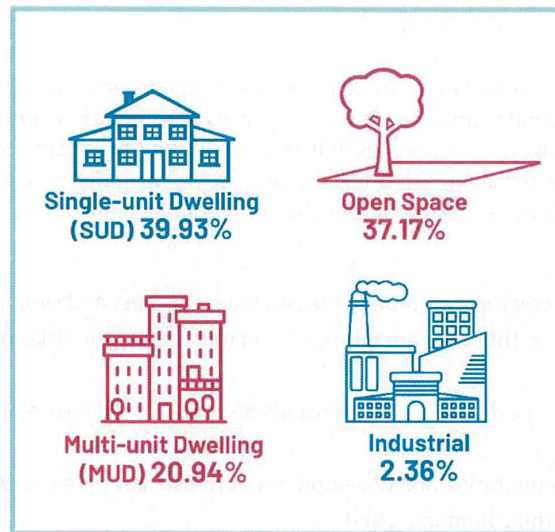


Figure 5-2: Location of illegal dumping



## 6 What do we need to do?

Illegal dumping is harmful to human health and the environment, and the impacts are widespread. Illegal dumping is unacceptable, antisocial, often dangerous and creates an added cost burden to our community. Council investigates all instances of illegal dumping and will take enforcement action. We must take action to reduce these impacts and drive behaviours that create a circular economy, whilst gaining an understanding of the social solutions that will reduce the instances of illegal dumping. To achieve this, we will:

- Work together to create a community that no longer accepts and supports illegal dumping;
- Educate residents so that they are informed and understand the risks and costs involved in illegal dumping;
- Support residents to use responsible methods of disposal, and re-use or donate waste and unwanted items;
- Support the implementation and development of re-use and repair services and facilities that are available to the community; and
- Utilise evidence based and best practice approaches to prevent and combat illegal dumping.

## 7 What will we do to get there?

Council will focus on projects, programs and initiatives that align with *NSW Illegal Dumping Prevention Strategy 2022-2027*.

<p><b>Approach 1</b></p> <p>Moving towards a circular economy</p>	<p><b>Initiatives</b></p> <ul style="list-style-type: none"> <li>• Develop and implement behavioural change campaigns to promote reuse, repair &amp; second-hand markets</li> <li>• Work with charitable recyclers and other organisations to encourage responsible donation</li> <li>• Support not-for-profit groups working to increase reuse, repair &amp; recycling of household items</li> <li>• Undertake audits of illegal dumping incidents, on a four yearly basis, to determine composition and estimate the proportion that are reusable or recyclable</li> </ul>
<p><b>Approach 2</b></p> <p>Collaboration &amp; Capacity Building</p>	<p><b>Initiatives</b></p> <ul style="list-style-type: none"> <li>• Collaborate with neighbouring councils to develop shared approaches to reducing illegal dumping</li> <li>• Develop and distribute an illegal dumping resource kit to new residents and relevant agencies</li> <li>• Continue to deliver internal training and capacity building in illegal dumping project and intervention design and regulation skills</li> <li>• Work with agencies and public land managers to establish a cross tenure community to showcase innovations, streamline cross-agency processes and enable place-based illegal dumping prevention approaches.</li> <li>• Facilitate illegal dumping seminars to share best practice and illegal dumping approaches with industry and relevant agencies</li> </ul>



### Approach 3

Services,  
Infrastructure &  
Clean-up

#### Initiatives

- Continue to lobby the NSW EPA for grant funding to combat illegal dumping in the Campbelltown LGA
- Investigate modifications to clean up processes to ensure resource recovery outcomes where possible
- Investigate opportunities to increase capacity at Campbelltown Community Recycling Centre (CRC) for the acceptance of problem waste and other potential waste streams
- Continue implementation of and compliance with the Asbestos Handling Management Policy
- Review household bulky waste service resident information to ensure resource recovery outcomes and alignment with collection contract requirements
- Investigate use and funding of artificial intelligence (AI) and high definition closed circuit television (CCTV) technology to record incidents of illegal dumping
- Explore shared use with other agencies, councils and land managers of drone technology for large scale illegal dumping investigation

### Approach 4

Behavioural  
change awareness  
& engagement

#### Initiatives

- Investigate the development and implementation of an illegal dumping marketing campaign
- Investigate the development of an education & behavioural change campaign, including allocation of human resources
- Build partnerships with charitable recyclers & not-for-profit organisations to support campaigns to promote responsible donation and enhance demand for second-hand items
- Continue to promote and support the Campbelltown CRC and the annual household chemical clean out events
- Continue to deliver illegal dumping prevention education and awareness raising material

### Approach 5

#### Regulation & enforcement

#### Initiatives

- Continue to lobby the NSW EPA for grant funding to combat illegal dumping in the Campbelltown LGA
- Develop and use intelligence gathering approaches to assist in identifying illegal dumping hot spot locations
- Provide internal training and support in prevention and enforcement techniques for compliance officers, other public land managers and agencies
- Investigate the integration of regulatory tools and approaches for managing illegal dumping incidents
- Enhance the investigation & enforcement powers and skills of Council officers

### Approach 6

#### Growing evidence through research, monitoring and evaluation

#### Initiatives

- Utilise RID Online to track all illegal dumping incidents across the Campbelltown LGA
- Utilise and share data between council, MSWA and other agencies and land managers
- Undertake illegal dumping audits (every four years) to track performance and monitor illegal dumping
- Review existing and future social research to understand attitudes towards illegal dumping and apply to council's programs

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## APPENDIX A

### Action Plan

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Approach	Initiative	2023/24	2024/25	2025/26	2026/27	2027/28	Responsible Division	Proposed Funding Source
1  Moving towards a circular economy	Develop and implement behavioural change campaigns to promote reuse, repair & second-hand markets						Resource Recovery & Waste Service, Community Response	Council
	Work with charitable recyclers and other organisations to encourage responsible donation						Resource Recovery & Waste Service, Community Response	Council
	Support not-for-profit groups working to increase reuse, repair & recycling of household items						Resource Recovery & Waste Service, Community Response	Council
	Undertake audits of illegal dumping incidents, on a four yearly basis, to determine composition and estimate the proportion that are reusable or recyclable						Community Response	Grant Funding
2	Collaborate with neighbouring councils to develop shared approaches to reducing illegal dumping						Community Response	Council

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Approach	Initiative	2023/24	2024/25	2025/26	2026/27	2027/28	Responsible Division	Proposed Funding Source
Collaboration & Capacity Building	Develop and distribute an illegal dumping resource kit to new residents and relevant agencies						Resource Recovery & Waste Services, Community Response	Council
	Continue to deliver internal training and capacity building in illegal dumping project and intervention design and regulation skills						Community Response	Council
	Work with agencies and public land managers to establish a cross tenure community to showcase innovations, streamline cross-agency processes and enable place-based illegal dumping prevention approaches.						Community Response	Council
	Facilitate illegal dumping seminars to share best practice and illegal dumping approaches with industry and relevant agencies						Community Response	Council
3 Services, Infrastructure & Clean-up	Continue to lobby the NSW EPA for grant funding to combat illegal dumping in the Campbelltown LGA						Community Response	Council
	Investigate modifications to clean up processes to ensure resource recovery outcomes where possible						Community Response, City Cleaning, Resource Recovery &	Council



Illegal Dumping Strategy  
Campbelltown City Council



Approach	Initiative	2023/24	2024/25	2025/26	2026/27	2027/28	Responsible Division	Proposed Funding Source
							Waste Services	
	Investigate opportunities to increase capacity at Campbelltown Community Recycling Centre (CRC) for the acceptance of problem waste and other potential waste streams						Resource Recovery & Waste Services	Grant Funding
	Continue implementation of and compliance with the Asbestos Handling Management Policy						Community Response	Council
	Review household bulky waste service resident information to ensure resource recovery outcomes and alignment with collection contract requirements						Resource Recovery & Waste Services	Council
	Investigate use and funding of artificial intelligence (AI) and high definition closed circuit television (CCTV) technology to record incidents of illegal dumping						Community Response	Grant Funding/Council
	Explore shared use with other agencies, councils and land managers of drone technology for large scale illegal dumping investigation						Community Response	Grant Funding/Council
4 Behavioural change	Investigate the development and implementation of an illegal dumping marketing campaign						Resource Recovery & Waste	Council

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Approach	Initiative	2023/24	2024/25	2025/26	2026/27	2027/28	Responsible Division	Proposed Funding Source
awareness & engagement							Services, Community Response	
	Investigate the development of an education & behavioural change campaign, including allocation of human resources						Resource Recovery & Waste Services, Community Response	Council
	Build partnerships with charitable recyclers & not-for-profit organisations to support campaigns to promote responsible donation and enhance demand for second-hand items						Resource Recovery & Waste Services	Council
	Continue to promote and support the Campbelltown CRC and the annual household chemical clean out events						Resource Recovery & Waste Services	Council
	Continue to deliver illegal dumping prevention education and awareness raising material						Resource Recovery & Waste Services, Community Response	Council



Illegal Dumping Strategy  
Campbelltown City Council



Approach	Initiative	2023/24	2024/25	2025/26	2026/27	2027/28	Responsible Division	Proposed Funding Source
5 Regulation & enforcement	Continue to lobby the NSW EPA for grant funding to combat illegal dumping in the Campbelltown LGA						Community Response	Council
	Develop and use intelligence gathering approaches to assist in identifying illegal dumping hot spot locations						Community Response	Council/Grant Funding
	Provide internal training and support in prevention and enforcement techniques for compliance officers, other public land managers and agencies						Community Response	Council
	Investigate the integration of regulatory tools and approaches for managing illegal dumping incidents						Community Response	Council
	Enhance the investigation & enforcement powers and skills of Council officers						Community Response	Council
6 Growing evidence through research, monitoring and evaluation	Utilise RID Online to track all illegal dumping incidents across the Campbelltown LGA						Community Response	Council
	Utilise and share data between agencies						Community Response	Council
	Perform illegal dumping audit (every four years) to track and monitor illegal dumping						Community Response	Grant Funding



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Approach	Initiative	2023/24	2024/25	2025/26	2026/27	2027/28	Responsible Division	Proposed Funding Source
	Review existing social research to understand attitudes towards illegal dumping						Resource Recovery & Waste Services, Community Response	Council



Assets | Engineering | Environment | Noise | Spatial | Waste

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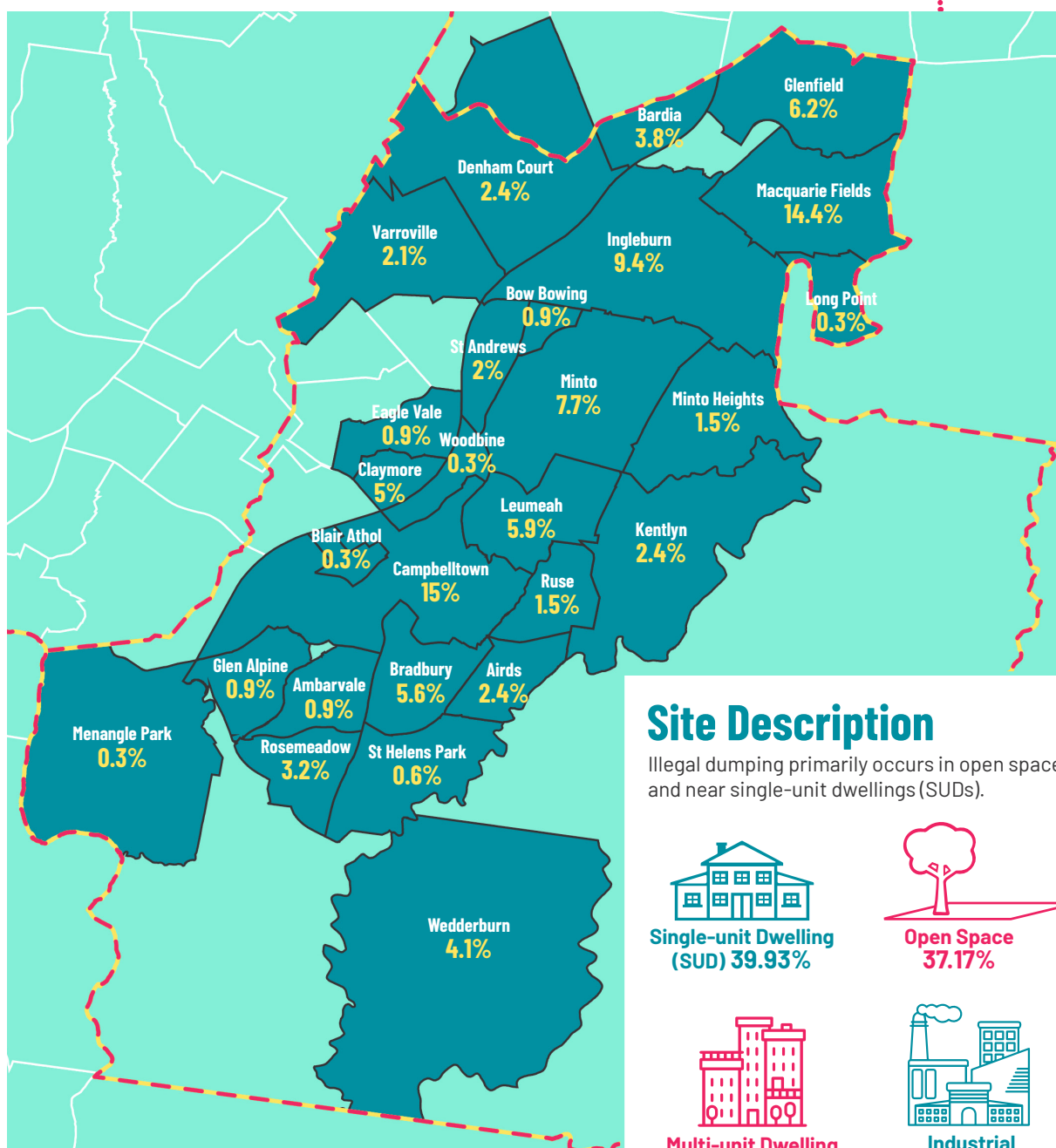
# Illegal Dumping Material Study Summary



In July 2022 Campbelltown City Council undertook a visual audit of **339 illegal dumping** incidences across the Local Government Area (LGA). The following is a summary of the findings.


## Suburbs


Illegally dumped material was recorded as occurring in 27 different suburbs of the Campbelltown LGA.



## Site Description

Illegal dumping primarily occurs in open space and near single-unit dwellings (SUDs).

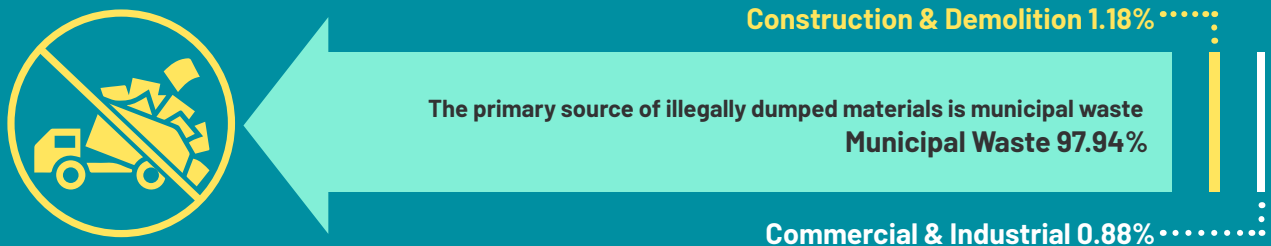
  
Single-unit Dwelling (SUD) 39.93%

  
Open Space 37.17%

  
Multi-unit Dwelling (MUD) 20.94%

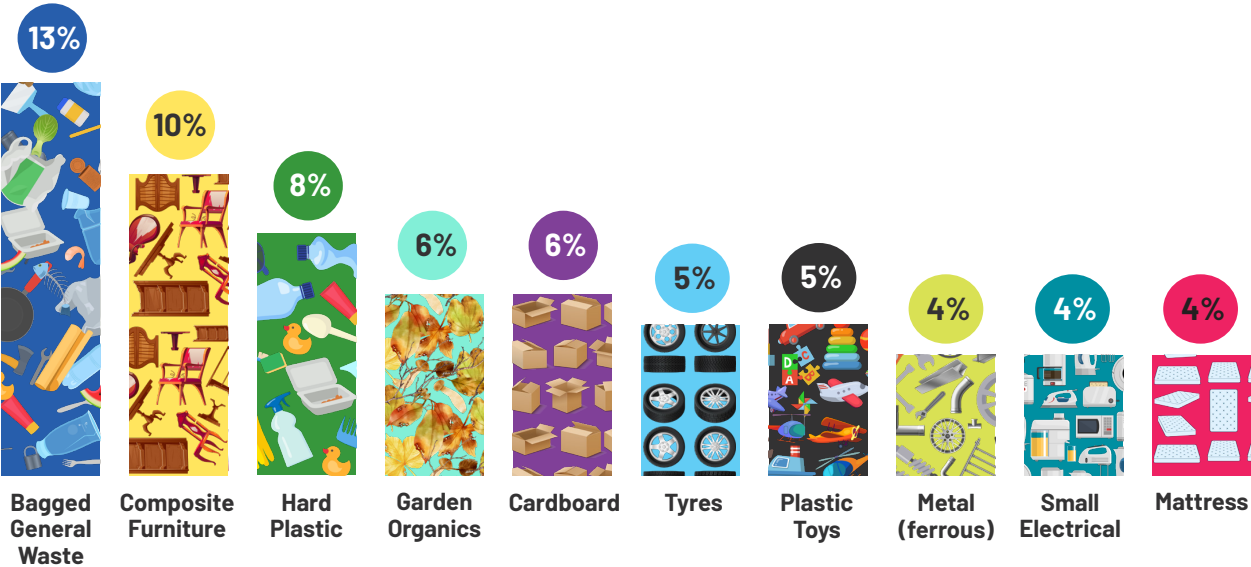
  
Industrial 2.36%

## Source

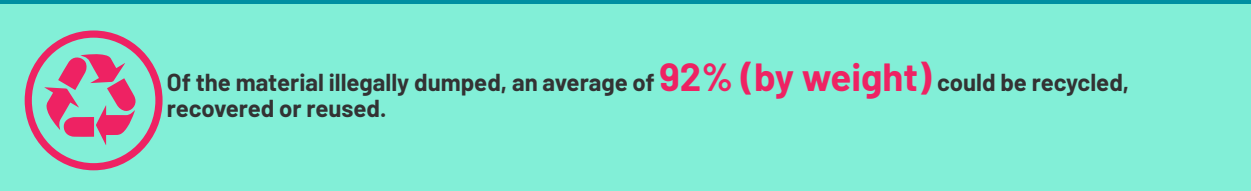


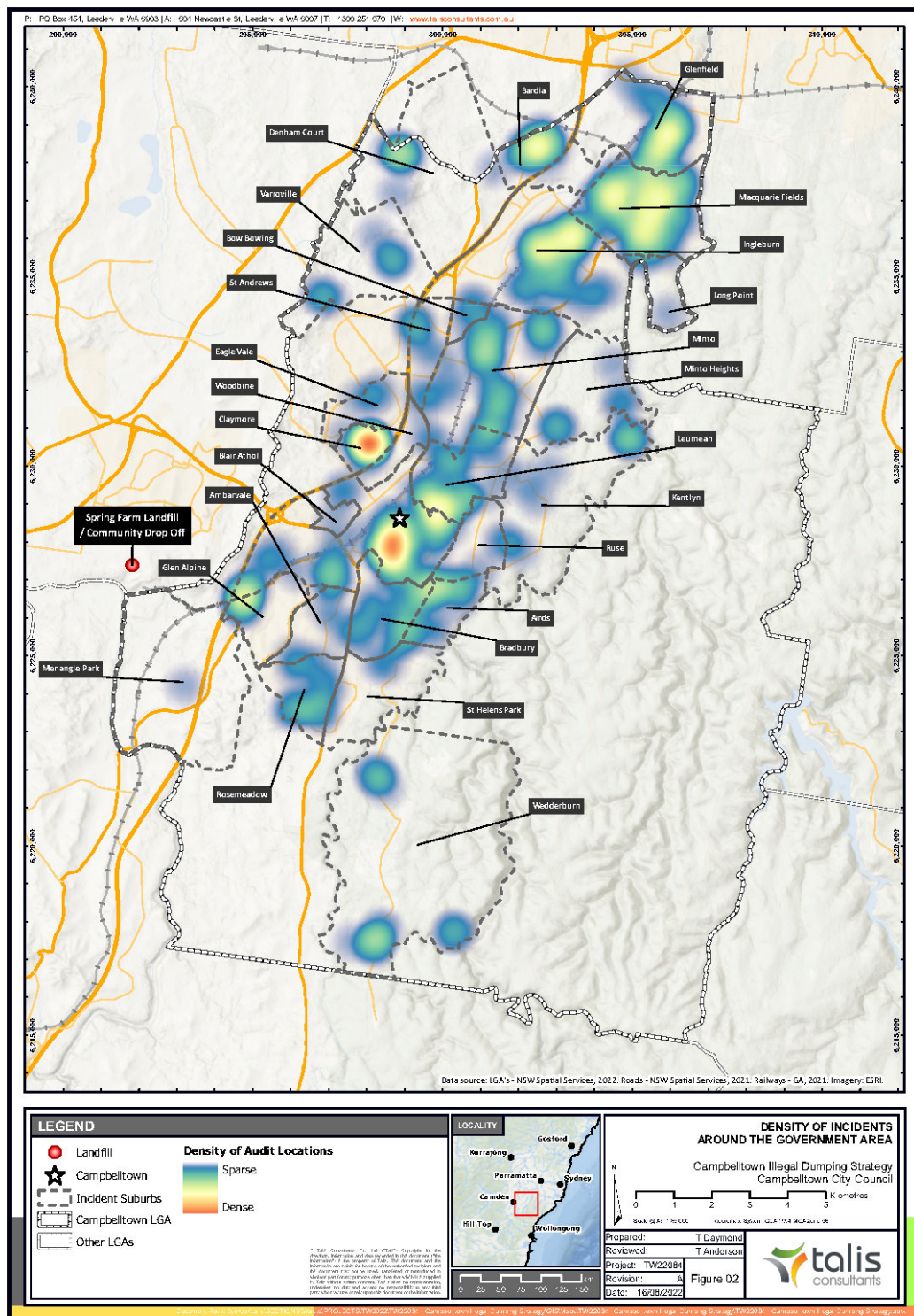
## Ten Most Illegally Dumped Materials

Across the **339 audits** conducted, a total of **2,501** reportable items were identified and counted. The ten most illegal dumped materials based on the reportable items are shown below.



## Recyclability and Reusability





## 8.7 Policy Review – Street Trading

### Reporting Officer

Manager City Standards and Compliance  
City Planning and Environment

### Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.1.2 Ensure the community is continuously informed about current and future issues affecting Campbelltown and key delivery partners

### Delivery Program

Principal Activity
5.2.2.1 Conduct Council business in an open, transparent and accountable manner

### Officer's Recommendation

1. That the revised Street Trading Policy be adopted.
2. That the Street Trading Policy review date be set at 30 June 2025.
3. That a framework be developed to encourage and support the activation of streets and public spaces.

### Purpose

To seek endorsement of the revised Street Trading Policy as shown as attachment 2.

### History

Council at its Ordinary Meeting held 9 December 2014 adopted the current Street Trading Policy (current Policy) as shown as attachment 1.

The current Policy was last reviewed and adopted by the Council as its Ordinary Meeting of 12 September 2017. A policy review date of 30 June 2020 was set by the Council.

## Report

The current Street Trading Policy has been reviewed in accordance with Council's Information Management Authorised Statement and adopted procedures for Policy Development and Review. As part of that review, amendments have been identified that have come about, due to the drafting of a proposed stand-alone Outdoor Dining Policy.

The draft stand-alone Outdoor Dining Policy and associated Guidelines have been developed specifically to support the contribution of outdoor dining towards the vibrancy and activity of our city centres and to support the use of public spaces for outdoor dining, where safe and appropriate, as a way to stimulate business growth and create a lively street life.

The draft Outdoor Dining Policy and Guidelines create clear guidelines that can be used to issue approvals for outdoor dining that consider and manage the multiple uses of public footpaths and public domain to ensure they remain safe and accessible for everyone to use.

As part of the drafting of a new policy such as the draft Outdoor Dining Policy, it is necessary to review related policies to provide for consistency and to not cause unwanted difficulties in enforcing or regulating the various elements of the respective policies.

Having regard to the above, the current Street Trading Policy will need amendment, particularly the removal of Part 6.6 Outdoor Dining Areas along subsections 6.6.2, 6.6.3 and 6.6.4. Those Parts are intended to be transferred into and form part of a separate proposed Outdoor Dining Policy.

The proposed amendments to the current Street Trading Policy can be seen as greyed areas within the document at attachment 1.

In addition to the amendments made to the current Street Trading Policy to allow for a separate stand-alone Outdoor Dining Policy, other minor amendments have been made to ensure continued consistency with the applicable legislation and regulations relating to street trading, which will have no material effect on the operation of the Street Trading Policy.

It is therefore recommended that the attached revised Street Trading Policy be adopted by Council.

It is further recommended that similar to those for Outdoor Dining, a framework be developed to encourage and support the activation of streets and public spaces, considering the activities within the Street Trading Policy.

## Attachments

8.7.1 Current Street Trading Policy (contained within this report) [↓](#)

8.7.2 Revised Street Trading Policy (contained within this report) [↓](#)



 <b>CAMPBELLTOWN CITY COUNCIL</b>		<b>POLICY</b>
Policy Title	Street Trading	
Related Documentation	Street Trading Application Form <del>Outdoor Dining Application Form</del>	
Relevant Legislation	<i>Local Government Act 1993</i> - Section 68 - Approval of Activities	
Responsible Officer	Manager City Standards, Compliance and Waste <del>Manager Compliance Services</del>	

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

### Objectives

In dealing with street trading activities, Council aims to:

1. Protect public health and safety.
2. Preserve the amenity of the City area.
3. To provide opportunity for place enlivenment or active street life.
4. Give regard to the well-being of local lawfully established businesses and the principles of equity and fair competition.

DATA AND DOCUMENT CONTROL		
<b>Division:</b> <del>City Development</del> City Planning and Environment <b>Section:</b> <del>City Compliance</del> City Standards, Compliance and Waste <b>DocSet:</b> 4173650	<b>Adopted Date:</b> 09/12/2014 <b>Revised Date:</b> 12/09/2017 <b>Minute Number:</b> 236 <b>Review Date:</b> 30/03/2020	<b>Page:</b> 1 of 26

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## DATA AND DOCUMENT CONTROL

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Campbelltown City Council

Policy Statement

Campbelltown City Council supports the development of the City's business centres, with a vibrant mix of retail, business and community activities. Council seeks to encourage active street life and enhance community participation in the Campbelltown Local Government Area through the safe undertaking of certain non-commercial and commercial activities on footways and roadways (including road reserves).

The Street Trading Policy provides a framework for Council to deal with requests for the use of footways and roadways for certain non-commercial and commercial activities.

The Policy applies to all public footways and roadways in the Campbelltown Local Government Area (LGA) that are managed by Council directly or are under its care and control.



## Campbelltown City Council

**PART ONE - PRELIMINARY****1. Purpose**

The purpose of the Street Trading Policy is to provide a framework for Council to deal with requests for the use of community land being footways and roadways, for certain non-commercial and commercial activities.

The Policy is to supplement provisions of the *Local Government Act 1993* (the Act) and the Local Government (Approvals) Regulation 1993 by:

- Specifying the circumstances in which a person is not required to obtain a particular approval from the council;
- Specifying criteria which the Council must consider when determining whether or not to grant approval to a particular activity;
- Specifying other matters relating to approvals not dealt with by the Act or Regulations.

**1.1 Aims**

In dealing with street trading activities, Council aims to

1. Protect public health and safety.
2. Preserve the amenity of the City area.
3. To provide opportunity for place enlivenment or active street life.
4. Give regard to the well-being of local lawfully established businesses and the principles of equity and fair competition.

**1.2 Legislative Context**

*The Local Government Act 1993* under **Section 68 - What activities generally require the approval of the council** states that:

- 1) A person may carry out an activity specified only with the prior approval of council, except in so far as this act, the regulations or a local policy adopted under Part 3 allows the activity to be carried out without that approval.

Section 68 of the *Local Government Act 1993* specifies that Council approval is required in respect of a trade or business activity conducted on community land, unless there is a policy in place that exempts such an activity from requiring approval. This policy shall be read in conjunction with Section 68.

**1.3 Definitions**

The following terms when read in this policy, shall be taken to mean as defined below:

**application** means an application made under Section 68 of the *Local Government Act 1993*.

**approval** means an approval issued by the Council pursuant to section 68 of the *Local Government Act 1993*.

**busking** means singing, playing a musical instrument or a dramatic or dance performance. Other forms of expression may include, but not strictly be limited to, mime or „live statues“.

**Charitable or Non-commercial organisation** means a type of non-profit organisation that is created and operates for philanthropic rather than pecuniary pursuits, as well as for social well-being (e.g. charitable, educational, religious or other similar purpose, serving the public interest or common good).

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**Commercial Organisation** means a company or business organisation that engages in some form of commercial activity, such as selling goods or services, with the primary objective of making a profit.

**public place** means:

- (a) a public reserve, public bathing reserve, public baths or public swimming pool, or
- (b) a public road, public bridge, public wharf or public road-ferry, or
- (c) a Crown reserve comprising land reserved for future public requirements, or
- (d) public land or Crown land that is not:
  - (i) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c), or
  - (ii) a common, or
  - (iii) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
  - (iv) land that has been sold or leased or lawfully contracted to be sold or leased, or
- (e) land that is declared by the Local Government regulations to be a public place for the purposes of this definition.

**public road** means a road or road related area (land adjacent a road) which the public are entitled to use.

**selling** includes to barter, trade, offer, display for sale/auction any article, including the distribution of pamphlets or the collection of donations.

**special event** means a community event coordinated by Campbelltown City Council that is either the Fishers Ghost Festival, Ingleburn Alive Festival, Riverfest or a like event.

**street trading** means the selling, bartering or exposing or offering for sale of any article (including a living thing) or service on a public road or road related area. Trading also extends to include the distribution of pamphlets or the collection of donations.

#### 1.4 Land policy applies to

This policy applies to land located within the Campbelltown Local Government Area.

## PART TWO - TYPES OF STREET TRADING ACTIVITIES COVERED BY THIS POLICY

### 2. Types of activities covered by this Policy

This policy applies to a range of activities including:

- (i) Street stalls, information stands or like activities undertaken by recognised organisations such as local sporting clubs, schools, religious organisations, registered charities, community groups, government bodies and commercial organisations that may also involve the dissemination of general information for the purpose of promoting community awareness; charitable fundraising; or the sale of food or goods for charitable purposes.
- (ii) Commercial activities on public footways or roadways that include activities such as outdoor dining, busking, business promotion stalls or stands, distribution of flyers and the erection of promotional banners and signage within the Campbelltown Local Government Area (LGA).

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## PART THREE - PERMITTED STREET TRADING ACTIVITIES EXEMPT FROM THE NEED TO OBTAIN COUNCIL APPROVAL

### 3. Exemptions

The distribution of flyers or other promotional material that does not require the erection of a stand or stall or other equipment, and that is conducted on the public footway (located immediately adjacent to and in front of the business premises subject of the promotion) is an activity exempt from the need for prior Council approval (i.e. Street Trading Activity Permit) subject to the following:

- 1) Only one person is permitted to stand outside the premises and distribute flyers or other promotional material;
- 2) Persons distributing flyers are not to impede, or cause an obstruction to pedestrians;
- 3) The direct sale of goods from the public footway is prohibited.
- 4) The organisation must ensure flyers or other promotional material is distributed lawfully and that the activity does not create a litter problem in the immediate vicinity.

Note: the placement of flyers or similar promotional material on vehicles is an offence under the *Protection of the Environment Operations Act 1997*.

## PART FOUR - PERMITTED STREET TRADING ACTIVITIES WHICH REQUIRE COUNCIL APPROVAL

### 4. Permitted activities which require Council's approval

The following activities are permitted in certain designated or other areas (as otherwise permitted under this policy) within the Campbelltown LGA with prior written Council approval, by way of a Street Trading Activity Permit issued by Council:

- 1) Fundraising and promotional activities by registered charities or not for profit associations (by non-commission collectors) and community organisations that are located or who are active within the Campbelltown LGA e.g. The Salvation Army, Legacy, the Cancer Council, Lions Club, sporting clubs etc.,
- 2) Street stalls or information stands conducted by non-commercial organisations;
- 3) Business promotion/marketing stalls conducted by commercial organisations;
- 4) Mobile displays or stand-alone vehicles that promote or provide a community or government service e.g. road safety, or health awareness/health screening activities such as the NSW Blood Bank, Breast Screen NSW;
- 5) Busking, performances or cultural activities;
- 6) Banner signs for community, charity or commercial (i.e. "business expo") type events;
- 7) Outdoor dining
- 8) Other activities, other than those that are expressly prohibited under this policy, that are considered by Campbelltown City Council to contribute positively to place enlivenment or an active street life in approved locations.

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### PART FIVE - PROHIBITIONS

#### 5. Prohibited activities

The following activities are prohibited under the terms of this policy:

- 1) Roadside trading (other than as otherwise permitted under Section 4 subsection 8 of this policy) by use of a stall, article, standing vehicle or the like and includes the selling, trading or giving of any goods or services;
- 2) Display of goods, promotions or behaviour that conflicts with acceptable community standards or such activities that are considered by Council to be likely to cause a nuisance or offence to the public;
- 3) Unauthorised street trading, business promotion, advertising or the selling of goods or services of any type;
- 4) Religious preaching;
- 5) Spruiking;
- 6) The erection of (bill) posters on any public place or property that bounds a public place;
- 7) Advertising structures (including: Variable Message Sign boards/trailers (VMS), A-Frames, flags, balloons etc.) on public roads, footpaths and road related areas;
- 8) Prostitution;

### PART SIX – MATTERS TO BE TAKEN INTO ACCOUNT AS PART OF THE DETERMINATION OF APPLICATIONS

A range of specified matters will be taken into account by Council when assessing applications seeking the approval of permissible street trading activities.

#### 6.1 Street Stalls

##### 6.1.1 Street stalls operated by charitable or non-commercial organisations

- 1) Charitable or non-commercial organisations are permitted to hold street stalls with Council approval at the designated areas listed below:
  - Lithgow Street Mall, Campbelltown
  - Queen Street, Campbelltown
  - Oxford Road, Ingleburn.

Refer to location maps at Part Nine for further details.

Street stalls may be permitted at other street or road related area locations subject to meeting the terms of this Policy (refer to Part 4, subsection 8).

- 2) The organisation must supply written evidence to Council of their charity registration or community organisation status;
- 3) Organisations are to apply to Council for a permit at least four weeks (20 working days) prior to the proposed activity;
- 4) The organisation must hold and maintain a current \$20m Public Liability Insurance Policy (noting Council as an interested party on this policy). Such insurance arrangements shall satisfy Council that adequate indemnities are in place.
- 5) On the day of the activity, the organisation must display or have available for inspection, a permit or letter as required, stating that permission for the activity has been granted by Council;

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- 6) Organisations may apply to undertake street stalls for a maximum of 12 occasions over a 12 month period and on no more than one occasion per month;
- 7) No more than one group will be permitted to occupy a designated marked street stall area at any one time, subject to the conditions outlined in the Council permit;
- 8) The organisation must keep the area free of waste and any other public risk at all times;
- 9) Applicants must be able to demonstrate to Council that such activities will contribute to an active street life, provide information, raise awareness or be of interest or benefit to the general community and that these activities will not cause offence or conflict with accepted community standards;
- 10) Except for Community Event stalls (or as otherwise permitted in this policy, refer to Part 4, subsection 8), the sale of food is restricted to pre-packaged food only and must include labelling in accordance with the Food Standards Code (Food Standards Australia and New Zealand). Food that requires temperature control is not permitted to be sold or distributed other than at approved "community event" stalls. For Community Event stall operators, a separate application is required to be submitted to Council and food stall operators are to comply with Council's Requirements for the Operation of Temporary Food Stalls;
- 11) The sale or distribution of the following items from an approved street stall is prohibited:
  - Weapons of any kind, including, but not limited to:
  - Replica guns (including plastic guns, pellet guns, water pistols, cap guns)
  - Ornamental weapon copies (e.g. Ninja swords)
  - Knives and swords (including pen knives)
  - Martial art supplies (e.g. nunchuks)
  - Explicit or pornographic material of any type including books, magazines, clothing, calendars etc.
  - Fake cigarettes
  - Fuel type fire lighters
  - Horns and trumpets
  - Pressure pack containers
  - Drugs or related goods (including cocaine kits, bongs etc.)
  - Stink bombs
  - Water bombs
  - Silly string
  - Fireworks / crackers
  - Laser pointers
  - Pop downs / throw downs
  - Eight shot caps, strip caps or roll caps
  - Any form of shooting projectile toys (e.g. bow and arrows).
- 12) For the sale or distribution of items including food, stall holders shall comply with Council's Requirements for the Operation of Temporary Food Stalls;
- 13) No overzealous trading or soliciting will be permitted.

