



CAMPBELLTOWN
CITY COUNCIL

ORDINARY BUSINESS PAPER

14 MAY 2024

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



07 May 2024

You are hereby notified that the next Ordinary Council Meeting will be held at the Civic Centre, Campbelltown on Tuesday 14 May 2024 at 6:30pm.

Lindy Deitz
General Manager

Agenda Summary

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1. OPENING

Australian National Anthem

Australians all let us rejoice,
For we are one and free;
We've golden soil and wealth for toil;
Our home is girt by sea;
Our land abounds in nature's gifts
Of beauty rich and rare;
In history's page, let every stage
Advance Australia Fair.
In joyful strains then let us sing,
Advance Australia Fair.

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 9 April 2024

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held 9 April 2024, copies of which have been circulated to each Councillor, be taken as read and confirmed.

Report

That the Minutes of the Ordinary Meeting of Council held 9 April 2024 are presented to Council for confirmation.

Attachments

1. Minutes of the Ordinary Meeting of Council held 9 April 2024 (contained within this report)

CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Ordinary Council Meeting held at 6:30pm on Tuesday, 9 April 2024.

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Minutes of the Ordinary Meeting of the Campbelltown City Council held on 9 April 2024

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 R Munro
Councillor M Oates
Councillor M Stellino

1. OPENING**Australian National Anthem**

The Australian National Anthem was sung in the Chamber.

Acknowledgement of Land

An Acknowledgement of Land was presented by the General Manager.

Council Prayer

The Council Prayer was presented by The Mayor, Dr George Greiss.

2. APOLOGIES/LEAVE OF ABSENCE

A Leave of Absence for Councillor Morrison was granted at the Ordinary Meeting of 26 March 2024.

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held 26 March 2024

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

That the Minutes of the Ordinary Council Meeting held 26 March 2024, copies of which have been circulated to each Councillor, be taken as read and confirmed.

078/2024 The Motion on being Put was **CARRIED**.

4. DECLARATIONS OF INTEREST

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

Pecuniary Interests

Councillor Margaret Chivers

Item 8.2 – Draft Amendments to Menangle Park Development Control Plan.

Councillor Chivers advised that she is a property owner in the area and will leave the chamber.

Non Pecuniary – Significant Interests

Councillor George Brticevic

Item 8.3 – Post Exhibition Report – Planning Proposal for 80 O'Sullivan Road, Leumeah

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

Councillor Masood Chowdhury

Item 8.3 – Post Exhibition Report – Planning Proposal for 80 O'Sullivan Road, Leumeah

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

Councillor Karen Hunt

Item 8.3 – Post Exhibition Report – Planning Proposal for 80 O'Sullivan Road, Leumeah

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

Non Pecuniary – Less than Significant Interests

Nil

Other Disclosures

Nil

5. MAYORAL MINUTE

5.1 Local Government - Reform Agenda

It was **Moved** Councillor Greiss:

That the information be noted.

079/2024 The Motion on being Put was **CARRIED**.

5.2 Religious Celebrations Continue

It was **Moved** Councillor Greiss:

That the information be noted.

080/2024 The Motion on being Put was **CARRIED**.

Procedural Motion

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

That Item 8.3 be brought forward to be considered after Item 5.2.

081/2024 The Motion on being Put was **CARRIED**.

6. PETITIONS

7. CORRESPONDENCE

7.1 Appin Road

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

That the letter be received and the information be noted.

082/2024 The Motion on being Put was **CARRIED**.

8. REPORTS FROM OFFICERS

8.1 Significant Development Applications

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

That the information be noted.

083/2024 The Motion on being Put was **CARRIED**.

Meeting Note: Having declared an interest in Item 8.2 Councillor Chivers left the Chamber at 7:10pm.

8.2 Draft Amendments to Menangle Park Development Control Plan

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

1. That Council endorse the draft amendment to Volume 2 of the Campbelltown (Sustainable City) Development Control Plan 2015 (Part 8A – Menangle Park) for the purposes of public exhibition; and
2. That further report be submitted to Council on the outcome of public exhibition.

A Division was recorded in regard to the Resolution for Item 8.2 with those voting for the Motion being Councillors G Greiss, D Lound, K Hunt, M Chowdhury, R Manoto, M Oates, M Khalil, M Stellino, J Cotter, G Brticevic, M George, J Chew and R Munro.

Voting against the Resolution were Nil.

084/2024 The Motion on being Put was **CARRIED**.

Meeting Note: Councillor Chivers returned to the Chamber at 7:20pm.

Meeting Note: Having declared an interest in Item 8.3 Councillor Brticevic, Councillor Chowdhury and Councillor Hunt left the Chamber at 6:58pm.

8.3 Post Exhibition Report - Planning Proposal for 80 O'Sullivan Road, Leumeah

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

1. That the matter be deferred for a Councillor briefing and brought back to Council as soon as possible.

A Division was recorded in regard to the Resolution for Item 8.3 with those voting for the Motion being Councillors G Greiss, D Lound, R Manoto, M Oates, M Khalil, M Stellino, J Cotter, M Chivers, M George, J Chew and R Munro.

Voting against the Resolution were Nil.

085/2024 The Motion on being Put was **CARRIED**.

Meeting Note: Councillor Brticevic, Councillor Chowdhury and Councillor Hunt returned to the Chamber at 7:02pm.

8.4 Midlothian Reserve St Andrews

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

1. That the Council supports Midlothian Reserve, St Andrews to be upgraded and remain a neighbourhood level playspace, within 2024-2025 budget.
2. That Council notes that St Andrews playspace technical study has been completed in October 2023, which supports further investigations for a district level playspace at St Andrews Park, St Andrews.
3. That Council Officers undertake a review of the 'State of Play Playspace Strategy' recommendations and implementation plan.

086/2024 The Motion on being Put was **CARRIED**.

8.5 Youth Festival

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

1. That the information be noted

087/2024 The Motion on being Put was **CARRIED**.

8.6 Minutes of the Youth Advisory Committee Report

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

That the minutes of the Youth Advisory Committee held 20 February 2024 be noted.

088/2024 The Motion on being Put was **CARRIED**.

Suspension of Standing Orders

It was Moved Councillor Brticevic, Seconded Councillor Chivers:

That Standing Orders be suspended in order to allow further discussion on Item 8.7 Colonial History.

089/2024 The Motion on being Put was **CARRIED**.

8.7 Colonial History

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

1. That Council approve the application for funding via a Heritage NSW grant program in 2025 for the 2026-2028 program period and appropriate Federal Grants that would support a heritage event.
2. That Council supports adding a Heritage Event Program to Council's Annual Events Calendar if a suitable grant is successfully obtained.
3. That Council writes to our Federal and State Members of Parliament seeking their support for funding opportunities to undertake Heritage Event Programs in Campbelltown.

090/2024 The Motion on being Put was **CARRIED**.

Resumption of Standing Orders

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

That Standing Orders be resumed.

091/2024 The Motion on being Put was **CARRIED**.

8.8 Investments and Revenue Report - February 2024

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

That the information be noted.

092/2024 The Motion on being Put was **CARRIED**.

8.9 Reports and Letters Requested

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

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

093/2024 The Motion on being Put was **CARRIED**.

8.10 Ward System Investigation

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

That the information be noted.

094/2024 The Motion on being Put was **CARRIED**.

8.11 Community Highlights Update

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

That Council note the Community Highlights Update.

095/2024 The Motion on being Put was **CARRIED**.

8.12 Submission to the Inquiry into Development of the Transport Oriented Development Program

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

That Council consider and retrospectively endorse the submission to the Inquiry into the Development of the Transport Oriented Development Program.

096/2024 The Motion on being Put was **CARRIED**.

9. QUESTIONS WITH NOTICE

Nil

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION

Nil

12. URGENT GENERAL BUSINESS

13. PRESENTATIONS BY COUNCILLORS

1. Councillor Karen Hunt on 4 April 2024, along with numerous community members and animal carers attended the recent koala forum initiated by Minister Penny Sharpe. National Parks and Wildlife Service officers explained the process of the concept plan for the Georges River national park and the thoroughness that will be undertaken. It's early days for our long-awaited koala national park, but we're on the right path. Much research and work will be undertaken to achieve the utmost safety and protection for our koalas. Councillor Hunt looks forward to watching this all come to fruition.
2. Councillor Meg Oates attended a local Community Transport Forum held through Greg Warren MP and Penny Sharpe MP. Councillor Oates took the opportunity to listen to local bus drivers, taxi drivers, train drivers, residents and Union representatives concerns for the transport connectivity in the Campbelltown LGA. Council staff were also in attendance listening to concerns and passing these on to relevant organisations.
3. Councillor Masud Khalil on 7 April 2024 attended the Australian Muslim Welfare Centre Inc IFTAR & Dinner at Minto Sports Centre. The event was well attended by 2500 people from the Campbelltown Muslim Community and a beautiful IFTAR dinner was provided.
4. Councillor Masud Khalil on 7 April 2024 attended the BD Hub celebration of the Chand Raat Festival along with Councillor Lound, Councillor Hunt, Nathan Hagarty MP and Anne Stanley MP. It was wonderful celebration with great attendance. Thank you to all the stallholders, performers, and sponsors for contributing to the vibrant atmosphere and supporting our vibrant community.
5. Councillor Masud Khalil wished everyone a happy Eid Mubarak which is celebrated on 11 April 2024.
6. Councillor Margaret Chivers thanked the Deputy General Manager, Director of City Services for the efficient response by Council staff to a damaged parking sign on the corner of Chamberlain Street and the bypass. Councillor Chivers sent an email on Friday afternoon advising of the damaged sign and noted how impressive it was that the sign was repaired by Monday morning.

Recommendations of the Confidential Committee

Nil

There being no further business the meeting closed at 8:18.

Confirmed by Council on

..... General Manager Chairperson

3.2 Minutes of the Extraordinary Meeting of Council held 16 April 2024

Officer's Recommendation

That the Minutes of the Extraordinary Meeting of Council held 16 April 2024, copies of which have been circulated to each Councillor, be taken as read and confirmed.

Report

That the Minutes of the Extraordinary Meeting of Council held 16 April 2024 are presented to Council for confirmation.

Attachments

1. Minutes of the Extraordinary Meeting of Council held 16 April 2024 (contained within this report)

CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Extraordinary Council Meeting held at 6:30pm on Tuesday, 16 April 2024.

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Minutes of the Extraordinary Meeting of the Campbelltown City Council held on 16 April 2024

Present The Mayor, Councillor G Greiss
 Councillor M Chivers
 Councillor M Chowdhury
 Councillor J Cotter
 Councillor K Hunt
 Councillor M Khalil
 Councillor D Lound
 Councillor R Manoto
 Councillor R Munro
 Councillor M Oates
 Councillor M Stellino

1. OPENING**Australian National Anthem**

The Australian National Anthem was sung in the Chamber.

Acknowledgement of Land

An Acknowledgement of Land was presented by the General Manager.

Council Prayer

The Council Prayer was presented by The Mayor, Dr George Greiss.

Minute silence

The Mayor, Dr George Greiss invited the Chamber to stand and join him in a minute silence in acknowledgement of the victims and all those affected by the recent tragic Bondi Junction and the Christ the Good Shepherd church in Wakeley events.

2. APOLOGIES/ LEAVE OF ABSENCE

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

That the apologies of Councillor G Brticevic, Councillor J Chew and Councillor M George be accepted.

The Leave of Absence granted to Councillor W Morrison by the Council at the Ordinary Meeting of 26 March 2024 for the Council meetings in April and May 2024 was noted.

097/2024 The Motion on being Put was **CARRIED**.

3. DECLARATIONS OF INTEREST

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

Pecuniary Interests

Nil

Non Pecuniary – Significant Interests

Nil

Non Pecuniary – Less than Significant Interests

Nil

Other Disclosures

Nil

4. REPORTS FROM OFFICERS

4.1 Delivery Program 2022-26 and Operational Plan 2024-25, Budget, Fees and Charges, and Long Term Financial Plan: Public Exhibition

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

That Council approve:

- 1. The following documents being placed on public exhibition for a 28 day period (17 April 2024 to 15 May 2024):
 - a. Draft Delivery Program 2022-26 and Operational Plan 2024-25 including the annual budget
 - b. Draft Fees and Charges Schedule 2024-25
 - c. Draft Long Term Financial Plan 2024-2034
- 2. A further report be submitted to Council following the public exhibition period, seeking formal adoption of the above documents prior to 30 June 2024.

098/2024 The Motion on being Put was **CARRIED.**

5. URGENT GENERAL BUSINESS

There being no further business the meeting closed at 6:42 pm.

Confirmed by Council on

..... 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 Turning the Page: A New Chapter

Recommendation

That the information be noted.

On the 12 April 2024, at the business lunch hosted in Campbelltown by the Ingleburn Business Chamber and Campbelltown Chamber of Commerce, I addressed the ongoing speculation regarding my political future.

I made a significant announcement, declaring that I will not be a candidate for re-election in the upcoming local government elections, which are set to take place on the 14 September 2024.

After sixteen enriching years as a Councillor and nearly 3 dynamic years as Mayor, this decision was not made lightly. This marks a pivotal moment in my life and career, symbolising an end and a new beginning. I am driven by a desire to explore new opportunities that contribute to the growth of our region and recognise the need to pass the baton to the next generation.

Throughout my tenure, I have had the privilege of working alongside a dedicated team of councillors and staff. I want to express my deepest gratitude to everyone who has supported me on this journey. I am especially thankful to all the Mayors, Councillors, General Managers, Directors, and Staff I have had the honour of serving with since my election in 2008.

Their collaboration, support, and hard work have been instrumental in our city's achievements. I am deeply grateful for their contributions over the years, which have helped Campbelltown realise a collective vision and lay the foundation for a future that upholds our cherished values of community, inclusivity, and innovation.