#### 6.1.2 Street stalls operated by commercial organisations

- 1) Commercial organisations are permitted to hold street stalls with Council approval at the designated areas listed below:
  - Lithgow Street Mall, Campbelltown
  - Queen Street, Campbelltown
  - Oxford Road, Ingleburn

Refer to location maps at Part Nine for further details.

Street stalls may be permitted at other street or road related area locations subject to meeting the terms of this Policy (refer to Part 4, subsection 8).

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- 2) Council may grant a permit for street stall activities by commercial organisations providing it is satisfied that such activities will contribute to an active street life, provide or obtain useful or appropriate information of interest or benefit to the general community and provided Council is satisfied that these activities will not cause offence or conflict with accepted community standards;
- 3) Organisations are to apply to Council for a permit at least four weeks (20 working days) prior to the proposed activity;
- 4) The applicant must supply written evidence of their organisational status i.e. ABN Number;
- 5) The individual or organisation must hold and maintain a current \$20m Public Liability Insurance policy (noting Council as an interested party). Such insurance arrangements shall satisfy Council that adequate indemnities are in place;
- 6) On the day of the activity, the organisation must display at the location of the street stall or have available for inspection a permit or letter as required, stating that permission for the activity has been granted by Council;
- 7) A maximum of 3 individuals are allowed to conduct the permitted activity at any one time;
- 8) Approved organisations may apply for a street stall permit for up to a maximum of twelve days per year;
- 9) No more than one group will be approved to occupy a designated street stall area at any one time; subject to the conditions outlined in the Council permit;
- 10) The organisation must keep the area free of waste and any other public risk at all times;
- 11) Except for Community Event stalls (or as otherwise permitted in this Policy, refer to Part 4, subsection 8), the sale of food is restricted to pre-packaged food only and must include labelling in accordance with the Food Standards Code (Food Standards Australia and New Zealand). Food that requires temperature control is not permitted to be sold or distributed other than at approved "community event" stalls. For Community Event stall operators, a separate application is required to be submitted to Council and food stall operators are to comply with Council's Requirements for the Operation of Temporary Food Stalls;
- 12) Commercial activities that either replicate or inconvenience the activities of nearby lawfully established businesses will not be permitted unless the activities are conducted by that business;
- 13) Except as authorised by Council for approved community events, the direct selling or distribution of goods is not permitted; (unless otherwise permitted under this Policy, refer to Part 4, subsection 8)
- 14) The list of items that may not be sold or distributed as part of a street stall as outlined under Section 6.1.1 shall be complied with;
- 15) For the sale or distribution of items including food, stall holders shall comply with Council's Requirements for the Operation of Temporary Food Stalls;
- 16) No overzealous trading or soliciting will be permitted.

## 6.2 Busking

### 6.2.1 General

- 1) Busking activities are permitted with Council approval in Campbelltown and Ingleburn CBD's; (or at other locations as otherwise permitted in this Policy, refer to Part 4, subsection 8)
- 2) Buskers must apply to Council for and receive a busking permit prior to any activity taking place (See Section 7.1);
- 3) Buskers must not unreasonably interfere with pedestrian flow or public amenity or cause a nuisance to nearby businesses;
- 4) Buskers must not undertake any act that could be considered as causing offence or a public nuisance including excessive noise;

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- 5) Buskers are advised that the performance of political, religious, racial, sexually explicit or homophobic acts or material that may be deemed unduly persuasive, offensive or discriminatory as determined by the *Anti-Discrimination Act 1977* is strictly prohibited;
- 6) Buskers are not permitted to use fire, pyrotechnics, knives, swords, chainsaws or other dangerous goods likely to cause harm to the public, environment or property;
- 7) Buskers are not permitted to use or discharge confetti or any other matter that may cause pollution or is likely to cause harm to the public, environment or property;
- 8) Buskers must not interfere in any way with any other approved event or activity;
- 9) Buskers must be a minimum of 16 years and must submit a letter of consent from a parent or guardian with an application for a permit if under 18 years of age;
- 10) Buskers may receive a monetary appreciation from the audience but must not actively solicit funds in any way;
- 11) Buskers must keep the footpath clear of obstruction, maintain the footway clear for pedestrian movement and the site clean during and following their performance to ensure that the activity does not pose a risk to public safety or the environment. A minimum unobstructed footpath width of 2.4 metres shall be maintained at all times;
- 12) Council reserves the right to direct a busker to moderate or cease performing if deemed by Council to be creating a nuisance, threat to safety or the environment or to be causing offence;
- 13) Buskers are only permitted to occupy/perform at any location for a maximum period of 3 hours.

#### 6.2.2 Group busking acts

Groups involved in busking are limited to a maximum of 3 people/members. This is to ensure that pedestrians are able to move freely through the approved area. For group acts, Council requires that each individual member hold a current busking permit which must be clearly displayed during the performance.

#### 6.2.3 Pavement Art

Performers who utilise pavement (chalk only) art as a form of entertainment may only do so with a Street Trading Activity Permit issued by Council and where:

- 1) the material used is removable by water and does not leave a residue;
- 2) the surface is of a non-porous material, such as bitumen and concrete;
- 3) individual renditions of the artist's work may not be offered for sale to the public;
- 4) any proposed material to be used in carrying out pavement art must not be slippery (whether wet or dry) and must not be such as to be likely to cause a public hazard, nuisance or offence;
- 5) the site is used for no more than eight hours at any one time or otherwise as approved by Council;
- 6) the work space to be used is defined by being either roped or chained off with all tools and personal belongings kept within this area; A free passage of at least 2.4 metres shall be maintained for pedestrians at all times;
- 7) performers must be conscious of public safety and accessibility at all times.

### 6.3 Charity collection

#### 6.3.1 Fundraising by registered charities (by non-commission collectors)

- 1) Charitable organisations are permitted to collect donations from the public with Council approval only at designated areas listed below:
  - Lithgow Street Mall, Campbelltown
  - Queen Street, Campbelltown
  - Oxford Road, Ingleburn.

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Refer to location maps at Part Nine for further details.

- 2) The organisation must supply written evidence to Council of their charity registration or community organisation status;
- 3) Organisations are to apply to Council for a permit at least 4 weeks (20 working days) prior to the proposed activity;
- 4) The organisation must hold and maintain a current \$20m Public Liability Insurance Policy (noting Council as an interested party on this Policy). Such insurance arrangements shall satisfy Council that adequate indemnities are in place;
- 5) On the day of the activity, the organisation must display or have available for inspection, a permit or letter as required, stating that permission for the activity has been granted by Council;
- 6) Charitable organisations may apply for a permit to conduct fundraising for up to a maximum of 12 occasions over a 12 month period and on no more than one occasion per month;
- 7) No more than one charity organisation will be permitted to occupy a designated marked location at any given time, subject to the conditions outlined in the Council permit;
- 8) Charity organisations are to remain static and are not permitted to solicit donations from any area other than locations designated for this purpose in this Policy.

Refer to location maps at Part Nine for further details.

## 6.4 Banners

### 6.4.1 General

Approval may be granted by Council for the display of banners provided the intent is to promote community events, programs or services (i.e. an event or activity which is non- commercial or non-profit and offering a community benefit). NB: This opportunity is provided at no cost to community groups wishing to display a banner.

Consideration may be given to promoting "expo" type events that provide information relating to a range of services or by a group of local business providers for community benefit (e.g. Wedding Expos, Renovation Expos). Single business promotion will not be considered. A fee applies to permits issued for banners promoting "expo type" events.

A limited number of banner sites are available in the Campbelltown LGA (refer to Section 6.4.2) It should be noted that Council does not allow the advertising of offensive, political or religious statements or images on banners.

Banner signs may not be permitted to be erected any earlier than 14 days before the event and must be removed within 7 days after the event.

Council reserves the right to remove banners at any time if a banner is erected without approval or if any of the permit conditions are not complied with. Council also reserves the right to cancel bookings for the display of banners at designated locations at any time.

**Note:** Council does not issue permits for the placement of banners in elevated locations such as those on overhead bridges or walkways. Approval for these sites rests with the Roads & Maritime Services (RMS).

Organisations wishing to erect a banner in the Campbelltown LGA may only do so with a Street Trading Activity Permit issued by Council and must comply with the following requirements:

- 1) An organisation wishing to display a banner accepts responsibility for any claim for accidents or other issues arising from the erection, removal or display of the banner or the use of Council's infrastructure.

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- 2) Any damage to Council's infrastructure and other facilities that is attributed to the display of a banner will be repaired at the expense of the organisation displaying the banner.
- 3) Evidence of the organisation's Public Liability Insurance of a minimum value of \$20 million, noting Council as an interested party, must be provided to Council before any permit for displaying a banner is issued.
- 4) Council is not liable or responsible for banners which are lost, damaged or stolen.

#### 6.4.2 Locations where banners may be displayed

Banners are to be erected at or near ground level and are not permitted to be displayed within 50 metres of an intersection or within 3 metres of the road pavement and must not impede pedestrian movement. Only one banner is permitted to be erected at each designated location.

Banners may only be erected at the locations listed below:

- 1) Menangle Road, Campbelltown (approximately 500m south of Geary Street on west side of Road)
- 2) Narellan Road Campbelltown (approximately 150m west of Gilchrist Drive on south side of Road)
- 3) Appin Road Bradbury (adjacent to Silo's east side of Road)
- 4) Badgally Road, Eagle Vale (approximately 100m east of Eagleview Drive)
- 5) Raby Road, Raby (approximately 170m west of Thunderbolt Drive on South side of Road)
- 6) Campbelltown Rd, St Andrews (approximately 175m north of St Andrews Road)
- 7) Campbelltown Road, Minto (approximately 450m north of Rose Payton Drive).

#### 6.4.3 Design and layout of banners

- 1) Commercial advertising is not permitted on banners, however, the logo of a sponsor/s or the co-ordinating organisation may be incorporated into the banner design.
- 2) The logo of a sponsor is to be a maximum of 10% of the total face area of the banner.
- 3) If several sponsor logos are to be included then the maximum area of the logos is to be no more than 20% of the total face area of the banner. The purpose of these restrictions is to promote community services, not commercial ventures.
- 4) The caption on the banner is to be succinct.
- 5) The maximum size of a banner is 4 square metres.
- 6) The lettering must be a minimum of 150mm in height. It is important in terms of safety that the message can be easily read by motorists and other road users.
- 7) If languages other than English are being displayed on the banner at least 50% in equal size shall appear as a direct translation in English.
- 8) The proposed design of the banner (message, sponsor logos and layout) must be submitted at the time of applying for a permit requesting the display of a banner and should also include nominated dates and specific sites.

#### 6.4.4 Construction of banners

Banners are to be constructed of sturdy material such as PVC or canvas that will not tear in the wind and thereby present a hazard to traffic ("Tyvek" is not considered an acceptable material for the construction of banners).

#### 6.4.5 Attachment and removal of banners

- 1) The erection of the banner is the responsibility of the organisation displaying the banner. The banner should be inspected every day to monitor security and its condition. Council is not liable or responsible for banners which are lost, damaged or stolen;

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- 2) To ensure banners are installed appropriately, banners will be required to be installed strictly in accordance with Council guidelines and as outlined in the Street Trading Activity Permit;
- 3) Banner signs are to be anchored by the use of star pickets driven into the ground no more than 350mm;
- 4) The banner must be attached and removed by the organisation displaying the banner on the dates specified on the permit;
- 5) Any damage to Council's infrastructure and other facilities will be repaired at the expense of the organisation displaying the banner.

### 6.5 Place activation, special events, festivals and community celebrations

Place activation initiatives, festivals or events such as Fishers Ghost and Ingleburn Alive are community events or initiatives that are coordinated by the Council for the whole community. Street stalls during these events or initiatives are permitted to sell commercial products (other than prohibited items listed in Section 6.1.1) and prepared food.

Council approves place activation initiatives and these types of special events under a separate approval process outside the scope of this Policy.

### 6.6 Outdoor dining areas

#### 6.6.1 General

Outdoor dining contributes to the vitality and cultural life within the Central Business Districts (CBDs) of the Campbelltown LGA.

The NSW Government under the *Roads Act 1993* and the *Local Government Act 1993* states that the placement of articles for commercial purposes on public roadways and footways requires prior consent from Council.

All food premises that intend to provide seating on the public footway for the purpose of outdoor dining are required to obtain a permit from Council. An annual permit shall be obtained from Council prior to operating outdoor dining on Council's footpath.

Applications for outdoor dining permits and approvals are managed through Council's Outdoor Dining Policy and Guidelines. ~~must comply with the following requirements:~~

#### ~~6.6.2 Location requirements for outdoor dining~~

~~As an overriding principle, applications for outdoor dining on public footways, roadways or public spaces must not in Council's determination compromise pedestrian access or safety, must be sympathetic to the surrounding streetscape, provide a safe, comfortable and attractive environment for patrons and the general public, and not unreasonably interfere with other commercial amenity.~~

- ~~1) Locations that might be considered suitable for outdoor dining include areas that have wide footpaths, street malls and open space.~~
- ~~2) Unsuitable locations for outdoor dining include areas that have a steep incline, or uneven surfaces unsuitable for the placement of furniture, narrow footpaths or corner intersections with high traffic flow.~~
- ~~3) The proposed outdoor dining areas must be located adjacent to the frontage of the premises and shall not extend beyond the boundary line of the respective shop front, extended to the kerb line.~~

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- 4) The proposed outdoor dining areas must provide safe and unobstructed access for pedestrian traffic at all times, within and around the outdoor dining area. Proposals must also take into consideration the needs of people with disabilities with particular consideration for people who use wheelchairs and electric powered scooters, people with visual impairment, elderly people, and the needs of parents with young children with regards to prams. Unobstructed access must also be provided to authorised delivery vehicles across land or pedestrian thoroughfares if applicable.
- 5) ) The footpath shall be a minimum of 3.5 metres wide and allow for a minimum of 2.4 metres of unobstructed pedestrian access at all times.
- (ii) Depending upon the location, outdoor dining areas are permitted either abutting the shop front or adjacent to the roadway. Where an outdoor dining area is located adjacent to a roadway, there shall be a minimum clearance of 300mm from the back of the kerb to any structure associated with the dining area and balustrading for the length of the outdoor dining area street frontage and sides (where applicable) must be provided.
- (iii) Outdoor dining areas may not be considered for a permit, if there are existing articles or infrastructure existing within or adjacent to the proposed outdoor dining area (e.g. public seats, litter bins, utility poles, bicycle racks, phone booths, bus shelters etc).

#### 6.6.3 Outdoor dining furniture

- 1) The business owner is responsible for all outdoor furniture and furnishings associated with outdoor dining. The furniture and furnishings shall enhance the street environment and integrate well with the existing surroundings. In selecting furniture and furnishings the business owner shall ensure the furniture is to:
  - (i) be generally in harmony with the existing streetscape;
  - (ii) be of a safe design (i.e. no hinges or sharp edges) and designed for commercial outdoor use and be of a suitable size and shape for the approved area;
  - (iii) be strong, durable, waterproof and weather resistant;
  - (iv) be constructed of high quality non reflective stainless/powder coated steel/aluminium or timber (natural/painted) and canvas;
  - (v) be easily stacked and stored securely within the business premises outside operating hours;
  - (vi) not contain legs or support structures that could damage the ground surface;
  - (vii) be able to be easily cleaned and maintained.
- 2) The use of planter boxes for the purpose of designating the approved outdoor dining boundary is generally discouraged by Council, however subject to a Council permit being issued, planter boxes must:
  - (i) Not exceed 900mm in height (including the height of the plants) and not pose a trip hazard;
  - (ii) be of a size and shape appropriate for either placement in the approved area or for use as a method of defining the approved area;
  - (iii) should be easily relocatable for storage within the premises outside of approved business hours;
  - (iv) make a positive contribution to the existing streetscape;
  - (v) be maintained to Council's satisfaction.
- 3) The use of free standing umbrellas is generally discouraged by Council and is not permitted under awnings, balconies or verandahs (or in other such areas where protective structures may reasonably be installed) however, subject to a Council permit, umbrellas must:

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- (i) be securely anchored to ensure stability during extreme weather by methods that will not produce a trip hazard on the pavement;
  - (ii) be able to be easily stored within the premises outside approved business hours or during extreme weather conditions;
  - (iii) have a minimum clearance height of 2.2 metres to allow safe headway clearance;
  - (iv) be located within the approved outdoor dining area and should not either overhang the boundary or in any way encroach upon adjacent pedestrian thoroughfares or carriageways.
- 4) Balustrade sections, subject to a Council permit
- (i) shall be portable;
  - (ii) shall not exceed a height of 900mm or length of 2 metres;
  - (iii) shall be constructed of lightweight powder coated steel/aluminium frame with stabilising feet and with either a suitable metal, fabric or PVC banner type material or fabricated panel;
  - (iv) shall contain only the name of the premises and 1 product brand only.
- 5) Heaters, subject to a Council permit
- (i) can only be used in areas that have adequate ventilation;
  - (ii) will be subject to a Council permit and shall detail manufacturers specifications;
  - (iii) shall have a ground clearance of 2.2 metres to the heating element of the appliance;
  - (iv) shall turn off automatically if overturned; (v) shall be easily relocatable;
  - (vi) shall be stored within the premises when not in use;
  - (vii) shall not be placed where they can be considered a fire hazard i.e. next to or under an umbrella, shrubs, trees etc.;
  - (viii) shall be installed in accordance with Australian Standard A4565-2004 Radiant gas heaters for outdoor and non-residential use.
- 6) Tableware, utensils and decorative items shall be of a windproof design and stored within the premises when not in use;
- 7) All furniture and furnishings shall be able to be removed from the proposed outdoor dining area and stored securely within the premises outside of the permitted business hours and during extreme weather conditions;
- 8) For approvals for outdoor dining that do not require the erection of permanent structures on the pavement (public footway), a street trading permit may be issued. For more complex applications that seek to install permanent structures/stalls/furniture and the like, a development application may be required to be lodged with Council.

#### 6.6.4 Miscellaneous requirements for outdoor dining

- 1) The placement of advertising within the outdoor dining area shall comply with the relevant permit. A frame or sign boards are not permitted.
- 2) The hours of use for the approved outdoor dining area cannot exceed the hours permitted under the current Development Consent for the operation of the associated business premises and are assessed on an individual basis subject to Council approval.
- 3) No alcohol can be served in an outdoor dining area without an appropriate and current Liquor Licence being held by the associated business (as issued by the Office of Liquor, Gaming and Racing) and extended to cover the outdoor dining area.

A copy of the current Liquor Licence shall be submitted with the outdoor dining permit application and extended to cover the outdoor dining area for the life of the outdoor dining permit.

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A copy of the current Liquor Licence shall be kept on the premises at all times and be made available for inspection upon request by relevant authorities.

4) Live entertainment or amplified music shall not be permitted within the outdoor dining area, (unless otherwise permitted under this Policy, refer to Part 4, subsection 8).

5) The permit holder is responsible for good conduct of patrons and staff at all times during hours of operation and to ensure that noise levels are kept to a minimum. Council and NSW Police will continue to handle noise and other complaints. The Office of Liquor Gaming and Racing has authority under the Liquor Act to investigate noise complaints and other concerns associated with licensed premises.

In the event of any continued noise complaints relating to the use of the outdoor dining area, Council reserves the right to terminate the Outdoor Dining Permit without prior notice.

6) The permit holder is responsible to ensure compliance with the *Companion Animals Act 1998* which allows animals of genuine assistance in food consumption areas.

7) Any outdoor dining area permitted to operate outside of daylight hours must provide adequate lighting to satisfy safety and amenity requirements and is subject to Council's authorisation. The location of an outdoor dining area shall be within a clear line of vision from the associated business.

8) In accordance with the Australia New Zealand Food Standards Code in particular 3.2.2 Food Safety Practices and General Requirements Division 5 Cleaning, Sanitising and Maintenance, Clauses 19-21, all food businesses must maintain all fixtures, fittings and equipment to ensure there is no accumulation of food waste, dirt, grease or other visible matter. These standards shall apply to outdoor dining areas with respect to use of the public footpath.

The permit holder shall be responsible for all waste and litter generated by the outdoor dining area and shall ensure that:

- i) waste and litter is disposed of lawfully, and not allowed to enter garden beds, gutters or stormwater drains;
- ii) the outdoor dining area including the footpath, gutter, and neighbouring surrounds are to be kept clear of waste and rubbish at all times;
- iii) any waste generated by the operation of the business is to be disposed of in bins located within the business premises and not in public litter bins;
- iv) any breakages or spills that might prove hazardous to patrons, staff or the general public or that might stain or otherwise damage the footpath are to be removed immediately.

9) The permitted outdoor dining area is to be appropriately marked in a manner authorised by Council.

The permit holder shall:

- (i) be responsible for maintaining the approved outdoor dining area in accordance with the permit;
- (ii) ensure that all fixtures and furnishings remain within the marked area at all times and do not overhang or impede upon any pedestrian or vehicular thoroughfares;
- (iii) ensure that the area remains clearly marked at all times and that it can be easily identified by Council to monitor compliance.

10) Associated works to enhance an outdoor dining area with respect to permanent fixtures requires the separate and prior approval of Council and the cost of any such works are to be met by the applicant.

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- ~~11) Council reserves the right to carry out any type of maintenance work in or around the approved area at any time and will not accept any liability for interruption to business caused by such works or inclement weather.~~
- ~~12) Outdoor advertising shall complement and be compatible with the footpath dining activities and local amenity and requires the separate and prior approval of Council.~~  
~~A Frames signs or sign boards are not permitted to be placed on the footway or within the outdoor dining area.~~
- ~~13) For approvals for outdoor dining that do not require the erection of permanent structures on the public footway, a street trading permit may be issued. For more complex applications that propose permanent structures/stalls to be installed on the public footway, a Development Application may be required to be submitted to Council.~~

## PART SEVEN – MAKING AN APPLICATION FOR STREET TRADING ACTIVITIES

### 7. Applying for approval to conduct a permitted street trading activity

#### 7.1 Application requirements

Standard permit applications can be obtained from Council. All applicants, (individuals and groups) are required to apply in person. Street Trading activity shall not be conducted without first obtaining a permit issued by Council beforehand.

All applicants are required to present proof of identify with their application form before a permit is issued e.g. current motor vehicle licence, proof of age card or passport.

Details of the type of activity or entertainment proposed are required to be provided on the application.

Council reserves the right to refuse any permit application.

Applications for approval for activities that are described in this policy (as outlined in section 4) can be made by using the Street Trading Activities Permit application form ~~or Outdoor Dining application form~~ that is available from Council's Customer Service Centre or through Council's website: [www.campbelltown.nsw.gov.au](http://www.campbelltown.nsw.gov.au)

As outlined on the forms, the following information shall be lodged with Council at least four weeks prior to the event or activity occurring, and the proposed activity must receive Council's permission prior to commencement.

The permit application must include the name of the individual(s) or organisation, the organisational status, i.e. registered charity, religious affiliation, community group, political organisation, commercial organisation, a brief outline of the organisation, a short description of the reason for the activity and the name and contact details of the person coordinating the activity.

For commercial organisations, the name of the company and a valid ABN number must be provided.

A site plan drawn to scale outlining key features of the activity layout (eg stalls, tables, chairs etc.) must also be supplied with the application. The plan should also clearly show the following details:

- Location of existing features such as trees, signage posts, bins etc;
- Details of any proposed furniture including the design, construction; dimensions, colours and materials to be placed within the designated stall location;

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- Any signage must be of a temporary nature and can only be displayed within the area/locations covered by the application (no other advertising materials or structures are permitted).

### 7.2 Permit fees

No permit fees apply to charities or not-for-profit organisations. An annual permit fee will apply to individuals or organisations that receive a commercial or financial gain from the permitted street trading activity.

Permit fees will be applied as detailed in Council's annual schedule of fees and charges. Permits are valid for up to 12 months from the commencement date. Permits are not transferable and fee payments are not refundable once the permit has been issued by Council.

### 7.3 Renewal of permits

Activity permits should be renewed before the expiry date should the activity continue. Street Trading shall not be conducted with an expired permit. Unauthorised Street Trading activity will also be subject to penalties as provided for under the *Local Government Act 1993*.

### 7.4 Insurance

The applicant (except where stated otherwise in this Policy) must provide a Public Liability Insurance Certificate of Currency from their insurer that notes Council as an interested party with regards to any personal injury or damage to property associated with the activity on a public footway, road or road related area for a minimum cover of \$20m or any other amount that Council may stipulate from time to time.

Buskers and Pavement Artists are exempt from this requirement and are not required by Council to hold their own Public Liability Insurance policy cover for busking and street art performances held on the streets/road reserve areas within the Campbelltown Local Government Area (LGA).

### 7.5 Additional application requirements for outdoor dining

Applications for activities described in Section 6.6 can be made by completing the Outdoor Dining application form.

#### Documentation required to be lodged with the permit application:

A site plan drawn to scale (1:50 or 1:100) with dimensions that clearly show the following:

- The building line of the premises in relation to adjoining premises;
- Distance from the kerb to the premises;
- Proposed layout with furniture and furnishings including chairs and tables, planters, bollards, balustrades, heaters, lights or articles;
- Access and service points to premises;
- Existing streetscape features such as street poles, signs, trees, seats, rubbish bins etc.;
- Diagram of the proposed area in relation to neighbouring premises.

The following information is also required to be lodged with a permit application:

- Details of manufacturers details particularly with regards to heaters and lights;
- Details of artwork, advertising or signage including dimensions and location;
- Written consent from the property owner;
- Evidence of current Public Liability Insurance (noting cover for the specific activity location and noting Council as an interest party) for a minimum of \$20m;
- Evidence of a current NSW Liquor Licence if applicable to the premises.

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**PART EIGHT – MISCELLANEOUS MATTERS****8.1 Approval of applications**

Approval to use a public footway for street trading activities is subject to Council's discretion. Council reserves the right to impose on any permit such conditions as it determines necessary, appropriate and reasonable.

**8.2 Street trading restrictions**

Certain street trading activities being street stalls, charity collections and busking will be prohibited during the times at which approved community events are conducted within a nominated business centre.

**8.3 Fees**

All fees associated with street trading activities are to be identified in Council's Schedule of Fees and Charges and will be reviewed annually. Application fees shall be paid when an application is lodged with Council and are non-refundable, once the application is determined and regardless of the outcome of the determination of the application.

**8.4 Display of permit**

A copy of the permit issued by Council for an authorised street trading activity shall be on display at the activity location at all times.

**8.5 Compliance/inspections**

Council reserves the right to carry out compliance inspections as required.

**8.6 Period of permit**

Permits for street trading activity will be granted by Council for a period up to a maximum of 12 months in the first instance. Longer permit periods may be allowed by Council upon renewal, subject to review. A new application must be submitted to Council prior to the end of each permit period.

**8.7 Variation of permit conditions**

Any variation to a current permit will require a new application to be lodged with Council. A change of business ownership will also require a new permit application to be lodged with Council.

**8.8 Street trading activity must not cause obstruction and be marked on the pavement**

All street trading activity must not occupy an area larger than necessary to safely conduct the activity. At all times the activity must not cause obstruction to other users of the footway or unreasonably interfere with pedestrian flow, ensuring sufficient clear pedestrian access is maintained (minimum 2.4 metres wide pedestrian access shall be provided at all times). The permitted area for the street trading activity will be clearly defined on the Street Trading Activity Permit and shall be marked on the pavement by Council where appropriate for the above purpose.

**8.9 Protocols for non-compliance**

The following is a general guideline that will be taken into account by Council when seeking to remedy non-compliance issues associated with Street trading. Council has discretion to vary its approach depending upon individual circumstances, the extent of non-compliance and any prior infringements.

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**8.9.1 Operating without a permit**

Written or verbal notice issued. A Penalty Notice may be issued if there is failure to act after a Notice to Comply, is issued. Continued non-compliance may result in further action being taken.

**8.9.2 Breach of conditions**

Written and or verbal notice will be issued to the operator requiring compliance. If no action is taken to remedy the breach after issuing a Notice to comply with a permit, a Penalty Notice may be issued.

Following the issuing of a Penalty Notice, the permit may be terminated and/or further action taken by Council. Special provisions may need to be applied in the case of an emergency/risk to public safety.

**8.9.3 Operating with an expired permit**

A Notice will be served upon the operator to cease the street trading activity or renew the permit. If the operator fails to comply with the Notice or renew the permit within the given time, a Penalty Notice may be served on the operator. Continued non-compliance may then result in further action being taken.

**8.10 Termination of permit by the applicant**

The applicant may terminate their Street Trading Activity Permit at any time by giving Council a minimum of one months written notice.

**8.11 Termination of permit by Council**

Council reserves the right to terminate a Street Trading Activity Permit. Upon termination all property or materials associated with the street trading activity must be removed from the public area.

**8.11.1 Reasons that Council may consider in deciding to terminate a permit**

- 1) Non-compliance with conditions as outlined in the permit;
- 2) Change of business ownership;
- 3) Expired Public Liability Insurance;
- 4) Where the street trading activity is found to cause undue inconvenience to pedestrian access and or safety and public amenity;
- 5) Where Council or any other authority has received repeated complaints about an approved street trading activity that otherwise cannot be resolved.

**PART NINE - DESIGNATED STREET TRADING ACTIVITY LOCATIONS****9.1 Location Maps**

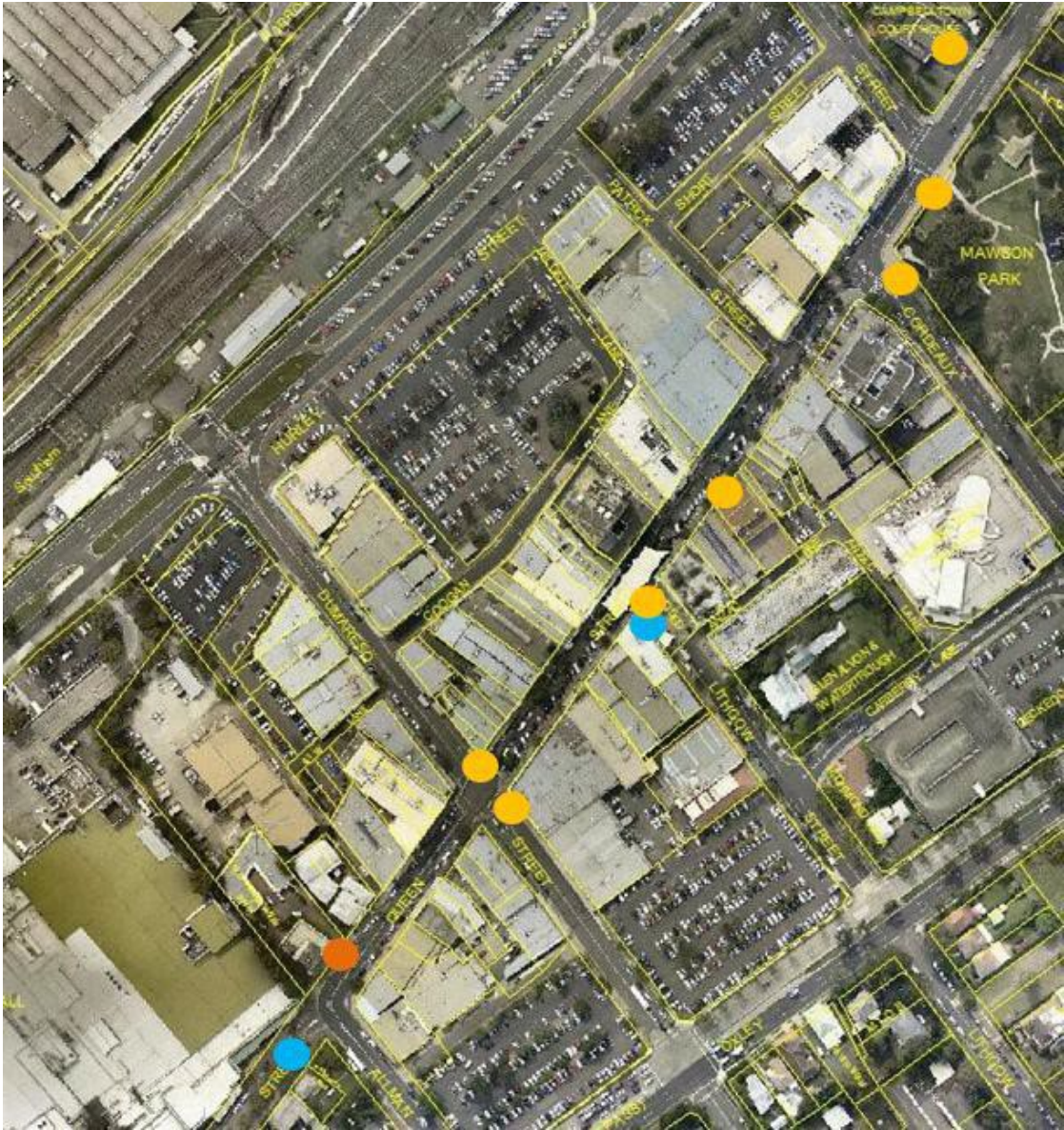
Designated areas for specified street trading activities are shown on the locality plans (below) for the Campbelltown and Ingleburn business centres.