I am particularly grateful to all the councillors who have allowed me to serve as the Mayor of Campbelltown. I am proud of how we have steered our beloved city through an era of proactive action, advocacy, and tangible achievements that will distinctly shape its vibrant landscape. I am confident that the foundations we have built together will continue to support the growth and aspirations of Campbelltown's residents for many years to come.

I reserve a special acknowledgment for our General Manager, Lindy Deitz. Her patience, resilience and unwavering commitment, have been pivotal in bearing the weight of my boundless ambitions for our city. Our Deputy General Managers and Directors' dedication and willingness to embrace innovation and drive change have been instrumental to our shared successes. Our Strategic Partnerships Manager, Kate Stares, who supported me and has been instrumental in all of my accomplishments.

Their collective efforts have profoundly shaped our community's trajectory, paving the way for a brighter, more innovative future. It has been a privilege to work alongside such dedicated professionals.

My heartfelt thanks also go to my family—my wife, Michelle, and our children, James and Gabriella. I am immensely grateful for their steadfast support. Their sacrifices and love have been the cornerstone of my ability to serve our community. Their unwavering presence has illuminated my path throughout this journey of public service.

I am committed to continuing my role as mayor of this exemplary city, serving without bias or preference until the conclusion of my term. In the few months we have left together, I intend to reflect on our achievements, defining moments, and milestones.

Finally, I would also like to thank the Hon. Chris Minns, Premier of New South Wales, for acknowledging the efforts of my mayoralty and the MP, Mayors, Councillors, and the community at large for their well-wishes and kind words.

Attachments

Nil

6. PETITIONS

7. CORRESPONDENCE

7.1 Federal Pre-Budget Submissions

Officer's Recommendation

That the letters be received and the information be noted.

1. Letter from the Mayor to Ms Anne Stanley MP dated 16 January 2024
2. Letter from Ms Anne Stanley MP to the Mayor Dr Greiss dated 22 January 2024
3. Letter from Ms Anne Stanley MP, Member for Werriwa dated 19 March 2024 attaching letter from the Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government dated 18 March 2024
4. Letter from Ms Anne Stanley MP, Member for Werriwa dated 11 April 2024 attaching letter from the Hon Mark Dreyfus KC MP, Attorney General dated 9 April 2024

Attachments

- 7.1.1 Letter from Mayor Greiss to Anne Stanley re Pre budget submission dated 16 Jan 24 (contained within this report) [↓](#)
- 7.1.2 Letter from Anne Stanley to Mayor re prebudget submission 22 Jan 24 (contained within this report) [↓](#)
- 7.1.3 Letter from Ms Anne Stanley MP, Member for Werriwa dated 19 March 2024 attaching letter from the Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government dated 18 March 2024 (contained within this report) [↓](#)
- 7.1.4 Letter from Ms Anne Stanley MP, Member for Werriwa dated 11 April 2024 attaching letter from the Hon Mark Dreyfus KC MP, Attorney General dated 9 April 2024 (contained within this report) [↓](#)

Office of the Mayor



16 January 2024

Ms Anne Stanley MP
Member for Werriwa
PO Box 88
HOXTON PARK NSW 2171
Via email: Anne.Stanley.MP@aph.gov.au

Dear Ms Stanley,

Pre-Budget Submission

I understand the Federal Government is currently accepting Pre-Budget Submissions. We would appreciate your support to propose the following major infrastructure items for investment:

1. Connect Campbelltown:
 - a. Deliver the rail connection from Western Sydney International Airport, via Bradfield, to Glenfield ("Leppington Extension") as the most cost efficient and practical next phase of rail;
 - b. Deliver the complete North South Rail Link between Western Sydney International Airport and Campbelltown-Macarthur;
 - c. Ensure the faster rail connection from Canberra to Sydney, via Campbelltown; and
 - d. Connect the southern Macarthur Region to the Campbelltown City Centre through the electrification of rail south of Macarthur Railway Station to connect.
2. Create Jobs and Access to Services in Campbelltown City Centre:
 - a. Commit to the development of a Federal Circuit and Family Court of Australia in Campbelltown City Centre to provide access to formal family dispute resolution services for the Macarthur Region, within the South West Sydney Community and Justice Precinct; and
 - b. Commit to stimulating job growth in centres like Campbelltown by relocating Commonwealth Agencies to identified Metropolitan Centres in outer-Sydney.
3. Invest in Regional Facilities through the expansion of Campbelltown Stadium to support this unique council-owned and managed asset in Campbelltown. Renewing stadium infrastructure will assist Council in retaining the current codes, enhancing community facilities and ensuring the Stadium's infrastructure is commensurate with stakeholder expectations and contemporary building standards.

Further to the above, we have a multitude of relatively minor projects including roads, bridge upgrades, open space enhancement and town centre upgrades that would also be worthy of support.

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ABN: 31 459 914 087

Office of the Mayor



I'd be pleased to discuss these projects with you. Please contact me on George.greiss@campbelltown.nsw.gov.au or 02 4645 4319 to organise a mutually convenient time.

Yours sincerely,

signature removed

Dr George Greiss
Mayor of Campbelltown

DOC-24-8258

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22 January 2024

Mr George Greiss
Mayor
Campbelltown City Council
PO Box 57
Campbelltown NSW 2560
Via email

2813910/240122/EM

Dear Mr Greiss

Thank you for letter dated 16 January 2024.

I have conveyed your pre-budget submission to the relevant Ministers.

Yours Sincerely

Signature has been removed

Anne Stanley MP
Government Whip
Federal Member for Werriwa



19 March 2024

Ms Lindy Deitz
General Manager
Campbelltown City Council

Via email: council@campbelltown.nsw.gov.au

20240319/NC

Dear Lindy,

I write to you regarding Campbelltown City Council's pre-budget submission 2024-25.

I have now received a reply from Minister King. See copy attached.

The Minister has taken note of the infrastructure proposals put forward by Council.

Kind regards

Signature has been removed

Anne Stanley MP
Government Whip
Federal Member for Werriwa



The Hon Catherine King MP

**Minister for Infrastructure, Transport, Regional Development and Local Government
Member for Ballarat**

Ref: MC24-000932

Ms Anne Stanley MP
Government Whip
Member for Werriwa
PO Box 88
HOXTON PARK NSW 2171

via: Anne.Stanley.MP@aph.gov.au

~~Dear Ms Stanley~~ Anne,

Thank you for your letter of 22 January 2024 regarding Campbelltown City Council's Pre-Budget Submission. I apologise for the delay in responding.

The Australian Government appreciates receiving Pre-Budget Submissions from the Australian community, in particular from local governments. These submissions give the Government a good insight into the priorities and perspectives from all parts of the community.

I have taken note of the infrastructure proposals put forward by Campbelltown City Council and the Government will give these considerations as part of deliberations for the 2024-25 Budget.

Thank you again for taking the time to write to me on this matter.

Yours sincerely,

Signature has been removed

Catherine King MP

18/3/2024



11 April 2024

The Mayor
Councillor Dr George Greiss
Campbelltown City Council
PO Box 57
Campbelltown NSW 2560
Via Email: George.greiss@campbelltown.nsw.gov.au

281391O/240410/AR

Dear Mayor Greiss,

I refer to my previous letter dated 22 January 2024 advising that I had written to the relevant ministers regarding Council's pre-budget submission.

Please find enclosed the response I have received from the Attorney General, the Hon Mark Dreyfus KC MP.

Yours sincerely,

Signature has been removed

Anne Stanley MP
Government Whip
Federal Member for Werriwa

**Attorney-General**

Reference: MC24-000984

Ms Anne Stanley MP
Member for Werriwa
PO Box 88
HOXTON PARK NSW 2171

By email: Anne.Stanley.MP@aph.gov.au

Dear Ms Stanley

Thank you for your correspondence of 22 January 2024 providing me with the Campbelltown City Council's Pre-Budget Submission. I appreciate your interest in the Council's priorities and your advocacy on behalf of the local community. I note your colleague, Dr Mike Freeland, the Member for Macarthur, has written in similar terms.

The Australian Government has not committed to funding a federal courts presence at the proposed South-West Sydney Community and Justice Precinct. The Government has, however, fulfilled previous commitments made under the Western Sydney City Deal to this project, including contributing funding for the project's Strategic Business Case and for the development of the Master Plan.

The Government has a strong commitment to access to justice and all requests for court infrastructure funding will be considered in the usual course.

I trust this information is of assistance to you.

Yours sincerely

*Signature has been removed***THE HON MARK DREYFUS KC MP**

9/4/2024

7.2 Hospital Precinct Parking

Officer's Recommendation

That the letters be received and the information be noted.

1. Letter from Dr Mike Freelander MP, Federal Member for Macarthur to the Mayor dated 7 February 2024 (previously included in business papers, and included here for convenience)
2. Letter from Dr Mike Freelander MP, Federal Member for Macarthur to the General Manager dated 11 April 2024.
3. Letter from the Mayor to Dr Mike Freelander MP, Federal Member for Macarthur dated 30 April 2024

Attachments

- 7.2.1 Letter from Dr Mike Freelander MP, Federal Member for Macarthur to the Mayor dated 7 February 2024 (contained within this report) [↓](#)
- 7.2.2 Letter from Dr Mike Freelander MP, Federal Member for Macarthur to the General Manager dated 11 April 2024 (contained within this report) [↓](#)
- 7.2.3 Letter from the Mayor to Dr Mike Freelander MP, Federal Member for Macarthur dated 30 April 2024 (contained within this report) [↓](#)



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

13 FEB 2024

7th February 2024

Dear George,

I write regarding my concerns with the paid parking situation at Campbelltown Hospital and the presence of Campbelltown Council Rangers patrolling this area.

As you know, I am strongly against paid parking at Campbelltown Hospital, which was introduced in 2021 by the previous Coalition NSW Government, as it has only brought negative effects on the patients, visitors & staff at Campbelltown Hospital.

I recently wrote again to the NSW Government, urging them to strongly consider removing paid parking at the hospital or for fairer & more compassionate free parking periods & rates to be adopted.

I urge Council to provide fairer & more compassionate policies too owing to the number of outraged community members who have received fines from Council Rangers at Campbelltown Hospital.

Some state that they received fines for briefly collecting or dropping off patients, with most stating they were confused by the signage or general lack of available drop off & pick up locations.

Other individuals state they have been fined for parking on streets surrounding the hospital, with many of these individuals being hard working hospital staff, as they cannot afford the paid parking rates for their shifts.

This situation is not helped by Campbelltown being poorly served by public transport, so for many staff, let alone patients, this is not an option to get to and from Campbelltown Hospital.

I believe these fines are wrong, that they are predatory, and they seek out our most vulnerable.

I urge you to reconsider the placement of Council Rangers at Campbelltown Hospital and failing this, for fairer & more compassionate policies to be implemented when patrolling this area.

Dr Mike Freelander MP
Federal Member for Macarthur

CC:

Ms Lindy Deitz, General Manager – Campbelltown Hospital

Mr Greg Warren MP, NSW Member for Campbelltown

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





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

16 APR 2024

11/04/2024

MYREF: 11.4.24.SM-ET

Dear Ms Deitz,

I write to you on behalf of my constituent, Mr Saliya Mendis, who has contacted my office to discuss issues with parking around his residential area, particularly those streets in the surrounds of Campbelltown Hospital.

Mr Mendis resides on Rizal Street, and asserts that by 8am, all available street parking is taken up, with some individuals allegedly illegally parking and blocking entrances and exits from driveways and to the street.

Mr Mendis asserts the area is not patrolled by parking rangers anymore, and this has impacted both on his household, visitors to his household, and neighbours.

I do believe that the introduction of paid parking at Campbelltown Hospital has had flow-on effects in the area, causing more problems for surrounding residents, like Mr Mendis.

There are new hospital buildings under construction, and I believe this issue needs to be addressed, so that both visitors and staff at the hospital have a safe and close place to park, and that surrounding residents are not impacted by this.

If there is any information or assistance you could offer my constituent at this time, this would be much appreciated.

Yours sincerely,

Dr Mike Freeland MP
Federal Member for Macarthur

CC: The Hon. Ryan Park MP, NSW Minister for Health

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



Office of the Mayor



30 April 2024

Dr Mike Freeland MP
Federal Member for Macarthur
Via email: Mike.Freeland.MP@aph.gov.au

Dear Dr Freeland,

Re: Parking at Campbelltown Hospital and surrounding areas

Thank you for your letters to me and Council's General Manager dated 7 February 2024 and 11 April 2024 respectively in which you raise your concerns relating to the patrolling of parking at Campbelltown Hospital and surrounding areas.

Council has no jurisdiction to patrol or enforce parking at Campbelltown Hospital. This is a matter for NSW Government.

In relation to the surrounding areas, Council will continue to patrol in accordance with the obligations and requirements of the *Road Rules (NSW) 2014*. Council regularly receives feedback from the community relating to both a lack of parking and illegal/unsafe parking habits within the area. Council's Community Response Officers are tasked with the role of attending to these safety/parking complaints and respond accordingly.

I note that we also receive individual and separate representations on behalf of your constituents, from both your office and the Local State Member's office relating to parking issues within the surrounding area expressing views on both sides of this debate.

I can assure you that due to the recent increase in non-compliant and unsafe parking practices within the area surrounding the hospital, council's Community Response Officers have remained active and as a priority, continue to issue penalties against drivers of vehicles parked illegally and in a way that is deemed to be causing an unreasonable risk to public safety. Further to this, to ensure the highest level of free parking turnover is maintained for the benefit of all people attending appointments or visiting the area, penalties will continue to be issued against those drivers of vehicles that park longer than the stated maximum parking timeframes.

Unfortunately, some of those drivers who will be issued penalties for illegal parking or parking in council's free parking areas longer than the permitted time will be visitors and/or staff of Campbelltown Hospital who may have chosen not to park at Campbelltown Hospital due to them having to pay for parking.

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Office of the Mayor



We would appreciate your advocacy to secure additional funding to expand free parking at Campbelltown Hospital to support those people attending the hospital for work, or healthcare. As suggested in my previous letter to you, perhaps the re-allocation of the previous \$15 million commitment to Macarthur Train Station could be used for this purpose.

I thank you for your continued advocacy on this issue.

Yours sincerely

Signature has been removed

Dr George Greiss
Mayor of Campbelltown

CC: The Hon Ryan Park MP, Minister for Health
CC: Mr Greg Warren MP, Member for Campbelltown

DOC-24-143550

7.3 Minto Railway Station Improvements

Officer's Recommendation

That the letter be received and the information be noted.

1. Letter from the Mayor to the Hon Jo Haylen MP, Minister for Transport dated 15 April 2024

Attachments

- 7.3.1 Letter from the Mayor to the Hon Jo Haylen MP, Minister for Transport dated 15 April 2024 (contained within this report) [↓](#)

Office of the Mayor



15 April 2024

The Hon Jo Haylen MP
Minister for Transport
Via web portal

Dear Minister,

Re: Minto Railway Station Improvements

At our April Council meeting, Council resolved that I write to you raising concerns about the need for improvements at Minto Railway Station.

The station lacks sufficient cover, with no roof covering the overbridge or ramps between the platforms. This has become a community concern as it causes significant safety issues and discomfort for commuters, particularly in adverse weather conditions.

Minto Railway Station services a growing residential community with significant employment and retail facilities. Minto is a key urban infill area with capacity to support diverse, compact and transit-oriented housing. A comfortable, safe and convenient transport experience is crucial to support the growing community and encourage sustainable travel choices.

We call on the government to add Minto to the significant station upgrade programs underway across NSW. The installation of shelter would help give our community the accessible, modern and integrated transport infrastructure they need.

I'd be pleased to discuss this with you.

Please contact me on George.Greiss@campbelltown.nsw.gov.au to organise a mutually convenient time.

Yours sincerely,

Signature has been removed

Dr George Greiss
Mayor of Campbelltown

DOC-24-129269

7.4 Spring Farm Parkway - South Bound Ramps

Officer's Recommendation

That the letters be received and the information be noted.

1. Letter from the Mayor to the Hon Jo Haylen MP, Minister for Transport dated 15 April 2024
2. Letter from the Mayor to the Hon John Graham MLC, Minister for Roads dated 15 April 2024
3. Letter from the Mayor to the Hon Natalie Ward, Shadow Minister for Transport and Roads dated 15 April 2024
4. Letter from the Mayor to the Hon Anoulack Chanthivong MP, Member for Macquarie Fields dated 15 April 2024
5. Letter from the Mayor to Mr Greg Warren, MP, Member for Campbelltown dated 15 April 2024
6. Letter from the Mayor to Mr Nathan Hagarty MP, Member for Leppington dated 15 April 2024

Attachments

- 7.4.1 Letter from the Mayor to the Hon Jo Haylen MP, Minister for Transport dated 15 April 2024 (contained within this report) [↓](#)
- 7.4.2 Letter from the Mayor to the Hon John Graham MLC, Minister for Roads dated 15 April 2024 (contained within this report) [↓](#)
- 7.4.3 Letter from the Mayor to the Hon Natalie Ward, Shadow Minister for Transport and Roads dated 15 April 2024 (contained within this report) [↓](#)
- 7.4.4 Letter from the Mayor to the Hon Anoulack Chanthivong MP, Member for Macquarie Fields dated 15 April 2024 (contained within this report) [↓](#)
- 7.4.5 Letter from the Mayor to Mr Greg Warren, MP, Member for Campbelltown dated 15 April 2024 (contained within this report) [↓](#)
- 7.4.6 Letter from the Mayor to Mr Nathan Hagarty MP, Member for Leppington dated 15 April 2024 (contained within this report) [↓](#)

Office of the Mayor



15 April 2024

The Hon Jo Haylen MP
Minister for Transport
Via web portal

Dear Minister,

Re: Spring Farm Parkway – South Bound Ramps

At our April Council meeting, Council resolved that I write to you advocating for the delivery of south bound ramps at the M31 connection with Spring Farm Parkway in Menangle Park.

The Spring Farm Parkway will be an important east-west connection and represents a significant step towards providing our region with efficient access to the motorway network. However, the current planned configuration which only supports north bound movement means the full benefit of this project will not be achieved. Delivery of south bound ramps is key to maximising the major public investment made towards this project.

With the Macarthur Region supporting nearly 50% of population growth in the Western Parkland City over the next decade, major growth areas will be reliant on this connection. However, vehicles heading south will be forced onto our local streets and limited existing interchanges, adding further congestion to our already-constrained network.

We urge the government to build south bound entry and exit ramps at the new Spring Farm Parkway. This can ease network pressure, avoid disruption, and prevent condemning our community to losing time in congestion.

I'd be pleased to discuss this with you.

Please contact me on George.Greiss@campbelltown.nsw.gov.au to organise a mutually convenient time.

Yours sincerely,

Signature has been removed

Dr George Greiss
Mayor of Campbelltown

DOC-24-129231

Office of the Mayor



15 April 2024

The Hon John Graham MLC
Minister for Roads
Via web portal

Dear Minister,

Re: Spring Farm Parkway – South Bound Ramps

At our April Council meeting, Council resolved that I write to you advocating for the delivery of south bound ramps at the M31 connection with Spring Farm Parkway in Menangle Park.

The Spring Farm Parkway will be an important east-west connection and represents a significant step towards providing our region with efficient access to the motorway network. However, the current planned configuration which only supports north bound movement means the full benefit of this project will not be achieved. Delivery of south bound ramps is key to maximising the major public investment made towards this project.

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We urge the government to build south bound entry and exit ramps at the new Spring Farm Parkway. This can ease network pressure, avoid disruption, and prevent condemning our community to losing time in congestion.

I'd be pleased to discuss this with you.

Please contact me on George.Greiss@campbelltown.nsw.gov.au to organise a mutually convenient time.

Yours sincerely,

Signature has been removed

Dr George Greiss
Mayor of Campbelltown

DOC-24-129250

Campbelltown City Council
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T 02 4645 4000
E council@campbelltown.nsw.gov.au

ABN: 31 459 914 087

Office of the Mayor



15 April 2024

The Hon Natalie Ward MLC
Shadow Minister for Transport
office.ward@parliament.nsw.gov.au

Dear Ms Ward,

Re: Spring Farm Parkway – South Bound Ramps

At our April Council meeting, Council resolved that I write to you advocating for the delivery of south bound ramps at the M31 connection with Spring Farm Parkway in Menangle Park.

The Spring Farm Parkway will be an important east-west connection and represents a significant step towards providing our region with efficient access to the motorway network. However, the current planned configuration which only supports north bound movement means the full benefit of this project will not be achieved. Delivery of south bound ramps is key to maximising the major public investment made towards this project.

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We urge the government to build south bound entry and exit ramps at the new Spring Farm Parkway. This can ease network pressure, avoid disruption, and prevent condemning our community to losing time in congestion.

I'd be pleased to discuss this with you.

Please contact me on George.Greiss@campbelltown.nsw.gov.au to organise a mutually convenient time.

Yours sincerely,

Signature has been removed

Dr George Greiss
Mayor of Campbelltown

DOC-24-129263

Office of the Mayor



15 April 2024

The Hon Anoulack Chanthivong MP
Member for Macquarie Fields
macquariefields@parliament.nsw.gov.au

Dear Mr Chanthivong,

Re: Spring Farm Parkway – South Bound Ramps

At our April Council meeting, Council resolved that I write to you advocating for the delivery of south bound ramps at the M31 connection with Spring Farm Parkway in Menangle Park.

The Spring Farm Parkway will be an important east-west connection and represents a significant step towards providing our region with efficient access to the motorway network. However, the current planned configuration which only supports north bound movement means the full benefit of this project will not be achieved. Delivery of south bound ramps is key to maximising the major public investment made towards this project.

With the Macarthur Region supporting nearly 50% of population growth in the Western Parkland City over the next decade, major growth areas will be reliant on this connection. However, vehicles heading south will be forced onto our local streets and limited existing interchanges, adding further congestion to our already-constrained network.

We urge the government to build south bound entry and exit ramps at the new Spring Farm Parkway. This can ease network pressure, avoid disruption, and prevent condemning our community to losing time in congestion.

I'd be pleased to discuss this with you.

Yours sincerely,

Signature has been removed

Dr George Greiss
Mayor of Campbelltown

DOC-24-129239

Office of the Mayor



15 April 2024

Mr Greg Warren MP
Member for Campbelltown
campbelltown@parliament.nsw.gov.au

Dear Mr Warren,

Re: Spring Farm Parkway – South Bound Ramps

At our April Council meeting, Council resolved that I write to you advocating for the delivery of south bound ramps at the M31 connection with Spring Farm Parkway in Menangle Park.

The Spring Farm Parkway will be an important east-west connection and represents a significant step towards providing our region with efficient access to the motorway network. However, the current planned configuration which only supports north bound movement means the full benefit of this project will not be achieved. Delivery of south bound ramps is key to maximising the major public investment made towards this project.

With the Macarthur Region supporting nearly 50% of population growth in the Western Parkland City over the next decade, major growth areas will be reliant on this connection. However, vehicles heading south will be forced onto our local streets and limited existing interchanges, adding further congestion to our already-constrained network.

We urge the government to build south bound entry and exit ramps at the new Spring Farm Parkway. This can ease network pressure, avoid disruption, and prevent condemning our community to losing time in congestion.

I'd be pleased to discuss this with you.

Yours sincerely,

Signature has been removed

Dr George Greiss
Mayor of Campbelltown

DOC-24-129256

Office of the Mayor



15 April 2024

Mr Nathan Hagarty MP
Member for Leppington
Leppington@parliament.nsw.gov.au

Dear Mr Hagarty,

Re: Spring Farm Parkway – South Bound Ramps

At our April Council meeting, Council resolved that I write to you advocating for the delivery of south bound ramps at the M31 connection with Spring Farm Parkway in Menangle Park.

The Spring Farm Parkway will be an important east-west connection and represents a significant step towards providing our region with efficient access to the motorway network. However, the current planned configuration which only supports north bound movement means the full benefit of this project will not be achieved. Delivery of south bound ramps is key to maximising the major public investment made towards this project.

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We urge the government to build south bound entry and exit ramps at the new Spring Farm Parkway. This can ease network pressure, avoid disruption, and prevent condemning our community to losing time in congestion.

I'd be pleased to discuss this with you.

Yours sincerely,

Signature has been removed

Dr George Greiss
Mayor of Campbelltown

DOC-24-129243s

7.5 Thank you - Campbelltown City Council Local Planning Panel

Officer's Recommendation

That the letters be received and the information be noted.

1. Letter from the Mayor to Helena Miller
2. Letter from the Mayor to Scott Lee
3. Letter from the Mayor to Stuart McDonald
4. Letter from the Mayor to Cecilia Cox
5. Letter from the Mayor to Mary-Lynne Taylor
6. Letter from the Mayor to Phillip Hayward

Attachments

- 7.5.1 Letter from the Mayor to Helena Miller (contained within this report) [↓](#)
- 7.5.2 Letter from the Mayor to Scott Lee (contained within this report) [↓](#)
- 7.5.3 Letter from the Mayor to Stuart McDonald (contained within this report) [↓](#)
- 7.5.4 Letter from the Mayor to Cecilia Cox (contained within this report) [↓](#)
- 7.5.5 Letter from the Mayor to Mary-Lynne Taylor (contained within this report) [↓](#)
- 7.5.6 Letter from the Mayor to Phillip Hayward (contained within this report) [↓](#)



22 April 2024

Helena Miller
21 Barton Avenue
HABERFIELD NSW 2045

By Email: hmiller@mqplanning.com.au

Dear Helena

Thank you - Campbelltown City Council Local Planning Panel

On behalf of team Campbelltown, I would like to extend our gratitude for your service to the community through the Campbelltown Local Planning Panel over the last six (6) years.

We thank you for your service, input and guidance to the decisions of the Panel and know that the work you have done has contributed to a better future for all Campbelltown residents.

We appreciate the extra effort you made as one of the inaugural Panel members to work with Council on refining Panel procedures and for your flexibility when Panel meetings changed to become on line meetings.

Our whole team admires your practical approach to planning decisions and the respectful manner in which you engaged with Council staff at all levels.

We all wish you the best for the future.

Yours sincerely,

Signature has been removed

Dr George Greiss
Mayor of Campbelltown

DOC-24-137457



22 April 2024

Scott Lee
33 Holly Street
BOWRAL NSW 2576

By Email: lep.planning@gamil.com

Dear Scott

Thank you – Campbelltown City Council Local Planning Panel

On behalf of team Campbelltown, I would like to extend our gratitude for your service to the community through the Campbelltown Local Planning Panel over the last six(6) years.

We thank you for your service, input and guidance to the decisions of the Panel and know that the work you have done has contributed to a better future for all Campbelltown residents.

We appreciate the extra effort you made as one of the inaugural Panel members to work with Council on refining Panel procedures and for your flexibility when Panel meetings changed to become on line meetings.

Our whole team admires your practical approach to planning decisions and the respectful manner in which you engaged with Council staff at all levels.

We all wish you the best for the future.

Yours sincerely,

Signature has been removed

Dr George Greiss
Mayor of Campbelltown

DOC-24-137464



22 April 2024

Stuart McDonald
20 Byora Crescent
NORTHBRIDGE NSW 2063

By Email: smcdonald@sjb.com.au

Dear Stuart

Thank you – Campbelltown City Council Local Planning Panel

On behalf of team Campbelltown, I would like to extend our gratitude for your service to the community through the Campbelltown Local Planning Panel over the last six (6) years.

We thank you for your service, input and guidance to the decisions of the Panel and know that the work you have done has contributed to a better future for all Campbelltown residents.

We appreciate the extra effort you made as one of the inaugural Panel members to work with Council on refining Panel procedures and for your flexibility when Panel meetings changed to become on line meetings.