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9.1.1 Campbelltown Business Centre - Overall Locations for Street Trading:

- Charity Collection
- Street Stall
- Street Art



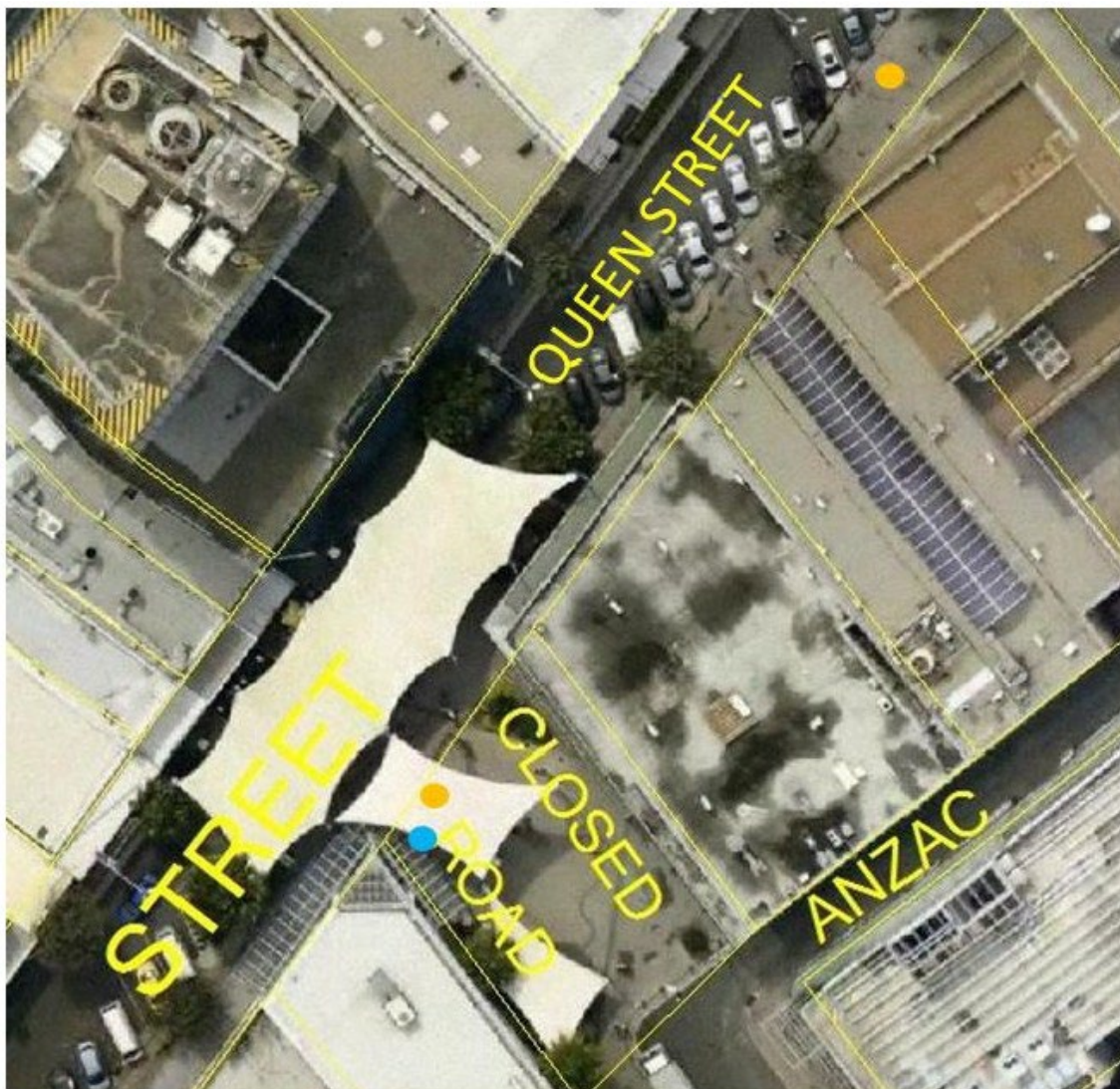


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9.1.1.1 Queen and Lithgow Street Intersection Locations for Street Trading (Detail):

 Charity Collection

 Street Stall



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9.1.1.2 Queen and Cordeaux Street Intersection Locations for Street Trading (Detail):

 Charity Collection



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9.1.1.3 Queen and Allman Street Intersection Locations for Street Trading (Detail):

-  Charity Collection
-  Street stall
-  Street Art

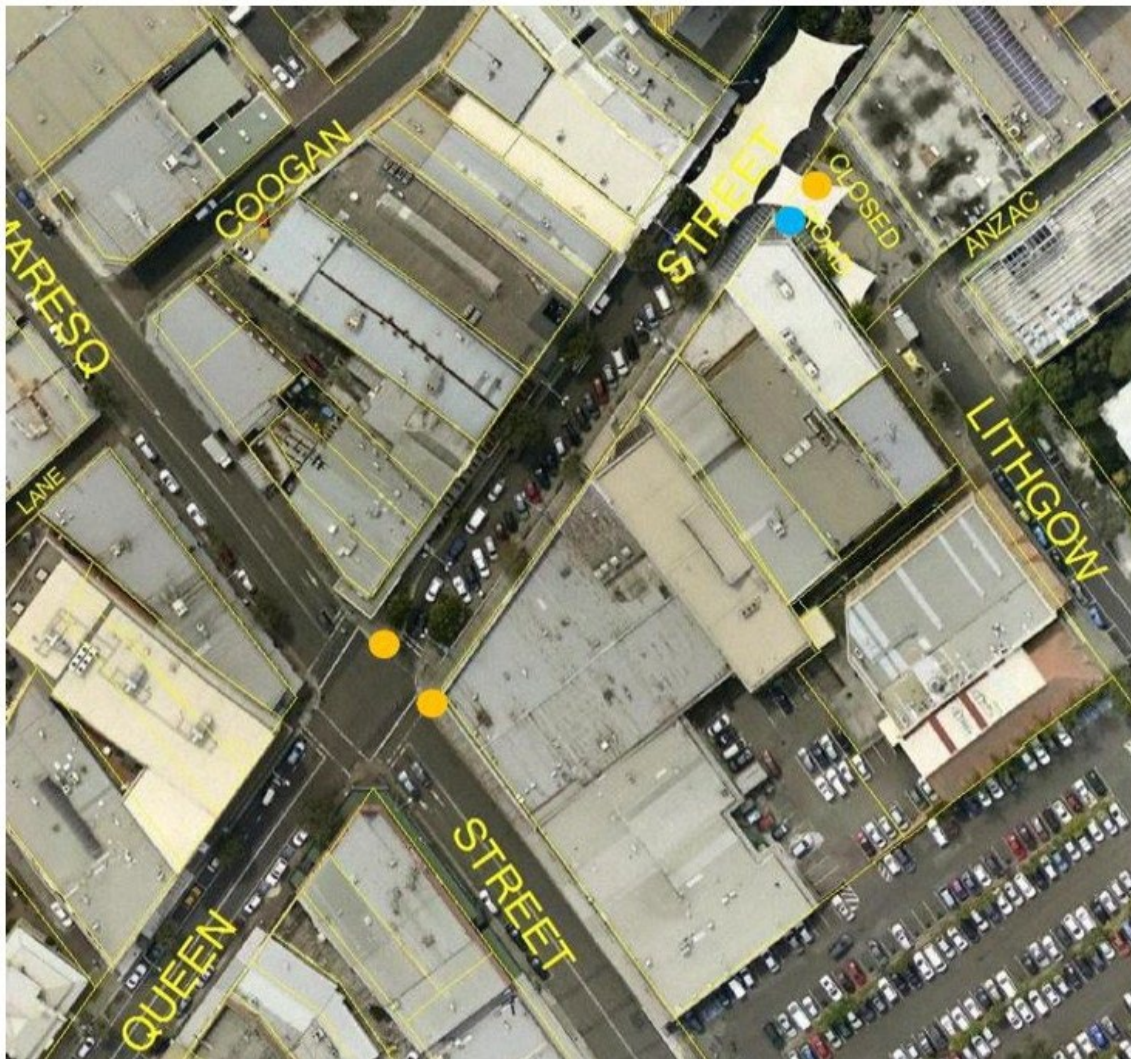


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9.1.1.4 Queen and Dumaresq Street Intersection Locations for Street Trading (Detail):

 Charity Collection

 Street Stall



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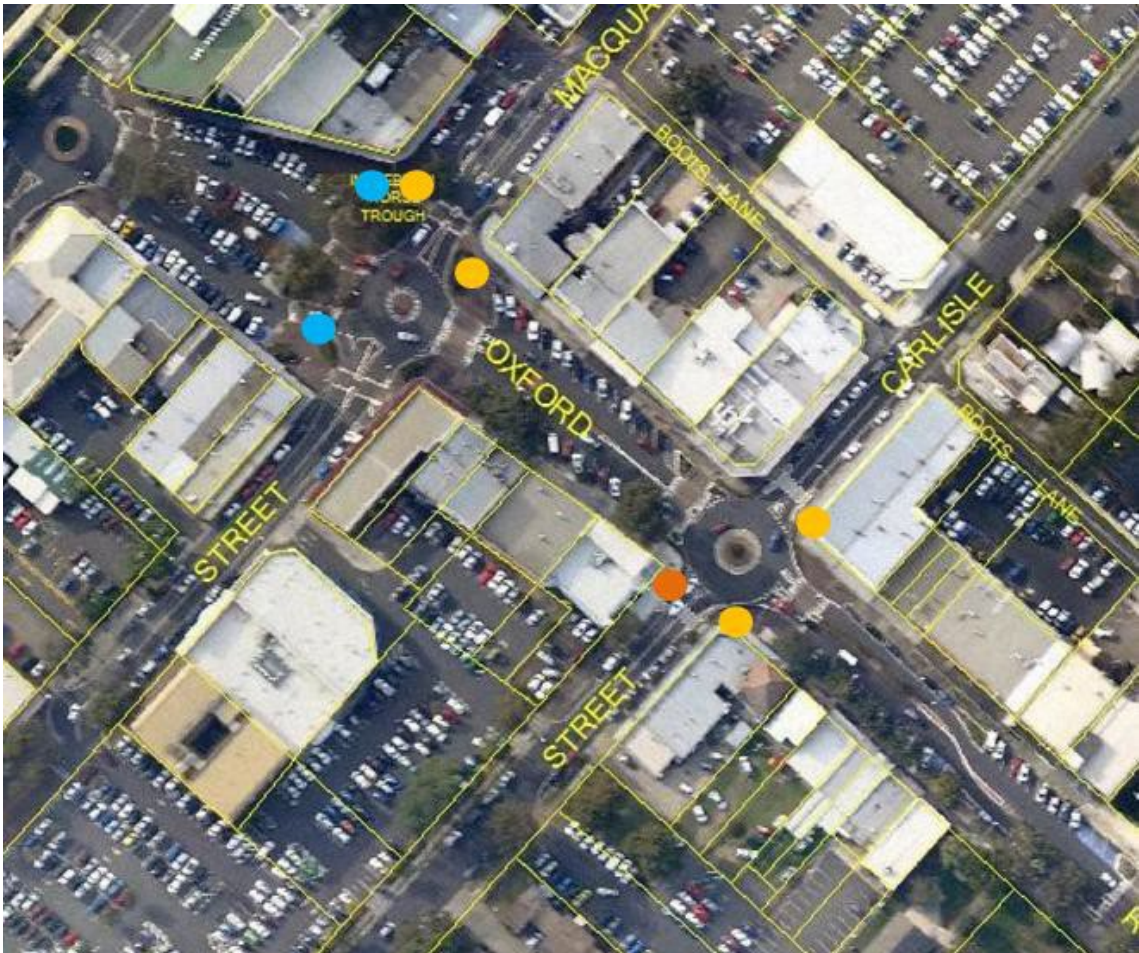
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9.1.2 Ingleburn Business Centre Locations for Street Trading:

- Charity Collection
- Street Stall  
Art
- Street



END OF POLICY  
STATEMENT

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 <b>CAMPBELLTOWN CITY COUNCIL</b>		<b>POLICY</b>
Policy Title	Street Trading	
Related Documentation	Street Trading Application Form	
Relevant Legislation	<i>Local Government Act 1993 - Section 68 - Approval of Activities</i>	
Responsible Officer	Manager City Standards, Compliance and Waste	

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

### Objectives

In dealing with street trading activities, Council aims to:

1. Protect public health and safety.
2. Preserve the amenity of the City area.
3. To provide opportunity for place enlivenment or active street life.
4. Give regard to the well-being of local lawfully established businesses and the principles of equity and fair competition.

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<b>Division:</b> City Planning and Environment <b>Section:</b> City Standards, Compliance and Waste <b>DocSet:</b> 4173650	<b>Adopted Date:</b> 09/12/2014 <b>Revised Date:</b> 12/09/2023 <b>Minute Number:</b> 236 <b>Review Date:</b> 30/06/2025	<b>Page:</b> 1 of 22



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Policy Statement

Campbelltown City Council supports the development of the City's business centres, with a vibrant mix of retail, business and community activities. Council seeks to encourage active street life and enhance community participation in the Campbelltown Local Government Area through the safe undertaking of certain non-commercial and commercial activities on footways and roadways (including road reserves).

The Street Trading Policy provides a framework for Council to deal with requests for the use of footways and roadways for certain non-commercial and commercial activities.

The Policy applies to all public footways and roadways in the Campbelltown Local Government Area (LGA) that are managed by Council directly or are under its care and control.

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**PART ONE - PRELIMINARY****1. Purpose**

The purpose of the Street Trading Policy is to provide a framework for Council to deal with requests for the use of community land being footways and roadways, for certain non-commercial and commercial activities.

The Policy is to supplement provisions of the *Local Government Act 1993* (the Act) and the Local Government (Approvals) Regulation 1993 by:

- Specifying the circumstances in which a person is not required to obtain a particular approval from the council;
- Specifying criteria which the Council must consider when determining whether or not to grant approval to a particular activity;
- Specifying other matters relating to approvals not dealt with by the Act or Regulations.

**1.1 Aims**

In dealing with street trading activities, Council aims to

1. Protect public health and safety.
2. Preserve the amenity of the City area.
3. To provide opportunity for place enlivenment or active street life.
4. Give regard to the well-being of local lawfully established businesses and the principles of equity and fair competition.

**1.2 Legislative Context**

*The Local Government Act 1993* under **Section 68 - What activities generally require the approval of the council** states that:

- 1) A person may carry out an activity specified only with the prior approval of council, except in so far as this act, the regulations or a local policy adopted under Part 3 allows the activity to be carried out without that approval.

Section 68 of the *Local Government Act 1993* specifies that Council approval is required in respect of a trade or business activity conducted on community land, unless there is a policy in place that exempts such an activity from requiring approval. This policy shall be read in conjunction with Section 68.

**1.3 Definitions**

The following terms when read in this policy, shall be taken to mean as defined below:

**application** means an application made under Section 68 of the *Local Government Act 1993*.

**approval** means an approval issued by the Council pursuant to section 68 of the *Local Government Act 1993*.

**busking** means singing, playing a musical instrument or a dramatic or dance performance. Other forms of expression may include, but not strictly be limited to, mime or „live statues“.

**Charitable or Non-commercial organisation** means a type of non-profit organisation that is created and operates for philanthropic rather than pecuniary pursuits, as well as for social well-being (e.g. charitable, educational, religious or other similar purpose, serving the public interest or common good).

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**Commercial Organisation** means a company or business organisation that engages in some form of commercial activity, such as selling goods or services, with the primary objective of making a profit.

**public place** means:

- (a) a public reserve, public bathing reserve, public baths or public swimming pool, or
- (b) a public road, public bridge, public wharf or public road-ferry, or
- (c) a Crown reserve comprising land reserved for future public requirements, or
- (d) public land or Crown land that is not:
  - (i) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c), or
  - (ii) a common, or
  - (iii) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
  - (iv) land that has been sold or leased or lawfully contracted to be sold or leased, or
- (e) land that is declared by the Local Government regulations to be a public place for the purposes of this definition.

**public road** means a road or road related area (land adjacent a road) which the public are entitled to use.

**selling** includes to barter, trade, offer, display for sale/auction any article, including the distribution of pamphlets or the collection of donations.

**special event** means a community event coordinated by Campbelltown City Council that is either the Fishers Ghost Festival, Ingleburn Alive Festival, Riverfest or a like event.

**street trading** means the selling, bartering or exposing or offering for sale of any article (including a living thing) or service on a public road or road related area. Trading also extends to include the distribution of pamphlets or the collection of donations.

#### 1.4 Land policy applies to

This policy applies to land located within the Campbelltown Local Government Area.

## PART TWO - TYPES OF STREET TRADING ACTIVITIES COVERED BY THIS POLICY

### 2. Types of activities covered by this Policy

This policy applies to a range of activities including:

- (i) Street stalls, information stands or like activities undertaken by recognised organisations such as local sporting clubs, schools, religious organisations, registered charities, community groups, government bodies and commercial organisations that may also involve the dissemination of general information for the purpose of promoting community awareness; charitable fundraising; or the sale of food or goods for charitable purposes.
- (ii) Commercial activities on public footways or roadways that include activities such as outdoor dining, busking, business promotion stalls or stands, distribution of flyers and the erection of promotional banners and signage within the Campbelltown Local Government Area (LGA).

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**PART THREE - PERMITTED STREET TRADING ACTIVITIES EXEMPT FROM THE NEED TO OBTAIN COUNCIL APPROVAL****3. Exemptions**

The distribution of flyers or other promotional material that does not require the erection of a stand or stall or other equipment, and that is conducted on the public footway (located immediately adjacent to and in front of the business premises subject of the promotion) is an activity exempt from the need for prior Council approval (i.e. Street Trading Activity Permit) subject to the following:

- 1) Only one person is permitted to stand outside the premises and distribute flyers or other promotional material;
- 2) Persons distributing flyers are not to impede, or cause an obstruction to pedestrians;
- 3) The direct sale of goods from the public footway is prohibited.
- 4) The organisation must ensure flyers or other promotional material is distributed lawfully and that the activity does not create a litter problem in the immediate vicinity.

Note: the placement of flyers or similar promotional material on vehicles is an offence under the *Protection of the Environment Operations Act 1997*.

**PART FOUR - PERMITTED STREET TRADING ACTIVITIES WHICH REQUIRE COUNCIL APPROVAL****4. Permitted activities which require Council's approval**

The following activities are permitted in certain designated or other areas (as otherwise permitted under this policy) within the Campbelltown LGA with prior written Council approval, by way of a Street Trading Activity Permit issued by Council:

- 1) Fundraising and promotional activities by registered charities or not for profit associations (by non-commission collectors) and community organisations that are located or who are active within the Campbelltown LGA e.g. The Salvation Army, Legacy, the Cancer Council, Lions Club, sporting clubs etc.,
- 2) Street stalls or information stands conducted by non-commercial organisations;
- 3) Business promotion/marketing stalls conducted by commercial organisations;
- 4) Mobile displays or stand-alone vehicles that promote or provide a community or government service e.g. road safety, or health awareness/health screening activities such as the NSW Blood Bank, Breast Screen NSW;
- 5) Busking, performances or cultural activities;
- 6) Banner signs for community, charity or commercial (i.e. "business expo") type events;
- 7) Outdoor dining
- 8) Other activities, other than those that are expressly prohibited under this policy, that are considered by Campbelltown City Council to contribute positively to place enlivenment or an active street life in approved locations.

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## **PART FIVE - PROHIBITIONS**

### **5. Prohibited activities**

The following activities are prohibited under the terms of this policy:

- 1) Roadside trading (other than as otherwise permitted under Section 4 subsection 8 of this policy) by use of a stall, article, standing vehicle or the like and includes the selling, trading or giving of any goods or services;
- 2) Display of goods, promotions or behaviour that conflicts with acceptable community standards or such activities that are considered by Council to be likely to cause a nuisance or offence to the public;
- 3) Unauthorised street trading, business promotion, advertising or the selling of goods or services of any type;
- 4) Religious preaching;
- 5) Spruiking;
- 6) The erection of (bill) posters on any public place or property that bounds a public place;
- 7) Advertising structures (including: Variable Message Sign boards/trailers (VMS), A-Frames, flags, balloons etc.) on public roads, footpaths and road related areas;
- 8) Prostitution;

## **PART SIX – MATTERS TO BE TAKEN INTO ACCOUNT AS PART OF THE DETERMINATION OF APPLICATIONS**

A range of specified matters will be taken into account by Council when assessing applications seeking the approval of permissible street trading activities.

### **6.1 Street Stalls**

#### **6.1.1 Street stalls operated by charitable or non-commercial organisations**

- 1) Charitable or non-commercial organisations are permitted to hold street stalls with Council approval at the designated areas listed below:
  - Lithgow Street Mall, Campbelltown
  - Queen Street, Campbelltown
  - Oxford Road, Ingleburn.

Refer to location maps at Part Nine for further details.

Street stalls may be permitted at other street or road related area locations subject to meeting the terms of this Policy (refer to Part 4, subsection 8).

- 2) The organisation must supply written evidence to Council of their charity registration or community organisation status;
- 3) Organisations are to apply to Council for a permit at least four weeks (20 working days) prior to the proposed activity;
- 4) The organisation must hold and maintain a current \$20m Public Liability Insurance Policy (noting Council as an interested party on this policy). Such insurance arrangements shall satisfy Council that adequate indemnities are in place.
- 5) On the day of the activity, the organisation must display or have available for inspection, a permit or letter as required, stating that permission for the activity has been granted by Council;

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- 6) Organisations may apply to undertake street stalls for a maximum of 12 occasions over a 12 month period and on no more than one occasion per month;
- 7) No more than one group will be permitted to occupy a designated marked street stall area at any one time, subject to the conditions outlined in the Council permit;
- 8) The organisation must keep the area free of waste and any other public risk at all times;
- 9) Applicants must be able to demonstrate to Council that such activities will contribute to an active street life, provide information, raise awareness or be of interest or benefit to the general community and that these activities will not cause offence or conflict with accepted community standards;
- 10) Except for Community Event stalls (or as otherwise permitted in this policy, refer to Part 4, subsection 8), the sale of food is restricted to pre-packaged food only and must include labelling in accordance with the Food Standards Code (Food Standards Australia and New Zealand). Food that requires temperature control is not permitted to be sold or distributed other than at approved "community event" stalls. For Community Event stall operators, a separate application is required to be submitted to Council and food stall operators are to comply with Council's Requirements for the Operation of Temporary Food Stalls;
- 11) The sale or distribution of the following items from an approved street stall is prohibited:
  - Weapons of any kind, including, but not limited to:
  - Replica guns (including plastic guns, pellet guns, water pistols, cap guns)
  - Ornamental weapon copies (e.g. Ninja swords)
  - Knives and swords (including pen knives)
  - Martial art supplies (e.g. nunchuks)
  - Explicit or pornographic material of any type including books, magazines, clothing, calendars etc.
  - Fake cigarettes
  - Fuel type fire lighters
  - Horns and trumpets
  - Pressure pack containers
  - Drugs or related goods (including cocaine kits, bongs etc.)
  - Stink bombs
  - Water bombs
  - Silly string
  - Fireworks / crackers
  - Laser pointers
  - Pop downs / throw downs
  - Eight shot caps, strip caps or roll caps
  - Any form of shooting projectile toys (e.g. bow and arrows).
- 12) For the sale or distribution of items including food, stall holders shall comply with Council's Requirements for the Operation of Temporary Food Stalls;
- 13) No overzealous trading or soliciting will be permitted.

#### 6.1.2 Street stalls operated by commercial organisations

- 1) Commercial organisations are permitted to hold street stalls with Council approval at the designated areas listed below:
  - Lithgow Street Mall, Campbelltown
  - Queen Street, Campbelltown
  - Oxford Road, Ingleburn

Refer to location maps at Part Nine for further details.

Street stalls may be permitted at other street or road related area locations subject to meeting the terms of this Policy (refer to Part 4, subsection 8).

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- 2) Council may grant a permit for street stall activities by commercial organisations providing it is satisfied that such activities will contribute to an active street life, provide or obtain useful or appropriate information of interest or benefit to the general community and provided Council is satisfied that these activities will not cause offence or conflict with accepted community standards;
- 3) Organisations are to apply to Council for a permit at least four weeks (20 working days) prior to the proposed activity;
- 4) The applicant must supply written evidence of their organisational status i.e. ABN Number;
- 5) The individual or organisation must hold and maintain a current \$20m Public Liability Insurance policy (noting Council as an interested party). Such insurance arrangements shall satisfy Council that adequate indemnities are in place;
- 6) On the day of the activity, the organisation must display at the location of the street stall or have available for inspection a permit or letter as required, stating that permission for the activity has been granted by Council;
- 7) A maximum of 3 individuals are allowed to conduct the permitted activity at any one time;
- 8) Approved organisations may apply for a street stall permit for up to a maximum of twelve days per year;
- 9) No more than one group will be approved to occupy a designated street stall area at any one time; subject to the conditions outlined in the Council permit;
- 10) The organisation must keep the area free of waste and any other public risk at all times;
- 11) Except for Community Event stalls (or as otherwise permitted in this Policy, refer to Part 4, subsection 8), the sale of food is restricted to pre-packaged food only and must include labelling in accordance with the Food Standards Code (Food Standards Australia and New Zealand). Food that requires temperature control is not permitted to be sold or distributed other than at approved "community event" stalls. For Community Event stall operators, a separate application is required to be submitted to Council and food stall operators are to comply with Council's Requirements for the Operation of Temporary Food Stalls;
- 12) Commercial activities that either replicate or inconvenience the activities of nearby lawfully established businesses will not be permitted unless the activities are conducted by that business;
- 13) Except as authorised by Council for approved community events, the direct selling or distribution of goods is not permitted; (unless otherwise permitted under this Policy, refer to Part 4, subsection 8)
- 14) The list of items that may not be sold or distributed as part of a street stall as outlined under Section 6.1.1 shall be complied with;
- 15) For the sale or distribution of items including food, stall holders shall comply with Council's Requirements for the Operation of Temporary Food Stalls;
- 16) No overzealous trading or soliciting will be permitted.

## 6.2 Busking

### 6.2.1 General

- 1) Busking activities are permitted with Council approval in Campbelltown and Ingleburn CBD's; (or at other locations as otherwise permitted in this Policy, refer to Part 4, subsection 8)
- 2) Buskers must apply to Council for and receive a busking permit prior to any activity taking place (See Section 7.1);
- 3) Buskers must not unreasonably interfere with pedestrian flow or public amenity or cause a nuisance to nearby businesses;
- 4) Buskers must not undertake any act that could be considered as causing offence or a public nuisance including excessive noise;

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- 5) Buskers are advised that the performance of political, religious, racial, sexually explicit or homophobic acts or material that may be deemed unduly persuasive, offensive or discriminatory as determined by the *Anti-Discrimination Act 1977* is strictly prohibited;
- 6) Buskers are not permitted to use fire, pyrotechnics, knives, swords, chainsaws or other dangerous goods likely to cause harm to the public, environment or property;
- 7) Buskers are not permitted to use or discharge confetti or any other matter that may cause pollution or is likely to cause harm to the public, environment or property;
- 8) Buskers must not interfere in any way with any other approved event or activity;
- 9) Buskers must be a minimum of 16 years and must submit a letter of consent from a parent or guardian with an application for a permit if under 18 years of age;
- 10) Buskers may receive a monetary appreciation from the audience but must not actively solicit funds in any way;
- 11) Buskers must keep the footpath clear of obstruction, maintain the footway clear for pedestrian movement and the site clean during and following their performance to ensure that the activity does not pose a risk to public safety or the environment. A minimum unobstructed footpath width of 2.4 metres shall be maintained at all times;
- 12) Council reserves the right to direct a busker to moderate or cease performing if deemed by Council to be creating a nuisance, threat to safety or the environment or to be causing offence;
- 13) Buskers are only permitted to occupy/perform at any location for a maximum period of 3 hours.

#### 6.2.2 Group busking acts

Groups involved in busking are limited to a maximum of 3 people/members. This is to ensure that pedestrians are able to move freely through the approved area. For group acts, Council requires that each individual member hold a current busking permit which must be clearly displayed during the performance.

#### 6.2.3 Pavement Art

Performers who utilise pavement (chalk only) art as a form of entertainment may only do so with a Street Trading Activity Permit issued by Council and where:

- 1) the material used is removable by water and does not leave a residue;
- 2) the surface is of a non-porous material, such as bitumen and concrete;
- 3) individual renditions of the artist's work may not be offered for sale to the public;
- 4) any proposed material to be used in carrying out pavement art must not be slippery (whether wet or dry) and must not be such as to be likely to cause a public hazard, nuisance or offence;
- 5) the site is used for no more than eight hours at any one time or otherwise as approved by Council;
- 6) the work space to be used is defined by being either roped or chained off with all tools and personal belongings kept within this area; A free passage of at least 2.4 metres shall be maintained for pedestrians at all times;
- 7) performers must be conscious of public safety and accessibility at all times.

### 6.3 Charity collection

#### 6.3.1 Fundraising by registered charities (by non-commission collectors)

- 1) Charitable organisations are permitted to collect donations from the public with Council approval only at designated areas listed below:
  - Lithgow Street Mall, Campbelltown
  - Queen Street, Campbelltown
  - Oxford Road, Ingleburn.

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Refer to location maps at Part Nine for further details.

- 2) The organisation must supply written evidence to Council of their charity registration or community organisation status;
- 3) Organisations are to apply to Council for a permit at least 4 weeks (20 working days) prior to the proposed activity;
- 4) The organisation must hold and maintain a current \$20m Public Liability Insurance Policy (noting Council as an interested party on this Policy). Such insurance arrangements shall satisfy Council that adequate indemnities are in place;
- 5) On the day of the activity, the organisation must display or have available for inspection, a permit or letter as required, stating that permission for the activity has been granted by Council;
- 6) Charitable organisations may apply for a permit to conduct fundraising for up to a maximum of 12 occasions over a 12 month period and on no more than one occasion per month;
- 7) No more than one charity organisation will be permitted to occupy a designated marked location at any given time, subject to the conditions outlined in the Council permit;
- 8) Charity organisations are to remain static and are not permitted to solicit donations from any area other than locations designated for this purpose in this Policy.

Refer to location maps at Part Nine for further details.

## 6.4 Banners

### 6.4.1 General

Approval may be granted by Council for the display of banners provided the intent is to promote community events, programs or services (i.e. an event or activity which is non- commercial or non-profit and offering a community benefit). NB: This opportunity is provided at no cost to community groups wishing to display a banner.

Consideration may be given to promoting "expo" type events that provide information relating to a range of services or by a group of local business providers for community benefit (e.g. Wedding Expos, Renovation Expos). Single business promotion will not be considered. A fee applies to permits issued for banners promoting "expo type" events.

A limited number of banner sites are available in the Campbelltown LGA (refer to Section 6.4.2) It should be noted that Council does not allow the advertising of offensive, political or religious statements or images on banners.

Banner signs may not be permitted to be erected any earlier than 14 days before the event and must be removed within 7 days after the event.

Council reserves the right to remove banners at any time if a banner is erected without approval or if any of the permit conditions are not complied with. Council also reserves the right to cancel bookings for the display of banners at designated locations at any time.

**Note:** Council does not issue permits for the placement of banners in elevated locations such as those on overhead bridges or walkways. Approval for these sites rests with the Roads & Maritime Services (RMS).

Organisations wishing to erect a banner in the Campbelltown LGA may only do so with a Street Trading Activity Permit issued by Council and must comply with the following requirements:

- 1) An organisation wishing to display a banner accepts responsibility for any claim for accidents or other issues arising from the erection, removal or display of the banner or the use of Council's infrastructure.

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- 2) Any damage to Council's infrastructure and other facilities that is attributed to the display of a banner will be repaired at the expense of the organisation displaying the banner.
- 3) Evidence of the organisation's Public Liability Insurance of a minimum value of \$20 million, noting Council as an interested party, must be provided to Council before any permit for displaying a banner is issued.
- 4) Council is not liable or responsible for banners which are lost, damaged or stolen.

#### 6.4.2 Locations where banners may be displayed

Banners are to be erected at or near ground level and are not permitted to be displayed within 50 metres of an intersection or within 3 metres of the road pavement and must not impede pedestrian movement. Only one banner is permitted to be erected at each designated location.

Banners may only be erected at the locations listed below:

- 1) Menangle Road, Campbelltown (approximately 500m south of Geary Street on west side of Road)
- 2) Narellan Road Campbelltown (approximately 150m west of Gilchrist Drive on south side of Road)
- 3) Appin Road Bradbury (adjacent to Silo's east side of Road)
- 4) Badgally Road, Eagle Vale (approximately 100m east of Eagleview Drive)
- 5) Raby Road, Raby (approximately 170m west of Thunderbolt Drive on South side of Road)
- 6) Campbelltown Rd, St Andrews (approximately 175m north of St Andrews Road)
- 7) Campbelltown Road, Minto (approximately 450m north of Rose Payton Drive).

#### 6.4.3 Design and layout of banners

- 1) Commercial advertising is not permitted on banners, however, the logo of a sponsor/s or the co-ordinating organisation may be incorporated into the banner design.
- 2) The logo of a sponsor is to be a maximum of 10% of the total face area of the banner.
- 3) If several sponsor logos are to be included then the maximum area of the logos is to be no more than 20% of the total face area of the banner. The purpose of these restrictions is to promote community services, not commercial ventures.
- 4) The caption on the banner is to be succinct.
- 5) The maximum size of a banner is 4 square metres.
- 6) The lettering must be a minimum of 150mm in height. It is important in terms of safety that the message can be easily read by motorists and other road users.
- 7) If languages other than English are being displayed on the banner at least 50% in equal size shall appear as a direct translation in English.
- 8) The proposed design of the banner (message, sponsor logos and layout) must be submitted at the time of applying for a permit requesting the display of a banner and should also include nominated dates and specific sites.

#### 6.4.4 Construction of banners

Banners are to be constructed of sturdy material such as PVC or canvas that will not tear in the wind and thereby present a hazard to traffic ("Tyvek" is not considered an acceptable material for the construction of banners).

#### 6.4.5 Attachment and removal of banners

- 1) The erection of the banner is the responsibility of the organisation displaying the banner. The banner should be inspected every day to monitor security and its condition. Council is not liable or responsible for banners which are lost, damaged or stolen;

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- 2) To ensure banners are installed appropriately, banners will be required to be installed strictly in accordance with Council guidelines and as outlined in the Street Trading Activity Permit;
- 3) Banner signs are to be anchored by the use of star pickets driven into the ground no more than 350mm;
- 4) The banner must be attached and removed by the organisation displaying the banner on the dates specified on the permit;
- 5) Any damage to Council's infrastructure and other facilities will be repaired at the expense of the organisation displaying the banner.

## **6.5 Place activation, special events, festivals and community celebrations**

Place activation initiatives, festivals or events such as Fishers Ghost and Ingleburn Alive are community events or initiatives that are coordinated by the Council for the whole community. Street stalls during these events or initiatives are permitted to sell commercial products (other than prohibited items listed in Section 6.1.1) and prepared food.

Council approves place activation initiatives and these types of special events under a separate approval process outside the scope of this Policy.

## **6.6 Outdoor dining areas**

### **6.6.1 General**

Outdoor dining contributes to the vitality and cultural life within the Central Business Districts (CBDs) of the Campbelltown LGA.

The NSW Government under the *Roads Act 1993* and the *Local Government Act 1993* states that the placement of articles for commercial purposes on public roadways and footways requires prior consent from Council.

All food premises that intend to provide seating on the public footway for the purpose of outdoor dining are required to obtain a permit from Council. An annual permit shall be obtained from Council prior to operating outdoor dining on Council's footpath.

Applications for outdoor dining permits and approvals are managed through Council's Outdoor Dining Policy and Guidelines.

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**PART SEVEN – MAKING AN APPLICATION FOR STREET TRADING ACTIVITIES****7. Applying for approval to conduct a permitted street trading activity****7.1 Application requirements**

Standard permit applications can be obtained from Council. All applicants, (individuals and groups) are required to apply in person. Street Trading activity shall not be conducted without first obtaining a permit issued by Council beforehand.

All applicants are required to present proof of identify with their application form before a permit is issued e.g. current motor vehicle licence, proof of age card or passport.

Details of the type of activity or entertainment proposed are required to be provided on the application.

Council reserves the right to refuse any permit application.

Applications for approval for activities that are described in this policy (as outlined in section 4) can be made by using the Street Trading Activities Permit application form that is available from Council's Customer Service Centre or through Council's website: [www.campbelltown.nsw.gov.au](http://www.campbelltown.nsw.gov.au)

As outlined on the forms, the following information shall be lodged with Council at least four weeks prior to the event or activity occurring, and the proposed activity must receive Council's permission prior to commencement.

The permit application must include the name of the individual(s) or organisation, the organisational status, i.e. registered charity, religious affiliation, community group, political organisation, commercial organisation, a brief outline of the organisation, a short description of the reason for the activity and the name and contact details of the person coordinating the activity.

For commercial organisations, the name of the company and a valid ABN number must be provided.

A site plan drawn to scale outlining key features of the activity layout (eg stalls, tables, chairs etc.) must also be supplied with the application. The plan should also clearly show the following details:

- Location of existing features such as trees, signage posts, bins etc;
- Details of any proposed furniture including the design, construction; dimensions, colours and materials to be placed within the designated stall location;

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- Any signage must be of a temporary nature and can only be displayed within the area/locations covered by the application (no other advertising materials or structures are permitted).

### 7.2 Permit fees

No permit fees apply to charities or not-for-profit organisations. An annual permit fee will apply to individuals or organisations that receive a commercial or financial gain from the permitted street trading activity.

Permit fees will be applied as detailed in Council's annual schedule of fees and charges. Permits are valid for up to 12 months from the commencement date. Permits are not transferable and fee payments are not refundable once the permit has been issued by Council.

### 7.3 Renewal of permits

Activity permits should be renewed before the expiry date should the activity continue. Street Trading shall not be conducted with an expired permit. Unauthorised Street Trading activity will also be subject to penalties as provided for under the *Local Government Act 1993*.

### 7.4 Insurance

The applicant (except where stated otherwise in this Policy) must provide a Public Liability Insurance Certificate of Currency from their insurer that notes Council as an interested party with regards to any personal injury or damage to property associated with the activity on a public footway, road or road related area for a minimum cover of \$20m or any other amount that Council may stipulate from time to time.

Buskers and Pavement Artists are exempt from this requirement and are not required by Council to hold their own Public Liability Insurance policy cover for busking and street art performances held on the streets/road reserve areas within the Campbelltown Local Government Area (LGA).

## PART EIGHT – MISCELLANEOUS MATTERS

### 8.1 Approval of applications

Approval to use a public footway for street trading activities is subject to Council's discretion. Council reserves the right to impose on any permit such conditions as it determines necessary, appropriate and reasonable.

### 8.2 Street trading restrictions

Certain street trading activities being street stalls, charity collections and busking will be prohibited during the times at which approved community events are conducted within a nominated business centre.

### 8.3 Fees

All fees associated with street trading activities are to be identified in Council's Schedule of Fees and Charges and will be reviewed annually. Application fees shall be paid when an application is lodged with Council and are non-refundable, once the application is determined and regardless of the outcome of the determination of the application.

### 8.4 Display of permit

A copy of the permit issued by Council for an authorised street trading activity shall be on display at the activity location at all times.

### 8.5 Compliance/inspections

Council reserves the right to carry out compliance inspections as required.

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**8.6 Period of permit**

Permits for street trading activity will be granted by Council for a period up to a maximum of 12 months in the first instance. Longer permit periods may be allowed by Council upon renewal, subject to review. A new application must be submitted to Council prior to the end of each permit period.

**8.7 Variation of permit conditions**

Any variation to a current permit will require a new application to be lodged with Council. A change of business ownership will also require a new permit application to be lodged with Council.

**8.8 Street trading activity must not cause obstruction and be marked on the pavement**

All street trading activity must not occupy an area larger than necessary to safely conduct the activity. At all times the activity must not cause obstruction to other users of the footway or unreasonably interfere with pedestrian flow, ensuring sufficient clear pedestrian access is maintained (minimum 2.4 metres wide pedestrian access shall be provided at all times). The permitted area for the street trading activity will be clearly defined on the Street Trading Activity Permit and shall be marked on the pavement by Council where appropriate for the above purpose.

**8.9 Protocols for non-compliance**

The following is a general guideline that will be taken into account by Council when seeking to remedy non-compliance issues associated with Street trading. Council has discretion to vary its approach depending upon individual circumstances, the extent of non-compliance and any prior infringements.

**8.9.1 Operating without a permit**

Written or verbal notice issued. A Penalty Notice may be issued if there is failure to act after a Notice to Comply, is issued. Continued non-compliance may result in further action being taken.

**8.9.2 Breach of conditions**

Written and or verbal notice will be issued to the operator requiring compliance. If no action is taken to remedy the breach after issuing a Notice to comply with a permit, a Penalty Notice may be issued.

Following the issuing of a Penalty Notice, the permit may be terminated and/or further action taken by Council. Special provisions may need to be applied in the case of an emergency/risk to public safety.

**8.9.3 Operating with an expired permit**

A Notice will be served upon the operator to cease the street trading activity or renew the permit. If the operator fails to comply with the Notice or renew the permit within the given time, a Penalty Notice may be served on the operator. Continued non-compliance may then result in further action being taken.

**8.10 Termination of permit by the applicant**

The applicant may terminate their Street Trading Activity Permit at any time by giving Council a minimum of one months written notice.

**8.11 Termination of permit by Council**

Council reserves the right to terminate a Street Trading Activity Permit. Upon termination all property or materials associated with the street trading activity must be removed from the public area.

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**8.11.1 Reasons that Council may consider in deciding to terminate a permit**

- 1) Non-compliance with conditions as outlined in the permit;
- 2) Change of business ownership;
- 3) Expired Public Liability Insurance;
- 4) Where the street trading activity is found to cause undue inconvenience to pedestrian access and or safety and public amenity;
- 5) Where Council or any other authority has received repeated complaints about an approved street trading activity that otherwise cannot be resolved.

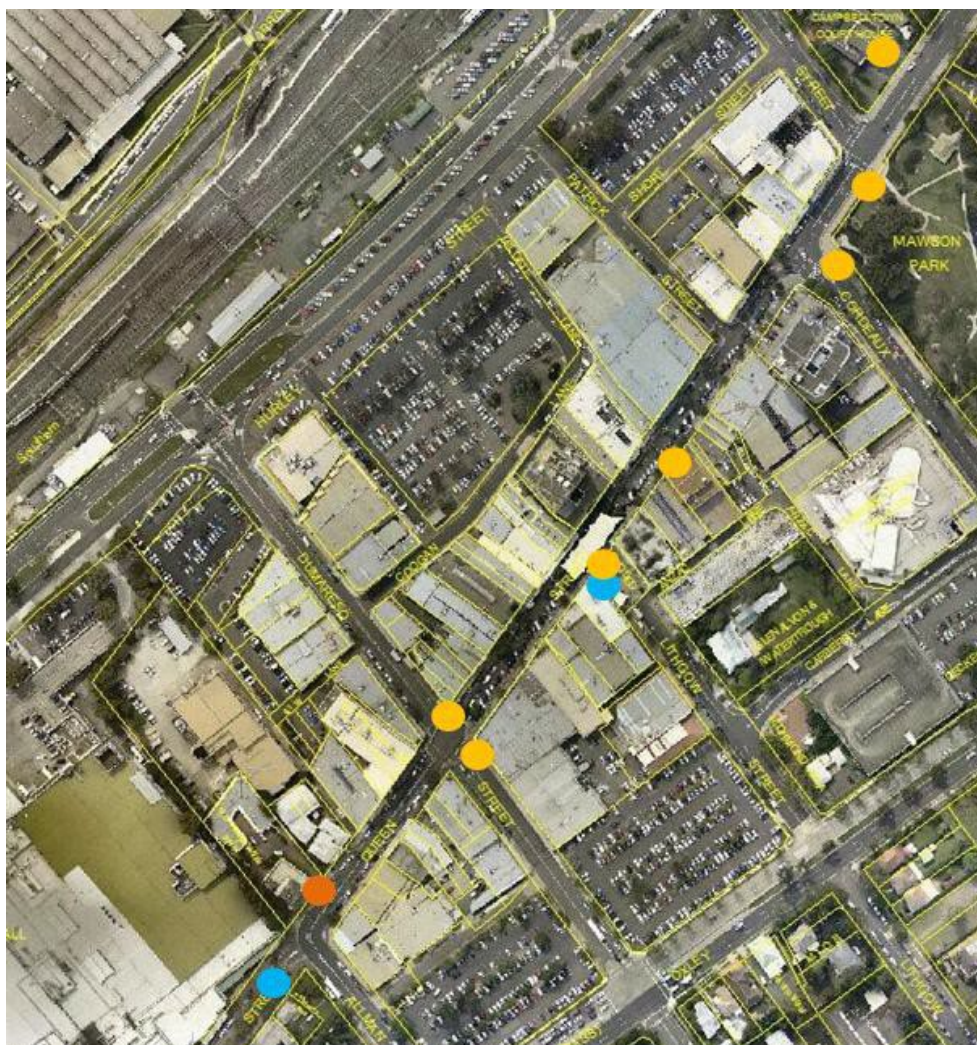
**PART NINE - DESIGNATED STREET TRADING ACTIVITY LOCATIONS**

**9.1 Location Maps**

Designated areas for specified street trading activities are shown on the locality plans (below) for the Campbelltown and Ingleburn business centres.

**9.1.1 Campbelltown Business Centre - Overall Locations for Street Trading:**

- Charity Collection
 ● Street Stall
 ● Street Art





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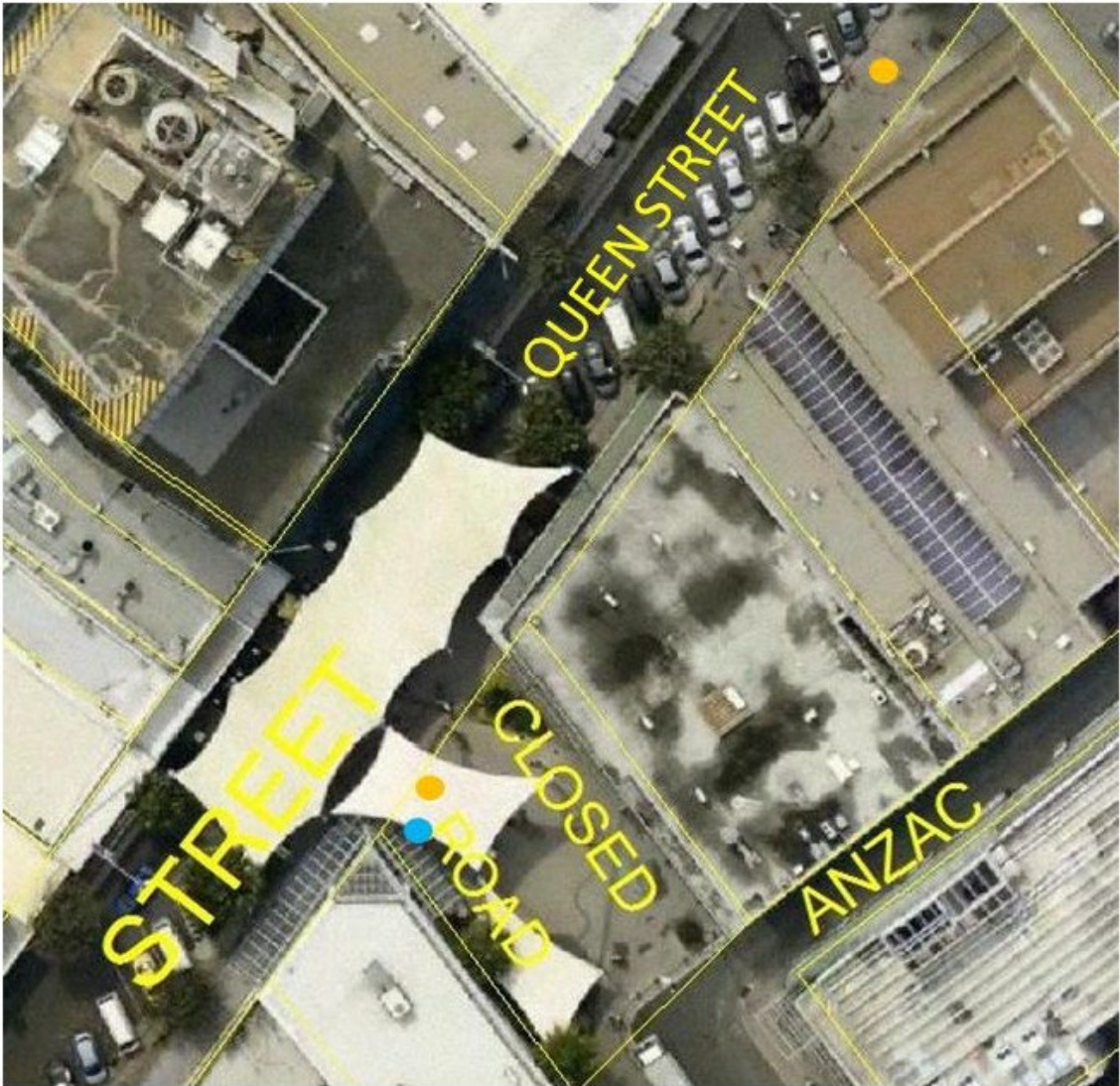


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9.1.1.1Queen and Lithgow Street Intersection Locations for Street Trading (Detail):

 Charity Collection

 Street Stall



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9.1.1.2 Queen and Cordeaux Street Intersection Locations for Street Trading (Detail):

 Charity Collection



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9.1.1.3 Queen and Allman Street Intersection Locations for Street Trading (Detail):

 Charity Collection

 Street stall

 Street Art



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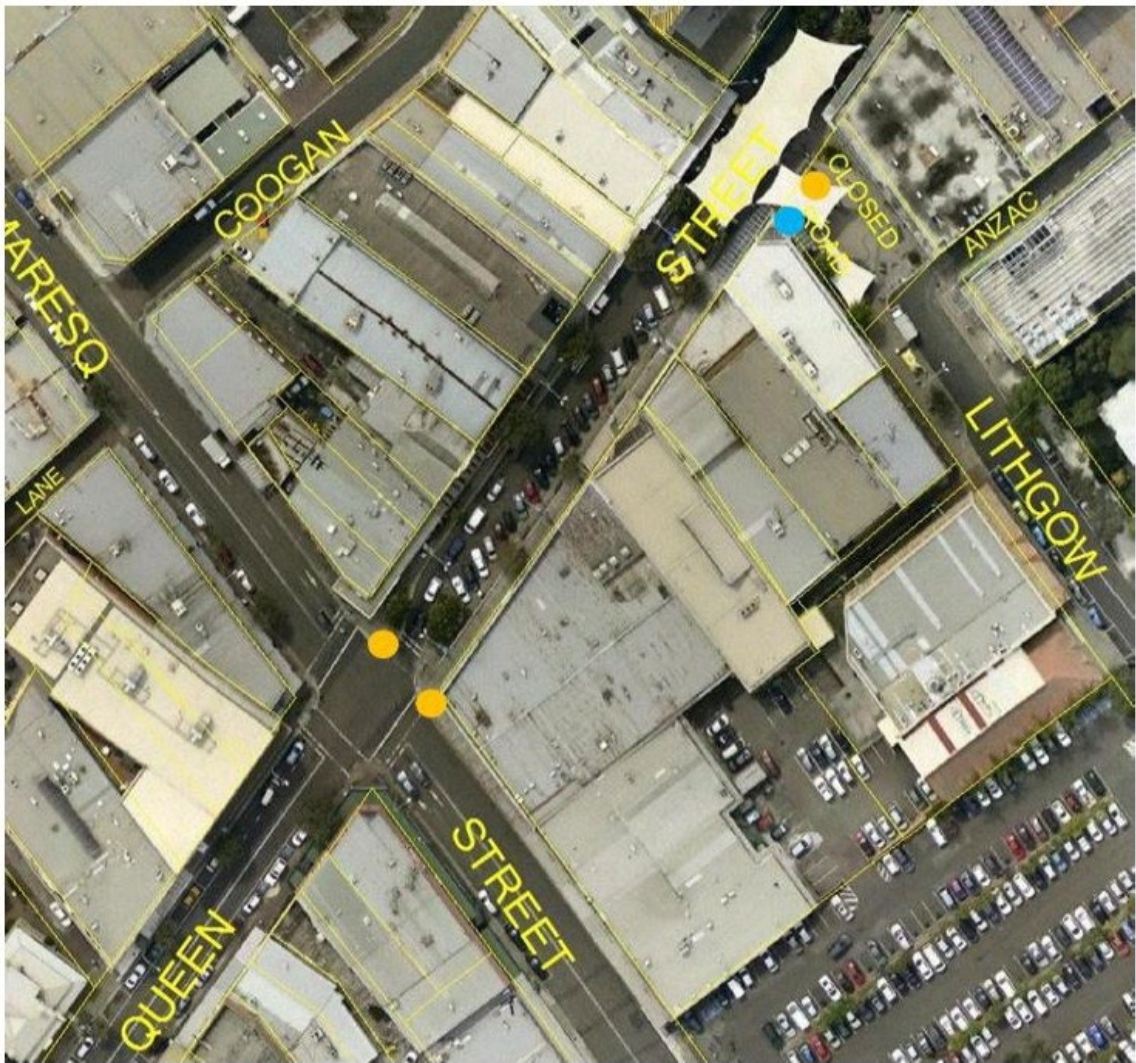
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9.1.1.4 Queen and Dumaresq Street Intersection Locations for Street Trading (Detail):

 Charity Collection       Street Stall



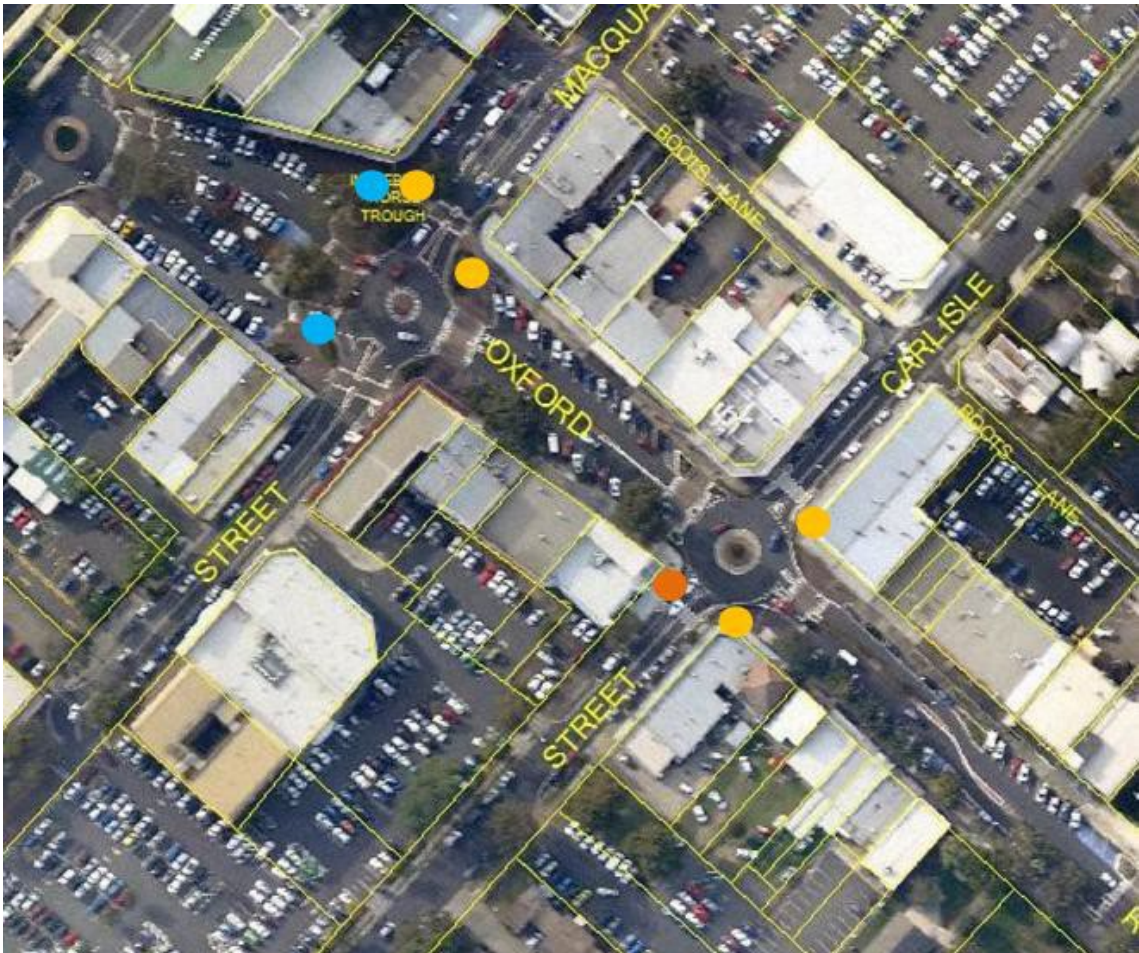
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9.1.2 Ingleburn Business Centre Locations for Street Trading:

- Charity Collection
- Street Stall  
Art
- Street



END OF POLICY  
STATEMENT

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## 8.8 Campbelltown Outdoor Dining Policy and Guidelines

### Reporting Officer

Manager City Marketing and Economy  
City Futures

### Community Strategic Plan

Objective	Strategy
4 Economic Prosperity	4.2.3 Provide support for local businesses 4.3.1 Activate a unique and lively city as a destination for business, social, event and leisure activities

### Delivery Program

Principal Activity
4.3.1.1 Revitalise and Reimagine town centres for our community, visitors and businesses (Including Leumeah, Campbelltown-Macarthur CBD and Ingleburn)

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### Officer's Recommendation

That Council endorse the Campbelltown Outdoor Dining Policy and Guidelines.

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### Purpose

To seek Council's endorsement for the Campbelltown Outdoor Dining Policy and Guidelines document.

### History

Council at its Ordinary Meeting held 9 December 2014 adopted the Street Trading Policy (Policy).

The Policy was last reviewed and adopted by the Council at its Ordinary Meeting of 12 September 2017. It is due to be presented to Council at the 11 July 2023 meeting following the latest review.

### Report

The revitalisation and activation of the City is a priority for Council. Outdoor dining has been identified as a way to stimulate business growth while at the same time enhancing our streets and creating a lively, vibrant destination for our community and visitors.

It is important that businesses participate in the City's transformation journey. Encouraging businesses to apply for an outdoor dining permit has been a key focus area for Council staff during the past few years.

The existing Campbelltown Street Trading Policy currently incorporates outdoor dining. However, feedback from businesses indicated that understanding the outdoor dining requirements outlined in this policy has been a barrier in applying for a permit.

To make it easier for businesses to understand the requirements to apply for an outdoor dining permit, the outdoor dining component has been separated into a stand-alone policy. An accompanying guidelines document was also developed to make it easy for businesses to understand the expectations for outdoor dining in Campbelltown.

The new draft guidelines document makes the information easier to understand. It provides details on the criteria that each outdoor dining application will be assessed against, including location, design and functionality, neighbourhood amenity and legal and compliance and is presented with sample diagrams and checklists.

### **Consultation with local businesses**

Throughout May 2023, Council staff consulted with local food-based businesses on the draft Outdoor Dining Policy and Guidelines document.

The purpose of this consultation was to obtain feedback on the draft policy and guidelines and to ensure that businesses found the documents easy to understand, implement and comply with.

Consultation was carried out by physically visiting with café and restaurant businesses in the Queen Street Precinct and Ingleburn City Centre, individually. Additional engagement was undertaken with businesses via email, phone and Council's business e-newsletter which is distributed to a database of local businesses.

Feedback on the draft policy and guidelines was positive, with businesses indicating that the documents made sense, were easy to understand and straight forward.

Constructive feedback was received regarding the current online outdoor dining application process, via the NSW Planning Portal. Comments received indicated that the portal was not user friendly, and was too complicated to navigate and understand. A number of businesses said that the portal was the main barrier preventing them applying for an outdoor dining permit. However, this has been rectified – to address the feedback regarding the NSW Planning Portal, a new, simplified online application form has been developed and uploaded on the Council website. The new application process has been communicated back to businesses, with very positive feedback received.

### **Next steps**

Further business engagement is underway to actively encourage those not currently participating in outdoor dining to apply for a permit.

## **Attachments**

8.8.1 Campbelltown Outdoor Dining Policy (contained within this report) [↓](#)

8.8.2 Campbelltown Outdoor Dining Guidelines Document (contained within this report) [↓](#)



 <b>CAMPBELLTOWN CITY COUNCIL</b>		<b>POLICY</b>
Policy Title	Outdoor Dining Policy	
Related Documentation	Outdoor Dining Guidelines Reimagining Campbelltown City Centre Masterplan	
Relevant Legislation	Local Government Act 1993 Roads Act 1993 Food Act 2003 Liquor Act 2007 Smoke Free Environment Act 2000 Environmental Planning and Assessment Act 1979	
Responsible Officer	Manager City Standards and Compliance	

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

### Objectives

The objectives of the policy are:

- To facilitate the appropriate use of outdoor dining on public footpaths or within public spaces.
- To maintain a reasonable, inclusive and safe thoroughfare around outdoor dining areas for all users.
- To ensure the design of the outdoor dining space, furniture and fixtures contribute to the improvement of street vitality, social activity and economic viability of the public domain.
- To ensure that outdoor dining areas are maintained in a clean, healthy and tidy manner.
- To provide clear guidelines and expectations for applicants and the community in relation to outdoor dining for the continued enjoyment of the area.
- To ensure compliance with relevant legislation, Council's policies and guidelines and insurance requirements.

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**Campbelltown City Council**

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**Policy Statement**

Campbelltown City Council recognises that outdoor dining can contribute towards the vibrancy and activity of our city centres and seeks to support the use of public footpaths and public spaces for outdoor dining purposes, where safe and appropriate, as a way to stimulate business growth and create a lively street life.

The purpose of the policy is to establish clear guidelines under which Council can issue approvals for outdoor dining on public footpaths or within the public domain.

The policy applies to all land used as a public footpath within the Campbelltown Local Government Area (LGA) that is managed by Council directly or are under its care and control.

**Scope**

The policy applies to all outdoor dining applications in public domain areas controlled by Council under the *Roads Act 1993* (roads and footpaths) within the Campbelltown LGA.

**Definitions**

**Application** – means a request made under Section 125 of the *Roads Act 1993*.

**Authorised officer** – means a Council officer with the delegated function to approve outdoor dining applications.

**Outdoor dining area** – means a space on public footpaths, in association to an approved food businesses, used for the purpose of placing tables and chairs to allow public eating, drinking and socialising.

**Public footpath** – means a path or walkway that is available for pedestrian traffic, used for movement.

**Clear path of travel** – the area of a public footpath maintained for safe and accessible pedestrian movement which is free from obstructions.

**Anti-social behaviour** – activity that is offensive, disruptive or contrary to community expectations. Examples of this might include boisterous activity, intimidation by others, loud music, and any form of obscenity that may cause offence or fear.

**Food business** – defined in the *Roads Act 1993* as “premises in which food is regularly supplied on sale to the public for consumption on the premises”. It includes cafes, restaurants, pubs, small bars, bakeries, and takeaway food and drink premises where food is also regularly served for consumption at indoor seating on the premises.

**Legislative Context**

NSW legislation sets out the following approvals required for a premise to have outdoor dining:

- 1) outdoor dining on the public footpath requires an approval under the *Roads Act 1993*
- 2) outdoor dining on community land, such as a park or reserve, requires approval under the *Local Government Act 1993*

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**Campbelltown City Council**

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- 3) outdoor dining that is on Crown land requires an approval under the *Crown Land Management Act 2016*, and
- 4) outdoor dining on land that is not exempt development under the *State Environmental Planning Policy 2008* requires development consent under the *Environmental Planning and Assessment Act 1979*.

Under Section 50 of the *Transport Administration Act 1988*, Transport for NSW delegated the function of determining whether to concur with an approval to use part of a footway for the purpose of a restaurant under Section 125 of the *Roads Act 1993* to the council (within the meaning of the *Local Government Act 1993*) of the local government area within which the food business is located.

Section 125 of the *Roads Act 1993* states that:

- 1) A council may grant an approval that allows a person who conducts a food business adjacent to a footpath of a public road to use part of the footpath for the purposes of the food business.
- 2) An approval may be granted on such conditions (including conditions as to payments in the nature of rent) as the council determines.
- 3) An approval may not be granted in respect of a footpath of a classified road except with the concurrence of Transport for NSW.
- 4) The term of an approval is to be a period (not exceeding 7 years) as is specified in the approval.
- 5) An approval lapses at the end of its term or, if the part of the footpath the subject of the approval ceases to be used for the purposes of a food business, when that use ceases.

The policy is to be adopted as an approved local policy under section 161 of the *Local Government Act 1993*. In doing so, it will allow outdoor dining to be carried out on a public footpath adjoining an existing business.

**Principles**Approval Requirements

Outdoor dining applications will be assessed against 4 permit requirements detailed in the supporting *Guidelines for Outdoor Dining* document. Applications must demonstrate and meet all requirements before approval will be granted.

The 4 permit requirements consist of:

- 1) **Location** – to facilitate the appropriate use of outdoor dining on public footpaths or within public spaces, while maintaining a reasonable, inclusive and safe thoroughfare around outdoor dining areas for all users
- 2) **Design and functionality** – to ensure the design of the outdoor dining space, furniture and fixtures contribute to the improvement of street vitality, social activity and economic viability of the public domain

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- 3) **Neighbourhood amenity** – to ensure that outdoor dining areas are maintained in a clean, healthy and tidy manner and expectations are clearly outlined to ensure the community can continue to enjoy the amenity of the area
- 4) **Legal and compliance** – to ensure compliance with relevant legislation, Council's policies and guidelines and insurance requirements.

Council has absolute discretion to approve or refuse outdoor dining permits on land owned or controlled by Council.

**Duration**

- The licence agreement will be issued for 12 months and will require a renewal application for any further 12 month period.
- The permit must be placed in a prominent position on the front window of the premises so it is visible for Council officers to identify.
- Expiration of approval will require a new application, not a renewal application.
- If the business is sold, the outdoor dining approval is not transferred to the new owner.

**Guidelines**

*Guidelines for Outdoor Dining* have been prepared to support and implement the policy objectives. The guidelines will be reviewed every 2 years, and variations will be at the Council's discretion.

**Responsibility**

Council's City Standards and Compliance section is responsible for the provision and management of outdoor dining permits, and for ensuring the ongoing compliance by approved food businesses.

**Effectiveness of this Policy**

This policy will be reviewed every 2 years to ensure that it continues to support the appropriate use of public domain for outdoor dining as a way to stimulate business growth and create vibrant local communities, while ensuring a safe and accessible pedestrian thoroughfare for all users.

**END OF POLICY STATEMENT**

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# CAMPBELLTOWN CITY COUNCIL OUTDOOR DINING GUIDELINES











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# INTRODUCTION

**We know that outdoor dining can contribute towards the vibrancy and activity of our city centres and want to support the use of public spaces for outdoor dining, where safe and appropriate, as a way to stimulate business growth and create a lively street life.**

However, we need to consider and manage the multiple uses of public footpaths and public domain to ensure they remain safe and accessible for everyone to use.

Our Outdoor Dining Policy and Guidelines try to achieve this balance, by creating clear guidelines we can use to issue approvals for outdoor dining.

## Who can have outdoor dining?

All outdoor dining on public land requires our approval through the completion of an Outdoor Dining Application.

To apply for an outdoor dining permit, you must operate an approved food or drink premises as defined in the *Roads Act 1993* as “premises in which food is regularly supplied on sale to the public for consumption”. This includes cafes, restaurants, pubs, small bars, bakeries, and takeaway food and drink premises.

In conjunction to operating an approved food or drink premises, outdoor dining is only permitted in areas where the road speed limit is 50km/h or less. Businesses must also meet all of the permit requirements outlined in the Campbelltown Outdoor Dining Policy and Guidelines.

## Where these guidelines apply

These guidelines apply to all land used as a public footpath, or public spaces, within the Campbelltown Local Government Area (LGA) that we manage or are under our care and control.

## How to use these guidelines

This document establishes clear guidelines for us to issue approvals for outdoor dining.

These guidelines:

- are to be read along with our Outdoor Dining Policy
- provide information for the public and for applicants seeking to use the road, including the footpath, for outdoor dining on public footpaths under the *Roads Act 1993*, or the *Local Government Act 1993* for other public spaces
- provide guidance for our staff in determining applications for use of public footpaths and other public spaces for outdoor dining.



# SECTION 1

## OUTDOOR DINING APPROVALS

**Outdoor dining on public footpaths and spaces must be managed appropriately to ensure they remain safe and accessible for everyone to use.**

### Application requirements

Businesses interested in outdoor dining can now follow a streamlined online application process to apply for a permit via the NSW Planning Portal.

Further information, including a link to the NSW Planning Portal, is available from our website [www.campbelltown.nsw.gov.au/outdoordining](http://www.campbelltown.nsw.gov.au/outdoordining).

### Before you apply

You must have the following documents ready before you begin your online application:

- A valid Public Liability Insurance Policy for the business with a minimum \$20 million cover that extends to the proposed outdoor dining site and has Campbelltown City Council listed as an interested party
- A current Food Business Licence Number which has been issued by Council
- Photos/images/manufacturers brochure of the outdoor dining furniture you're proposing to use including tables, chairs, umbrellas, heaters, barriers, planter boxes, lighting and the like
- Photos of the space outside your shopfront where the outdoor dining will be placed
- Drawn site plan of your proposed outdoor dining layout, with clearly marked dimensions showing (refer to section 2 for requirements):
  - the width of the public footpath and proposed outdoor dining area
  - the location of the outdoor seating area on the public footpath which also identifies the location of the applying business and neighbouring premises
  - the layout of the outdoor dining area, including the width and length
  - the placement of outdoor dining furniture, as well as any umbrellas, heaters, barriers, planter boxes, lighting and the like
  - clearances around the outdoor dining area from trees, the kerb, street furniture, street signs, and the like
  - the location and clearances from all existing street fixtures including benches, trees, poles, bins and the like
  - the location from any nearby transport stops eg bus stops, taxi ranks, pedestrian crossings, street intersections, if any
  - the location of all doorways and service openings.





### Permit approval

We will issue an approved outdoor dining permit to applicants who demonstrate that they meet all of the criteria outlined in the policy and guidelines.

We will also assess applications for alternative arrangements on a case by case basis, where applicants can demonstrate that the alternative arrangement will better achieve the objectives of the policy.

### Fees

To encourage our businesses to apply for an outdoor dining permit, we are piloting a 12 month 'fee free' period. This means that businesses will not be charged for their outdoor dining permit.

Following this 12 month pilot, we may introduce a permit fee. Any changes to the fee structure will be communicated directly with existing permit holders, prior to their permit renewal, and also outlined in the Annual Fees and Charges schedule available on our website.

### Period of permit

An outdoor dining permit is valid for 12 months and must be renewed annually. If the renewal is not completed before the due date, the outdoor dining permit is no longer valid and a new permit application will need to be lodged.

If a business fails to comply with the notice to renew their outdoor dining permit within the given time, while continuing to offer outdoor dining, a penalty notice may be served. Continued non-compliance may result in further action being taken.

### Display of permit

Business owners must display the outdoor dining permit sticker in a prominent position on the front window of the premises.

### Inspections

We reserve the right to carry out compliance inspections as required to ensure outdoor dining activities are being implemented as outlined in the application.

### Variation of permit conditions

Any variation to the outdoor dining permit, including a change in business ownership, will require a new application to be completed.

### Terminating, suspending or amending an outdoor dining permit by Council

Applicants should be aware that we can revoke, suspend or amend a permit for outdoor dining if:

- the conditions of the approval are breached
- the use of the outdoor dining area is causing public safety or public access to be compromised
- the area is needed for public works
- the area is needed for a special event
- the area is needed to manage an increase in pedestrians
- repeated complaints have been received that cannot be resolved.

### Terminating an outdoor dining permit by the applicant

The applicant may terminate their outdoor dining permit at any time by providing a minimum of one month's written notice.

### Bad weather

Businesses are not permitted to move the outdoor dining furniture out of an approved outdoor dining area into another area, even during bad weather. This is to ensure that pedestrian access and safety is maintained on the public footpath at all times.





# SECTION 2

## PERMIT REQUIREMENTS

**Outdoor dining applications will be assessed against 4 permit requirements outlined in these guidelines. Applications must demonstrate and meet all 4 permit requirements before approval will be granted.**

### The 4 permit requirements

#### 1. LOCATION

Facilitate the appropriate use of outdoor dining on public footpaths or within public spaces, while maintaining a reasonable, inclusive and safe thoroughfare around outdoor dining areas for all users

- Applying business
- Site requirements
- Clear path of travel
- Location
- Expansion to adjoining premises
- Location site plan

#### 2. DESIGN AND FUNCTIONALITY

Ensure the design of the outdoor dining space, furniture and fixtures contribute to the improvement of street vitality, social activity and economic viability of the public domain

- Furniture
- Mobility device access
- Furniture colour scheme
- Barriers and balustrades
- Planter boxes
- Umbrellas
- Blinds
- Waiter stations
- Outdoor heaters
- Signage and branding

#### 3. NEIGHBOURHOOD AMENITY

Ensure that outdoor dining areas are maintained in a clean, healthy and tidy manner and expectations are clearly outlined to ensure the community can continue to enjoy the amenity of the area

- Hours of operation
- Music and noise
- Lighting
- Cleaning
- Waste
- Maintenance
- Feeding of birds

#### 4. LEGAL AND COMPLIANCE

Ensure compliance with relevant legislation, Council's Policy and Guidelines and insurance requirements

- Insurance requirements
- Operating without a permit
- Smoke-free environments
- Liquor licencing
- Alcohol free zones
- Food preparation
- Ban on single use plastics
- Enforcement
- Non compliance
- Damage to Council land



# LOCATION REQUIREMENTS

## OBJECTIVE:

**Facilitate the appropriate use of outdoor dining on public footpaths or within public spaces, while maintaining a reasonable, inclusive and safe thoroughfare around outdoor dining areas for all users.**

The primary function of a public footpath is to provide safe access to pedestrians, including those with mobility aids, people with visual impairment, parents with prams, and other users.

The proposed outdoor dining space must complement the surrounding streetscape, provide a safe, comfortable and attractive environment for patrons and the general public, and not unreasonably interfere with other commercial amenity or functions.

In some places, the public footpath may be too narrow, too steep/sloped, or too busy to support a business use and also provide the clear path of travel required by these guidelines. In these circumstances, the location is not suitable for outdoor dining.

## Applying business

An outdoor dining area may only be permitted where:

- The applicant is the owner of the business
- It is located immediately outside an approved food business.

## Site requirement

An outdoor dining area may only be permitted where:

- The speed zone is 50km/h or less
- There is unobstructed access to the entrance of the premises and emergency exits
- The ground surface of the outdoor dining area is suitably constructed, sealed and sufficiently level (flat) to accommodate outdoor dining furniture.

## Clear path of travel

An outdoor dining area may only be permitted where the public space is wide enough to accommodate the outdoor dining area, while still maintaining a clear pathway for all pedestrians.