Our whole team admires your practical approach to planning decisions and the respectful manner in which you engaged with Council staff at all levels.

We all wish you the best for the future.

Yours sincerely,

Signature has been removed

Dr George Greiss
Mayor of Campbelltown

DOC-24-137468



22 April 2024

Cecilia Cox
11 George Street
CAMPBELLTOWN NSW 2560

By Email: ceciliarcox@gmail.com

Dear Cecilia

Thank you – Campbelltown City Council Local Planning Panel

On behalf of team Campbelltown, I would like to extend our gratitude for your service to the community through the Campbelltown Local Planning Panel over the last six (6) years.

We thank you for your service, input and guidance to the decisions of the Panel and know that the work you have done has contributed to a better future for all Campbelltown residents.

We appreciate the extra effort you made as one of the inaugural Panel members to work with Council on refining Panel procedures and for your flexibility when Panel meetings changed to become on line meetings.

Our whole team admires your practical approach to planning decisions and the respectful manner in which you engaged with Council staff at all levels.

We all wish you the best for the future.
Yours sincerely,

Signature has been removed

Dr George Greiss
Mayor of Campbelltown

DOC-24-137481



22 April 2024

Mary-Lynne Taylor
5 Endeavour Avenue
MATRAVILLE NSW 2036

By Email: mtaylor@bartier.com.au

Dear Mary-Lynne

Thank you - Campbelltown City Council Local Planning Panel

On behalf of team Campbelltown, I would like to extend our gratitude for your service to the community through the Campbelltown Local Planning Panel over the last six(6) years.

We thank you for your service, input and guidance to the decisions of the Panel and know that the work you have done has contributed to a better future for all Campbelltown residents.

We appreciate the extra effort you made as one of the inaugural Panel members to work with Council on refining Panel procedures and for your flexibility when Panel meetings changed to become on line meetings.

Our whole team admires your practical approach to planning decisions and the respectful manner in which you engaged with Council staff at all levels.

We all wish you the best for the future.

Yours sincerely,

Signature has been removed

Dr George Greiss
Mayor of Campbelltown

DOC-24-137492

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91 Queen Street, Campbelltown
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E council@campbelltown.nsw.gov.au

ABN: 31 459 914 087



22 April 2024

Phillip Hayward
21 Jane Jarvis Way
MACQUARIE LINKS NSW 2565

By Email: pah@fastastrata.com.au

Dear Phillip

Thank you - Campbelltown City Council Local Planning Panel

On behalf of team Campbelltown, I would like to extend our gratitude for your service to the community through the Campbelltown Local Planning Panel over the last six (6) years.

We thank you for your service, input and guidance to the decisions of the Panel and know that the work you have done has contributed to a better future for all Campbelltown residents.

We appreciate the extra effort you made as one of the inaugural Panel members to work with Council on refining Panel procedures and for your flexibility when Panel meetings changed to become on line meetings.

Our whole team admires your practical approach to planning decisions and the respectful manner in which you engaged with Council staff at all levels.

We all wish you the best for the future.

Yours sincerely,

Signature has been removed

Dr George Greiss
Mayor of Campbelltown

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8. REPORTS FROM OFFICERS

8.1 Christchurch Justice Precinct Site Tour

Reporting Officer

Strategic Partnerships Manager
General Manager

Community Strategic Plan

Objective	Strategy
2 Places For People	2.1.1 Provide public places and facilities that are accessible, safe, shaded and attractive
4 Economic Prosperity	4.1.1 Provide high quality and diverse local job opportunities for all residents 4.2.1 Support the growth, productivity and diversity of the local economy 4.3.2 Enhance the reputation and tell the stories of Campbelltown

Delivery Program

Principal Activity
1.2.1.1 Deliver, and advocate for, essential community services
1.2.3.1 Lead partnerships and alliances that drive community safety
2.1.1.2 Provide a range of regional facilities that promote community connection

Officer's Recommendation

1. That the information be noted.
2. That the Mayor and General Manager continue to advocate to the NSW and Federal Governments for investment in the Campbelltown Community and Justice Precinct.
3. That further opportunities to learn from other similar precincts continue to be explored and visited.

Purpose

To provide Council information garnered through the Christchurch Justice and Emergency Services Precinct.

History

At its meeting on 13 February 2024 Council resolved that the Mayor, General Manager and a support staff member visit Christchurch, New Zealand to meet with Christchurch City Council and undertake a site tour of their Justice and Emergency Services Precinct.

Report

On 17-21 April 2024 the Mayor, General Manager and a supporting Council Officer visited Christchurch, New Zealand to undertake a tour of the Justice and Emergency Services Precinct and a number of other Council facilities to learn from Christchurch City Council and other New Zealand Government Agencies.

Christchurch City Council and all New Zealand Government Agency representatives were very gracious hosts of the Campbelltown delegation and were open and candid in sharing experiences and learnings.

Justice and Emergency Services Precinct

The Christchurch Justice and Emergency Services Precinct (the Precinct) is the largest combined justice and emergency services facility in Australasia. The Precinct was a \$300 million development, led by the New Zealand Ministry of Justice, following the devastating earthquakes of 2010 and 2011. The Precinct became operational in 2018, bringing together the following agencies which were previously spread across 22 locations:

- Ministry of Justice New Zealand Police Department of Corrections Fire and Emergency Services New Zealand St John New Zealand Ministry of Civil Defence and Emergency Management Canterbury Civil Defence and Emergency Management Group Christchurch City Council – Civil Defence and Emergency Management.

As the first major public building built and opened in Christchurch since the earthquakes, it was seen as an opportunity to return justice and emergency services to Christchurch through innovation and new ways of collaborating. The Precinct is the largest multi-agency government co-location project in New Zealand's history.

The Precinct's size is similar to Campbelltown's Community and Justice Precinct.

The senior NZ Government Agency representatives met with the Campbelltown representatives prior to the tour, sharing experiences, learnings and opportunities for improvement. The Precinct managers shared that the agencies had quantified a Treasury-audited \$9.9 million benefit realisation within the first 3 years of operation through shared services including heating, cooling, IT and radio infrastructure and design, facility maintenance, carparks, consolidation of commands etc.

Shared communications and the multi-agency operations centre have made coordinated responses to emergencies easier to achieve. Campbelltown representatives gained an understanding of the considerable resilience factors built into the design and development, including its ability to function for 72 hours 'off-grid' through food stores, dual generators, uninterrupted power supply, dual electricity feeds to support the region's emergency operations centre.

The Precinct hosts the judiciary in a way that recognises and ensures its constitutional independence from the other arms of government. The Precinct houses the New Zealand Ministry of Justice's Youth court, High Court (similar to NSW's Supreme Court), District Court and Māori Land Court, each with separate entrances. The custodial cells underneath the Court, together with the co-located Police Operations Centre achieved operational efficiencies and safety improvements in the movement of people in custody.

The internal courtyard is not currently available to members of the public, due to maintenance works underway, however, the Precinct was not seen to be a place that welcomed community activation, even within typical business hours. There were considerable learnings from the design that could be utilised in Campbelltown's Precinct to overcome the Precinct's unwelcoming sense to community.

The NZ Government Agency representatives shared the successes, learnings and insights including opportunities for improvement in the Precinct. These learnings will be used to inform any future development in Campbelltown.

Tūranga

Tūranga is a circa \$92 million building, opened in October 2018 and replaced the nearby Christchurch Central Library that was closed on the day of the 2011 Christchurch earthquake.

Tūranga fosters life-long learning and is the place for information, inspiration and entertainment. At nearly 10,000 m², Tūranga is the largest public library in the South Island and the flagship for the Christchurch City Libraries network, supporting 19 community, digital, and mobile libraries.

Tūranga was activated with children and adults alike on the day of the visit and is usually visited by 1,500-3,000 per day. Tūranga is open from 8:00 am-8:00 pm Monday to Friday, 10:00 am-5:00 pm on weekends and is open on 5 public holidays per year. Tūranga hosts approximately 97 full time equivalent staff.

The building's design was developed through significant community engagement and is inspired by the golden hues reflected upon the Port Hills, which are an important part in Christchurch's cityscape. Tūranga speaks of whakapapa (ancestry) across generations, connections to the north and out to Te Moana-nui-a-Kiwa and the wider Pacific.

Tūranga is the name of a settlement located on the East Coast of the North Island. It is the homeland of the Ngāi Tahu ancestor, Paikea, who is said to have made his way there on the back of a whale from the ancient homeland of Hawaiki. There are many tributes to Paikea in the facility, including a large statue.

More detailed learnings from the development and programming at Tūranga will be shared with Council's library and learning officers.

The Arts Centre – Te Matatiki Toi Ora

Dating back to 1877, The Arts Centre is a thriving community asset with a rich history. It is home to over 70 entities and the largest collection of heritage buildings in the country and represents a hub for diverse creative expression in the heart of Christchurch.

Run by an independent charitable trust, its purpose is to foster, promote, facilitate and encourage the interest of art, culture, education and other related interests, in particular through the provision of accommodation for such activities.

Te Matatiki Toi Ora translates to “The Spring of Living Art”, which is meaningful, given the site is above an aquifer providing life and sustenance for all those who have used the site for generations, but also speaks to their vision of fostering, promoting, facilitating, and encouraging the interest of art, culture, education and creativity.

Ngā Puna Wai – Sports Hub

Christchurch’s premier outdoor sports facility combines community playing fields and recreation opportunities with international standard sports facilities. Ngā Puna Wai comprises 32 hectares of recreation and esplanade reserve and other parkland beside Canterbury Agricultural Park, near Wigram. The \$54 million facility was jointly funded through government, philanthropic and private sector sources. The facility currently represents approximately 75 per cent of the initial master planned ambition for the site.

Council staff and other stakeholders identified it as the preferred site to replace sporting facilities damaged in the earthquakes. Ngā Puna Wai features athletics track and field, hockey pitches, rugby league fields, tennis courts, a centralised sports hub, boulevard and two grass multi-purpose community fields and is located adjacent to the indoor netball facility.

Ngā Puna Wai means ‘many spring waters’, relating to the many springs and tributaries in the area, and is part of the ancestral landscape of Ngāi Tahu. This area was once an important place for local Māori, who came together to connect and collaborate.

More detailed learnings from the development and sports engagement at Ngā Puna Wai will be shared with Council’s city life team.

Matitiki Hornby Centre

The Campbelltown delegation was fortunate to attend the community opening of the Matitiki Hornby Centre, Christchurch’s newest pool and library complex on 19 April 2024.

Matitiki offers the community a co-located aquatic centre with pools, learn to swim classes, hydrotherapy pool, spa and aqua group fitness classes, the community library, together with a Council service centre.

Matitiki means spring of water and represents the importance of water as a source of life and wellbeing.

Specific learnings from the opening event, library and aquatic centre facilities will be shared with Council’s Events and City Life teams.

Summary

The Christchurch visit was a resounding success, establishing relationships with the Mayor, Councillors and Chief Executive from Christchurch City Council, New Zealand Government Agencies and Council-Owned Organisations. The learnings garnered and relationships established will be useful in Campbelltown City Council's operations as we grow and continue providing services to our community.

Attachments

Nil

8.2 The Parks' Operating Model

Reporting Officer

Strategic Partnerships Manager
General Manager

Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.2.1 Provide proactive and collaborative leadership on issues that are important to Campbelltown now and into the future
4 Economic Prosperity	4.3.2 Enhance the reputation and tell the stories of Campbelltown

Delivery Program

Principal Activity
1.1.1.2 Create and maintain partnerships that promote inclusion, pride, trust and shared values in the community
1.2.1.1 Deliver, and advocate for, essential community services
2.3.1.2 Lead and build partnerships to achieve diverse and affordable housing options
4.2.1.1 Develop a range of partnerships to strengthen opportunities for the local economy
4.2.1.2 Strengthen Campbelltown's position as a regional hub
5.2.1.2 Collaborate for change and seek opportunities to own our future

Officer's Recommendation

1. That Council note the strategic alliance of the eight Councils of the Western Parkland City, and the need to update the governance model to increase effectiveness.
2. That Council notes that this updated governance model retains the autonomy of all member Councils and brings with it no additional financial costs on members.
3. That Council endorses:
 - a. that the existing governance model for The Parks be updated to a Section 358 entity under the *Local Government Act 1993* constituted as an incorporated association under the *Associations Incorporation Act 2020* with primary responsibility for conducting research and gathering evidence to advocate effectively for the residents, businesses and visitors of the Western Parkland City and implement programs and initiatives that bring regional benefits.

- b. the attached Constitution as the Constitution for this organisation, to be known as the 'The Parks' Councils Organisation.
 4. That, subject to Ministerial consent, authorises the Mayor and General Manager to work with the other Councils' Mayors and General Managers to establish the entity as per Section 358 of the *Local Government Act 1993* and the OLG's Guidelines for the Formation of Corporations and Entities (s358).
-

Purpose

To outline the current arrangements for regional collaboration with the Councils in the Western Parkland City and seek Council's endorsement to formalise the alliance through an incorporated association.

History

The Parks is an alliance of the 8 Councils that make up the Western Parkland City; Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly.

The Mayors of the 8 Councils of the Western Parkland City agreed to form the alliance and to work together in the delivery of the City Deal in 2018. This alliance was formed as an s355 committee under the Local Government Act and is currently hosted by Campbelltown City Council.

The Mayors subsequently endorsed a Relationship Framework (August 2018) and then signed an Memorandum of Understanding (June 2019) and then Deed of Agreement (November 2020).

In forming the alliance, it was agreed that an office would be established and an Executive Officer and Executive Assistant employed.

Known then as the Western Parkland Councils, the office was charged with overseeing the implementation of the City Deal as the local government representative both within the City Deal Delivery Office and on the various forums, project control groups and steering committees that were responsible for implementing the commitments.

This office played a pivotal role in protecting the interests of local government while gathering key intelligence, identifying issues of concern and relaying these to the relevant Council officers.