This means that:

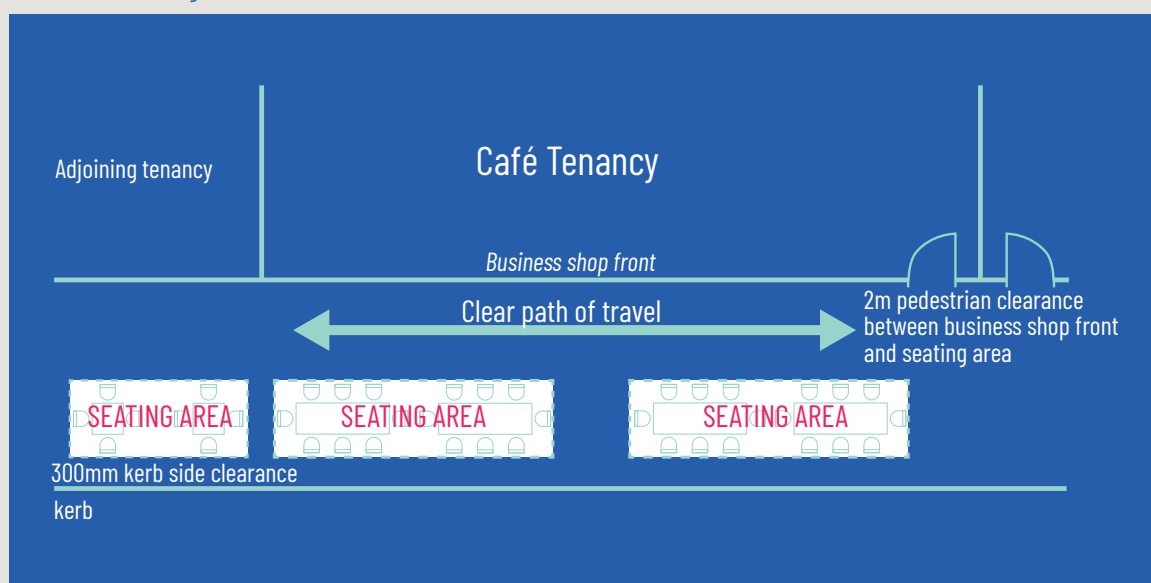
- There must be at least 2m of unobstructed public footpath available for pedestrians at all times (refer to figures 1 and 2).

The preferred option for outdoor dining is next to the kerb (figure 1). However, outdoor dining along the shopfront (figure 2) will be considered on a case by case basis where applicants can demonstrate that the alternative arrangement will better achieve the objectives of the policy.

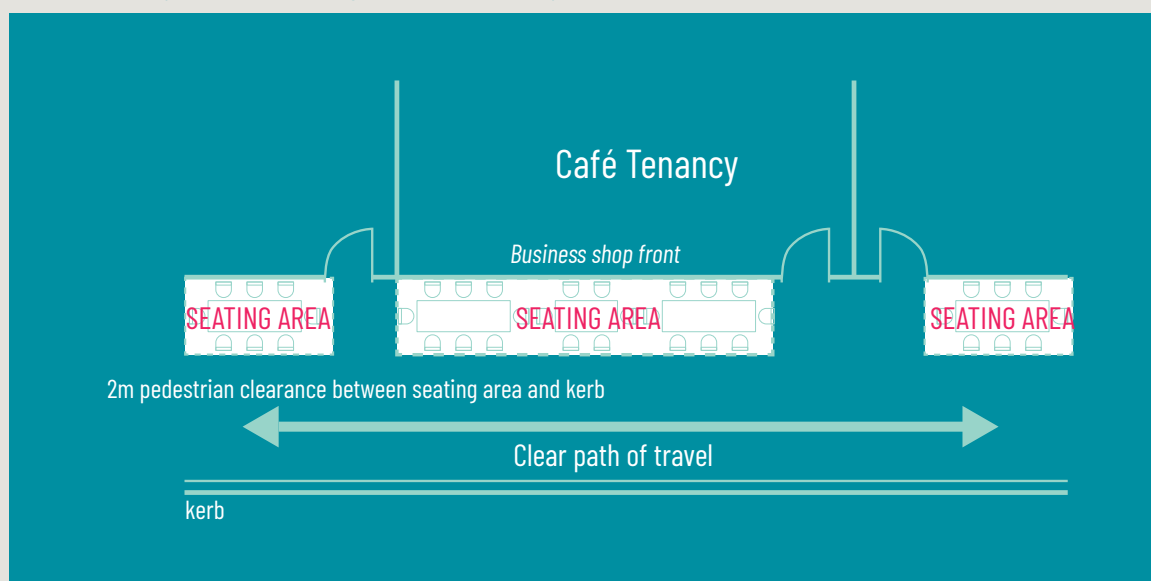
However:

- Where an outdoor dining area is located next to the kerb, there must be a minimum clearance of 300mm from the kerb to any structure associated with the dining area
- Where an outdoor dining area is located next to the kerb, next to parallel parking, there must be a clearance of up to 800mm from the kerb to any structure associated with the dining area
- Where an outdoor dining area is located next to the kerb, balustrading for the length of the street frontage and sides (where applicable) must be provided by the applicant
- The clear path of travel must be in a consistent location for each street block (refer to figure 3).

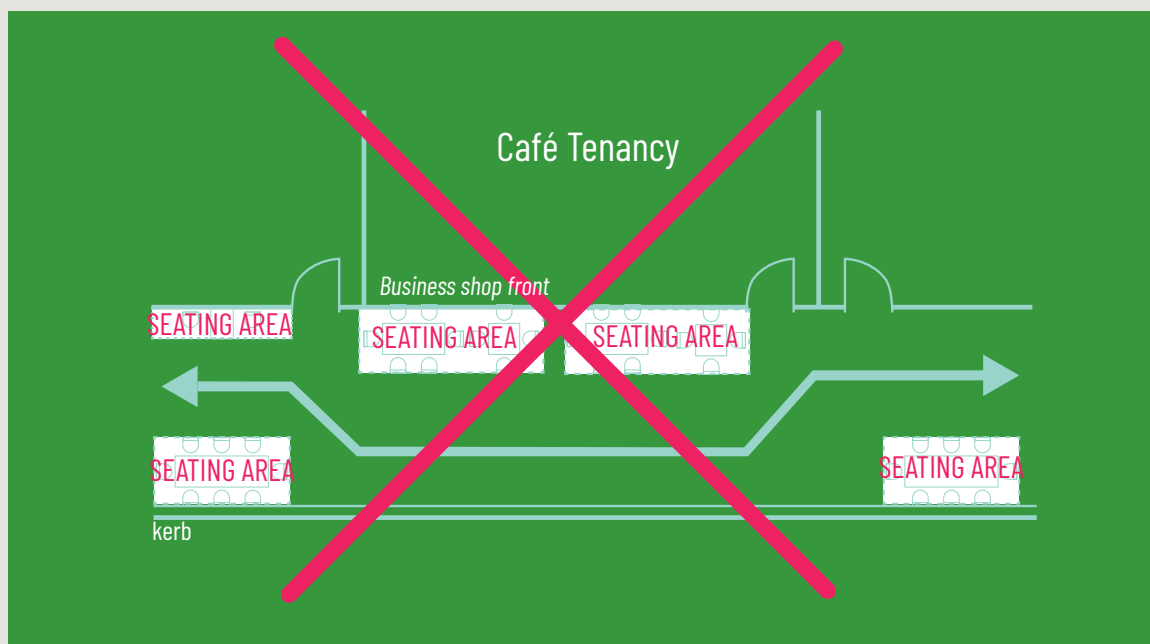
**FIGURE 1:** this is a clear path of travel in a consistent location on the block. This figure also shows the minimum clearances required when dining is at the kerbside. This is the preferred option for establishing an outdoor dining area.



**FIGURE 2:** this clear path of travel is in a consistent location on the block. This figure shows the minimum clearances required when dining is next to the shop front.



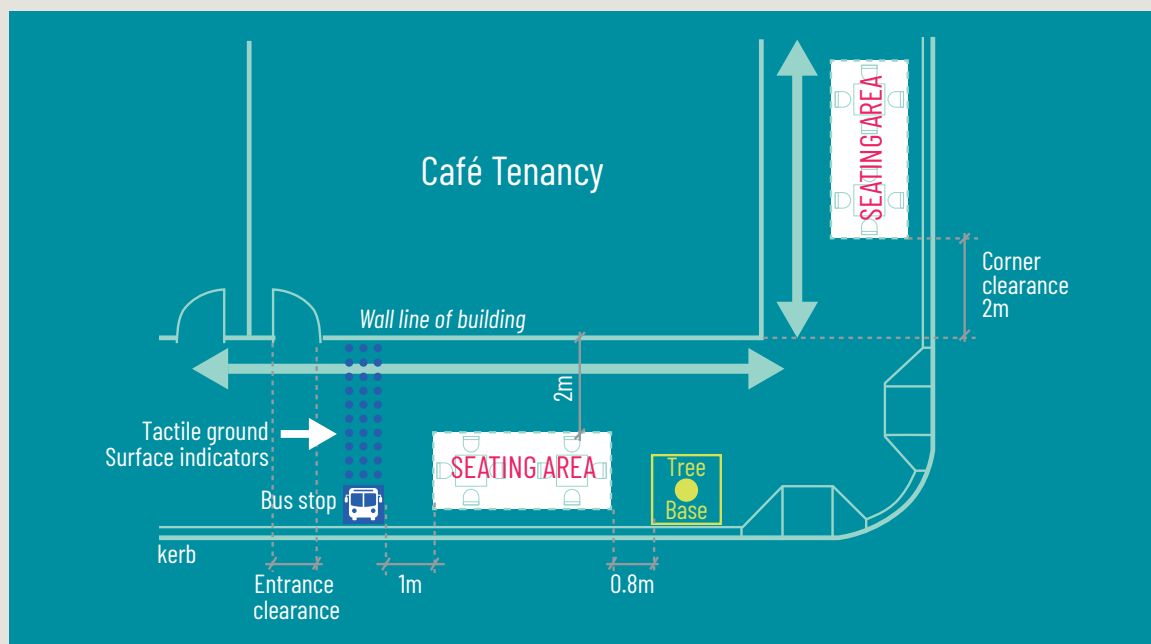
**FIGURE 3:** outdoor dining areas are not in a consistent location and there is not a consistent path of travel.



### Location

Additionally, an outdoor dining area may only be permitted where:

- There is at least 1m of unobstructed access to public transport stops (bus stops, taxi stand)
- There is at least 1m of unobstructed access to public infrastructure and amenities including public seating, rubbish bins, utility poles, utility pits, bicycle racks, pay phones, fire hydrants, etc
- There is at least 1m from any landscaped area
- There is at least 0.8m from any street tree
- There is at least 2m of unobstructed footpath from the corner alignment of the building at corner intersections (refer to figure 4).

**FIGURE 4:** clearances shown around the outdoor dining area.

### Expansion to adjoining premises

Expansion onto the public footpath in front of adjoining premises may be considered if written consent is received from the owner and tenant of those businesses. If the owner or tenant of the adjoining premises change, a new letter of consent is required.

The applicant's public liability insurance will also need to cover the expansion of the outdoor dining area to the adjoining space.

### Location site plan

Applicants must provide a site location plan, to scale, as part of the application (refer to figure 5).

The plan must include:

- the address of the premises
- the boundary line of the premises and the adjoining premises
- the location of doorways and service openings

- the proposed layout of furniture and furnishing, including chairs, tables, planters, balustrades, heaters, lights, waiter stations, and any other fixtures
- the location of the proposed outdoor dining area, including the width and length of the area and the total square metres
- clearances around the outdoor dining area, the clearance from the kerb and the pedestrian clearance
- the total width of the public footpath
- any existing street infrastructure, labelled, including trees, bins, public seating and any other fixed structures
- location of public transport stops (eg taxi or bus stops), loading zones, pedestrian crossings and street intersections
- demonstrated adherence to the minimum clearances outlined in these guidelines.



FIGURE 5: sample outdoor dining location site plan

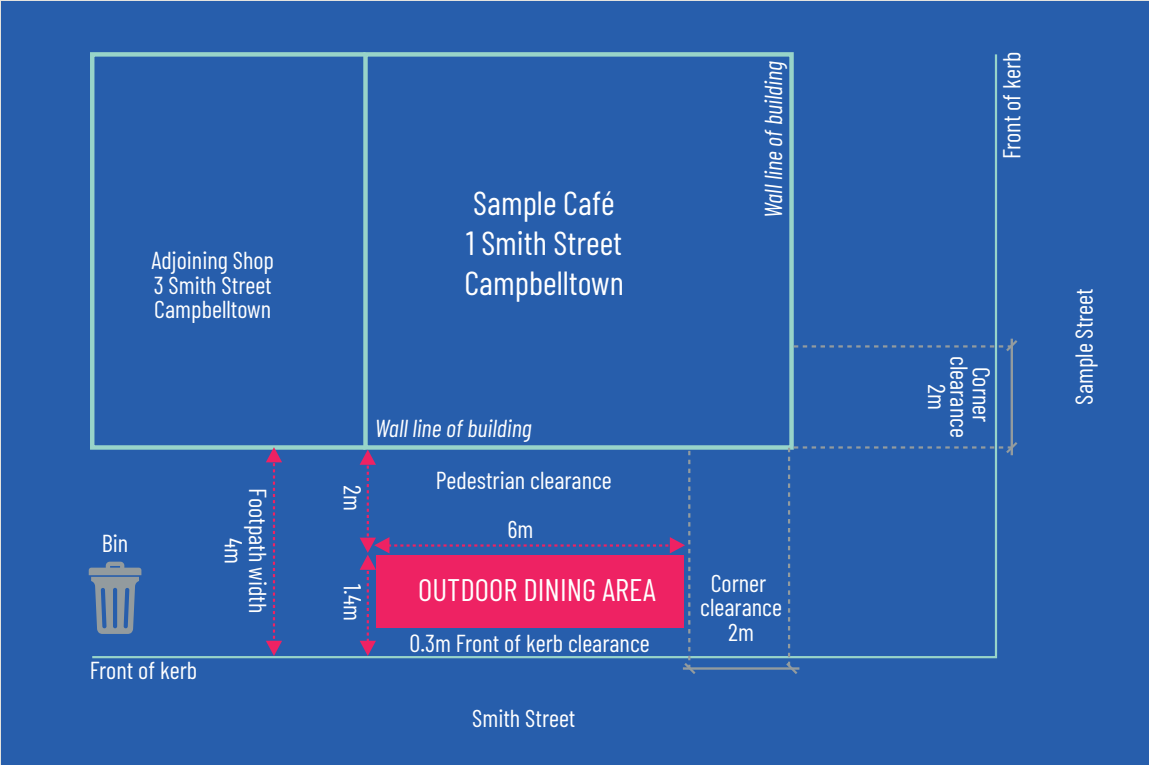


TABLE 1: MEASUREMENT SUMMARY

This table outlines minimum clearances from outdoor dining fixtures/structures to the below objects:

Object	Minimum clearance measurement
Unobstructed public footpath for pedestrian travel	2m
Corner clearance at corner intersection	2m
Front of kerb (when not next to parallel parking)	0.3m (300 mm)
Front of kerb (when next to parallel parking)	Up to 0.8m (800mm)
Public transport stops (bus stops, taxi stand)	1m
Public infrastructure and amenities including public seating, rubbish bins, utility poles, utility pits, bicycle racks, pay phones, fire hydrants etc	1m
Landscaped area	1m
Tree base	0.8m (800 mm)







# DESIGN AND FUNCTIONALITY

## OBJECTIVE:

**Ensure the design of the outdoor dining space, furniture and fixtures contribute to the improvement of street vitality, social activity and economic viability of the public domain.**

The design, structure and furniture used in an outdoor dining area must make a positive contribution to the streetscape.

Any furniture and other items that form part of the outdoor dining setup must be described in the application, and comply with the provisions outlined below.

### Furniture checklist

All furniture and other items:

- are to be located within the designated outdoor dining area
- must not be permanent fixtures – no furniture or fixtures are to be permanently attached to the footpath
- must not damage the public footpath
- must be removed and stored safely inside the business premises outside of approved business hours
- must be safe for uses and not have any sharp edges, hinges or other moving parts that could cause a hazard to users
- must be water resistant, of sturdy construction, and designed for commercial outdoor use

- must allow access for all users, including those who use wheelchairs or mobility aids
- must be constructed of high quality, non-reflective stainless/powder coated steel or timber (natural or painted) and canvas
- must be easy to clean and maintain
- must be approved by Council – no additional furniture or other items are permitted without approval.

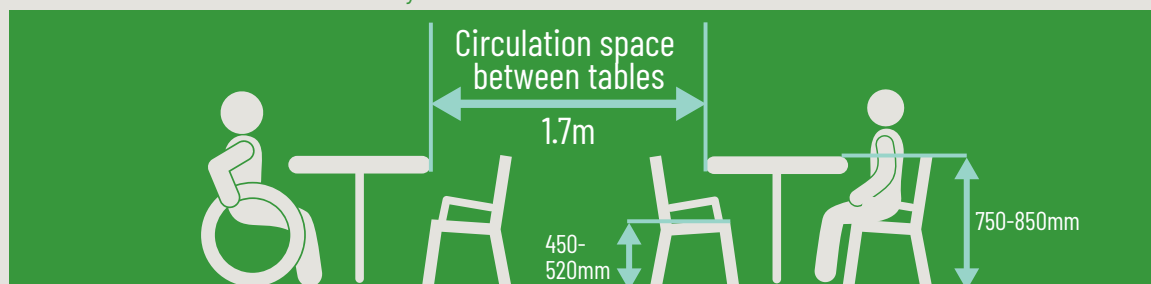
Tableware, utensils and decorative items must be windproof and stored within the premises when not in use.

### Mobility device access

When selecting furniture and designing the outdoor dining zone (refer to figure 6):

- select tables that have a surface height of between 750mm and 850mm
- select chairs that have a seat height of between 450mm and 520mm
- position furniture to allow a wheelchair user to access the table without overflowing into the pedestrian area of the public footpath
- position furniture so that there is a circulation space of 1700mm between tables.

**FIGURE 6:** Considerations for mobility device access



### Furniture colour scheme

When selecting all furniture and other items:

- consider that the design and colour selection should make a positive contribution to the street environment and complement the surrounding landscapes
- a single style and colour scheme must be selected to provide consistency and identity.

### Table and chair furniture

Your tables and chairs can make all the difference between an average dining area, and a fantastic one. Not only do they need to be comfortable and practical, but they should also blend in with your venue's surroundings.

Tables and chairs are to be:

- uniform in style and design
- made of metal or quality timber frame construction – not plastic
- stackable for ease of storage.

### Barriers and balustrades

Where an outdoor dining area is located next to the kerb, barriers or balustrading for the length of the street frontage and sides (where applicable) must be provided.

Barriers or balustrade sections must:

- be placed horizontally along the kerbside and at each end of the approved dining area
- be temporary and portable
- be strong, durable, weather resistant and designed for commercial outdoor use
- have a minimum height of 0.6m and a maximum height of 1m
- have a maximum length of 2m
- have a maximum gap of 150mm from the footpath to the underside of the barrier

- have no sharp edges or protruding feet that may cause a trip hazard
- be uniform in appearance – if there is more than one barrier or balustrade proposed, they must be the same
- be constructed of lightweight powder coated steel/aluminium frame with stabilising feet and a suitable metal/fabric/PVC material panel
- contain only the name of the business or one product brand only
- not be a rope or chain.

### Planter boxes

Planter boxes for use in the outdoor dining area must:

- be placed horizontally, adjacent to the front of the business premises
- allow for a minimum of 2m wide unobstructed public footpath at all times
- not exceed 1m in height (including the height of the plants)
- not exceed 500mm in width
- be easily relocatable/portable
- be stored securely within the business premises outside of approved business hours
- allow for a minimum of 500mm clearance from any entry way, and not extend beyond the boundary line of your business premises
- be of safe design (ie no hinges, sharp edges or protrusions, lockable wheels)
- be durable enough to survive the outdoors, be stable, waterproof, leak-proof and UV resistant
- be uniform in appearance where there is one or more planter proposed
- be maintained, kept tidy, free of rubbish and weeds.

## Plant selection

Plant selection for planter boxes should help contribute to an attractive and welcoming dining experience. Some things to consider when selecting plants for your planter boxes, feature pots, or screening plants:

- different types of plantings to create variety and interest
- drought tolerant and hardy plant species to reduce maintenance
- slow growing plants, or plants that don't require regular pruning, to minimise the need for maintenance
- select plants suitable for their purpose, whether they are screening plants to create a barrier between car/pedestrian traffic and the outdoor dining area, or ornamental plants in a large feature pot or smaller plants for table displays or raised planters.

## Umbrellas

The use of free standing umbrellas in the outdoor dining area is generally discouraged. However, if including umbrellas as part of your outdoor dining application, they:

- must not be used where an outdoor dining area has shelter from a building awning, balcony or verandah
- must have a minimum height clearance of 2.2m from the ground for safe pedestrian movement
- must have a base that is safe, simple and compact to secure the umbrella and avoid trip hazards for pedestrians
- must be located within the approved outdoor dining area and not overhang the boundary or encroach on adjacent pedestrian or traffic passageways

- must be closed and removed during windy weather to ensure public safety
- must be removed and stored safely inside the business premises outside of approved business hours
- must be uniform in appearance if there is more than one umbrella – preferably a single solid colour
- must be kept clean and maintained in an acceptable condition.

## Blinds

The use of drop down/roll-up blinds in the outdoor dining area is generally discouraged. However, if including blinds as part of your outdoor dining application, they:

- must be made of clear, transparent and colourless panels
- must not fully enclose the area – they are to be used on no more than 3 sides of the outdoor dining area
- must not cause any obstruction to the minimum footpath pedestrian clearance
- must not encroach on the roadway or be able to be blown onto the kerb or pedestrian area
- must be securely fitted and installed to ensure they withstand bad weather (rain and cold)
- must be removed or rolled up during windy weather or outside of the business premises approved business hours
- must not have advertising or logos
- must be maintained in a clean and clear condition, and replaced if they become damaged
- require development consent approval prior to being included in the outdoor dining application.



### Waiter stations

Waiter stations are permitted only where it can be demonstrated that they are essential to the safe operation of outdoor dining areas, such as in areas of very high pedestrian traffic.

Waiter stations should:

- be easily relocatable/portable
- be stored securely within the business premises outside of approved business hours
- be of safe design, unobtrusive and of minimalist appearance, free of any signage, advertising, logo or branding
- be located within the approved outdoor dining area and not encroach on adjacent pedestrian or traffic passageways.

### Outdoor heaters

Outdoor heaters will only be approved where the safety of people and property is not compromised. Outdoor heaters must:

- be gas style patio heaters (solid wood or charcoal heaters are not permitted)
- only be used in areas that have good ventilation
- turn off automatically if overturned
- be turned off when the outdoor dining area is not in use
- be stored safely within the business premises when not in use

- be placed clear of all combustible materials and not placed under fabric umbrellas or canopies unless there is a clear distance above and to the sides of the heater, as specified by the manufacturer
- not use gas mains or electrical extension cords
- be certified by the Australia Gas Association
- comply and be installed in accordance with Australian Standards, A4565-2004 – radiant gas heaters for outdoor use.

### Signage and branding

The name, logo or branding of the food business may be placed on an outdoor umbrella or barrier/balustrade only if it:

- identifies the café or advertises a product that is a core part of the business and is supplied by the business to its customers
- involves only one business or product name being advertised
- is a minor element of the design, comprising no more than one third of the surface area and does not have an adverse impact on the outdoor dining area or streetscape.

No other advertising signage, including banners, A-frame signs or menu boards are permitted.







# NEIGHBOURHOOD AMENITY

## OBJECTIVE:

**Ensure that outdoor dining areas are maintained in a clean, healthy and tidy manner and expectations are clearly outlined to ensure the community can continue to enjoy the amenity of the area.**

### Hours of operation

The hours of operation for an outdoor dining area cannot exceed the hours permitted under the Development Consent for the operation of the associated business.

Where a business has consent to operate late into the evening, outdoor dining activities can operate no later than 10pm.

### Music and noise

Amplified music and amplified advertisements (spruiking) is not permitted in outdoor dining areas.

Live performances in outdoor dining areas may be permitted as a temporary occasion, eg special event. A separate application to hold an outdoor event would need to be lodged with Council for one-off live music events.

The applicant must take all necessary action to resolve any noise related complaints that arise from the operation of outdoor dining. Any direction by Police or Council officers to reduce or mitigate noise disturbances must be implemented immediately.

Ongoing noise complaints will result in a termination of the outdoor dining approval.

### Lighting

For outdoor dining areas that are approved to operate outside of daylight hours, adequate lighting must be provided. This lighting must:

- provide safety and amenity to the general public
- be located within the outdoor dining area
- not produce a glare that impacts surrounding businesses or road users
- be safely and discreetly powered / cabled to ensure there are no trip hazards.

### Cleaning

The outdoor dining area and its surrounds, must be kept clean and well managed by:

- clearing tables of dirty plates, cups and utensils promptly when customers have finished dining
- immediately removing any breakages or spills that might be hazardous to patrons, staff, the general public, or might stain or damage the footpath
- regularly cleaning all furniture and fixtures to ensure there is no accumulation of food waste, dirt or grease.



### Waste

The outdoor dining area and its surrounds must be kept free from waste. Applicants must:

- ensure that the area, as well as surrounding garden beds, gutters and footpaths are free of rubbish. All rubbish must be promptly disposed of properly – not in public rubbish bins
- leave the area clean and tidy at the end of the trading day, and remove all equipment and furniture from the public footpath.

### Maintenance

The surrounds, furniture and all items associated with the outdoor dining area must:

- be kept clean and maintained in good repair suitable to their purpose
- be positioned and used as required when the outdoor dining area is in use
- not be permanent fixtures – no furniture or fixtures are to be permanently attached to the public footpath
- be removed and stored safely inside the business premises outside of approved business hours.

### Feeding of birds

The applicant is responsible in ensuring that birds are not actively attracted to, or fed within, an outdoor dining area.

The applicant must:

- advise staff and customers that they are not to feed birds. Anyone feeding birds must be told to stop immediately
- place 'do not feed the birds' signage within the outdoor dining area
- clean and maintain the outdoor dining area, ensuring tables are cleared promptly when customers have finished dining so that birds are not attracted to the food waste.

Feeding of birds can lead to tree and property damage, noise disturbances and associated nuisances to adjoining businesses and premises.

# LEGAL AND COMPLIANCE

## OBJECTIVE

**Ensure compliance with relevant legislation, Council's policies and guidelines and insurance requirements.**

### Insurance requirements

The business owner must obtain and maintain a public liability insurance policy at all times to cover any legal liability of property damage or personal injury to the public.

The insurance policy must have a minimum of \$20 million cover and have Campbelltown City Council listed as an interested party.

The business will need to provide this insurance certificate with their outdoor dining application and at each annual permit renewal.

### Operating without a permit

The use of an outdoor dining area without approval, or not in accordance to the conditions of approval, may result in the issue of an infringement notice or other regulatory action.

### Smoke-free environments

Smoking is not permitted in an outdoor dining area under the *Smoke-free Environment Act 2000*.

The act enforces that:

- smoking is not permitted within 4m of a seated dining area where food and beverages are being consumed
- signage must be provided advising outdoor dining areas are a smoke-free zone
- designated smoking areas are not permitted.

### Liquor licencing

Alcohol cannot be served in an outdoor dining area without a current liquor licence being obtained.

The liquor licence, issued by the Office of Liquor, Gaming and Racing, must specifically state that the service of alcohol is extended to cover the outdoor dining area.

A copy of the liquor licence must be submitted with the outdoor dining permit application.

If approved, alcohol shall not be served without a meal service.

Outdoor dining areas are covered by the responsible service of alcohol provision. Any alcohol related anti-social behaviour is the responsibility of the business owner.

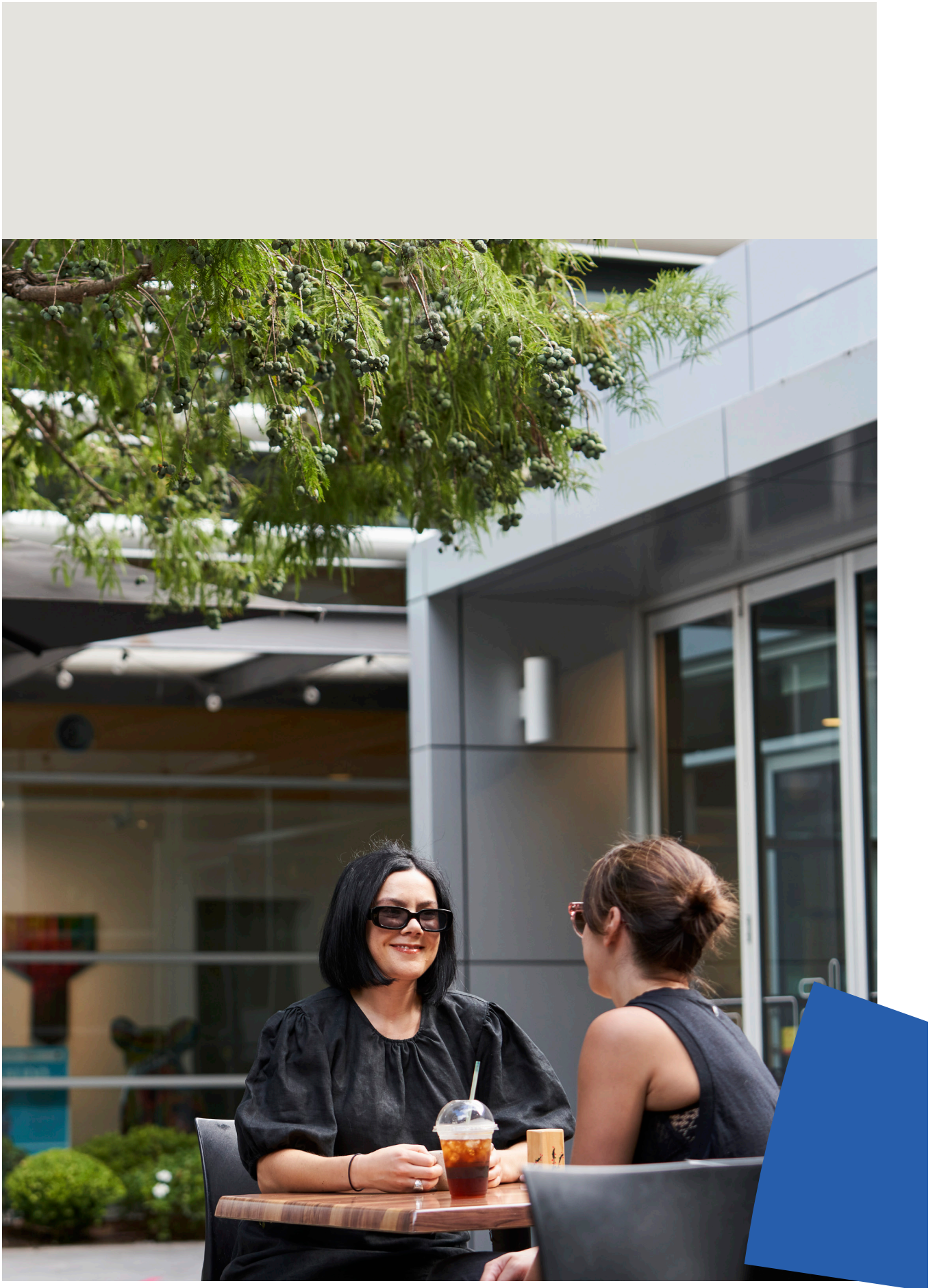
### Alcohol free zones

Alcohol cannot be served or consumed within an outdoor dining area that falls within an alcohol free zone.

The list of all alcohol free zones within the Campbelltown LGA is available on our website (search alcohol free zones).

### Food preparation

The preparation of food, including barbeques, is not permitted within the outdoor dining area.



### Ban on single-use plastics

The NSW Government has banned single-use plastic items including:

- plastic straws and stirrers
- plastic cutlery
- plates and bowls
- foodware and cups
- expanded polystyrene (EPS) food service items.

### Enforcement

Applicants must continually comply with all of the requirements outlined in the Outdoor Dining Policy and Guidelines documents, and the conditions provided in their approval permit.

Regular checks will be carried out to ensure businesses are:

- keeping all outdoor furniture within the approved outdoor dining area
- managing the flow of customers, staff and the general public to ensure the public footpath is not being obstructed
- ensuring the outdoor dining area makes a positive contribution to the surrounding area
- maintaining outdoor dining furniture to ensure it is safe, clean and in good working order
- minimising noise at all times
- maintaining a current public liability insurance policy.

### Non compliance

If a business fails to comply with the conditions outlined in their outdoor dining permit, a penalty notice may be served and the permit revoked.

### Damage to Council land

The permit holder is responsible for any damage caused by staff or customers to public property or infrastructure, and must notify Council immediately.

Any damage will be repaired by Council and the cost of the repair work will be invoiced to the business owner.







## SECTION 3

# THE APPLICATION PROCESS

**1**

Read the Campbelltown Outdoor Dining Policy and Guidelines Document

**2**

Gather and prepare all of the supporting documentation that needs to be attached to the outdoor dining application (as listed in section 1 of these guidelines)

**3**

Go to the outdoor dining section of our website  
**[www.campbelltown.nsw.gov.au/outdoordining](http://www.campbelltown.nsw.gov.au/outdoordining)**

**4**

If you are applying for a new application, go to the “Apply for an outdoor dining permit” section of the webpage

**5**

If you are applying to renew your application, go to the “Renew your outdoor dining permit” section of the webpage

**6**

The application will come to Council and will be assessed in line with the Campbelltown Outdoor Dining Policy and Guidelines Document

**7**

The applicant is advised of the outdoor dining application determination.







## 8.9 Assignment of Licence for Bob Prenter Reserve to South West Sydney Blues Australian Football Club

### Reporting Officer

Executive Manager Community Life  
City Lifestyles

### Community Strategic Plan

Objective	Strategy
2 Places For People	2.1.2 Provide public places and facilities that encourage leisure, recreation, and physical activity

### Delivery Program

Principal Activity
2.1.2.2 Provide leading sports and leisure facilities

### Officer's Recommendation

That Council

1. Notes the merger between the Campbelltown Australian Rules Football Club and South West Sydney Magpies Australian Football Club to form the South West Sydney Blues Incorporated.
2. Endorses the requirement to amend the licences issued to the Campbelltown Australian Rules Football Club and the New South Wales Gaelic Athletic Association to assign the licences to the new entity and advertise the proposed licence under Section 47 of the *Local Government Act*.
3. Delegates Authority to the General Manager to enter the assigned licences, unless any requirement under Section 47 of the *Local Government Act* requires a further report Council occurs during the Public exhibition period.

### Purpose

This report presents to Council a requirement to publicly exhibit assignment of an existing licences for occupation of Bob Prenter Reserve, Macquarie Fields to the South West Sydney Blues Australian Football Club and the New South Wales Gaelic Athletic Association.

## History

In 2014 it is understood Campbelltown City Council (Council) and the Campbelltown Australian Rules Football Club (CAFC) commenced negotiations for a licence agreement for occupation of Bob Prenter Reserve (the site).

A Council resolution was obtained to enter a licence on 17 March 2015, and a licence agreement (the licence) was executed on 1 October 2015. The licenced area is shown as Attachment 1 to this report.

The licence agreement provided an initial 10-year term (expires 30 September 2025), and a 10-year option.

A sub-licence, as permitted by the licence, was entered on the 1 October 2015. The sub-licence operates to permit the NSW Gaelic Athletic Association (NSW GAA), in conjunction with CAFC, to share the site.

## Report

Council Officers understand that CAFC, and South West Sydney Magpies AFC (Magpies AFC) merged to form a new entity known as the South West Sydney Blues (SWS Blues) in or about December 2021.

A check of the New South Wales Incorporations Register shows that the CAFC Incorporation status is amalgamated. A search for the Magpies AFC also shows the status as amalgamated. The SWS Blues have a current incorporation status.

### Ability to Assign under the Licence

Within the current licence, Clause 13.1 (Personal Right), subclause 2 states *"The Football Club may not encumber, assign or transfer (either directly or indirectly) the Licence without the prior written consent of Council."*

In this context, 'Football Club' refers to CAFC. If the licence is not properly assigned, a variety of risk issues could arise. These include, but are not limited to, insurance and the capacity of either the SWS Blues or the NSW Gaelic Athletic Association to exercise the licence option granted in 2025.

Although it is feasible to trace the lineage of the CAFC to the SWS Blues, based on the clause mentioned above, Council considers it necessary to re-advertise the current licence agreement. This will allow for the synchronisation of both the licence and sub-licence with the newly formed entity.

Council Officers do not recommend any alterations to the general terms of the licence, including but not limited to, the expiry date of the current licence or its option. However, officers do propose to include an additional clause that will streamline the occupation of the new facilities proposed to be constructed under the NSW Multi-Sport Community Facilities Fund. This provision will be negotiated with the club once permission to publicly exhibit the licence proposal under Section 47 of the NSW Local Government Act is granted by Council.

### Public Exhibition of Licences to enable assignment

As the site is Council Community Land, Council will be required to advertise the proposed licence and sub-licence under section 47 of the *Local Government Act 1993*:

- Give public notice of the proposed licence, including on Council's website and the Over to You Campbelltown website;
- Exhibit notice of the proposal on the land to which the proposed licence relates;
- Give notice of the proposal to person as appear to own or occupy land adjoining the community land; and
- Give notice to any other person identified in the vicinity of the community land, the subject of the proposal is likely to form the primary focus of the person's enjoyment of community land.

The advertisement of the proposed licence will allow a period of at least 28 days for public submissions to be provided to Council.

Upon conclusion of the public exhibition period, it is suggested that the authority to finalise the licence agreements be delegated to the General Manager. If any objections to the proposed licence are raised during the Public Exhibition period, Council will need to obtain approval from the Minister for Local Government to proceed with the licences. This could potentially cause a delay in the assignment of the licences. However, a short-term solution to manage this could be to permit seasonal ground bookings for both the SWS Blues and the NSW GAA.

## **Communication Strategy**

Council Officers have discussed the proposed approach with the current committee of the SWS Blues, and the reasons for the process to assign the licence to the new entity.

The public consultation for the proposed licence discussed in this report is proposed to be conducted through:

- Notification on Council's website and through the Campbelltown Have Your Say forum;
- Writing to identified landowners, as required by the Local Government Act; and
- Placing appropriate notices on the land, inviting comment on the proposed licence.

It is important to note that the same procedural approach was used for the original licence agreement in 2015.

## **Conclusion**

In 2015, Council entered into a licence agreement with the Campbelltown Australian Football Club. However, in 2021, a merger occurred between the Campbelltown Australian Rules Football Club and the South West Magpies Australian Football Club, resulting in the formation of a new entity, the South West Sydney Blues Australian Football Club. To assign the licence to the South West Sydney Blues Australian Football Club, it is necessary for Council to advertise the new licence, as stipulated by Section 47 of the Local Government Act. This procedure also

necessitates the creation of a new sub-licence with the New South Wales Gaelic Athletic Association.

After the public exhibition, it is recommended that the General Manager be delegated the authority to sign the reassigned licences. However, if any reporting requirements arise during the public exhibition period, an additional report will be submitted to the Council.

## **Attachments**

8.9.1 Bob Prenter Reserve - Licence Area (contained within this report) [↓](#)





Bob Prenter Reserve  
Proposed Licence Area

Proposed Licence Area bordered in black

Printed: 15/06/2023
Scale: 1 : 1:4514 @ A4
Projection: GDA 2020 / MGA Zone 56

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## **8.10 Minutes of the Campbelltown Multicultural Communities Advisory Committee meeting held 21 March 2023**

### **Reporting Officer**

Director City Lifestyles  
City Lifestyles

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### **Officer's Recommendation**

That the minutes of the Campbelltown Multicultural Communities Advisory Committee held 21 March 2023 be noted.

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### **Purpose**

To seek Council's endorsement of the minutes of the Campbelltown Multicultural Communities Advisory Committee meeting held 21 March 2023.

### **Report**

Detailed below are the recommendations of the Campbelltown Multicultural Communities Advisory Committee. Council officers have reviewed the recommendations and they are now presented for Council's consideration.

### **Reports listed for consideration**

#### **4.1 Minutes of the previous Campbelltown Multicultural Communities Advisory Committee Meeting held 7 February 2023**

Request to include additional information on page 10 that documents draft dates initially proposed during the planning phase, being 28 and 30 February 2023.

Extraordinary Committee Minutes will be formally adopted by Council at its meeting held 9 May 2023 along with the Committee Minutes dated 21 March 2023.

#### **5.1 Review and Update on Previous Action Items**

That the Multicultural Communities Advisory Committee review and note updates from previous committee meeting action items. Noted there are no further actions other than the 'Guest Speaker' action which will be covered in today's meeting.

#### **5.2 Guest Speaker**

That the Multicultural Communities Advisory Committee note information provided by the guest speaker from South West Sydney Multicultural Community Centre.

### **5.3 Multicultural Grant Funding Opportunities**

That the Multicultural Communities Advisory Committee noted the following:

1. Existing applications
2. Upcoming grant opportunities.

Councillor J Cotter – confirming the unsuccessful ‘Multicultural NSW 2022/23 Stronger Together Grant Program – Projects’ is separate to the ‘Multicultural NSW 2022/23 Stronger Together Grant Program’ – Local Council’s Major Festival Grant’.

Councillor R Munro – In relation to the ‘NSW Department of Premier and Cabinet – Social Cohesion Grant: Unsung Heroes, Innovation in Volunteering’, did we receive any correspondence as to why we were unsuccessful. No feedback has yet been received on this application. Previous feedback received on Council’s application to this grant program suggested the program was oversubscribed.

### **5.4 NSW Settlement Strategy – Multicultural NSW**

Defer item and material will be distributed outside of the meeting and ahead of the next meeting.

### **5.5 Upcoming Ramadan Events**

That the Multicultural Communities Advisory Committee note the upcoming Ramadan Events.

#### **Communications and Marketing**

- a) Provide Councillors promotional materials for circulation within community.
- b) Mention gendered prayer spaces are available in promotional materials.
- c) Confirmed the communications plan included printed language translations.
- d) Confirmed the communications plan included promotion on Council assets including bus shelters, VMS boards, roadside banners.

#### **Local Business Engagement**

- a) Confirmed local businesses have been engaged and are provided an opportunity to trade and participate in the events.
- b) Provide information to Councillors about the local businesses involved in the events.

### **Attachments**

1. Minutes of the Campbelltown Multicultural Communities Advisory Committee held 21 March 2023 (contained within this report)



Minutes

# **Campbelltown Multicultural Communities Advisory Committee**

21 March 2023



**CAMPBELLTOWN**

# CAMPBELLTOWN CITY COUNCIL

## Minutes Summary

**Campbelltown Multicultural Advisory Committee Meeting held at 4:30 PM on Tuesday, 21 March 2023.**

ITEM	TITLE	PAGE
<b><u>1.</u></b>	<b><u>ACKNOWLEDGEMENT OF LAND</u></b>	<b>3</b>
<b><u>2.</u></b>	<b><u>APOLOGIES</u></b>	<b>3</b>
<b><u>3.</u></b>	<b><u>DECLARATIONS OF INTEREST</u></b>	<b>3</b>
<b><u>4.</u></b>	<b><u>MINUTES OF THE PREVIOUS ADVISORY COMMITTEE</u></b>	<b>4</b>
<b><u>4.1</u></b>	<u>Minutes of the Previous Campbelltown Multicultural Communities Advisory Committee meeting held 7 February 2023</u>	4
<b><u>5.</u></b>	<b><u>REPORTS</u></b>	<b>6</b>
<b><u>5.1</u></b>	<u>Review and Update on Previous Action Items</u>	6
<b><u>5.2</u></b>	<u>Guest Speaker</u>	7
<b><u>5.3</u></b>	<u>Multicultural Grant Funding Opportunities</u>	8
<b><u>5.4</u></b>	<u>NSW Settlement Strategy - Multicultural NSW</u>	9
<b><u>5.5</u></b>	<u>Upcoming Ramadan Events</u>	10
<b><u>6.</u></b>	<b><u>GENERAL BUSINESS</u></b>	<b>12</b>

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## Minutes of the Campbelltown Multicultural Advisory Committee Meeting held on 21 March 2023

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### Present

Chairperson – M Khalil – Councillor  
Member – M Chowdhury – Councillor  
Member – J Cotter – Councillor  
Member – D Lound – Councillor **joined at 5.39pm**  
Member – R Manoto – Councillor  
Member – R Munro – Councillor  
Member – W Morrison – Councillor  
Member – S Grant – Director City Lifestyles  
Member – T Soulos – Executive Manager Community Life  
Member – B Duncan – Committee Secretary

### 1. ACKNOWLEDGEMENT OF LAND

An Acknowledgement of Land was presented by the Chairperson Councillor M Khalil.

### 2. APOLOGIES

Member – J Chew – Councillor

### 3. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

## **4. MINUTES OF THE PREVIOUS ADVISORY COMMITTEE**

### **4.1 Minutes of the Previous Campbelltown Multicultural Communities Advisory Committee Meeting held 7 February 2023**

#### **Reporting Officer**

Councillor

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

That the minutes of the Extraordinary Campbelltown Multicultural Communities Advisory Committee held 7 February 2023 be noted.

#### **Committee's Recommendation:**

Request to include additional information on page 10 that documents draft dates initially proposed during the planning phase, being 28 and 30 February 2023.

Extraordinary Committee Minutes will be formally adopted by Council at its meeting held 9 May 2023 along with the Committee Minutes dated 21 March 2023.

---

#### **Report**

The minutes of the Extraordinary Campbelltown Multicultural Communities Advisory Committee Meeting held 7 February 2023, copies of which have been circulated to each committee member via email on Tuesday 21 February 2023 be approved by the subcommittee.

Once confirmed in final copy, the Minutes will be formally adopted by Council at its meeting held 11 April 2023.

#### Comments / Feedback Received

Chairperson, Councillor M Khalil provided comments / feedback via emails dated 24 February and 9 March 2023. Amendments have been captured within the 'Amended Draft Minutes' via tracked changes below.

#### **Attachments**

- 4.1.1 AMENDED DRAFT Minutes of previous Extraordinary Campbelltown Multicultural Communities Advisory Committee Meeting held 7 February 2023 (contained within this report)

Councillor M Khalil – Acknowledged the team who completed extensive community consultation and provided positive feedback on the promotional materials.

Confirmation the Multicultural NSW Grant is a total of \$600,000 over a 2 year period, with a 25% contribution required by Council.

Councillor M Chowdhury – Queried if a fireworks display is included in the event. It was confirmed that fireworks are not included in the 2023 event budget and not permitted in the residential precinct of the event.

Councillor R Munro – praised Council staff for their unprecedented level of community consultation with the number of stakeholders they engaged with, and further praised their work in reaching a plan that was accepted by all stakeholders.

Then praised the Deputy Mayor, Councillor J Cotter on his pragmatism in reaching a compromise that was accepted by the Chair of the Committee, and thanked him for his efforts in achieving the two events.

## **5. REPORTS**

### **5.1 Review and Update on Previous Action Items**

#### **Reporting Officer**

Director City Lifestyles  
City Lifestyles

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

That the Multicultural Communities Advisory Committee review and note updates from previous committee meeting action items.

#### **Committee's Recommendation:**

That the Multicultural Communities Advisory Committee review and note updates from previous committee meeting action items. Noted there are no further actions other than the 'Guest Speaker' action which will be covered in today's meeting.

---

#### **Purpose**

The purpose of this report is to review and note updates from the previous committee meeting action items noted within the report.

#### **Report**

The attached Actions Register has been created to oversee how previous meeting action items have since been formally addressed and actioned.

#### **Attachments**

5.1.1 Action Register - 21 March 2023 (contained within this report)

## 5.2 Guest Speaker

### Reporting Officer

Executive Manager Community Life  
City Lifestyles

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### Officer's Recommendation

That the Multicultural Communities Advisory Committee note information provided by the guest speaker from South West Sydney Multicultural Community Centre.

### Committee's Recommendation:

That the Multicultural Communities Advisory Committee note information provided by the guest speaker from South West Sydney Multicultural Community Centre.

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## Report

### Guest Speaker Information

Name: Malaemie Fruean OAM  
Company: South West Sydney Multicultural Community Centre  
Topic: An immersive reflection of Campbelltown's multiculturalism  
Duration: 25 minutes (including Q&A)

## Attachments

Nil

Malaemie Fruean OAM is the CEO of the South West Multicultural and Community Centre Inc. and Chair of the NSW Council for Pacific Communities. Malaemie is a proud Maori woman committed to multiculturalism and has been working in the Campbelltown community for almost 30 years. She was awarded an OAM in 2021 on the Australian South Sea Islander Recognition Day and received the Westfield's Local Heroes 'Community Connector' Award in 2020. The WestInvest grant program recently announced funding that will enhance the Council-owned facility Malaemie operates as the Minto Multicultural Community Centre.



### **5.3 Multicultural Grant Funding Opportunities**

#### **Reporting Officer**

Director City Lifestyles  
City Lifestyles

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

That the Multicultural Communities Advisory Committee note the following:

1. Existing applications
2. Upcoming grant opportunities.

#### **Committee's Recommendation:**

That the Multicultural Communities Advisory Committee noted the following:

1. Existing applications
2. Upcoming grant opportunities.

Councillor J Cotter – confirming the unsuccessful 'Multicultural NSW 2022/23 Stronger Together Grant Program – Projects' is separate to the 'Multicultural NSW 2022/23 Stronger Together Grant Program' – Local Council's Major Festival Grant'.

Councillor R Munro – In relation to the 'NSW Department of Premier and Cabinet – Social Cohesion Grant: Unsung Heroes, Innovation in Volunteering', did we receive any correspondence as to why we were unsuccessful. No feedback has yet been received on this application. Previous feedback received on Council's application to this grant program suggested the program was oversubscribed.

---

#### **Purpose**

The purpose of this report is to refer to the attached Grant Funding Opportunities Schedule document contained within this report.

#### **Attachments**

5.3.1 Grant Funding Opportunities Schedule – 21 March 2023 (contained within this report)

## **5.4 NSW Settlement Strategy - Multicultural NSW**

### **Reporting Officer**

Director City Lifestyles  
City Lifestyles

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### **Officer's Recommendation**

That the Multicultural Communities Advisory Committee note the NSW Settlement Strategy within the report.

### **Committee's Recommendation:**

Defer item and material will be distributed outside of the meeting and ahead of the next meeting.

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### **Purpose**

To inform the Multicultural Communities Advisory Group that on Monday 27 February 2023, Multicultural NSW released the NSW Settlement Strategy (February 2023 – June 2025). The Strategy primarily focuses on people from refugee and refugee-like backgrounds within the first ten years of settlement in NSW.

### **Report**

The Summary NSW Settlement Strategy is attached.

To access a copy of the full strategy, access via link [MN22E-1\\_Settlement-Strategy\\_V1\\_R10.indd \(nsw.gov.au\)](#)

### **Attachments**

5.4.1 NSW Settlement Strategy (February 2023 – June 2025)(contained within this report)

## 5.5 Upcoming Ramadan Events

### Reporting Officer

Director City Lifestyles  
City Lifestyles

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### Officer's Recommendation

That the Multicultural Communities Advisory Committee note the upcoming Ramadan Events.

### Committee's Recommendation:

That the Multicultural Communities Advisory Committee note the upcoming Ramadan Events.

### Communications and Marketing

- a) Provide Councillors promotional materials for circulation within community.
- b) Mention gendered prayer spaces are available in promotional materials.
- c) Confirmed the communications plan included printed language translations.
- d) Confirmed the communications plan included promotion on Council assets including bus shelters, VMS boards, roadside banners.

### Local Business Engagement

- a) Confirmed local businesses have been engaged and are provided an opportunity to trade and participate in the events.
  - b) Provide information to Councillors about the local businesses involved in the events.
- 

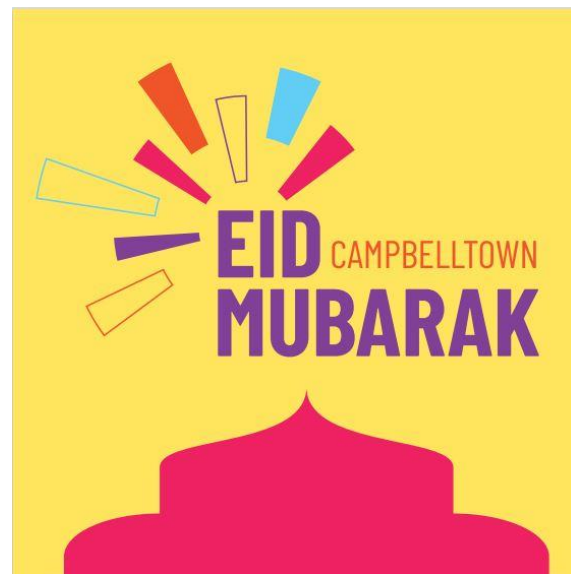
## Report

Planning is well underway for delivery of the Multicultural NSW 2022/23 Stronger Together Grants Program – Local Councils Major Festival Grant. Two new events will be introduced to Council's annual events program as the rich culture, flavours and sounds of Ramadan and Eid are embraced by Campbelltown.

Ramadan On Q: Hosted on Saturday 15 April 2023 during the holy month of Ramadan, the community is invited to gather with family and friends to breakfast at Ramadan On Q. Lithgow Street will be transformed to offer a range of Halal food stalls and cuisine from local restaurants plus quiet prayer space. The event will open at 4.30pm and we expect to see many local families make their way into Lithgow Street as the sun goes down. Ramadan On Q will continue through until 11.30pm to allow locals time to observe prayer and enjoy a meal and dessert in the beautifully styled space.

Eid Mubarak Campbelltown: Hosted on Saturday 30 April at Coronation Park, Minto from 11.00am to 8.00pm. The large community event marks the end of the month-long dawn-to-sunset fasting of Ramadan and celebrate Eid al-Fitr. The event will feature Halal cuisine, cultural performances and workshops, children's activities and crafts, amusement rides and

inflatables. A wonderful event for families to come together with friends, neighbours and community.



### Attachments

Nil

## **6. GENERAL BUSINESS**

### **6.1 Next Guest Speaker**

Councillor M Chowdhury requested Rafique Bhuiyan be noted and invited as the next guest speaker, topic 'Harmony in the Local Community'. T Soulos advised the speaker is listed on the master 'Guest Speaker list' and we will make contact to seek availability for the next Committee meeting.

**Action:** Council to make necessary arrangements with the next guest speaker for the next meeting occurrence.

### **6.2 Social Cohesion Matrix for Local Governments**

Item deferred.

The next meeting of the Campbelltown Multicultural Communities Advisory Committee will be held on Tuesday 20 June 2023 at the Council's Staff Training Centre (STC).

Councillor M Khalil

**Chairperson**

Meeting Concluded: 5.54pm

## 8.11 Investments and Revenue Report - May 2023

### Reporting Officer

Executive Manager Corporate Services and Governance  
City Governance

### Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.2.2 Ensure that public funds and assets are managed strategically, transparently and efficiently

### Delivery Program

Principal Activity
5.2.2.4 Deliver financial sustainability through short, medium and long-term financial planning

### Officer's Recommendation

That the information be noted.

### Purpose

To provide a reporting outlining the activity in Council's financial services portfolio for the months of May 2023.

### Report

This monthly report provides details of Council's investment and revenue portfolios.

### Investments

Council's investment portfolio as at 31 May 2023 stood at approximately \$227 million. 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 2021 and Council's Investment Policy.

All investments are placed with approved deposit taking institutions and no funds are placed with any unrated institutions.

Council's investment portfolio annual return is around 43 basis points above the benchmark which is a positive on an absolute basis. This return includes the 31 day notice saver account but excludes funds held in the at-call account. Monthly returns are running at an annualised rate of

around 3.41 per cent and will increase going forward as lower yielding term deposits mature and are replaced.

The yield on the AusBond Bank Bill Index has been very low in recent years, however the weighted 12 month annualised return continues to improve at 2.635 per cent which reflects the continued increases in interest rates. Council's investment performance has maintained a positive return in comparison with an annualised return of 3.061 per cent.

The portfolio is diversified with maturities with varying lengths ranging up to the maximum 5 year period in accordance with Council's Investment Policy.

Council's investment advisor, Amicus Advisory have confirmed that Council's investment portfolio is being well managed and is compliant with current policy settings, with clear buffers between exposures to individual entities and credit limits.

Council's total liquidity to meet short to medium term cash flow needs remains strong with \$7 million held in an at call account and a minimum amount of \$10 million in a 31 day notice account, following a transfer of funds back into this account that offers a bonus interest percentage for deposits until December 2023. The interest rate on the 31 day notice saver account remains attractive for short term deposits at 4.70 per cent and also increases in line with increases in the official cash rate.

The official cash rate is 4.10 per cent following a 25 basis point increase in monetary policy announced at the June meeting of the Reserve Bank (RBA) Board. The RBA Governor cited that whilst high interest rates and cost of living pressures is leading to lower household spending, inflation remains too high and has also been impacted by the recent minimum wage increase. Australia's economic growth for the March quarter was lower than expected and there is uncertainty about growth in the global economy also being expected to be below average for a longer period.

The ASX200 closed at 7091.30 for April with the monthly change being negative 37.29 per cent. Over the past several months, the share market continues to be subject to heightened volatility due to global conditions and inflation.

The market value of the Treasury Corporation Long Term Growth Fund which has a current asset allocation of around 50 per cent in domestic and international shares, also correlates to this downturn in global equity markets. This Treasury Corporation fund is a long term growth fund with high return potential over the long term that may experience occasional periods of negative returns. It is intended to be at least a 7 year investment with the expectation of a return of CPI plus 3.5 per cent over a rolling 10 year period.

It is important to note that councils are restricted to conservative investments only in line with the Minister's Investment Order of 17 February 2011 and other relevant legislation including the *Local Government Act 1993* and the *Trustee Act 1925*. Investments in equities are prohibited under the legislation and therefore a benchmark such as the Bank Bill Index is used in line with Council's Investment Policy and the recommendations of the Office of Local Government Guidelines.



## Rates

Rates and Charges levied for the period ending 31 May 2023 totalled \$135,299,170 representing 100 per cent of the current budget estimate.

The rates and charges receipts collected to the end of May totalled \$122,136,953. In percentage terms 91.8 per cent of all rates and charges due to be paid have been collected, compared to 92 per cent collected in the same period last year.

To mitigate the risk of debts becoming unmanageable, Council staff have been actively assisting ratepayers with their quarterly instalments and provide advice on options available such as regular weekly payments. Where the charging of penalty interest causes hardship the charges are waived in accordance with Council's Hardship Policy and an application being made. An on-line application form is available on Council's website to assist ratepayers to apply and complete their request at a convenient time.

Debt recovery action during the month involved the issue of 139 Statements of Claim to ratepayers with two or more instalments outstanding and a combined balance exceeding \$1000. Further recovery on accounts with previous action resulted in 10 Judgments being served on defaulters that have not made suitable payment arrangements or failed on multiple occasions to maintain an agreed payment schedule.

Ratepayers who purchased property since the annual rates and charges notices had been issued are provided a 'Notice to new owner' letter. During the month, 81 of these notices were sent to ratepayers advising them of the amount unpaid on their account and the amount levied in annual rates and charges.

## Sundry Debtors

Debts outstanding to Council as at 31 May 2023 are \$7,848,625 reflecting an increase of \$643,162 since April 2023. During the month 933 invoices were raised totalling \$6,994,220. 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.

Debts exceeding 90 days of age totalled \$3,524,069 as at 31 May 2023. The majority of this debt relates to Grant invoices to the value of \$2,999,990. One issued to the Office of Sport for \$2,750,000 being for the Bob Prenter Reserve Redevelopment. The funding body has recommended amendments to the funding agreement and it is anticipated that this will be finalised by the end of July 2023. The other for \$249,990 issued to the Department of Planning and Environment is for the "NSW Koala Strategy Vehicle Strike Mitigation Grant Funding Claim". Council staff have reached out to the department and are now awaiting a response as to when payment may be received.

City Standards debt of \$207,035 mostly relates to health licence inspection fees totalling \$157,045. These fees are generated for various shop premises, household pool inspections, fire safety services and wastewater management systems. A portion of this debt is due by shop owners that have closed and are no longer contactable. If the cost of recovery is uneconomical to recover, the debt is then put forward for write-off. Also incorporated in this debt are various accounts raised totalling \$40,774 for companion animal impounding. In most cases owners have surrendered or abandoned the animals and have moved premises or are not in a position to pay. Payment plans are negotiated with the debtors involved however is proving difficult to

recover. Another significant amount of \$9,216 relates to waste management effluent charges. Contact has been made with the debtor and payment of this account is expected July 2023.

Corporate Governance debts totalling \$143,607 with the most significant amount of \$32,526 relates to various property related debts regarding clean-up orders issued and the recovery of costs associated with restoring private property to a suitable healthy status. In some cases, property owners are already in financial distress or are uncontactable. Council continues to reach out to the owners with a view to reaching a positive resolution, debts are encumbered to the land and are often finalised with the sale of the property. Another significant amount of \$36,959 relates to outstanding child care fees paid by a benevolent institution on behalf of children in their care. Staff are working with the institution on reconciling the relevant placements and child care centres.

Combined debts for the amount of \$7,580 which relates to legal recovery of 3 accounts, one for hall hire and two for health licence inspection fees. In all cases the debt involved has proved to be unrecoverable with our agents who have advised to cease legal action and have now recommended the accounts for write-off.

Public hall hire fees of \$109,197 are a result of debts raised in advance and in accordance with council policy do not need to be finalised until 2 weeks prior to the function. This process also gives hirers an option to book in advance and then to make smaller regular payments leading up to their event. In this category however, there are a few accounts with the combined outstanding balance of \$29,086 where council staff have reached out in the hope of seeking a suitable payment arrangement. We now await a response to our request and will refer to our agents for recovery should no contact be made.

Debts categorised within Community Businesses totalled \$43,169. The most significant relates to field and stadium hire with debts totalling \$41,472. From this category the amount of \$16,382 relates to a previous contractor for "catering sales commission" of various events at the Campbelltown Sports Stadium. Negotiations between Council's solicitor and the debtor followed and a settlement was negotiated leaving this residue balance which will now be put forward for write-off. Another significant amount for \$14,720 is for the current caterer of the stadium, payment was received early June 2023.

Leisure facility hire debt with an amount of \$9,853. One account relates to hire of the pool by a local school to the value of \$1,409. Council staff have reached out to the debtor involved and are awaiting a response for a payment date. The remainder mostly relates to the Bicycle Education Centre debt of \$5,295 and as hall hire fees are result of debts raised in advance.

City Services debt of \$6,355 is mainly contributed to unpaid costs associated with road restoration works to the value of \$4,114. Payment of this account was received in early June 2023.

Property Services debt of \$4,863 is mainly contributed to the lease agreement for the Campbelltown Australian Football Club which have amalgamated with another club resulting in a new agreement under the entity "South West Sydney Blues Australian Football Club Inc.". Council is in the process of converting the agreement and invoicing to reflect the new arrangement.

Debt recovery action is normally 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 7 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, 7 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 one letter of demand.

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

8.11.1 Summary of Council's Investment Portfolio - May 2023 (contained within this report) [↓](#)

8.11.2 Rates and Charges Summary and Statistics - May 2023 (contained within this report) [↓](#)

8.11.3 Debtors Summary and Ageing Report - May 2023 (contained within this report) [↓](#)

## Summary of Council's Investment Portfolio

Portfolio as at 31 May 2023



Product Type	Face Value	% of Total
At Call Deposits	7,485,221	3.4%
Notice Account	10,305,511	4.6%
Term Deposits – Fixed Rate	114,035,803	51.2%
Term Deposits – Floating Rate	39,000,000	17.5%
Fixed Rate Bond	17,050,000	7.7%
FRN	34,750,000	15.6%
<b>Grand Total</b>	<b>222,626,535</b>	<b>100.0%</b>
Managed Funds – TCorp*	5,052,281	

\* Market Value as at month end

### Term Deposits (Fixed & Floating Rate) by Institution's Long-Term Credit Rating

Credit Rating	Holdings	% of Total
AA-	100,035,803	65.4%
A+	3,000,000	2.0%
BBB+	23,000,000	15.0%
Baa1	2,000,000	1.3%
BBB	20,000,000	13.1%
Baa2	5,000,000	3.3%
<b>Total Term Deposits</b>	<b>153,035,803</b>	<b>100.0%</b>

### Fixed and Floating Rate Notes

ISIN	Issuer	Issuer Rating	Maturity Date	Coupon	Face Value
none	NT Treasury Corp	Aa3	15-Dec-23	0.80% Annually	5,000,000
none	NT Treasury Corp	Aa3	15-Dec-24	1.00% Annually	5,000,000
none	NT Treasury Corp	Aa3	15-Jun-25	0.90% Annually	2,500,000
AU3CB0289072	Royal Bank of Canada - Covered Bond	AAA	6-May-25	Fixed at 3.75% s.a.	1,000,000
AU3CB0282358	ING - Covered Bond	AAA	19-Aug-26	Fixed at 1.10% s.a.	1,800,000
AU3CB0286763	NAB	AA-	25-Feb-27	Fixed at 2.9545% s.a.	1,750,000
AU3FN0048724	NAB	AA-	19-Jun-24	3m BBSW + 92bps	1,300,000
AU3FN0051561	Citibank	A+	14-Nov-24	3m BBSW + 88bps	1,000,000
AU3FN0052908	Macquarie Bank	A+	12-Feb-25	3m BBSW + 84bps	5,000,000
AU3FN0072617	Suncorp Metway - Covered Bond FRN	AAA	17-Oct-25	3m BBSW + 88bps	2,000,000
AU3FN0072740	Teachers Mutual Bank	BBB	28-Oct-25	3m BBSW + 150bps	1,000,000
AU3FN0073045	SMBC Sydney	A	7-Nov-25	3m BBSW + 110bps	5,000,000
AU3FN0073797	Bank Australia Sustainability Bond	BBB	24-Nov-25	3m BBSW + 160bps	2,000,000
AU3FN0073904	NAB	AA-	25-Nov-25	3m BBSW + 92bps	2,500,000
AU3FN0073961	Great Southern Bank (prev CUA)	BBB	1-Dec-25	3m BBSW + 158bps	1,600,000
AU3FN0063103	CBA – Green Bond	AA-	23-Dec-26	3m BBSW + 41bps	5,000,000
AU3FN0075453	Members Banking (RACQ Bank)	BBB+	24-Feb-26	3m BBSW + 150bps	1,600,000
AU3FN0077996	Suncorp Metway	A+	18-May-26	3m BBSW + 105bps	1,000,000
AU3FN0070025	Royal Bank of Canada - Covered Bond	Aaa	13-July-27	3m BBSW + 105bps	1,000,000
AU3FN0070579	CBA	AA-	18-Aug-27	3m BBSW + 102bps	3,500,000
AU3FN0076998	ANZ	AA-	31-Mar-28	3m BBSW + 106bps	500,000
AU3FN0077798	Bank of Queensland - Covered FRN	AAA	9-May-28	3m BBSW + 120bps	750,000

## Summary of Council's Investment Portfolio – May 2023 cont'd

Long-Term Credit Rating	Exposure of Entire Portfolio				
	Actual	Cumulative*	Minimum*	Maximum	Compliant
AAA	2.9%	<b>2.9%</b>	40%	100%	Yes
AA+, AA, AA- (or MTB*)	60.4%	<b>63.4%</b>		100%	Yes
A+, A, A-	6.8%	<b>70.1%</b>	60% (70%) <sup>1</sup>	100%	Yes
BBB+, BBB, BBB-	29.9%	<b>100.0%</b>	100%	100%	Yes
<i>TCorp LTGF</i>	<b>2.2%</b>	-	0%	20%	Yes

\*Policy limits are measured on a cumulative basis calculated from the respective rating category band on an **"and above"** basis

## Portfolio Return

Council's investment portfolio (excluding NSW TCorp LTGF and At Call Deposits but includes Notice Saver Account) provided a weighted average return (running yield) of:

31 May 2023	Monthly Return	Annual Return
<b>Campbelltown City Council – Investment Portfolio</b>	<b>0.341%</b>	<b>3.061%</b>
<b>Benchmark – Bloomberg Ausbond Bank Bill Index</b>	0.295%	2.635%
<b>Performance Relative to Benchmark</b>	0.047%	0.426%

Rates Summary

Statement of all Outstanding Rates and Extra Charges



Rate - Charge	30/06/2022	Net Levy for Year	Pension Rebates	Extra Charges	Total Receivable	Cash Collected	Net Amount Due	Postponed Rates & Interest	Gross Amount Due
Residential	3,628,718.16	73,172,812.86	1,420,186.88	665,041.60	76,046,385.74	68,228,267.87	7,818,117.87	312,380.08	8,130,497.95
Business	691,071.49	20,925,338.86		67,978.55	21,684,388.90	20,055,598.90	1,628,790.00		1,628,790.00
Farmland	43,366.65	449,360.49	217.90	2,222.24	494,731.48	437,277.93	57,453.55	270,200.80	327,654.35
Mining	0.00	29,551.52		0.00	29,551.52	29,551.52	0.00		0.00
SR - Loan	762.80	0.00		76.17	838.97	0.00	838.97	0.00	838.97
SR - Infrastructure	404,110.68	7,164,192.23		12,643.25	7,580,946.16	6,776,539.16	804,407.00	57,860.08	862,267.08
Total	\$4,768,029.78	\$101,741,255.96	\$1,420,404.78	\$747,961.81	\$105,836,842.77	\$95,527,235.38	\$10,309,607.39	\$640,440.96	\$10,950,048.35
Garbage	1,143,646.84	27,616,652.33	907,700.69	53,465.86	27,906,064.34	25,217,385.79	2,688,678.55		2,688,678.55
Stormwater	78,048.53	1,477,354.61		859.62	1,556,262.76	1,392,331.38	163,931.38		163,931.38
Grand Total	\$5,989,725.15	\$130,835,262.90	\$2,328,105.47	\$802,287.29	\$135,299,169.87	\$122,136,952.55	\$13,162,217.32	\$640,440.96	\$13,802,658.28

Total from Rates Financial Transaction Summary	11,708,080.11
Overpayments	-2,094,578.17
Difference	0.00

Analysis of Recovery Action

Rate accounts greater than 6 months less than 12 months in arrears	239,949
Rate accounts greater than 12 months less than 18 months in arrears	40,258
Rate accounts greater than 18 months in arrears	39,437
TOTAL rates and charges under instruction with Council's agents	319,644



## Rates Statistics

No. of documents Issued	July	August	September	October	November	December	January	February	March	April	May	June	May-22
Rate Notices	58,585	22	17	2	38	13							
Electronic - DoH	4,730												
Instalment Notices				44,219			43,973			43,635			
Electronic - DoH				4,978			4,665			4,474			
Missed Instalment Notices - Pensioners > \$15.00			10,168			9,613			8,834				
			1,219			1,153			874				
Notice to new owner	179	101	98	103	110	96	81	90	105	99	81		18
7-day Letters - Council issued			922			976			1,039				
- Pensioners > \$1000			120			134			129				
7-day Letters - Agent Issued			421						624				
Statement of Claim	144	16	2	152	7	8	155	14	11	139	20		13
Judgments	21	27	11	7	20	4	0	15	32	10	8		50
Writs	27	15	1	20	0	0	0	0	0	0	0		31
Electronic - eRates & BPAYView	14,164	14,927	15,119	15,280	15,632	16,032	15,945	16,083	16,346	16,848	17,134		13,912
Pensioner applications	143	67	51	73	76	45	53	65	53	56	88		72
Arrangements	99	91	99	83	77	68	70	61	68	73	84		116



**DEBTORS SUMMARY 1 May 2023 to 31 May 2023**



DEBTOR TYPE/DESCRIPTION	ARREARS AT 30/04/2023	RAISED THIS PERIOD	RECEIVED THIS PERIOD	BALANCE AT 31/05/2023	% DEBT RATIO
Corporate Governance	550,899	267,890	252,187	566,601	7.22%
City Services	180,999	0	146,856	34,142	0.44%
City Standards	288,783	38,023	63,723	263,083	3.35%
Community Businesses	255,506	221,959	105,133	372,331	4.74%
City Lifestyles	51,588	16,907	21,506	46,990	0.60%
Grants	5,391,784	5,740,908	5,159,465	5,973,227	76.11%
Hall Hire	204,322	130,891	138,720	196,493	2.50%
Property Services	281,583	577,643	463,467	395,758	5.04%
	<b>7,205,463</b>	<b>6,994,220</b>	<b>6,351,058</b>	<b>7,848,625</b>	<b>100%</b>

**AGEING OF SUNDRY DEBTOR ACCOUNTS - 31 May 2023**



	Current Charges	Total 30 Days	Total 60 Days	Total 90+ Days	Balance Due	Previous Month 90+ days
Corporate Governance	173,949	48,807	200,238	143,607	566,601	113,930
City Services	1,189	20,074	6,524	6,355	34,142	3,740
City Standards	27,397	19,356	9,295	207,035	263,083	203,459
Community Businesses	287,187	19,371	22,604	43,169	372,331	10,741
City Lifestyles	28,330	3,192	5,615	9,853	46,990	93,278
Grants	1,581,507	1,391,730	0	2,999,990	5,973,227	346,500
Hall Hire	61,858	18,239	7,199	109,197	196,493	129,838
Property Services	374,505	13,841	2,548	4,863	395,758	17,081
	<b>2,535,922</b>	<b>1,534,611</b>	<b>254,023</b>	<b>3,524,069</b>	<b>7,848,625</b>	<b>918,566</b>

## 8.12 Reports and Letters Requested

### Reporting Officer

Director City Governance  
City Governance

### Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.1.2 Ensure the community is continuously informed about current and future issues affecting Campbelltown and key delivery partners

### Delivery Program

Principal Activity
5.1.2.1 Communicate in a diverse, open and inclusive way that informs and engages our communities to build confidence and trust

### Officer's Recommendation

That the comments and updates to the reports and letters requested be noted.