In addition, this office played the key secretariat role in coordinating regular meetings of the Lead Officers, General Managers and Mayors to discuss these issues, consider desired outcomes and advocate for needed change.

As this office evolved, projects that were seeded by the City Deal activities but did not signify as commitments, began to be progressed, such as the Digital Equity and Inclusion Program, the Open Data Portal Project, and the Cybersecurity Uplift Program. Further detail can be found in The Parks' Delivery Program (Attachment D).

This increased agenda of work accompanied by an increasing desire by the Mayors to take a stronger advocacy stance has led to regular reconsideration regarding the entity that best meet the needs of the group.

Over the past 6 years the reality that many of the difficult issues and challenges faced by the Western Parkland City communities are those that are not confined within one or two LGA boundaries has become starker. These are issues that are relevant to all, including lack of public transport connectivity and overdependence on cars, lack of adequate health and education facilities and services, lack of digital connectivity and digital equity, environmental emergencies caused by climate change, funding and managing a drive towards a net zero economy and circular economy and the need for a comprehensive economic development strategy, among others.

The inability for the alliance to access WestInvest grant funding due to the office being hosted by a single Council triggered further discussions regarding the establishment of an entity for the alliance.

Governance review

The Mayoral Forum initiated a review of the governance model to improve the effectiveness of the alliance and maximise benefits for the member Councils and their communities.

To gain an unbiased and evidence-based recommendation regarding the best governance structure, Morrison and Low was engaged and conducted desk research and interviews. Morrison and Low presented the alliance with a comprehensive table of possible entities (Appendix B). Morrison and Low set out all the possible options and recommended that while either a s358 or s4000 entity would provide an appropriate vehicle to deliver the desired outcomes, an s358 appeared to be more suitable.

Following consideration, the Mayoral Forum on 5 October 2023 endorsed that the existing governance model be updated to a s358 entity constituted as an Incorporated Association model. A Joint Organisation model (s4000) was considered, however it was not supported due to the additional regulatory restrictions and financial costs associated with Joint Organisations.

Importantly, this updated governance model retains the autonomy of all member Councils and brings with it no additional financial costs on members.

It does however significantly lift the potential of the alliance to deliver benefits for its member Councils and the region.

A delegation of Mayors from Campbelltown, Penrith and Camden on behalf of the Mayoral Forum met with Minister for Local Government, the Hon Ron Hoenig MP, on 26 February to seek his views on the establishment by The Parks as a s358 entity. The Minister was very complimentary about what The Parks had achieved to date, understood the objectives and offered to consider the proposal following the preparation of a draft Constitution that set out clear and transparent principles for the governance of the organisation.

Report

This report seeks the endorsement of Council of this updated governance model.

Subject to Council approval, the next steps would be to seek the formal approval of the Minister for Local Government to the establishment of the entity, as required under the Act.

Subject to Council and Ministerial approval, the new incorporated association would be registered with the Australian Securities and Investments Commission (ASIC) as well as a charity.

The proposed draft Constitution (Attachment C) that would govern the organisation has been reviewed by HWL Ebsworth Lawyers.

The organisation would continue to have eight members, being the eight Councils of the Western Parkland City; namely Blue Mountains City Council, Camden Council, Campbelltown City Council, Fairfield City Council, Hawkesbury City Council, Liverpool City Council, Penrith City Council and Wollondilly Shire Council. The entity will have any as its members any and all Councils within the Western Parkland City region that wish to join.

Each Council would appoint one delegate to the Board of the organisation and from those members, one President would be elected.

The Board would support the development and then subsequently endorse the delivery program, operational plan and financial budgets for the organisation and would provide the oversight of these plans and budgets.

The delivery program and operational plan would be informed by detailed 3 year financial projections (that would be developed).

Legislative Requirements and Next Steps

The following legislative requirements detail the steps required:

- Section 358 of the *Local Government Act 1993* requires Ministerial consent prior to the establishment of an incorporated association.
- Section 377(1)(s) of the *Local Government Act 1993* requires Council to approve the making of an application to the Minister.
- The Office of Local Government's Formation of Corporations and Entities (Section 358 Guidelines) (Attachment F) sets out the procedures and processes to be followed when councils are considering making an application to the Minister for consent.
- A copy of the minutes showing that Council resolved to make an application to the Minister for approval, as well as a copy of the relevant council reports must be supplied as part of the application.
- Each Council must also complete the self-assessment questionnaire for submission to OLG (Attachment F).
- The General Managers/CEOs of each member council must certify that the self-assessment and other documents have been prepared in accordance with the Guidelines.
- The *Associations Incorporation Act 2020* guides the establishment of the incorporated association.
- The *Treasury Laws Amendment (2021 Measures No.2) Act 2021* requires any non-government not-for-profit organisation be registered as a charity with the Australian Charities and Not-for-Profit Commission to be endorsed as a Deductible Gift Recipient.
- Subject to Council's decision to support the shift to a separate entity, being an incorporated association, as the operating model for The Parks, the Executive Director of

The Parks will prepare the application for the Office of Local Government based on the requirements set out in *Formation of Corporations and Entities (s358) Guidelines* dated January 2022 (Attachment F). The draft application is intended to be tabled to the June Council meeting and will address each of the aspects outlined in the Guidelines, including proposed governance and service level agreement arrangements between Council and the new entity.

- The application to the Minister will include the Organisation's Constitution (Attachment C), which outlines oversight mechanisms, the structure and requirements of the Board, purposes for which the Organisation is established, its operational structure and approval processes.

Financial Impact

It is proposed that the organisation continue to receive base funding from Council (at the same rate), but actively pursue other sources of financial support including grants to enhance its program offerings and its contribution to the community and lessen the financial burden on council.

Risks and Mitigations

To manage and mitigate against any potential risk to member Councils, a risk management plan has been developed, which identifies and analyses any actual or potential risks associated with the project (Attachment E).

Conclusion

The adjustment of The Parks operating model from one that is hosted by Campbelltown City Council to an s358 entity would allow The Parks to drive a greater number and variety of initiatives that benefit all residents, businesses and visitors to the Western Parkland City and ensure that Member Councils are well placed to secure the economic and social benefits created by the construction of the Western Sydney International Airport. It will play a pivotal role in representing local government interests to State and Commonwealth governments while ensuring that the needs and concerns of Member Councils are being met in a timely and effective manner.

Attachments

- 8.2.1 Attachment A: Policy and Governance Implications (contained within this report) [↓](#)
- 8.2.2 Attachment B: Governance Structure Options Matrix (contained within this report) [↓](#)
- 8.2.3 Attachment C: The Parks Sydneys Parkland Councils Draft Constitution (contained within this report) [↓](#)
- 8.2.4 Attachment D: Proposed Service Deliverables (contained within this report) [↓](#)
- 8.2.5 Attachment E: The Parks Risk Management Plan (contained within this report) [↓](#)
- 8.2.6 Attachment F: s358-Guidelines (contained within this report) [↓](#)



The Parks Section 358 Operating Model

Attachment A

POLICY AND GOVERNANCE IMPLICATIONS:

In reviewing the optimal model for the Alliance, the following aims were considered:

- To ensure the completion of City Deal commitments was monitored and the State and Commonwealth Governments held to their original promises;
- To build upon the strong foundation of member council peer relationships developed since the signing of the Relationship Framework to identify and drive region-wide initiatives that tackle our 'wicked problems' and produce significant benefits for our communities (preferably funded by grants);
- To conduct research and build the evidence base for the needs of our communities in the Western Parkland City;
- To optimise Councils' investment through best practice governance and management.

To ensure that the most appropriate and effective model was targeted, Morrison and Low were engaged to conduct research into all possible options and present their recommendations (See Attachment B). Effectively, two models were recommended as meeting our needs best, as outline below:

Operating Model 1 – s358 Entity

This is the model that is used by the other ROCs although the type of entity they chose to set up differs. NSROC and SSROC set up Incorporated Associations while WSROC chose a company limited by guarantee. While both these options (and others) would be available to us if we set up an s358 entity, the intention is to set up an Incorporated Association.

The key advantages of this model are:

- It is its own legal entity (with its own ABN) separate from its individual members, which means it can enter and enforce contracts in its own name and open a bank account.
- Members are only liable for the amounts each Member owes in respect of their membership with no risk of being forced to assume debt incurred by the entity.
- It can continue even though its members may change.

The key risks of this model are:

- It must meet annual reporting obligations.
- It is not the preferred model for OLG or Unions as there are concerns about the control that can be applied to protect staff or prevent poor practices once established.



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It should be noted that it is forecast a change to this model would incur approximately \$32,000 per annum in additional fees.

Operating Model 2 – s4000 Joint Organisation

This is the model that is implemented by the NSW State Government across all regional and rural areas and allows for Councils to work together for better regional outcomes and to fund place-based activities and advocate for their joint needs. OLG oversees the governance and administration of the JOs and requires financial and annual statements and audits. To date, this model has not been utilised within the urban context and there are no Joint Organisations established within Greater Sydney.

The key advantages of this model are:

- The model exists under the Local Government Act and hence allows for the ongoing oversight of the Office of Local Government.
- A State Government representative sits on the Board as a non-voting member, providing a communication channel into the Government that can be leveraged.
- It is its own legal entity and hence can open a bank account and apply for grants funding.
- It continues even though its members may change.
- It can employ staff under the same awards as Local Government and hence entitlements are transferable.

The key risks of this model are:

- The establishment would require Ministerial approval (and/or regulatory change).
- Board meetings must be open to the public and be publicised, which may work against the expressed desire of being nimble and flexible in responding to events as they unfold.
- It must fit within the onerous OLG framework, which has significantly high costs associated with it.
- It must meet annual reporting obligations.
- There is a potential for duplication of existing council processes (such as audits, ARIC committees etc).

It should be noted that it is forecast a change to this model would incur approximately \$43,000- \$128,000 per annum in additional fees.

Having been presented with these options, the Mayors made a decision to pursue the shift to an s358 entity.

GOVERNANCE STRUCTURE

The Governance structure will not differ significantly from the one already in place. It will consist of a Board made up of one delegate from each Member Council (as determined by each Council, which may be the Mayor). From this membership, a President will be elected at elections conducted bi-annually in accordance with the provisions of the Local Government Act 1993 and the regulations for the election of the Mayor.

The Board and President will only function to determine the strategic business plan of the organisation, monitor its performance and ensure its outcomes and provide due oversight of its financial dealings.

It will hence be completely separated from Member Councils, both from a financial perspective and from a management perspective.

It should be noted that we are proposing that all related bodies that work on regional issues for the eight Member Councils will be brought across under The Parks umbrella, including the Western Sydney Planning Partnership, Western Sydney Health Alliance and Macarthur Strategic Waste Alliance. This will streamline financial contributions, create a more direct and effective reporting line and ensure there are no duplications within the various work plans.



IMPACT ON EXISTING STAFF

- All existing staff within The Parks’ Executive Office, the Western Sydney Health Alliance, the Western Sydney Planning Partnership and the Macarthur Strategic Waste Alliance are on contracts that have been intentionally designed to terminate by June 2025, at the latest.
- The contracts for the Executive Director and Executive Assistant of The Parks terminate at the end of March 2025.

- The Program Manager, Digital Equity and Inclusion Program is a seconded position until end June 2024, as the program will be finished and reported on in June 2024. This employee will then return to her substantive role within Campbelltown City Council
- The Regional Waste Coordinator position is appointed until June 2025, with ongoing funding for this position being currently reviewed by the EPA.
- The Program Manager for the Western Sydney Health Alliance is appointed until February 2025.
- The three positions within the Western Sydney Planning Partnership of the Director, Associate Director – Planning and Policy and Office Manager have been extended until June 2025.

Therefore, as the staff of the current s355 alliance entities are either seconded across from member councils or on contracts, there will be no need to make anyone redundant.

Where appropriate, any existing council staff will be transferred to the employment of the entity and, as is set out in the Constitution, will be employed on the same terms and conditions consistent with their previous employment with Council. All incumbents will also be eligible for and encouraged to apply for the positions in the s358 entity.

Once the entity has been established and the newly defined positions of Executive Director, Executive Assistant, Program Manager Western Sydney Health Alliance and Director, Western Sydney Planning Partnership have been developed and recruited, the entity will guarantee the continued employment of any staff for a period of at least 3 years.

The entity will also adopt an agreement to refer any industrial disputes to the NSW Industrial Relations Tribunal.

ESTABLISHMENT TIMELINE

May-June 2024: It is anticipated that following the consideration by the eight member councils of their participation in the organisation and endorsement by those happy to proceed, this information will be collated into the final business case and sent on to OLG and the Minister for consideration.

We are hoping to achieve this by the end of May (with an extension to the middle of June if required, based on council meeting times).

June/July 2024: Any additional evidence or supporting documentation will be supplied to LG as per their requests to finalise our application.

August/September: Permission from the Minister is received and the administrative procedures to establish the Incorporated Association would be completed.

October/November: After the election once the new Councils have become acclimatised, we would move to call a Board meeting and elect a new President. We would also seek to gain approval for the new Position Description for the revised Executive Director role.

January/February 2025: Recruitment of the Executive Director position would be completed and this position filled.



The Parks, Sydney's Parkland Councils, Inc.

CONSTITUTION

Incorporated under the *Associations Incorporation Act 2009* (NSW)



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Part 1 Preliminary

1 Definitions

- (1) In this constitution:

Additional Expenditure Statement has the meaning given in clause 42(3).

Annual Budget means the annual budget for the association as approved by members at an annual general meeting, as contemplated by clause 42.

association means The Parks, Sydney's Parkland Councils, Inc., being the association governed by this constitution, the Act and the Regulations.

committee member means a member of the committee.

Council has the meaning determined by clause 7.

Executive Director means the person appointed by the committee to manage the daily activities and deliver the objectives of the association.

exercise a function includes perform a duty.

function includes a power, authority or duty.

General Manager means either the General Manager or Chief Executive Officer of a Member Council.