### Report

Attached for the information of Councillors is a status list of reports and letters requested from Council as at 4 July 2023.

### Attachments

- 8.12.1 Reports Requested Register 4 July 2023 (contained within this report) [↓](#)  
8.12.2 Letters Requested Register 4 July 2023 (contained within this report) [↓](#)

## Reports requested effective 4 July 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
<b>City Services</b>			
13.10.22 Brticevic	<p>NM 11.3 Footbridge over Bow Bowling Creek</p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. provide a report on the feasibility of building a footbridge over Bow Bowling Creek (causeway) at Bow Bowling towards Minto.</li> <li>2. Ensure the report includes particular reference to any current legislative requirements for pedestrian footbridges and addresses accessibility for those with mobility and/or disability issues.</li> <li>3. That Council also advocate to the Member for Macquarie Fields in relation to the development of the bridge to seek funding to ensure it is built to an appropriate standard.</li> </ol>	We are working out a measurement of actual weather impact and pedestrian volumes to inform what option of bridge type and cost.	September 2023
9.8.22 Chowdhury	<p>NM 11.4 - Grass Cutting</p> <ol style="list-style-type: none"> <li>1. That a briefing be presented to Councillors on the grass cutting maintenance program undertaken throughout the LGA, including the frequency during the four seasons; and</li> <li>2. That a report be presented that details the current maintenance program and the costs associated with increasing the frequency of the program to enhance a consistent look of the city.</li> </ol>	Currently under investigation.	August 2023

## Reports requested effective 4 July 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
<b>City Services</b>			
8.3.22 Khalil	<p>NM 11.5 - Simmos Beach, Macquarie Fields</p> <p>That a report be presented to Council outlining ways to increase visitation to Simmos Beach, Macquarie Fields. The report should include:</p> <p>a) identification of any future enhancement works planned or required to improve the location.</p> <p>b) marketing opportunities to increase visitation and tourism.</p> <p>c) any environmental factors to be taken into account because of increasing visitation.</p> <p>d) any future resourcing considerations to enable an ongoing program of works and marketing activity.</p>	<p>A review of previous work undertaken has commenced including:</p> <ul style="list-style-type: none"> <li>- 2016 study of bushwalking and associated recreational facilities</li> <li>- improvement works undertaken in 2018 and 2019 to upgrade Simmos beach including signage, trail upgrades, kayak ramp and picnic facilities</li> <li>- bushcare and bush explorers programs including the recently launched 'It's Our Backyard' program.</li> </ul> <p>Further investigations have also commenced.</p>	<p>Dec 2023</p> <p>Awaiting information regarding West Invest</p>
9.8.22 Brdicevic	<p>That a further report be provided to Council detailing the requirements of the original notice of motion.</p> <p>NM 11.5 -District Park Midlothian Reserve, St Andrews</p> <p>1. Seeks a report in relation to a district park at St Andrews. The report includes detailed planning, timeline, consultation with community and funding for the park with consideration of the State of Play Strategy (2016-2036). In addition, consider any funding opportunities such as Everyone Can Play (Department Planning and Environment) to accelerate the project.</p>	<p>Report presented to Executive Group on 8 June 2023.</p> <p>Meeting to be organised with Cr Brdicevic to discuss the report before a further report is presented.</p>	<p>August 2023</p>

### Reports requested effective 4 July 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
<b>City Services</b>			
10.5.22 Stellino	NM 11.2 - Reptile Protection  1. That Council investigate the need and feasibility of reptile handling/catching services to be added to council capabilities. 2. That a report be provided to the Council on the outcome of the investigation and include what opportunities are available for Council to increase public education on the existence of and response to snakes and other reptiles.	Currently under investigation.	August 2023
20.9.22 Brticevic	NM 11.3 - International Mother Language Day Monument  1. That Council present a briefing to Councillors on the imminent updated version of the Monuments and Memorials policy.	Amended draft policy was presented to the Executive. A policy update will be provided to the Council at a an upcoming briefing.	August 2023

## Reports requested effective 4 July 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
<b>City Planning and Environment</b>			
9.4.19 Thompson	<p>ORD 8.6 - Submission Report - Amendment to Campbelltown Sustainable City Development Control Plan (Caledonia Precinct)</p> <p>5. That a further report be submitted to Council in regard to the acquisition of No. 306 Bensley Road, Ingleburn for open space purposes.</p>	Request for Quotation currently issued seeking consultants to undertake amendment to the Contributions Plan.	August 2023
10.5.22 Brticevic	<p>ORD 8.1 - Local Housing Strategy - Approval Conditions and Affordable Housing Initiatives</p> <p>4. That once the draft Campbelltown Affordable Housing Strategy has been prepared it be reported to Council for consideration prior to formal public exhibition.</p>	Timing adjusted from April to July 2023 to align with Western Sydney Planning Partnership	October 2023
3.8.21 Manoto	<p>ORD 8.5 - Ingleburn CBD - Planning Proposal and Development Control Plan</p> <p>4. That a further report be presented to Council outlining options for developer contributions planning for the Ingleburn CBD.</p>	Specialist studies completed, namely Traffic and Parking Study. Gateway issued. Amendments to the Local Infrastructure Contributions Plan required. Outcome will be reported to Council.	August 2023
8.11.22 Oates	<p>ORD 8.6 - Planning Proposal - 80 O'Sullivan Road, Leumeah</p> <p>5. That at the conclusion of the public exhibition, a report be presented to Council on the outcome of the public exhibition.</p>	Public exhibition will not occur until Gateway Determination has been received. Post exhibition report will not occur until November 2023.	November 2023

## Reports requested effective 4 July 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
<b>City Planning and Environment</b>			
10.5.22 Brticevic	<p>NM 11.1 - No Smoking - Queen Street, Campbelltown</p> <p>That Council present a report on the feasibility of banning smoking/vaping in the public areas of Queen Street, Campbelltown and Ingleburn CBD. Considerations for the report:</p> <ul style="list-style-type: none"> <li>• Consulting with businesses, the community and other stakeholders.</li> <li>• The geographical boundaries of any ban such as other sections of the Campbelltown CBD.</li> <li>• Designated smoking areas.</li> </ul>	<p>Community Consultation to commence March 2023 - Completed</p> <p>Feedback from the Community Consultation being reviewed and will be reported 12 September 2023.</p>	September 2023
13.12.22 Stellino	<p>ORD 8.3 - Bin Locks - 12 Month Trial</p> <p>3. A report on the findings be presented to Council after 3 months of the trial and before 12 months, whichever comes first.</p>	Trial to begin by March/ April 2023 for 12 month trial.	November 2023
14.2.23 Chew	<p>ORD 8.4 - Proposed amendment of Campbelltown Community Participation Plan</p> <p>3. Where any submission objecting to the proposed amendments is received during the exhibition period, a report be provided to the Council tabling the submission/s and responses to the matters raised therein.</p>	<p>Currently on exhibition until 19 June 2023.</p> <p>If submissions are received in objection, a report will be prepared for the August Meeting of Council.</p>	August 2023



### Reports requested effective 4 July 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
<b>City Planning and Environment</b>			
13.7.21 Morrison	<p>ORD 8.3 - Menangle Park - Amendments to Development Control Plan</p> <p>4. That a further report be presented to Council that includes street names, derived from Table 1.3 of the current Campbelltown (Sustainable City) Development Control Plan, Part 8 Menangle Park, for places of Non-Indigenous Heritage Significance for inclusion on the list of road names approved for Menangle Park.</p>	<p>4. Future report to be presented which includes additional street names relating to places of non-indigenous heritage for use on streets for future subdivisions in Menangle Park. Timing of report is linked to the timing of the development and the submission of relevant subdivision plans. Council Officers are currently in discussion with Dahua for advice on suitable street names</p>	August 2023
6.6.23 Chew	<p>NM 11.1 Barber Reserve</p> <p>That a report be presented to council detailing the issues delaying the delivery of Barber Reserve and the expected timeline of completion.</p>	<p>Preparation of the report incorporating input and consolidation of information from Stockland as well as internal stakeholders such as Traffic, Open Space and Coordinator Development Engineering is currently underway.</p>	August 2023

## Reports requested effective 4 July 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
<b>City Futures</b>			
10.3.20 Morrison	<p>ORD 8.12 - Latest Findings on Climate Change</p> <p>1. That a further report be provided outlining the emission reduction pathways required for Council and the community to transition towards net zero emissions.</p>	<p>Council is currently working to develop a plan that provides suitable pathways to transition Council's operations to Net Zero. The plan utilises information from Council's sustainability dashboard. The dashboard captures and presents consumption and cost information for the following activities - energy and water consumption, vehicle fleet and waste.</p> <p>In addition, Council continues to embed improvements as part of its commitment to reducing greenhouse gas emissions. These commitments include increasing the provision of renewable electricity, investigating low emission fleet opportunities and working in partnership with developers to deliver low emission communities.</p>	August 2023

### Reports requested effective 4 July 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
<b>City Futures</b>			
3.8.21 Manoto	<p>ORD 8.5 - Ingleburn CBD - Planning Proposal and Development Control Plan</p> <p>3. That a further report be presented to Council outlining options for a design excellence process for the development of the future car park site for a mixed use building and a public park. This report is to consider the appropriateness of this site for a possible iconic building.</p>	<p>A Project Definition Plan (PDP) is in preparation. This will include an outline of costs required to undertake a feasibility study to determine the sites viability from a triple bottom line perspective (ie financial, social and environmental).</p> <p>The required funding will be considered as part of Council's annual budget planning process for 2022-23.</p> <p>The project feasibility will take approximately 3 months to complete once funding has been made available.</p>	November 2023
9.6.22 Brticevic	<p>NM 11.1 - LED Street Lighting</p> <p>1. That a report on the contribution of the street lighting network (both public and private) to Council's electricity consumption, and opportunities to work</p>	<p>Council is finalising the collation of information on the private and public street lighting network. A number of opportunities to reduce greenhouse gas emissions and costs associated with the street lighting network are being explored and will be presented in the report.</p>	August 2023

## Reports requested effective 4 July 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
<b>City Futures</b>			
14.9.21 Oates	<p>NM 11.2 - Creative Arts Fund</p> <p>1. That a report be presented investigating the establishment/trial of a local creative arts fund with the purpose of providing opportunities to improve the wellbeing, resilience and social cohesion of our community through creative expression and social connection.</p> <p>2. That the report also include the current and past, small and localised art funding initiatives undertaken by Campbelltown City Council including the cost associated with these initiatives.</p>	A report is currently being drafted that investigates the opportunity of a local creative arts fund to improve our community's well-being, resilience, and social cohesion through creative expression and social connection. The report will include the current and past, small and localised art funding initiatives undertaken by Campbelltown City Council.	August 2023
8.3.22 Lound	<p>NM 11.4 - Business Parking in the Campbelltown CBD</p> <p>1. That Council undertake further engagement with Campbelltown CBD Businesses to understand their concerns regarding parking.</p> <p>2. That a report be presented to Council for discussion and consideration of appropriate potential solutions.</p> <p>3. Develop an appropriate data strategy to ensure that recommendations regarding parking are based on evidence.</p>	Information and data regarding parking is being collected from a number of sources, including a recent travel survey, pedestrian movement data and anecdotal feedback from CBD businesses including through a targeted initial discussions in April 2022. Council has partnered with TfNSW to deliver a kerbside data project, with cameras and sensors installed in and around Queen Street. Additional data will be available in the coming months and will allow Council to make evidenced based assessment of vehicle and pedestrian movement in relation to car parking. A report will be presented to Council to consider options moving forward.	July 2024

### Reports requested effective 4 July 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
<b>City Futures</b>			
13.10.20 Lake	NM 11.1 - Charging for parking within the Campbelltown Local Government Area  That a full feasibility report be presented to Council outlining the financial and non-financial implications of introducing paid parking into the Campbelltown Local Government Area.	Further studies are required for paid parking to form a part of a parking strategy.	November 2023

## Reports requested effective 4 July 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
<b>City Lifestyles</b>			
14.6.22 Brticevic	ORD 8.5 - Campbelltown Billabong Parklands - Project Update  4. That Councillors be provided with a quarterly report on the progress of the Billabong project and the opportunity to inspect the site when feasible.	Quarterly report dates have been scheduled as follows:  October 2022 - Aquatics - Completed December 2022 - Aquatics/Landscaping - Completed March 2023 - Aquatics / Landscaping / Buildings- Completed June 2023 - Aquatics / Landscaping / Buildings Completed September 2023 - Completion	September 2023
20.9.22 Cotter	NM 11.2 - Youth Centres  1. That a report be presented to Council on youth centres within Campbelltown Local Government Area. The report should include whether the current centres meet the community's needs and the feasibility of establishing a council-managed centre or transforming an under-utilised asset to cater to the needs.	Council will investigate current centres within our LGA and the feasibility of establishing a council-managed centre.  May 2023 update: As directed by the Youth Advisory Group, Council is developing a Youth Plan 2024-2030 that will guide the allocation of Council resources to better meet the needs of young people. To inform the Youth Plan, Council has performed desktop research, benchmarking and policy review, plus and commenced consultation process involving young people and services that support them. This work will inform the feasibility assessment of transforming an under-utilised asset to better cater to the needs of young people. The work will conclude in December 2023 in lieu of Plan publication in 2024.	December 2023

**Reports requested effective 4 July 2023**

<b>*Date of Decision *Mover</b>	<b>Action Item</b>	<b>Comments / updates</b>	<b>Expected completion date</b>
<b>City Governance</b>			
9.5.23 Chew	NM 11.2 - Customer Experience  1. That Council further investigate opportunities for enhancing measurement of customer experience. 2. That a report to Council detailing the outcomes and recommendation for customer experience metrics.	Customer experience measures currently being developed and will form part of the customer service charter. A new indicator for customer service has been added to the Operational Plan - "First call resolution rate by customer service - 75%"	September 2023



## Letters requested effective 4 July 2023

*Date of Decision *Mover	Action Item	Comments / updates
<b>City Services</b>		
8.11.22 Stellino	<p>NM - 11.2 - Roads</p> <p>1. That council write to the NSW Minister for transport David Elliot &amp; Minister for Infrastructure Rob Stokes as well as Federal Minister for Transport &amp; Infrastructure The Hon. Catherine King MP and Dr Mike Freeland MP Federal Member for Macarthur and request urgent works to be carried out on the Hume Motorway in the Campbelltown LGA in order to fix the series of potholes which continue to expand, link up and provide dangerous driving conditions for motorists from and passing through Campbelltown</p>	<p>Letters sent 18/11/2022 to The Hon. David Elliot, NSW Minister for Transport, The Hon. Rob Stokes, NSW Minister for Infrastructure, The Hon. Catherine King MP, Federal Minister for Transport and Infrastructure and Dr Mike Freeland, Federal Member for Macarthur.</p> <p>Council did not receive a response from the NSW Minister prior to the change of government. Council is currently investigating the work undertaken and/or still required on the Hume Highway and will prepare further correspondence to the new relevant minister as required.</p> <p>Council is advised the relevant repair works have been undertaken.</p>
14.6.22 Hunt	<p>ORD 7.1 - Koala Care and Treatment Facilities</p> <p>2. That Council write to the new Federal Minister for the Environment and Water, the Hon. Tanya Plibersek MP, seeking funding for koala protection.</p>	<p>2. Letter sent 4/07/2022 to the new Federal Minister for the Environment and Water, the Hon. Tanya Plibersek MP.</p>

### Letters requested effective 4 July 2023

*Date of Decision *Mover	Action Item	Comments / updates
<b>City Services</b>		
9.8.22 Stellino	<p>NM 11.1 - Koala Care</p> <ol style="list-style-type: none"> <li>1. That Council write to the Minister for Environment and Heritage James Griffin MP requesting them not to administer the Chlamydia vaccine to koalas within our region for so long as no signs of Chlamydia are detected in the colony.</li> <li>2. That Council include in the letter that Koala experts hold the opinion that there was no merit in trialling the vaccine in Campbelltown, since the disease is not present, the vaccine is not inheritable and we are already at maximum reproductive rates leading to only possible negative outcomes.</li> <li>3. That Council include in the letter support for the rest of the program announced, including the Chlamydia testing machine to assist in detection of the disease as well as the allocation of state funds for habitat restoration of koala corridors in the Campbelltown Local Government Area.</li> <li>4. That Council ask if the minister has allocated or intends to allocate funding towards koala carers in the region under the NSW Koala strategy.</li> <li>5. That Council utilises the letter tabled by Councillor Stellino from Doctor Steve Phillips with the letter to the Minister for Environment and Heritage James Griffin MP.</li> </ol>	<p>Letters sent 15/11/22 to the Hon James Griffin MP- Minister for the Environment and Heritage</p> <p>Following the change of NSW State Government new letters are currently being drafted to the new Minister for the Environment, the Hon. Penny Sharpe MLC.</p> <p>Letter sent 4 July 2023 to Minister for Environment, the Hon. Penny Sharpe MLC.</p>

### Letters requested effective 4 July 2023

*Date of Decision *Mover	Action Item	Comments / updates
<b>City Planning and Environment</b>		
9.8.22 Oates	<p>ORD 8.3 - Illegal Rubbish Dumping</p> <p>3. That Council write to the Minister for Environment and Heritage, the Honourable James Griffin MP, to convey Council's concerns as it relates to the illegal dumping of waste, and to request additional and restricted funding be provided to each Council for the purpose of employing a dedicated staff member, engaged to prevent and respond to illegally dumped waste.</p>	<p>3. Letter sent 1/09/2022 to the Hon. James Griffin MP - Minister for the Environment and Heritage.</p> <p>Following the change of NSW State Government new letters are currently being drafted to the new Minister for the Environment, the Hon. Penny Sharpe MLC.</p> <p>Letter sent 4 July 2023 to Minister for Environment, the Hon. Penny Sharpe MLC.</p>
6.06.2023 Oates	<p>ORD 8.4 Campbelltown Design Excellence Review Panel - Appointment of New Members</p> <p>That the Mayor write to the current members of the Campbelltown Design Excellence Review Panel that have not sought reappointment and thank them for their service to the Campbelltown Community.</p>	<p>Letters sent to T.Quinn and L.Hancock 28.06.2023.</p>

## Letters requested effective 4 July 2023

*Date of Decision *Mover	Action Item	Comments / updates
<b>City Lifestyles</b>		
<b>City Futures</b>		
13.10.22 Khalil	<p>NM 11.1 - Bus Services in Campbelltown LGA</p> <p>1. That Council writes to the Hon. David Elliott MP, Minister for Transport and Ms Jo Haylen MP, Shadow Minister for Transport and if appropriate to the Minister for Education and Shadow Minister for Education and to our local MP's advocating for the following:</p> <p>a) implementation of an enhancement to the bus service network in Macarthur Heights to improve the residents' access to Campbelltown Station.</p> <p>b) establish additional bus services for students to and from schools in Campbelltown Local Government Area to reduce traffic congestion outside the school and ensure greater safety for the school children.</p>	<p>Letters sent 3 March 2023 to:</p> <ul style="list-style-type: none"> <li>- Member for Macquarie Fields, Anoulack Chanthivong MP</li> <li>- The Hon. David Elliott MP, Minister for Transport</li> <li>- Member for Campbelltown, Greg Warren MP</li> <li>- The Hon. Jo Haylen MP, Shadow Minister for Transport</li> <li>- The Hon. Prue Car, Shadow Minister for Education</li> <li>- The Hon. Sarah Mitchell, Minister for Education and Early Learning</li> </ul>

## Letters requested effective 4 July 2023

*Date of Decision *Mover	Action Item	Comments / updates
<b>Office of General Manager</b>		
14.2.23 Brticevic	<p>NM 11.1 - Community and Justice Precinct</p> <ol style="list-style-type: none"> <li>1. That Council write to the Member/Candidate for the electorate of Campbelltown Greg Warren MP, shadow Attorney General Michael Daley, Opposition Leader Chris Minns seeking an election commitment to the redevelopment of the NSW Courts in Campbelltown to catalyse the Community and Justice Precinct.</li> <li>2. That Council write to the NSW Attorney-General, the Hon Mark Speakman MP, and the NSW Premier, the Hon Dominic Perrottet MP, seeking an election commitment to the redevelopment of the NSW Courts in Campbelltown to catalyse the Community and Justice Precinct.</li> <li>3. That Council write to the Member for Macarthur Dr Mike Freelander MP, Attorney General the Honourable Mark Dreyfus MP and the Prime Minister the Honourable Anthony Albanese MP seeking a commitment for a Federal Circuit and Family Court of Australia for the Community and Justice Precinct in Campbelltown.</li> <li>4. That Council write to the Shadow Attorney-General, Mr Julian Leeser MP, and the Leader of the Opposition, the Hon Peter Dutton MP, seeking a commitment for a Federal Circuit and Family Court of Australia for the Community and Justice Precinct in Campbelltown</li> </ol>	<p>1. Letters sent to Member/Candidate for the electorate of Campbelltown Greg Warren MP, shadow Attorney General Michael Daley, Opposition Leader Chris Minns on 16 February 2023.</p> <p>A further letter was sent to the new AG the Hon. Michael Daley MP on 4 April 2023 requesting a meeting to discuss the Community and Justice Precinct.</p> <p>2. Letters sent to the NSW Attorney-General, the Hon Mark Speakman MP, and the NSW Premier, the Hon Dominic Perrottet MP, on 15 February 2023</p> <p>3. Letters sent to the Member for Macarthur Dr Mike Freelander MP, Attorney General the Honourable Mark Dreyfus MP and the Prime Minister the Honourable Anthony Albanese MP on 15 February 2023 response received from the Hon. Mark Dreyfus KC MP, Attorney General, to Council dated 28 March 2023 included in April Agenda.</p> <p>4. Letters sent to the Shadow Attorney-General, Mr Julian Leeser MP, and the Leader of the Opposition, the Hon Peter Dutton MP on 15 February 2023, response received from the office of the Hon. Peter Dutton MP, Leader of the Opposition, dated 28 March 2023.</p>
6.6.23 Brticevic	<p>NM- 11.2 Campbelltown Hospital Staff Parking</p> <ol style="list-style-type: none"> <li>1. That Council writes to the federal Member for Macarthur, Dr Freelander, seeking his support to reallocate the \$15 million that was promised to Macarthur as part of the last government 2019 election to expand free parking in Campbelltown hospital and provide a cost of living relief to our residents attending the Campbelltown hospital in these hard times.</li> <li>2. That council acknowledges and thanks Dr Mike Freelander and Mr Greg Warren MP for their past and ongoing advocacy for staff and community parking assistance at Campbelltown hospital.</li> </ol>	<p>Letters to Dr Freelander MP and Mr Greg Warren MP were sent 23 June 2023.</p>

## 8.13 Sundry Debtor Write-offs June 2023

### Reporting Officer

Executive Manager Corporate Services and Governance  
City Governance

### Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.2.2 Ensure that public funds and assets are managed strategically, transparently and efficiently

### Delivery Program

Principal Activity
5.2.2.4 Deliver financial sustainability through short, medium and long-term financial planning

### Officer's Recommendation

That the sundry debtors as listed in the attachment totalling \$30,336.46 be written off as uneconomical to recover.

### Purpose

To provide Council with a list of doubtful debts that are considered uneconomical to recover and recommended for write off.

### Report

The debts submitted have undergone extensive recovery procedures with every avenue available to Council being explored and eventually exhausted, prior to being determined as uneconomical to recover and recommended for write off.

The list of debts are summarised as follows:

Account reference number 100655869 - \$16,382.12. This relates to debt generated for Catering Sales Commission from Council's previous contractor at the Campbelltown Sports Stadium. Legal recovery commenced on the debtor involved. A counter claim was initially filed in the District Court by the defendant seeking to claim lost income due to COVID restrictions and a perceived contractual breach. The defendant was advised against this course of action and the matter was returned to the local Court. Eventually the matter was settled out of court with most of the debt recovered (\$34,375) leaving a residue and costs to be absorbed.

Account reference number 100748052 - \$5,838.14 was for regular hall hire usage and associated legal recovery costs. The debtor involved is no longer in business and has proved difficult to locate. Extensive searches from Council's agents through skip tracing has not been successful with the account now deemed as uneconomical to pursue.

Account reference number 100733898 - \$3,243.20 is relating to food premise health inspections and legal costs. The debt relates to a small business that is no longer trading. Legal recovery eventuated however the debtor had managed to evade the court system and extensive skip searches. Council's agents have advised that all recovery has been exhausted and would be uneconomical to pursue further.

Account reference number 100732122 - \$2,352.50 also relating to food premise health inspection and legal costs. This debtor was also a small business that is no longer trading. Formal legal recovery commenced however the debtor had managed to evade the court system and extensive skip searches. Council's agents have advised that all recovery has been exhausted and would be uneconomical to pursue further.

Account reference 100626415 - \$422.40 relates to a cloud master lighting debt where a local sporting club had folded and no funds were available to finalise the account therefore uneconomical to pursue.

Account references 100752211 - \$392 relates to health licence inspections. Advice has been received that the company has gone into liquidation and have had Administrators appointed. A proof of debt has been submitted and advice has been received that no dividends would be paid.

Account reference 100845585 - \$222.50 and 100838887 - \$219.00 relate to Family Day Care Educator Training, in both cases the debtors have moved and have been pursued without success, next steps would be to commence formal recover action. The costs to initiate formal recovery action start at \$640 on each matter, it is considered uneconomical to recover these debts.

Account references 100851325 - \$316.50, 100827146 - \$291.50 and 100851393 - \$191.50: the 3 debts relate to event stallholder fees invoiced in advance to attend a Council run event. In all cases the debtors did not attend the event without advance notice and have subsequently not paid their accounts. The debtors have been pursued without success, with the next steps would be to commence formal recover action. The costs to initiate formal recovery action start at \$640 on each matter, it is considered uneconomical to recover these debts.

Account 100743681 - \$275.00 and 100739739 - \$25.90 is for the hire of the Arts Centre Meeting room. The groups involved have dispersed and no funds are available to clear the debt. The costs to initiate formal recovery action start at \$640, it is considered uneconomical to recover this debt.

Account reference 100839919 - \$147.70 relates to pool entry at the Gordon Fetterplace Aquatic Centre, the customer has disputed the invoice and Council records are unclear to pursue the debt any further.

Account 100842285 - \$16.50 relates to 3 late payment admin fees where the debtor finalised the debt but not the additional charges which will now be uneconomical to pursue.



In many of these cases, the debtors are no longer contactable rendering recovery of the debt unattainable or at significant costs that may, in future, also be unrecoverable.

It should be noted, Council's authorisation to write off bad debts does not prevent recovery of the debt in future should circumstances change. Once written off, debtors are noted as bad debtors within Council's corporate systems ensuring they are easily identifiable should the individual or company attempt to transact with Council in the future.

In accordance with accounting standards, Council is required to create a provision for doubtful debts and review that provision at the end of each financial year. For the financial year ending 30 June 2023, a provision of \$45,008 has been made, this exceeds the amount proposed to be written off of \$30,336.46.

## **Attachments**

8.13.1 Sundry Debtor write off June 2023 (contained within this report) [↕](#)

Sundry Debtor Write-off 2023		
Account	Comments	Total Due
100655869	Catering Sales Commission - court matter finalised recovered \$34,375 - residue balance	16,382.12
100748052	Hall Hire - damage charges - unable to locate debtor uneconomical to pursue recommended by agents for write-off	5,838.14
100733898	Licence fees - Gone out of business uneconomical to pursue recommended by agents for write-off	3,243.20
100732122	Licence fees - Gone out of business uneconomical to pursue recommended by agents for write-off	2,352.50
100626415	Cloudmaster Floodlighting - club folded unable to recover -DOC-22-26409	422.40
100752211	Licence Fees - Debtor filed for Bankruptcy	392.00
100851328	Ingleburn Alive Stall Holder Fee - did not attend uneconomical to pursue	316.50
100827146	Ingleburn Alive Stall Holder Fee - did not attend uneconomical to pursue	291.50
100743681	Meeting Room Hire - Art Centre - Uneconomical to pursue	275.00
100845585	Family Day Care Educator Training - unable to locate debtor uneconomical to pursue	222.50
100838887	Family Day Care Educator Training - unable to locate debtor uneconomical to pursue	219.00
100851393	Ingleburn Alive Stall Holder Fee - did not attend uneconomical to pursue	191.50
100839919	Gordon Fetterplace - pool entry -disputing costs - unable to confirm uneconomical to pursue	147.70
100842285	Monthly Administration Fees- debt finalised- no longer managed uneconomical to pursue	16.50
100739739	Art Centre Facility Hire	25.90
		<b><u>30,336.46</u></b>

## 8.14 Dedication of Council Land - Hansens Road, Leumeah

### Reporting Officer

Property Coordinator  
City Governance

### Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.2.2 Ensure that public funds and assets are managed strategically, transparently and efficiently

### Delivery Program

Principal Activity
5.2.2.5 Ensure assets, infrastructure and property are well managed and incorporate design excellence

### Officer's Recommendation

1. That Council endorse the dedication of Council land detailed in this Council report as public road.
2. That Council endorse that once completed the dedication of land is formalised by publishing a Gazette notice.
3. That Council endorse that all and any documentation associated with this process is signed by way of delegated authority under S377 of the Local Government Act 1993.

### Purpose

To seek Council's approval to dedicate Council land acquired for road widening purpose being Lot 1 Leumeah Road, Leumeah NSW 2560 (legal identifier Lot 1 DP 126471) as public road.

### History

Lot 1 Leumeah Road, Leumeah is a Council owned land parcel situated on the corner of Hansens Road and Leumeah Road. The lot size is 305.4sqm and the land is zoned C4 Environmental Living in the Campbelltown LEP 2015.

The subject land is located within an existing road forming part of a roundabout servicing the adjacent residential development. The subject land is highlighted in the locality plan attached to this Council paper.

The original deposited plan (DP 785963) confirms that the intention was to acquire the land as "road widening variable width" but it did not go so far as to dedicate the land as public road.

For completeness and consistency and to ensure that the land is administered in the correct way it is intended to seek Council's approval to proceed with the dedication of the road.

## **Report**

In order to facilitate the dedication of the subject land it will require the removal of an existing easement for underground cables in favour of Endeavour Energy to be extinguished.

Once the easement is extinguished the entire land parcel can be dedicated as public road.

A deposited plan and 88B instrument have been drafted for this purpose and should Council grant approval, the documents will be lodged with NSW Land Registry Services.

We recommend therefore that approval is granted to proceed with the dedication of the subject land as public road.

## **Attachments**

8.14.1 Locality Plan (contained within this report) [↓](#)



## 8.15 Policy review – Asset Capitalisation

### Reporting Officer

Executive Manager Corporate Services and Governance  
City Governance

### Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.2.2 Ensure that public funds and assets are managed strategically, transparently and efficiently

### Delivery Program

Principal Activity
5.2.2.4 Deliver financial sustainability through short, medium and long-term financial planning

### Officer's Recommendation

1. That the revised Asset Capitalisation Policy as attached to this report be adopted.
2. That the Asset Capitalisation Policy review date be set at 30 June 2027.

### Purpose

To seek Council's endorsement of the revised Asset Capitalisation Policy.

### History

The above mentioned policy was adopted by Council on 12 February 2019, revised on 6 March 2019 and is now due for review in accordance with the Information Management Authorised Statement.

### Report

The above mentioned policy has been developed in accordance with Council's Information Management Authorised Statement and the adopted procedure for Policy Development and Review.


The policy was reviewed and changes were made in line with the current AASB 116 – Property Plant and Equipment and titles of positions held within the organisational structure.

## **Attachments**

8.15.1 Asset Capitalisation Policy current (contained within this report) [↓](#)

8.15.2 Asset Capitalisation Policy proposed (contained within this report) [↓](#)



 <b>CAMPBELLTOWN CITY COUNCIL</b>		<b>POLICY</b>
Policy Title	Asset Capitalisation Policy	
Related Documentation	Asset Management Plan Asset Management Policy Asset Management Strategy Long Term Financial Plan Asset Capitalisation Thresholds Information Sheet Portable and Attractive Items Information Sheet Disposal Policy	
Relevant Legislation	<i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2005</i> AASB 116 – Property, Plant & Equipment AASB 13 – Fair Value Measurement	
Responsible Officer	Executive Manager Corporate Services & Governance Executive Manager Infrastructure <a href="#">Executive Manager City Projects</a>	

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

## Objectives

This policy oversees the accounting and capitalisation (recognition) of assets for Campbelltown City Council.

This policy defines expenditure on Council assets and provides recognition thresholds for each asset class of non-current assets.

## Policy Statement

This policy provides a framework to guide the identification, recognition and measurement of non-current assets at Campbelltown City Council. This policy is necessary to ensure compliance with Australian Accounting Standards and relevant legislation.

## Scope

This policy applies to all physical assets of Council including but not limited to infrastructure, property, plant and equipment. This Policy does not apply to cash or inventory.

## Definitions

DATA AND DOCUMENT CONTROL		
<b>Division:</b> City Governance <b>Section:</b> Financial Services <b>DocSet:</b> 6350757	<b>Adopted Date:</b> 12/02/2019 <b>Revised Date:</b> 06/03/2019 <b>Minute Number:</b> 011 <b>Review Date:</b> 30/03/2022	<b>Page:</b> 1 of 4

### Campbelltown City Council

**Asset:** is a resource controlled by the entity as a result of past events and from which future economic benefits are expected to flow to the entity. Assets include physical assets which provide future economic benefits for more than 12 months.

**Recurrent Expenditure:** is expenditure which has benefits expected to last less than 12 months and does not meet the recognition criteria for an asset. Recurrent expenditure includes operational and maintenance expenditure.

**Operational Expenditure:** is recurrent expenditure which is continuously required. Examples include electricity, fuel, staff costs, on-costs and overheads, etc.

**Maintenance Expenditure:** is recurrent expenditure which is periodically or regularly required as part of the anticipated schedule of works to ensure that an asset achieves its useful life. Maintenance expenditure includes reactive maintenance and repair, planned maintenance and minor part replacement.

**Capital Expenditure:** is material expenditure which provides benefits that are expected to last for more than 12 months. Capital expenditure includes capital renewal/replacement, capital upgrade and capital expansion.

**Capital Renewal/Replacement:** is expenditure on an existing asset which returns the service potential or the life of the asset up to that which it had originally. It is periodically required expenditure and is relatively material in value compared with the value of the components or sub-components of the asset being renewed. As it reinstates existing service potential, it may reduce future operating and maintenance expenditure if completed at the optimum time e.g. resurfacing or re-sheeting part of a road network, replacing a section of a drainage network with pipes of the same capacity, resurfacing an oval, etc.

**Capital Upgrade:** is expenditure which enhances an existing asset to provide a higher level of service, or expenditure that will increase the life of the asset beyond that which it had originally. Capital Upgrades increase operational and maintenance expenditure in the future because of the increase in the Council's asset base e.g. widening the sealed area of an existing road, replacing drainage pipes with pipes of a greater capacity, enlarging a grandstand at a sporting facility, etc.

**Capital Expansion:** is expenditure that extends an existing asset at the same standard as is currently enjoyed by resident to a new group of users. It is discretionary expenditure which increases future operational and maintenance costs as it increases Council's asset base e.g. extending drainage or road network, the provision of an oval or park in a new suburb for new residents, etc.

### Recognition Principles

In accordance with Section 7 of AASB 116 – Property Plant and Equipment:

*The cost of an item of property, plant and equipment shall be recognised as an asset if, and only if:*

- (a) it is probable that future economic benefits associated with the item will flow to the entity; and*
- (b) the cost of the item can be measured reliably.*

Council measures the cost of an asset at recognition in accordance with Section 15 of AASB 116 – Property Plant and Equipment:

DATA AND DOCUMENT CONTROL		
6350757	Page: 2 of 4	

### Campbelltown City Council

An item of property, plant and equipment that qualifies for recognition as an asset shall be measured at its cost.