GMAG or **General Managers' Advisory Group** means the group appointed under clause 23.

Member Council means a Council which has been admitted to membership of the association.

register of members means the register of members maintained under clause 9.

secretary, of the association, means:

- (a) the person holding office under this constitution as secretary, or
- (b) if no person holds that office - the public officer of the association.

special general meeting, of the association, means a general meeting of the association other than an annual general meeting.

subcommittee means a subcommittee established under clause 22.

the Act means the *Associations Incorporation Act 2009*.

the Regulation means the *Associations Incorporation Regulation 2022*.

Note: The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this constitution.

- (2) The Interpretation Act 1987 applies to this constitution as if it were an instrument made under the Act.

Note: The Act, Part 4 deals with various matters relating to the management of associations.

2 Name

The name of the association is The Parks, Sydney's Parkland Councils, Inc.

3 Mission

The purpose of the association is to provide strong local government leadership, to work co-operatively for the benefit of the Western Parkland City, and to advocate effectively on agreed regional positions and priorities.

4 Objectives

The objectives of the association are to:

- (1) strengthen the role of Local Government in matters that affect the Western Parkland City, particularly where the region may be affected by Commonwealth or New South Wales Government policies;
- (2) assess the needs, disadvantages and opportunities of Member Councils' Local Government Areas and to make representations, submissions and promotions relative to meet such needs, disadvantages and opportunities to Commonwealth and State Governments and other appropriate bodies;
- (3) improve the quality of and access to transport, community, social, cultural and environmental services infrastructure;
- (4) provide a cohesive and united regional voice representing Member Councils;
- (5) develop and exchange knowledge and tools to support the role and build the capacity of Member Councils, and by doing so improve the quality and efficiency of Local Government service delivery throughout the Western Parkland City Region;
- (6) identify and address current and emerging regional issues through research and the development of evidence-based rationales; and
- (7) ensure the association develops as a highly credible and cost-effective organisation.

5 Member Council participation

Member Council participation in the association is governed by sections 355, 357 and 358 of the *Local Government Act 1993* (NSW), and is subject to such participation being adopted or ratified by the Member Council.

6 Powers

- (1) Subject to (but without limiting its powers under) the Act, the Regulation, this constitution, and any resolution passed by the committee in general meeting, the association has the power to:
 - (a) make submissions to Governments and other agencies in respect of the areas of its Member Councils, consistent with the objectives of the association and its then current business plan;
 - (b) carry out the objectives of the association;
 - (c) receive and apply funds in respect of:
 - (i) the staffing of the association;

- (ii) the carrying out of projects or studies agreed to by the association; or
 - (iii) any other purpose that is authorised by the association.
- (2) The association must not itself become a member of another corporation.
- (3) Subclause (1) does not affect the right of an individual Member Council to act in its own right on any matter.
- (4) For the purpose of performing any powers, duties or functions, the association may make use of the services of an employee of a Member Council if the prior approval of the relevant General Manager or CEO of the Member Council has been obtained.

Part 2 Members of association

7 Membership

- (1) The following entities only (each a **Council**) are eligible for membership of the association:
 - (a) Blue Mountains City Council;
 - (b) Camden Council;
 - (c) Campbelltown City Council;
 - (d) Fairfield City Council;
 - (e) Hawkesbury City Council;
 - (f) Liverpool City Council;
 - (g) Penrith City Council; and
 - (h) Wollondilly Shire Council.

The initial members of the association are those Councils on whose behalf an application for registration of the association was made under the Act.
- (2) If any Council is dissolved, amalgamated or otherwise ceases to exist:
 - (a) the council (whether newly formed or otherwise) that becomes the council for any area within the existing Council's area automatically becomes a "Council" for the purposes of this constitution; and
 - (b) if the Council is an existing Member Council:
 - (i) the council (whether newly formed or otherwise) that becomes the council for any area within that Member Council's area, continues as the Member Council for the purposes of this constitution upon becoming the council for that area; and
 - (ii) unless and until the Member Council is constituted by elected councillors, the representation in respect of the Member Council is to be determined in accordance with clause 18.

8 Membership applications

- (1) An application to be a member of the association must be:
 - (a) made in writing;
 - (b) in the form determined by the committee or the GMAG; and
 - (c) lodged with the secretary.
- (2) The committee may determine that an application may be made or lodged by email or other electronic means.
- (3) The secretary must refer an application to the committee as soon as practicable after receiving the application.
- (4) The committee must approve or reject the application. The application is approved if 70% or more of the committee members approve the application, else the application is rejected.
- (5) As soon as practicable after the committee has decided the application, the secretary must:
 - (a) give the applicant written notice of the decision, including by email or other electronic means if determined by the committee, and
 - (b) if the application is approved - inform the applicant that the applicant is required to pay the entrance fee and annual subscription fee (pro rated where an applicant is approved part way through a year) payable under clause 10, within 28 days of the day the applicant received the notice.
- (6) The secretary must enter the applicant's name in the register of members as soon as practicable after the applicant pays the entrance fee and annual subscription fee in accordance with subclause (5)(b).
- (7) The applicant becomes a member once the applicant's name is entered in the register.

9 Register of members

- (1) The secretary must establish and maintain a register of members of the association.
- (2) The register:
 - (a) may be in written or electronic form, and
 - (b) must include, for each member:
 - (i) the member's full name;
 - (ii) a residential, postal or email address;
 - (iii) the date on which the person became a member; and
 - (iv) if the person ceases to be a member - the date on which the person ceased to be a member;
 - (c) must be kept in New South Wales:
 - (i) at the association's main premises, or
 - (ii) if the association has no premises - at the association's official address;

- (d) must be available for inspection, free of charge, by members at a reasonable time; and
 - (e) if kept in electronic form - must be able to be converted to hard copy.
- (3) If the register is kept in electronic form, the requirements in subclause (2)(c) and (d) apply as if a reference to the register is a reference to a current hard copy of the register.
- (4) A member may obtain a hard copy of the register, or a part of the register, on payment of a fee of not more than \$1, as determined by the committee, for each page copied.
- (5) Information about a member, other than the member's name, must not be made available for inspection if the member requests that the information not be made available.
- (6) A member must not use information about a member obtained from the register to contact or send material to the member, unless:
- (a) the information is used to send the member:
 - (i) a newsletter;
 - (ii) a notice for a meeting or other event relating to the association; or
 - (iii) other material relating to the association, or
 - (b) it is necessary to comply with a requirement of the Act or the Regulation.

10 Fees and contributions

- (1) The entrance fee to be paid to the association by a person whose application to be a member of the association has been approved is:
- (a) \$1; or
 - (b) such other amount as determined by the committee from time to time.
- (2) A member must pay to the association an annual subscription fee of:
- (a) \$1; or
 - (b) such other amount as determined by the committee from time to time.
- (3) From time to time, the association may undertake projects in which Member Councils may wish to participate. Any fees associated with such projects (including any instalments and dates for payment) must be notified to Member Councils in advance, and Member Councils who have opted to participate in such projects must pay such fees (including as to instalments and dates for payment) when due.
- (4) Each Member Council must also pay, on a basis agreed by all Member Councils from time to time, its proportion of the association's expenditures:
- (a) as set out in the then current Annual Budget;
 - (b) as set out in any Additional Expenditure Statement; and
 - (c) in the exercise of the association's powers under clause 6.

- (5) For the purposes of subclause (4)(a) and (4)(b), a Member Council's contribution shall be determined by resolution of the association at the time of adopting the Annual Budget or Additional Expenditure Statement (as the case may be).
- (6) Any agreed fees or contributions under this clause 10 must be made by each Member Council within the date specified by the association.

11 Members' liabilities

The liability of a member of the association to contribute to the payment of:

- (1) the debts and liabilities of the association; and
 - (2) the costs, charges and expenses of the winding up of the association,
- is limited to the amount of any outstanding fees and contributions for which the member is liable under clause 10.

12 Disciplinary action against members

- (1) A person may make a complaint to the committee that a member of the association has:
 - (a) failed to comply with a provision of this constitution; or
 - (b) wilfully acted in a way prejudicial to the interests of the association.
- (2) The committee may refuse to deal with a complaint if the committee considers the complaint is trivial or vexatious.
- (3) If the committee decides to deal with the complaint, the committee must:
 - (a) serve notice of the complaint on the member;
 - (b) give the member at least 14 days from the day the notice is served on the member within which to make submissions to the committee about the complaint; and
 - (c) consider any submissions made by the member.
- (4) The committee may, by resolution passed by 70% or more of the committee members, expel the member from the association or suspend the member's membership if, after considering the complaint, the committee is satisfied that:
 - (a) the facts alleged in the complaint have been proved, and
 - (b) the expulsion or suspension is warranted.
- (5) If the committee expels or suspends the member, the president or the secretary must, within 7 days of that action being taken, give the member written notice of:
 - (a) the action taken, and
 - (b) the reasons given by the committee for taking the action, and
 - (c) the member's right of appeal under clause 13.
- (6) The expulsion or suspension does not take effect until the later of the following:
 - (a) the day the period within which the member is entitled to exercise the member's right of appeal expires, or

- (b) if the member exercises the member's right of appeal within the period - the day the association confirms the resolution under clause 13.

13 Right of appeal against disciplinary action

- (1) A member may appeal against a resolution of the committee under clause 12 by lodging a notice of appeal with the secretary within 7 days of being served notice of the resolution.
- (2) The member may include, with the notice of appeal, a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) The secretary must notify the committee that the secretary has received a notice of appeal.
- (4) If notified that a notice has been received, the committee must call a general meeting of the association to be held within 28 days of the day the notice was received.
- (5) At the general meeting:
 - (a) no business other than the question of the appeal is to be transacted;
 - (b) the member must be given an opportunity to state the member's case orally or in writing, or both;
 - (c) the committee must be given the opportunity to state the committee's case orally or in writing, or both; and
 - (d) the members present must vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (6) The appeal is to be determined by a simple majority of votes cast by the members (excluding the member the subject of the appeal).

14 Resolution of internal disputes

- (1) The following disputes must be referred to a Community Justice Centre within the meaning of the *Community Justice Centres Act 1983* (NSW) for mediation:
 - (a) a dispute between 2 or more members of the association, but only if the dispute is between the members in their capacity as members, or
 - (b) a dispute between 1 or more members and the association.
- (2) If the dispute is not resolved by mediation within 3 months of being referred to the Community Justice Centre, the dispute must be referred to arbitration.
- (3) The *Commercial Arbitration Act 2010* (NSW) applies to a dispute referred to arbitration.

15 Membership entitlements not transferable

A right, privilege or obligation that a person has because the person is a member of the association:

- (1) cannot be transferred to another person, and

- (2) terminates once the person ceases to be a member of the association.

16 Cessation of membership

- (1) A Member Council ceases to be a member of the association if it:
 - (a) resigns in accordance with subsection (3);
 - (b) is expelled from the association; or
 - (c) fails to pay any fees payable by it under clause 10 within 3 months of the due date, and does not pay such fees within a further 1 month after the Executive Director issues a default notice to that Member Council notifying the Member Council that unless the Member Council pays such fees it will cease to be a member.
- (2) The committee may, in its absolute discretion by resolution passed by 70% or more of the committee members, on payment of all arrears of fees due, readmit any member whose membership ceases as contemplated by subclause (1)(c).
- (3) A Member Council may resign as a member by giving at least 12 months' written notice to the secretary.
- (4) On the expiration of such notice, the member ceases to be a member, no fees or contributions shall be refunded to the member, no funds will be distributed to the member, and this constitution remains in force between the remaining members of the association.
- (5) If a Member Council ceases to be a member of the association, the secretary or public officer must make an appropriate entry in the register of members recording the date on which the member ceased to be a member (on the expiration of the period of notice).

Part 3 Committee

Division 1 Constitution

17 Functions of the committee

Subject to the Act, the Regulation, this constitution and any resolution passed by the association in general meeting, the committee:

- (1) is to control and manage the affairs of the association;
- (2) may exercise all the functions that may be exercised by the association, other than a function that is required to be exercised by the association in general meeting, and
- (3) has power to do all things that are necessary or convenient to be done for the proper management of the affairs of the association,

and in particular, the committee must:

- (4) monitor the performance of the association;
- (5) prepare and adopt a business plan for the association;
- (6) prepare and adopt an Annual Budget, having regard to then current business plan for the association;

- (7) review the business plan and Annual Budget as required; and
- (8) set policy direction for the association, consistent with the association's objectives.

18 Composition of committee

- (1) The committee must consist of one representative from each Member Council.
- (2) The initial members of the committee will consist of one representative from each initial member of the association, as nominated by that member to the public officer.
- (3) The Mayor of each Member Council must, at its first ordinary meeting after any Council election relating to that Member Council, appoint a delegate (or confirm the appointment of an existing delegate) to be the Member Council's representative on the committee. The delegate may be the Mayor of the Council.
- (4) Each such delegate shall hold office on the committee until the appointment of a successor delegate.
- (5) A committee member's position becomes vacant if that committee member:
 - (a) ceases to hold office at his/her Member Council;
 - (b) resigns from this/her Member Council; or
 - (c) resigns from the committee by letter addressed to the committee; or
 - (d) is replaced by his/her Member Council at any time.
- (6) Where a committee member's position becomes vacant, the relevant Member Council concerned must, at the first convenient ordinary meeting after such vacancy occurs, appoint another delegate.
- (7) Where the appointed delegate of a Member Council is unable to and does not attend a meeting of the committee, the relevant Member Council may appoint an alternate delegate for the purposes of that meeting. The alternative delegate has the same voting rights as the appointed delegate provided the appointed delegate does not attend the meeting.
- (8) Where a delegate has missed 3 consecutive committee meetings without notification, the committee shall write to the delegate's Member Council seeking an alternative delegate be appointed to the committee.

19 Role of president

- (1) The Member Councils must elect one of the committee members to be the president of the association. The first president, however, must be elected by the committee at the first committee meeting of the association.
- (2) Elections for the role of president must be conducted every 2 years in accordance with the provisions of the *Local Government Act 1993* (NSW), and the regulations for the election of Mayors.
- (3) Nomination of candidates for the role of president may be made either:

- (a) in writing and submitted to the public officer at least 7 days before the date of the next relevant annual general meeting; or
 - (b) moved and seconded by members and agreed to by the candidate verbally at the next relevant annual general meeting.
- (4) If only one nomination is received, the candidate nominated is taken as elected.
- (5) If more than one nomination is received, a ballot is to be held.
- (6) The ballot for the election of the role of president is to be conducted at the relevant annual general meeting in any usual and proper manner that the committee directs.
- (7) The president must determine the conduct of committee meetings, which must conform as far as practicable with the Code of Meeting practice established under section 360 of the *Local Government Act 1993* (NSW).
- (8) The president may nominate an alternate committee member to preside and chair a meeting of the committee if the president will be absent from that meeting.
- (9) Unless otherwise directed by resolution of the association, the president shall:
 - (a) chair meetings of the committee;
 - (b) act as a spokesperson for the association;
 - (c) exercise leadership and give direction to the association;
 - (d) represent the association to other agencies and Governments;
 - (e) present the association and its decisions in a positive way to the community, media, Government and other interested groups;
 - (f) together with the GMAG, authorise the expenditure of funds within the then current Annual Budget; and
 - (g) call special general meetings as required.
- (10) The president may delegate any of the above functions to the chair of the GMAG and the Executive Director, as required.
- (11) At a meeting of the committee, the president (or if the president is absent, the alternate committee member nominated by the president under clause 19(8) to preside and chair that meeting of the committee) does not have a second or casting vote.

20 Vacancies in office

In addition to the matters set out in clause 18(5), a casual vacancy in the office of a committee member arises if the committee member:

- (1) dies;
- (2) resigns from office by written notice given to the secretary;
- (3) is prohibited from being a director of a company under the *Corporations Act 2001* (Cth), Part 2D.6;
- (4) is convicted of an offence involving fraud or dishonesty for which the maximum penalty is imprisonment for at least 3 months; or

- (5) becomes a mentally incapacitated person.

21 Secretary

- (1) The committee must appoint a secretary to the association.
- (2) The secretary may also be the public officer of the association.
- (3) As soon as practicable after being elected as secretary, the secretary must lodge a notice with the association specifying the secretary's address.
- (4) The secretary must keep minutes of:
 - (a) all elections of committee members;
 - (b) the names of committee members present at a meeting of the committee or at a general meeting; and
 - (c) all proceedings at committee meetings and general meetings.
- (5) The minutes must be:
 - (a) kept in written or electronic form; and
 - (b) for minutes of proceedings at a meeting - signed, in writing or by electronic means, by:
 - (i) the member who presided at the meeting; or
 - (ii) the member presiding at the subsequent meeting.

22 Delegation to subcommittees

- (1) The committee may:
 - (a) establish 1 or more subcommittees to assist the committee to exercise the committee's functions; and
 - (b) appoint 1 or more members of the association to be the members of the subcommittee.
- (2) The committee may delegate to the subcommittee the exercise of the committee's functions specified in the instrument, other than:
 - (a) this power of delegation; or
 - (b) a duty imposed on the committee by the Act or another law.

Note: The *Interpretation Act 1987*, section 49 deals with various matters relating to delegations.

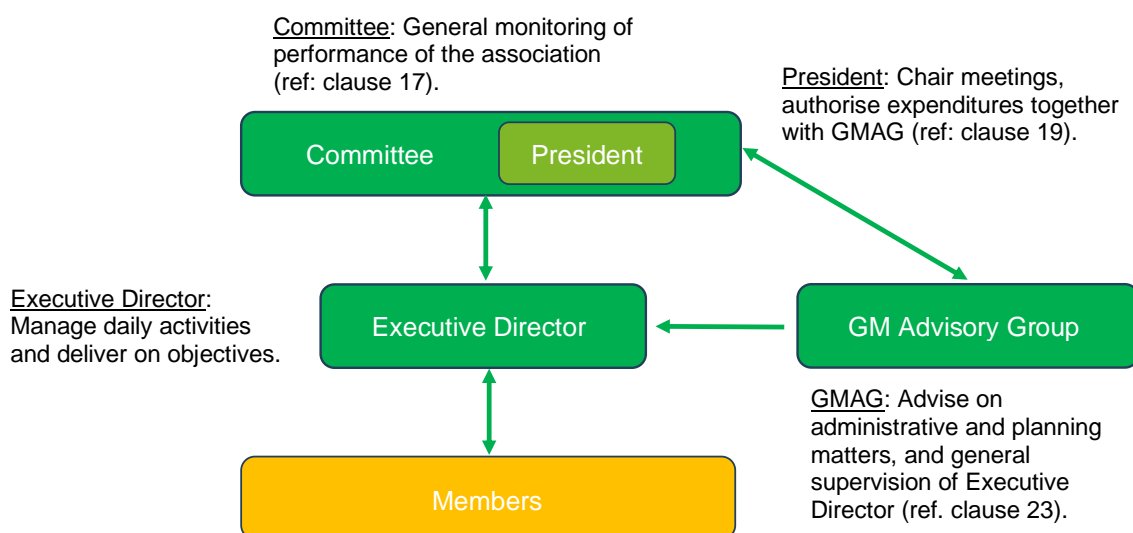
23 General Managers' Advisory Group (GMAG)

- (1) The committee must establish a General Managers' Advisory Group (**GMAG**) as a subcommittee under clause 22.
- (2) The GMAG must comprise of the General Manager of each Member Council, and must include the secretary.
- (3) The chair of GMAG must be appointed by the committee.
- (4) The role of GMAG is to:
 - (a) advise on administrative and planning matters relating to the association;

- (b) exercise general supervision of the Chief Executive Officer or Executive Director of the association;
- (c) supervise the use of the association's resources, including the authorisation of expenses (within the then current budget as approved by the committee) in accordance with the association's financial delegations and authorisations schedule;
- (d) submit reports and recommendations to the committee for policy decision; and
- (e) generally supervise projects and activities approved in the then current business plan.

24 Overview of governance structure

Without affecting the remainder of this constitution, an overview of the governance structure of the association is as follows:



Division 2 Procedure

25 Committee meetings

- (1) The committee must meet at least every 2 months each year (unless otherwise determined by the committee) at the place and time determined by the committee.
- (2) Additional meetings of the committee may be called by any committee member.
- (3) The procedure for calling and conducting business at a meeting of a subcommittee is to be as determined by the subcommittee.

Note: The Act, section 30(1) provides that committee meetings may be held as and when the association's constitution requires.

26 Notice of committee meeting

- (1) The secretary must give each committee member written notice of a meeting of the committee at least seven days, or another period on

- which the committee members unanimously agree, before the time the meeting is due to commence.
- (2) The notice must describe the general nature of the business to be transacted at the meeting, which must include:
 - (a) matters of which notice has been given by a Member Council or its committee member;
 - (b) matters which the president thinks fit to submit to the meeting;
 - (c) consideration of reports from the GMAG;
 - (d) consideration of any recommendation or report by any committee; and
 - (e) consideration of any recommendation or report by any State Government department or community group.
 - (3) The only business that may be transacted at the meeting is:
 - (a) the business described in the notice; and
 - (b) business that the committee members present at the meeting unanimously agree is urgent business.

27 Quorum

- (1) The quorum for a meeting of the committee is a majority of the total number of appointed committee members.
- (2) No business may be transacted by the committee unless a quorum is present.
- (3) If a quorum is not present within half an hour of the time the meeting commences, the meeting is adjourned:
 - (a) to the same place; and
 - (b) to the same time of the same day in the following week.
- (4) If a quorum is not present within half an hour of the time the adjourned meeting commences, the meeting is dissolved.
- (5) This clause does not apply to the filling of a casual vacancy to which clause 20 applies.

Note: The Act, section 28A provides for the filling of vacancies on the committee to constitute a quorum.
- (6) The quorum for a meeting of any subcommittee (including the GMAG) is a majority of the total number of appointed subcommittee members.

28 Observers

- (1) The following may attend and observe committee meetings and subcommittee meetings (including the GMAG):
 - (a) a councillor of a Member Council; and
 - (b) a senior staff member of a Member Council.
- (2) With the consent of the those members of the committee or subcommittee (including the GMAG) at the meeting, observers may be invited to speak at the meeting.

29 Voting

- (1) A decision supported by a majority of the votes cast at a meeting of the committee or a subcommittee at which a quorum is present is the decision of the committee or subcommittee.
- (2) In the event of a vote being equal, the matter must be submitted again to the committee (or subcommittee as the case may be) for vote, and if the second vote is also equal, the matter remains unresolved and is not passed.

30 Acts valid despite vacancies or defects

- (1) Subject to clause 27(1), the committee may act despite there being a casual vacancy in the office of a committee member.
- (2) An act done by a committee or subcommittee is not invalidated because of a defect relating to the qualifications or appointment of a member of the committee or subcommittee.

31 Transaction of business outside meetings or by telephone or other means

- (1) The committee may transact its business by the circulation of papers, including by electronic means, among all committee members.
- (2) If the committee transacts business by the circulation of papers, a written resolution, approved in writing by a majority of committee members, is taken to be a decision of the committee made at a meeting of the committee.
- (3) The committee may transact its business at a meeting at which 1 or more committee members participate by telephone or other electronic means, provided a member who speaks on a matter can be heard by the other members.
- (4) The member presiding at the meeting and each other member have the same voting rights as they would have at an ordinary meeting of the committee for the purposes of:
 - (a) the approval of a resolution under subclause (2); or
 - (b) a meeting held in accordance with subclause (3).
- (5) A resolution approved under subclause (2) must be recorded in the minutes of the meetings of the committee.

Note: The Act, section 30(2) and (3) contains requirements relating to meetings held at 2 or more venues using technology.

Part 4 General meetings of association

32 Annual general meetings

- (1) The association must hold the association's first annual general meeting within 18 months of the day the association was registered under the Act.
- (2) The association must hold subsequent annual general meetings within:

- (a) 6 months of the last day of the association's financial year, or
 - (b) the later period allowed or prescribed in accordance with the Act, section 37(2)(b), with the intent that the meeting be held immediately following the last business meeting of the committee (proposed to be held in November of each year).
- (3) Subject to the Act and subclauses (1) and (2), the annual general meeting is to be held at the place and time determined by the committee.
- (4) The business that may be transacted at an annual general meeting includes the following:
- (a) confirming the minutes of the previous annual general meeting and any special general meetings held since the previous annual general meeting;
 - (b) receiving reports from the committee on the association's activities during the previous financial year;
 - (c) electing office-bearers and ordinary committee members;
 - (d) receiving and considering financial statements or reports required to be submitted to members of the association under the Act; and
 - (e) an annual budget which must include:
 - (i) the amount of proposed revenue and expenditure by the association;
 - (ii) the amount in hand available for such expenditure; and
 - (iii) any additional amount required to be raised to meet such expenditure.

Note: The Act, section 37(1) and (2) provides for when annual general meetings must be held.

33 Special general meetings

- (1) The committee may call a special general meeting whenever the committee thinks fit.
- (2) The committee must call a special general meeting if the committee receives a request made by at least 5% of the total number of members.
- (3) A request under subclause (2):
 - (a) must be in writing;
 - (b) must state the purpose of the meeting;
 - (c) must be signed by the members making the request;
 - (d) may consist of more than 1 document in a similar form signed by 1 or more members;
 - (e) must be lodged with the secretary; and
 - (f) may be in electronic form and signed and lodged by electronic means.
- (4) If the committee fails to call a special general meeting within 1 month of a request under subclause (2) being lodged, 1 or more of the members

who made the request may call a special general meeting to be held within 3 months of the date the request was lodged.

- (5) A special general meeting held under subclause (4) must be conducted, as far as practicable, in the same way as a general meeting called by the committee.

34 Notice of general meeting

- (1) The secretary must give each member notice of a general meeting:
- (a) if a matter to be determined at the meeting requires a special resolution - at least 21 days before the meeting; or
 - (b) otherwise - at least 14 days before the meeting.
- (2) The notice must specify:
- (a) the place and time at which the meeting will be held;
 - (b) the nature of the business to be transacted at the meeting;
 - (c) if a matter to be determined at the meeting requires a special resolution - that a special resolution will be proposed; and
 - (d) for an annual general meeting - that the meeting to be held is an annual general meeting.
- (3) The only business that may be transacted at the meeting is:
- (a) the business specified in the notice; and
 - (b) for an annual general meeting - business referred to in clause 32(4).
- (4) A member may give written notice to the secretary of business the member wishes to raise at a general meeting.
- (5) If the secretary receives a notice under subclause (4), the secretary must specify the nature of the business in the next notice calling a general meeting.

35 Quorum

- (1) The quorum for a general meeting is a majority of the total number of members.
- (2) No business may be transacted at a general meeting unless a quorum is present.
- (3) If a quorum is not present within half an hour of the time the meeting commences, the meeting:
- (a) if called on the request of members - is dissolved, or
 - (b) otherwise - is adjourned:
 - (i) to the same time of the same day in the following week, and
 - (ii) to the same place, unless another place is specified by the member presiding at the meeting at the time of the adjournment or in a written notice given to members at least 1 day before the adjourned meeting.
- (4) If a quorum is not present within half an hour of the time an adjourned meeting commences, the meeting is dissolved.

36 Adjourned meetings

- (1) The member presiding at a general meeting may, with the consent of the majority of the members present, adjourn the meeting to another time and place.
- (2) The only business that may be transacted at the adjourned meeting is the business remaining from the meeting at which the adjournment took place.
- (3) If a meeting is adjourned for at least 14 days, the secretary must give each member written notice, at least 1 day before the adjourned meeting, of:
 - (a) the time and place at which the adjourned meeting will be held, and
 - (b) the nature of the business to be transacted at the adjourned meeting.