~~Notwithstanding paragraph 15, in respect of not-for-profit entities, where an asset is acquired at no cost, or for a nominal cost, the cost is its fair value as at the date of acquisition.~~

Notwithstanding paragraph 15, Not-for-Profit Entities, shall initially measure the cost of an item of property, plant and equipment at fair value in accordance with AASB 13 Fair Value Measurement where the consideration for the asset is significantly less than fair value principally to enable the entity to further its objectives. AASB 1058 income of Not-for-Profit Entities addresses the recognition of related amounts.

Distinction between the recognition of recurrent expenditure and capital expenditure associated with the acquisition/creation of new assets is detailed as follows:

Recurrent Expenditure	Capital Expenditure
<p>All activities prior to a decision made to proceed with investment including:</p> <ul style="list-style-type: none"> <li>• Strategic planning reports</li> <li>• Project scoping and investigation, valuation reports, planning approvals</li> </ul>	<p>All activities following a decision made to proceed with investment including:</p> <ul style="list-style-type: none"> <li>• Survey and design</li> <li>• Professional fees</li> <li>• Site preparation</li> <li>• Construction</li> <li>• Contract payments</li> <li>• Council direct costs, wages, salaries, plant hire, materials, on-costs</li> <li>• Overheads</li> <li>• Supervision</li> <li>• Transport, installation, assembly and testing</li> <li>• Project Management</li> <li>• Future dismantling and removing item and site restoration (where applicable)</li> </ul>

Recognition of capital expenditure associated with the renewal of existing assets is as follows:

- Complete renewal is recognised as a new asset with the old asset being retired from the Fixed Asset Register
- Partial renewal is recognised by adding the renewal cost to the existing asset value and reviewing the remaining/useful life of the renewed asset to recognise the restored benefits to the entity

A detailed listing of the recognition thresholds for each asset class can be found at Appendix A.

### Provisions

Minor Assets are items acquired for a cost less than \$1,000. The materiality of a minor asset can be examined against capitalisation thresholds in isolation or the asset can be treated as being part of a homogenous group. The manner in which the materiality of minor assets of a particular kind as assessed is dependent on:

- If a significant proportion of these assets are replaced each year;
- If these assets become obsolete or are superseded in a relatively short space of time; and
- If the aggregate value of these minor assets is insignificant when compared to the total value of the category to which they belong.

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### Campbelltown City Council

The presence of one or more of these conditions would usually indicate that the cost of minor assets of a particular kind should be fully expensed in the year in which they are incurred. In this case minor assets will be examined against capitalisation thresholds individually.

Minor assets that are not capitalised are recorded in Council's Portable and Attractive Items Register. Attractive Items Registers are subject to periodic internal audit.

#### Responsibility

- The Executive Manager Corporate Services and Governance and the Executive Manager Infrastructure are responsible to ensure that the acquisition and capitalisation of assets are in accordance with relevant legislation and Council Policies.
- All Directors and Managers are responsible for implementing this Policy.
- Council Officers with financial delegation and delegation to authorise work activity are responsible for ensuring that purchase, acquisition, creation, renewal of non-current assets complies with this Policy.
- The Coordinator Asset Management Strategic Assets Coordinator and Assets and Systems Assets Accountant are responsible for maintaining the fixed assets register, including uploading of capitalisation information.

#### Policy Review

This policy will be reviewed annually by the Responsible Officer.

#### APPENDIX A: Asset Recognition Thresholds

Asset Class	Capitalisation Threshold	
	Capital New	Capital Renewal
Plant & Equipment	\$1,000	\$1,000
Office Equipment	\$1,000	\$1,000
Furniture & Fittings	\$1,000	\$1,000
Operational Land	All \$1	N/A
Community Land	All \$1	N/A
Land Under Roads	All \$1	N/A
Land Improvements – Non Depreciable	\$10,000	\$10,000 and/or > 10% Asset Value
Buildings	All	\$10,000 and/or > 10% Asset Value
Roads	All	Refer to Information Sheet
Road Furniture	\$1,000	\$1,000
Kerb & Gutter	All	> 15m
Bridges	All	\$10,000 and/or > 10% Asset Value
Footpaths	All	> 15m2
Stormwater	All	\$10,000 and/or > 10% Asset Value
Other Structures	All	> \$5,000
Open Space/Recreational Assets	All	> \$5,000
Swimming Pools	All	\$10,000 and/or > 10% Asset Value

The above table should be read in conjunction with the Asset Capitalisation Thresholds Information Sheet.

### END OF POLICY STATEMENT

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 <b>CAMPBELLTOWN CITY COUNCIL</b>		<b>POLICY</b>
Policy Title	Asset Capitalisation Policy	
Related Documentation	Asset Management Plan Asset Management Policy Asset Management Strategy Long Term Financial Plan Asset Capitalisation Thresholds Information Sheet Portable and Attractive Items Information Sheet Disposal Policy	
Relevant Legislation	<i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2005</i> AASB 116 – Property, Plant & Equipment AASB 13 – Fair Value Measurement	
Responsible Officer	Executive Manager Corporate Services & Governance Executive Manager Infrastructure Executive Manager City Projects	

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

## Objectives

This policy oversees the accounting and capitalisation (recognition) of assets for Campbelltown City Council.

This policy defines expenditure on Council assets and provides recognition thresholds for each asset class of non-current assets.

## Policy Statement

This policy provides a framework to guide the identification, recognition and measurement of non-current assets at Campbelltown City Council. This policy is necessary to ensure compliance with Australian Accounting Standards and relevant legislation.

### Scope

This policy applies to all physical assets of Council including but not limited to infrastructure, property, plant and equipment. This Policy does not apply to cash or inventory.

### Definitions

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<b>Division:</b> City Governance <b>Section:</b> Financial Services <b>DocSet:</b> 6350757	<b>Adopted Date:</b> 12/02/2019 <b>Revised Date:</b> 06/03/2019 <b>Minute Number:</b> 011 <b>Review Date:</b> 30/03/2022	<b>Page:</b> 1 of 4

### Campbelltown City Council

**Asset:** is a resource controlled by the entity as a result of past events and from which future economic benefits are expected to flow to the entity. Assets include physical assets which provide future economic benefits for more than 12 months.

**Recurrent Expenditure:** is expenditure which has benefits expected to last less than 12 months and does not meet the recognition criteria for an asset. Recurrent expenditure includes operational and maintenance expenditure.

**Operational Expenditure:** is recurrent expenditure which is continuously required. Examples include electricity, fuel, staff costs, on-costs and overheads, etc.

**Maintenance Expenditure:** is recurrent expenditure which is periodically or regularly required as part of the anticipated schedule of works to ensure that an asset achieves its useful life. Maintenance expenditure includes reactive maintenance and repair, planned maintenance and minor part replacement.

**Capital Expenditure:** is material expenditure which provides benefits that are expected to last for more than 12 months. Capital expenditure includes capital renewal/replacement, capital upgrade and capital expansion.

**Capital Renewal/Replacement:** is expenditure on an existing asset which returns the service potential or the life of the asset up to that which it had originally. It is periodically required expenditure and is relatively material in value compared with the value of the components or sub-components of the asset being renewed. As it reinstates existing service potential, it may reduce future operating and maintenance expenditure if completed at the optimum time e.g. resurfacing or re-sheeting part of a road network, replacing a section of a drainage network with pipes of the same capacity, resurfacing an oval, etc.

**Capital Upgrade:** is expenditure which enhances an existing asset to provide a higher level of service, or expenditure that will increase the life of the asset beyond that which it had originally. Capital Upgrades increase operational and maintenance expenditure in the future because of the increase in the Council's asset base e.g. widening the sealed area of an existing road, replacing drainage pipes with pipes of a greater capacity, enlarging a grandstand at a sporting facility, etc.

**Capital Expansion:** is expenditure that extends an existing asset at the same standard as is currently enjoyed by resident to a new group of users. It is discretionary expenditure which increases future operational and maintenance costs as it increases Council's asset base e.g. extending drainage or road network, the provision of an oval or park in a new suburb for new residents, etc.

### Recognition Principles

In accordance with Section 7 of AASB 116 – Property Plant and Equipment:

*The cost of an item of property, plant and equipment shall be recognised as an asset if, and only if:*

- (a) it is probable that future economic benefits associated with the item will flow to the entity; and*
- (b) the cost of the item can be measured reliably.*

Council measures the cost of an asset at recognition in accordance with Section 15 of AASB 116 – Property Plant and Equipment:

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### Campbelltown City Council

An item of property, plant and equipment that qualifies for recognition as an asset shall be measured at its cost.

Notwithstanding paragraph 15, *Not-for-Profit Entities*, shall initially measure the cost of an item of property, plant and equipment at fair value in accordance with AASB 13 *Fair Value Measurement* where the consideration for the asset is significantly less than fair value principally to enable the entity to further its objectives. AASB 1058 *Income of Not-for-Profit Entities* addresses the recognition of related amounts.

Distinction between the recognition of recurrent expenditure and capital expenditure associated with the acquisition/creation of new assets is detailed as follows:

Recurrent Expenditure	Capital Expenditure
<p>All activities prior to a decision made to proceed with investment including:</p> <ul style="list-style-type: none"> <li>• Strategic planning reports</li> <li>• Project scoping and investigation, valuation reports, planning approvals</li> </ul>	<p>All activities following a decision made to proceed with investment including:</p> <ul style="list-style-type: none"> <li>• Survey and design</li> <li>• Professional fees</li> <li>• Site preparation</li> <li>• Construction</li> <li>• Contract payments</li> <li>• Council direct costs, wages, salaries, plant hire, materials, on-costs</li> <li>• Overheads</li> <li>• Supervision</li> <li>• Transport, installation, assembly and testing</li> <li>• Project Management</li> <li>• Future dismantling and removing item and site restoration (where applicable)</li> </ul>

Recognition of capital expenditure associated with the renewal of existing assets is as follows:

- Complete renewal is recognised as a new asset with the old asset being retired from the Fixed Asset Register
- Partial renewal is recognised by adding the renewal cost to the existing asset value and reviewing the remaining/useful life of the renewed asset to recognise the restored benefits to the entity

A detailed listing of the recognition thresholds for each asset class can be found at Appendix A.

### Provisions

Minor Assets are items acquired for a cost less than \$1,000. The materiality of a minor asset can be examined against capitalisation thresholds in isolation or the asset can be treated as being part of a homogenous group. The manner in which the materiality of minor assets of a particular kind is assessed is dependent on:

- If a significant proportion of these assets are replaced each year;
- If these assets become obsolete or are superseded in a relatively short space of time; and
- If the aggregate value of these minor assets is insignificant when compared to the total value of the category to which they belong.

The presence of one or more of these conditions would usually indicate that the cost of minor assets of a particular kind should be fully expensed in the year in which they are incurred. In this case minor

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### Campbelltown City Council

assets will be examined against capitalisation thresholds individually.

Minor assets that are not capitalised are recorded in Council's Portable and Attractive Items Register. Attractive Items Registers are subject to periodic internal audit.

#### Responsibility

- The Executive Manager Corporate Services and Governance and the Executive Manager Infrastructure are responsible to ensure that the acquisition and capitalisation of assets are in accordance with relevant legislation and Council Policies.
- All Directors and Managers are responsible for implementing this Policy.
- Council Officers with financial delegation and delegation to authorise work activity are responsible for ensuring that purchase, acquisition, creation, renewal of non-current assets complies with this Policy.
- The Strategic Assets Coordinator and Assets Accountant are responsible for maintaining the fixed assets register, including uploading of capitalisation information.

#### Policy Review

This policy will be reviewed annually by the Responsible Officer.

#### APPENDIX A: Asset Recognition Thresholds

Asset Class	Capitalisation Threshold	
	Capital New	Capital Renewal
Plant & Equipment	\$1,000	\$1,000
Office Equipment	\$1,000	\$1,000
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Community Land	All	N/A
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Land Improvements – Non Depreciable	\$10,000	\$10,000 and/or > 10% Asset Value
Buildings	All	\$10,000 and/or > 10% Asset Value
Roads	All	Refer to Information Sheet
Road Furniture	\$1,000	\$1,000
Kerb & Gutter	All	> 15m
Bridges	All	\$10,000 and/or > 10% Asset Value
Footpaths	All	> 15m <sup>2</sup>
Stormwater	All	\$10,000 and/or > 10% Asset Value
Other Structures	All	> \$5,000
Open Space/Recreational Assets	All	> \$5,000
Swimming Pools	All	\$10,000 and/or > 10% Asset Value

The above table should be read in conjunction with the Asset Capitalisation Thresholds Information Sheet.

### END OF POLICY STATEMENT

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## 8.16 Investment Property Portfolio - Performance Update

### Reporting Officer

Property Coordinator  
City Governance

### Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.2.2 Ensure that public funds and assets are managed strategically, transparently and efficiently

### Delivery Program

Principal Activity
5.2.2.5 Ensure assets, infrastructure and property are well managed and incorporate design excellence

### Officer's Recommendation

That Council note the information contained in this report.

### Purpose

To inform Council of the financial performance of the Commercial Property Portfolio for 2022-23.

### History

Council endorsed the Investment Property Portfolio – Strategy for Revenue Growth Policy in July 2020.

The Council recognised that local government's revenue sources were constrained and sought alternative review growth opportunities outside of traditional sources including rates and grants.

The policy also recognised the need for transparency and reporting on the commercial property portfolio's performance periodically. This report addresses the performance of the portfolio for 2022-23.

### Report

The endorsement of the policy, robust strategy and governance frameworks has enabled successful execution in growing Council's commercial property portfolio from approximately

\$25 million in 2018 to \$122 million in 2022 (audited). The commercial property portfolio consists of over 30 leases and is currently 100% occupied at the time of preparing this report.

In terms of operational performance, the portfolio has generated \$8.6 million (original budget \$8 million) in rental income against an asset value of \$134 million or 6.4% cash return for the year.

An independent valuation has identified that Council has experienced strong capital growth in the value of the portfolio for 2023 with a 10% or \$12.3 million increase, bolstering the value of commercial property portfolio to \$134 million as at 30 June 2023.

Combining both gross income and capital growth for the period the commercial property portfolio has generated a strong 15.6% total return for 2023.

Under the Local Government Act, Councils have constraints on the types of investment classes it is able to access. For example, the Council is unable to invest in shares. It is however able to transact in cash (financial instrument) investments and acquire property.

Council's cash (financial instrument) investments over the same corresponding period yielded 3.41% against a cash benchmark of 2.98%.

A cornerstone asset in the portfolio is Homebase Campbelltown, acquired in August of 2021 which has continued to outperform metrics established upon acquisition.



The Bunnings development in Blaxland Road is also another cornerstone investment and was completed in October 2021.



Investment in commercial property is part of Council's broader strategy of developing greater financial resilience and long term sustainability while lessening our reliance on cash investments and diversifying our revenue base.

The below table summarises the budget performance of the portfolio for the 2022-2023 financial year.

#### **Budget vs. Actual Performance 2022-2023**

	<b>Actual (\$M)</b>	<b>Budget (\$M)</b>	<b>Variance (\$M)</b>
<b>Property Services Combined Budget</b>	\$8.6	\$8.0	+\$0.67

Actual and forecast results have been strong across the portfolio for the year reflecting extremely low vacancy levels and strong rental growth as a consequence of CPI rent reviews exceeding original assumptions.

#### **Valuation of Council's Investment Property Portfolio – Land and Building**

<b>Year End 2022</b>	121,776,093 (audited)
<b>Year End 2023</b>	134,035,000 (unaudited)

The valuation uplift over the 2022-2023 financial year is \$12.26 million (unaudited).

While the initial valuations remain subject to audit the uplift in value across the portfolio has been very strong off the back of increasing land values and uplift from leasing transactions.

The 2023-2024 year looks positive with the proposed completion of 10 Digitaria Drive scheduled for early September 2023. The Property team will work with Council's independent property advisor to identify additional investment opportunities in the market that meet Council's investment requirements.

## **Attachments**

Nil

## 8.17 T23/20 Design and Construction of the Raby Indoor Sports Centre

### Reporting Officer

Executive Manager Corporate Services and Governance  
City Governance

### Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.2.2 Ensure that public funds and assets are managed strategically, transparently and efficiently

### Delivery Program

Principal Activity
5.2.2.1 Conduct Council business in an open, transparent and accountable manner

### Officer's Recommendation

That Council:

1. In accordance with section 178 (3)(e) of the Local Government (General) Regulation 2021, enter into negotiations with an organisation that can demonstrate their capacity to meet project objectives as outlined in the report, as no tenders were received. The evaluation panel do not see any benefit in inviting fresh tenders as the market was tested through this process.
2. Endorse the General Manager to finalise negotiations and enter into a contract by way of delegated authority under S377 of the *Local Government Act 1993*.

### Purpose

To advise Council that no tenders were received for the design and construction of Raby Indoor Sports Centre and recommend that Council enter into negotiations with the organisation that had previously expressed an interest in undertaking the works.

### History

Council had identified a requirement for the design and construction of a new indoor sports centre at Raby Sports Fields. The design is currently at 80%.

A Request for Expressions of Interest had previously been sought for these works, however it became apparent through this process that the requirements were to be reviewed and fresh tenders sought.

## **Report**

### **Legislation**

This tender process was conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2021* and Council's Procurement Policy and Procedures.

### **Contract Expenditure**

Funds for these works are allocated in Council's budget.

### **Advertising of Tenders**

Tenders were advertised on Tenderlink and Council's website weeks commencing 25 May 2023. YARPA, the Ingleburn and Campbelltown Chambers of Commerce and Industry were notified.

### **Tender Document**

Organisations were requested to submit the following information with their tender response:

- experience, including details of any subcontractors and their experience
- references
- proposed organisational structure and qualifications
- program and methodology
- price
- insurances
- work health and safety management system
- environmental practices
- social sustainability practices
- conflicts of interest declaration
- code of conduct and statement of business ethics declarations
- collusive submission declaration
- workplace relations information and undertaking
- proposed contract departures
- addenda acknowledgement form
- modern slavery requirements.

### **Tenders Received**

Tenders closed on Thursday 22 June 2023. No on-time responses were received. No late tenders were received.

### **Recommendation of the Evaluation Panel**

That Council enter into negotiations with an organisation that has previously expressed an interest in undertaking the works or other organisations that can demonstrate their capacity to meet project objectives. The evaluation panel do not see any benefit in inviting fresh tenders as



the market was tested through both the Expression of Interest process as well as the Request for Tender.

This is in accordance with section 178 of the *Local Government (General) Regulation 2021* which provides:

- (3) A council that decides not to accept any of the tender submissions for a proposed contract or receives no tender submissions for the proposed contract must do one of the following:
  - (a) postpone or cancel the proposal for the contract,
  - (b) invite, in accordance with section 167, 168 or 169, fresh tender submissions based on the same or different details,
  - (c) invite, in accordance with section 168, fresh applications from persons interested in making a tender submission for the proposed contract,
  - (d) invite, in accordance with section 169, fresh applications from persons interested in making a tender submission for contracts of the same kind as the proposed contract,
  - (e) by resolution of the council, enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
  - (f) carry out the requirements of the proposed contract itself.
- (4) If a council resolves to enter into negotiations as referred to in subsection (3)(e), the resolution must state the following:
  - (a) the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3)(b)-(d)
  - (b) the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3)(e).

### **Assurance of the Process Undertaken**

In accordance with Council's Procurement Procedures, a tender review panel, consisting of members of Council's Executive reviewed the tender to assure the process was undertaken in a manner that was fair, transparent and resulted in the best value outcome to Council.

### **Management of Proposed Contract**

The contractor will be subject to contract management and safety reviews throughout the duration of the contract in accordance with Council's contract management requirements.

## **Attachments**

Nil

**8.18 Campbelltown Billabong Parklands Project Audit****Reporting Officer**

Executive Manager City Projects, City Growth  
City Futures

**Community Strategic Plan**

Objective	Strategy
5 Strong Leadership	5.2.2 Ensure that public funds and assets are managed strategically, transparently and efficiently

**Delivery Program**

Principal Activity
5.2.2.1 Conduct Council business in an open, transparent and accountable manner

**Officer's Recommendation**

That Council:

1. Notes the findings of the project audit recently completed by KPMG for the Campbelltown Billabong Parklands Project.
2. Notes that the project being delivered within the budget as approved by Council.

**Purpose**

To formally present the audit report recently completed by KPMG for the Campbelltown Billabong Parklands Project.

**History**

At the Ordinary Meeting of Council on the 12 July 2022, the Council resolved to instruct the General Manager to undertake an independent assessment and audit of the Campbelltown Billabong Parklands Project.

During July and August of 2022, Council officers drafted a Terms of Reference (ToR) for the audit, which was subsequently discussed and refined with nominated Councillors.

The ToR was finalised on 7 November 2022 and a formal Request for Quotation (RFQ) was issued to appropriately experienced and qualified organisations on 22 November 2022.

Submissions to the RFQ were received and assessed in December 2022 and KPMG Pty Ltd was formally appointed to undertake the audit on 10 January 2023.

KPMG commenced the audit in February 2023, with a collation and review of project related documentation. This was followed by a series of ongoing interviews with Council officers and members of the project team, as well as further field work including documentation reviews.

The final audit report was circulated to Councillors on 7 June 2023. Representatives from KPMG briefed Councillors in relation to the audit process and key findings of the audit on 20 June 2023.

## **Report**

The audit report makes a number of observations and key findings in relation to the Campbelltown Billabong Parklands project, which Council is delivering as part of the City Deals Liveability Program. A copy of the report is attached herein.

## **Attachments**

8.18.1 Campbelltown Billabong Parklands Audit Report (contained within this report) [↓](#)



# Campbelltown City Council

Billabong Parklands Project – Internal Audit

17 May 2023

# Disclaimers

## Inherent Limitations

The services provided in connection with this engagement comprise an advisory engagement, which is not subject to assurance or other standards issued by the Australian Auditing and Assurance Standards Board and, consequently no opinions or conclusions intended to convey assurance have been expressed.

Due to the inherent limitations of any internal control structure, it is possible that fraud, error or non-compliance with laws and regulations may occur and not be detected. Further, the internal control structure, within which the control procedures that are to be subject to the procedure we perform operate, will not be reviewed in its entirety and, therefore, no opinion or view is to be expressed as to its effectiveness of the greater internal control structure. The procedures to be performed are not designed to detect all weaknesses in control procedures as they are not performed continuously throughout the period and the tests performed on the control procedures are on a sample basis. Any projection of the evaluation of control procedures to future periods is subject to the risk that the procedures may become inadequate because of changes in conditions, or that the degree of compliance with them may deteriorate.

No warranty of completeness, accuracy or reliability is given in relation to the statements and representations made by, and the information and documentation provided by Campbelltown City Council management and personnel consulted as part of the process.

## Third Party Reliance

This scope is solely for the purpose set out above and for Campbelltown City Council information, and is not to be used for any other purpose or distributed to any other party without KPMG's prior written consent.

This scope has been prepared at the request of Campbelltown City Council in accordance with the terms of KPMG's engagement contract dated 20 January 2023. Other than our responsibility to Campbelltown City Council, neither KPMG nor any member or employee of KPMG undertakes responsibility arising in any way from reliance placed by a third party on this report. Any reliance placed is that party's sole responsibility.

## Electronic Distribution of Report

This KPMG report was produced solely for the use and benefit of for Campbelltown City Council and cannot be relied on or distributed, in whole or in part, in any format by any other party. The report is dated 5 April 2023 and KPMG accepts no liability for and has not undertaken work in respect of any

event subsequent to that date which may affect the report.

Any redistribution of this report requires the prior written approval of KPMG and in any event is to be complete and unaltered version of the report and accompanied only by such other materials as KPMG may agree.

Responsibility for the security of any electronic distribution of this report remains the responsibility of Campbelltown City Council and KPMG accepts no liability if the report is or has been altered in any way by any person.

## Reference to 'Review' and 'Audit'

Reference to 'Review' and 'Audit' throughout this report has not been used in the context of a review in accordance with assurance and other standards issued by the Australian Auditing and Assurance Standards Board.

## Reference to Engagement Letter

The following disclaimers ensure that our code of ethics and independence requirements are adhered to during this engagement:

- (a) KPMG does neither design or implement an internal audit function for the client, nor takes an active role in the internal audit department of the client;
- (b) The client designates an appropriate and competent resource, preferably within senior management, to:
  - (i) Be responsible at all times for internal audit activities; and
  - (ii) Acknowledge responsibility for designing, implementing, monitoring and maintaining internal control.
- (c) The client's management or those charged with governance reviews, assesses and approves the scope, risk and frequency of the internal audit services;
- (d) The client's management evaluates the adequacy of the internal audit services and the findings resulting from their performance;
- (e) The client's management evaluates and determines which recommendations resulting from internal audit services to implement and manages the implementation process; and
- (d) The client's management reports to those charged with governance the significant findings and recommendations resulting from the internal audit services.

# Key Findings

## Background

Campbelltown City Council ('CCC') has been planning and delivering the Campbelltown Billabong Parklands project ('the Project') since August 2018. The Project was initiated under the Western Sydney City Deal (WSCD), a collaboration between Federal, State and Local governments to help support growth around the new Western Sydney Airport. Under the WSCD, \$15m in grant funding from the Liveability Fund was allocated to each of the eight (8) council's of the Western Sydney Parklands. The Project was deemed to satisfy the objectives of the Liveability Fund to support local character, wellbeing and belonging in communities and to improve the long-term liveability of these areas. Currently, the Project is under construction and is approaching the award of its final package of works. The final approved completion date is September 2023. An internal audit of the Project was completed to consider scope items that were raised, following the Mayoral Minute of 12 July 2022 instructing an independent audit of the Project.

## Scope

The scope of this project included the following areas:

- **Scope of Works and Funding Agreement Requirements:** Review the original scope and intent of the Project as outlined within the executed funding agreement to determine if Council is delivering the Project in accordance with the agreed scope and terms of the funding agreements.
- **Scope and Variation Management:** Review any variations to the scope of agreements with funding bodies and consider whether these variations have been appropriately administered and reported. Identify any funds additional to the agreed project costs that were sourced from any general budget funds and how those funds will be recovered/restored.
- **Project Governance:** Review the appropriateness of Council's project governance arrangements in place for the management of the Project.
- **Cost Management:** Review the expenditure of funds and consider whether funds committed to the project have been spent in accordance with relevant agreement executed with the Project funding bodies and whether any general funds have been redirected to the Project.
- **Cost Management:** Review the Project costs and consider whether they have been captured and appropriately assigned to the Project for the purposes of budget reporting.
- **Cost Management:** Review whether costings exist for remaining components of the Project and whether these are within the Council's approved budget.
- **Management of Asbestos:** Consider the controls in place to manage Asbestos Containing Material (ACM) encountered onsite for compliance with the relevant SafeWork NSW and Environmental Protection Authority (EPA) regulations and identify the amount and origin of the costs associated with these works.

## Approach

The Project comprised of the following approach:

- Initial kick-off meeting with the Project Sponsor to confirm the scope of works and review methodology.
- Attendance at the Executive Council Meeting to provide a verbal overview of the Project review.
- Face-to-face introductions and initial introductory meetings with the Project team.
- Desktop review of key documentation and supporting artefacts in relation to each of the seven (7) scope items.
- Site visit to the Project site to observe the current state of the Project activities and develop an understanding of the site conditions, location and context.
- Face-to-face meetings and interviews with the Project team and key stakeholders to discuss the Project details and walkthrough key processes, controls and additional questions.
- Review of the documentation, walkthroughs and other relevant Project details against best practice.
- Follow up meetings with the Project team.
- Preparation of the draft Project review report.
- Close out meeting with the Project Sponsor to discuss the Project findings.
- Submit draft report to the Project Sponsor for feedback.
- Submission of final report.



# Key Findings (cont.)

## Overview

Funding has been received by the Western Parkland City Liveability Program ('WPCLP') with additional contributions made by CCC.

In August 2018, CCC prepared a Project Concept, selected a site and developed a funding application titled the *Campbelltown Billabong Parklands Project* (submitted in October 2018). As a requirement of the fund, CCC also committed more than a minimum of 20% of the total funding amount, equating to \$3.75m. CCC has contributed additional amounts to meet the revised approved final project budget.

This Project was considered a major project for CCC and brought a different level of size, scale and complexity compared to the traditional Council led capital works. At the time of the funding application, CCC had not undertaken a robust or detailed project feasibility study, such as a Business Case. Instead, a Project Concept was developed and aligned to the funding envelope available. It is noted that a four (4) week timeframe was provided to CCC to submit their application for funding. This timeframe provided limited opportunity to develop a robust Project Concept. It would be expected that additional due diligence on the Project Concept would have been undertaken prior to initiation or delivery of the Project.

CCC secured the funding grant and commenced Project related activities. Throughout the course of the Project's lifecycle, a number of challenges have been faced by the Project team, including:

- Presence of asbestos containing materials ('ACMs') on the selected site.
- Variations to design and scope.
- Value engineering activities to refine scope and identify efficiency opportunities.
- Schedule delays and impacts due to COVID-19 disruptions and extreme weather events.
- Impacts to budget and final completion date.

The current final Project budget is \$34.65m with a funding body completion milestone of September 2023.

A summary of the positive observations and findings specific to each of the seven (7) scope areas are outlined below.

## Positive Observations

- CCC has demonstrated an improvement in its maturity to deliver capital projects since February 2022.-
- The overarching Project purpose, objectives and planned outcomes have not changed since the original funding application submitted in 2018.

## Positive Observations (cont.)

- Project governance arrangements with clear roles and fortnightly meetings to manage Project timelines and schedules have been in place since February 2022.
- Relevant approvals were formalised to seek additional funding contribution to make up the revised project budget. Costs have been expended according to the funding agreement.
- Appropriate approvals were sought by the fund Administrator when seeking an extension of the final completion date.
- Based on the information considered, the ACM remediation and management undertaken in 2020, 2021 and 2022 appears consistent with the relevant SafeWork and EPA regulations.

## Summary of Observations

- The Project initiation phase was undertaken rapidly, leading to the following:
  - Selection of a site without adequate due diligence for potential risk, i.e., contamination.
  - Development of a Project Concept containing high-level scope and lack of design.
  - Submission of a Project Concept without a detailed Business Case.
- As per the funding requirements:
  - The Project has been delivered in alignment with the initial intent as outlined in the funding agreement.
  - CCC has contributed a minimum amount of 20% of the total funding amount provided by the WPCLP.
  - Additional budget contributions have been made by CCC.
  - CCC has expended the WPCLP funds prior to CCC funds.
- There appears to be a lower level of capital delivery maturity leading up to early 2022 due to a lack of documentation supporting key decisions, i.e., design changes, and project governance arrangements. Better capital project delivery practices have been demonstrated since early-2022, with evidence of project governance meetings, a newly established variation register.
- The current final approved project budget at \$34.65m. It is estimated that this budget is at a P70 confidence level.
- Current funding body completion milestone is September 2023.

# Key Findings (cont.)

## Detailed Summary of Observations

### Scope of Works and Funding Agreement

- CCC did not develop a detailed scope of works during the initial planning and development stage and the Project concept was not supported by a Business Case or robust feasibility study.
- It appears that the intent of the current scope of works is aligned with the funding application.

### Scope and Variation Management

- The scope of works and budget defined during Project planning and development did not include sufficient details. A work breakdown structure with activities required for Project completion and the respective costs were not performed.
- No formalised scope or variation management processes were identified until February 2022, although after that, a variation register was established and changes to scope were managed through the Project Control Group (PCG) and Executive Steering Committee (ESC) meetings.
- It is unclear what decisions were made in relation to scope and design during the initial planning and development phase due to a lack of documentation.
- The Project has experienced significant changes to the original Project schedule and budget, noting the following:
  - The planned completion date has changed from 30 June 2022 to 11 September 2023.
  - The Project budget has changed from \$18.75m to \$34.65m.
  - The classification of land use for the Project site has changed from Community to Operational land use.
- Variations in scope refer to the Aquatics contract currently in progress. It appears that 10.49% of total contract value (including value engineering) is made up of variations. These variations are in the order of \$0.919m. However, \$0.935m in cost savings have been realised through value engineering.
- Scope and budget variations were noted throughout the Project's initial delivery phase. We were unable to consider whether these variations have been appropriately administered as decisions made by CCC were not documented.

## Detailed Summary of Observations (cont.)

### Project Governance

- Project governance arrangements are currently in place including a Project team structure, Project governance groups and monitoring/reporting of project information. Risk management is a consideration at governance group meetings, however, the risk management framework is based on enterprise risk criteria not aligned to capital delivery.
- Project governance groups were established during the planning and development phase of the Project, however, there was no evidence these groups were operating effectively until early 2022.

### Cost Management

- At the time of testing (23 March 2023), transactions sampled in relation to Project costing allocation appear to be allocated to the relevant cost centres and / or accounts.
- Additional funds have been allocated to the Project and sourced from CCC. A funding strategy for the additional contribution of \$12.75m from Council's unrestricted cash holdings was put in place with a commitment to replenish the reserves over a six (6) year period.
- In addition to the proposed Billabong Parklands Project budget, the Apex Park scope of works has been captured in *Billabong Parklands Project Cost Management Plan*.
- The total Apex Park funding was noted as \$3.65m, which was secured through a Legacy Grant outside of the December 2020 Council / WCPLP funding agreement.
- The Owner's Costs (i.e., related to project delivery staff) do not appear to be captured in the Billabong Parklands Project Cost Management Plan dated 3 March 2023.
- CCC's Cost Control process does not appear to be appropriate for the scale and complexity of the Project. For example, cost adjustments due to design changes (e.g., scope change, value engineering, etc.) do not appear to be adequately captured in the Cost Management documentation.
- A Quantitative Cost Risk Analysis (QCRA) was completed using inputs (i.e. risk and opportunities) identified and quantified through the cost review and stakeholder interviews. The QCRA results suggest that the Project budget of \$34.65m falls approximately a P70 (70% confidence level). Assuming that the current Project scope will not change and recommendations are implemented, the current available funding at a P70 confidence level appears reasonable.
- Rates (from RLB's cost estimate) have been sampled and considered against benchmark rates. Some of these rates appear to be optimistic (i.e., difference in estimates for Sandstone Log walls).

# Key Findings (cont.)

Detailed Summary of Observations (cont.)

Management of Asbestos Containing Material

- The site was initially considered by CCC to be appropriate for the development, however, it was unclear what initial due diligence occurred during the planning and development stages to assess contamination risk.
- Based on the information provided, the ACM remediation and management undertaken between 2020 and 2022 during Project delivery appears in line with the relevant SafeWork and EPA regulations.

Management Comments

CCC’s Management acknowledge that the additional funds allocated to the Project and sourced from CCC have a funding strategy in place to replenish the reserves over a six (6) year period. To date a total of \$5.7m has been replenished to the reserves in line with the commitment and ahead of schedule.





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**9. QUESTIONS WITH NOTICE**

Nil

**10. RESCISSION MOTION**

Nil

**11. NOTICE OF MOTION****11.1 Intersection of Collins Promenade and Eagleview Road**

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**Notice of Motion**

Councillor Riley Munro has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 11 July 2023.

1. That Council request Transport for NSW review recent changes to the intersection of Collins Promenade and Eagleview Road in the interest of motorist safety.
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## **11.2 Review of Procurement Policy**

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### **Notice of Motion**

Councillor Warren Morrison has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 11 July 2023.

1. That a review of Council's procurement policy be undertaken to ensure there are mechanisms to support local suppliers while still obtaining best value for money.
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### **11.3 Colonial History**

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#### **Notice of Motion**

Councillor Meg Oates has given Notice in writing of her intention to move the following Motion at the next meeting of Council on 11 July 2023.

That, in order to recognise and celebrate Campbelltown's nationally significant colonial history, a report be presented to Council:

1. outlining the plans for a Colonial Market Fair and Bush Dance to be held in Hurley Park near the site of the historic cattle tanks;
  2. advising how funds will be sought to implement such an event; and
  3. confirming the inaugural event be held during Heritage Week 2024.
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## **11.4 Agricultural and Indigenous History**

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### **Notice of Motion**

Councillor Meg Oates has given Notice in writing of her intention to move the following Motion at the next meeting of Council on 11 July 2023.

1. That, in order to recognise Campbelltown's significant agricultural and Indigenous colonial histories, a report be presented advising how Council will seek funds to create a mural or murals on the Silos situated on Appin Road.
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**12. URGENT GENERAL BUSINESS**

**13. PRESENTATIONS BY COUNCILLORS**

## **14. CONFIDENTIAL REPORTS FROM OFFICERS**

### **14.1 New Lease - Art Gallery Road, Campbelltown**

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:

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information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