37 Procedure and presiding member

- (1) The procedure at a general meeting of the association shall conform as far as possible with the procedure for meetings of Council and Committees as prescribed by regulations made under the *Local Government Act 1993* (NSW), and in accordance with this constitution and standing orders adopted by the association which are not in conflict with these, and subject to such arrangement as may be made from time to time by the association.
- (2) GMAG, the Executive Director, and senior staff of the association may speak at general meetings of the association as required by the discussion, business or agenda item.
- (3) The following person presides at a general meeting:
 - (a) the president; or
 - (b) if the president is absent - 1 of the members present at the meeting, as elected by the other members.
- (4) The person presiding at the meeting does not have a second or casting vote.

38 Voting

- (1) A member is not entitled to vote at a general meeting unless the member has paid all money owed by the member to the association.
- (2) Each member has 1 vote.
- (3) A question raised at the meeting must be decided by:
 - (a) a show of hands; or
 - (b) if clause 40 applies - an appropriate method as determined by the committee; or
 - (c) a written ballot, but only if:
 - (i) the member presiding at the meeting moves that the question be decided by ballot; or
 - (ii) at least 2 members agree the question should be determined by ballot.

- (4) If a question is decided using a method referred to in subclause (3)(a) or (b), either of the following is sufficient evidence that a resolution has been carried, whether unanimously or by a majority, or lost, using the method:
 - (a) a declaration by the member presiding at the meeting; or
 - (b) an entry in the association's minute book.
- (5) A written ballot must be conducted in accordance with the directions of the member presiding.
- (6) A member cannot cast a vote by proxy.
- (7) In the event of a vote being equal, the matter must be submitted again to members for vote, and if the second vote is also equal, the matter remains unresolved and is not passed.

39 Postal or electronic ballots

- (1) The association may hold a postal or electronic ballot, as determined by the committee, to decide any matter other than an appeal under clause 13.
- (2) The ballot must be conducted in accordance with Schedule 2 of the Regulation.

40 Transaction of business outside meetings or by telephone or other means

- (1) The association may transact its business by the circulation of papers, including by electronic means, among all members of the association.
- (2) If the association transacts business by the circulation of papers, a written resolution, approved in writing by a majority of members, is taken to be a decision of the association made at a general meeting.
- (3) The association may transact its business at a general meeting at which 1 or more members participate by telephone or other electronic means, provided a member who speaks on a matter can be heard by the other members.
- (4) The member presiding at the meeting and each other member have the same voting rights as they would have at an ordinary meeting of the association for the purposes of:
 - (a) the approval of a resolution under subclause (2); or
 - (b) a meeting held in accordance with subclause (3).
- (5) A resolution approved under subclause (2) must be recorded in the minutes of the meetings of the association.

Note: The Act, section 37(3) and (4) contains requirements relating to meetings held at 2 or more venues using technology.

Part 5 Administration

41 Change of name, objects or constitution

An application for registration of a change in the association's name, objects or constitution made under the Act, section 10 must be made by:

- (1) the public officer, or
- (2) a committee member.

Note: The Act, section 10 provides that the application can only be made pursuant to a special resolution passed by the association.

In addition to the requirements under the Act, any proposed change to the association's constitution must be approved by the NSW Minister for Local Government.

42 Annual Budget and Additional Expenditure Statements

- (1) At each annual general meeting of the association, the committee must present an annual budget to the members for approval. If approved by members, that annual budget becomes the then current Annual Budget for the association. If the members do not approve the annual budget, the then most recently approved Annual Budget continues until superseded by another Annual Budget approved by members.
- (2) An Annual Budget must include:
 - (a) the amount of proposed revenue and expenditure by the association for the financial year;
 - (b) the amount of revenue available for such expenditure; and
 - (c) any additional revenue required to be raised to meet such expenditure.
- (3) In the event of any additional expenditure which is not covered by an Annual Budget, the association must prepare a statement (**Additional Expenditure Statement**) showing:
 - (a) the amount and nature of the additional expenditure;
 - (b) the amount of revenue available to meet the expenditure after allowing for estimated ordinary expenditure for the balance of the financial year; and
 - (c) the additional amount required to be raised to meet the additional expenditure.

43 Funds

- (1) Subject to a resolution passed by the association, the association's funds may be derived from the following sources:
 - (a) the entrance fees and annual subscription fees payable by members;
 - (b) fees for projects in which Member Councils have opted to participate;

- (c) any other fees and expenditures payable by Member Councils under clause 10;
 - (d) grants and donations; and
 - (e) other sources as determined by the committee.
- (2) Subject to a resolution passed by the association, the association's funds and assets must be used to pursue the association's objects in the way that the committee determines.
- (3) As soon as practicable after receiving money, the association must:
- (a) deposit the money, without deduction, to the credit of the association's authorised deposit-taking institution account; and
 - (b) issue a receipt for the amount of money received to the person from whom the money was received.
- (4) A cheque or other negotiable instrument must be signed by 2 authorised signatories, which must include the president and the chair of the GMAG.
- Note:** The Act, section 36 provides for the appointment of authorised signatories.
- (5) All payments by the association made shall be reported to the committee.
- (6) The accounts of the association must be kept according to the same principles as the accounts of a Member Council, and in such books and form as are approved by the auditors.

44 Staffing

- (1) The association has the power to employ persons, on such terms as determined by the committee from time to time.
- (2) The association must comply with the requirements of the *Local Government Act 1993* (NSW) and its regulations in relation to the engagement of employees.

45 Auditor

- (1) The association must appoint an auditor to audit the accounts of the association each year.
- (2) The audited accounts for the association must be presented to Member Councils at the annual general meeting each year.

46 Insurance

The association may take out and maintain insurance as appropriate for the association's assets and liabilities, including (where applicable) to minimise the risks in the areas of property, public liability, workers compensation, professional indemnity and directors and officer's insurance.

47 Non-profit status

Subject to the Act and the Regulation, the association must not conduct the association's affairs in a way that provides a pecuniary gain for a member of the association.

Note: See the Act, section 40.

48 Service of notices

- (1) For the purposes of this constitution, a notice may be given to or served on a person:
 - (a) by delivering the notice to the person personally;
 - (b) by sending the notice by pre-paid post to the address of the person; or
 - (c) by sending the notice by electronic transmission to an address specified by the person for giving or serving the notice.
- (2) A notice is taken to have been given to or served on a person, unless the contrary is proved:
 - (a) for a notice given or served personally - on the date on which the notice is received by the person;
 - (b) for a notice sent by pre-paid post - on the date on which the notice would have been delivered in the ordinary course of post; or
 - (c) for a notice sent by electronic transmission:
 - (i) on the date the notice was sent, or
 - (ii) if the machine from which the transmission was sent produces a report indicating the notice was sent on a later date—on the later date.

49 Custody of records and books

Except as otherwise provided by this constitution, all records, books and other documents relating to the association must be kept in New South Wales, at the association's main premises, in the custody of either of the following persons, as determined by the committee:

- (1) the public officer;
- (2) a member of the association; or
- (3) if the association has no premises - at the association's official address, in the custody of the public officer.

50 Inspection of records and books

- (1) The following documents must be available for inspection, free of charge, by members of the association and representatives of the NSW Office of Local Government (**OLG**) at a reasonable time:
 - (a) this constitution;
 - (b) minutes of committee meetings and general meetings of the association; and
 - (c) records, books and other documents relating to the association.
- (2) A member or OLG may inspect a document referred to in subclause (1):
 - (a) in hard copy, or
 - (b) in electronic form, if available.

- (3) A member or OLG may obtain a hard copy of a document referred to in subclause (1) on payment of a fee of not more than \$1, as determined by the committee, for each page copied.
- (4) The committee may refuse to allow a member or OLG to inspect or obtain a copy of a document under this clause:
 - (a) that relates to confidential, personal, commercial, employment or legal matters, or
 - (b) if the committee considers it would be prejudicial to the interests of the association.

51 Financial year

The association's financial year is:

- (1) the period commencing on the date of incorporation of the association and ending on the following 30 June; and
- (2) each period of 12 months after the expiration of the previous financial year, commencing on 1 July and ending on the following 30 June.

Note: The Regulation, section 21 contains a substitute clause 44 for certain associations incorporated under the *Associations Incorporation Act 1984*.

52 Distribution of property on winding up

- (1) Subject to the Act and the Regulation, and subclause (2), in a winding up of the association, the surplus property of the association must be transferred to another organisation:
 - (a) with similar objects, and
 - (b) which is not carried on for the profit or gain of the organisation's members.
- (2) Surplus property that is property supplied by a government department or public authority, including an unexpended portion of a grant, if any, must be returned:
 - (a) to the department or authority that supplied it, or
 - (b) to a body nominated by the department or authority.
- (3) In this clause:

surplus property has the same meaning as in the Act, section 65.



The Parks Section 358 Operating Model

Attachment D

PROPOSED SERVICE DELIVERABLES

To date, The Parks Executive Office has developed a Delivery Program that is aligned to the Local Government pillars of Infrastructure and Collaboration, Liveability, Productivity and Sustainability. The last Program such developed was for the period of 2022-2024 and already covered a range of projects and programs that were regionally-focused and designed to bring benefits to all eight Member Councils (attached to this document).

While a new Delivery Program will be developed in line with the new entity once it has been established, there are a number of ongoing programs that will be carried through, as below:

<i>Infrastructure and Collaboration</i>	
Planning	IC1: Work closely with the Authority in the ongoing development of Bradfield City Centre to ensure its connectivity and contribution to the wider Western Parkland City.
	IC2: Provide collated feedback on the Western City Plan and work with DPHI to ensure it meets the needs of Member Councils.
	IC3: Work with Member Councils to develop a prioritised list of major infrastructure projects.
	IC4: Contribute to the discourse on housing and play a collaborative role to resolve the issues in this space.
	IC5: Continue to advocate for the protection of Metropolitan Rural Areas (MRAs).
Western Sydney Planning Partnership	IC6: Implementation of land acquisition in growth areas.
	IC7: Develop the strategy for infrastructure funding for infill growth in established areas.
	IC8: Smart infrastructure planning and implementation.
	IC9: Transport infrastructure structure planning through implementing network plans.
	IC10: Implementation of a framework for walkable 15-minute neighbourhoods.
	IC11: Develop plans for affordable rental housing supply.
	IC12: Improve housing diversity and choice.
	IC13: Plan for the supply of serviced employment lands.
	IC14: Develop a metropolitan rural and environmental area strategy.
	IC15: Contribute to local disaster adaptation planning
	IC16: Conduct a review of transport impact assessment and parking standards.
	IC17: Promote the street design standards model LEP and DCP



CAMPBELLTOWN



	provisions.
	IC18: Collaborate with Aboriginal Land Councils in planning
Transport	IC19: Advocate for an integrated transport plan for the Western Parkland City that supports passenger and freight movements.
	IC20: Contribute to the co-design of rapid bus services for Western Parkland City communities including routes to and from Campbelltown, Liverpool, Penrith and through Fairfield and Camden
Vibrant City Centres	IC21: Drive initiatives to activate our strategic centres and develop world class metropolitan centres connected to and enhanced by Bradfield.
Relationship Building	IC22: Support the implementation of effective Tripartite Forum meetings through the identification of important topics and transparent communication.
Advocacy	IC23: As the Local Government representative within the tri-level (City Deal) Delivery Office, strongly advocate for the needs of local government and provide the communication channel to ensure the three levels of government continue to collaborate on delivering the joint vision for the Western Parkland City
	IC24: Continue to conduct research and build the evidence base for the needs of the Western Parkland City
	IC25: Continue to advocate tirelessly for the delivery of the Sydney Metro – Western Sydney Airport North-South Rail Link and the South West Rail Link extension and further, to connect all strategic centres in the Western Parkland City to the airport and metropolitan cities via rail.
	IC26: Continue to build the profile of The Parks through participation in key events and working on significant projects in collaboration with State Government agencies and the other ROCs.
Liveability	
Digital Equity and Inclusion Program	L1: Share the pilot program results across other Council areas and share other best practice case studies.
	L2: Continue to work with State and Federal Government agencies to improve digital equity in the Western Parkland City by accessing further funding to overcome the issues identified in the ADII report.
Western Sydney Health Alliance	L3: Work with the Program Manager, Chair and Steering Committee to determine the work plan and address issues in the Western Parkland City related to health outcomes including: <ul style="list-style-type: none"> - Development of a White Paper on Walking and Cycling Strategy; - Developing an online community of practice and resources as a follow up to our Increasing resilience to climate change report; - Organise a webinar on land use planning for equity in

	<p>health outcomes;</p> <ul style="list-style-type: none"> - Health Lens Toolkit developed and its use in Land Use Planning advocated for across stakeholders; - Work in partnership to develop tools to increase the usage of walking tracks and open spaces in the WPC; - Development of a WPC Healthy Food and Drink Policy; - Provide support in building the capacity of the healthcare precincts.
Productivity	
Economic Development	<p>P1: Work with WPCA to finalise the EDS and implement the Action Plan, as per the Roadmap, including:</p> <ol style="list-style-type: none"> 1. Developing a regional coordination body for economic development; 2. Creating an action plan to operationalise and monitor the implementation of the EDS; 3. Overseeing a regional level review of housing and employment lands; 4. Reviewing procurement policies to drive regional tendering and support local work opportunities; 5. Support the manufacturing and freight & logistics sectors; 6. Leverage WPCA’s aerotropolis industry forum to build networks and identify supply chain opportunities.
	<p>P2: Work on opportunities to publicise and simultaneously broadcast business-focused workshops across all Business Hubs to leverage available resources and maximise value/impact.</p>
	<p>P3: Grow tourism capabilities and work with Destination NSW to improve and understand tourism data and develop tourism packages and build the Western Parkland City brand.</p>
	<p>P4: Proactively engage with the 24 hour Commissioner and other relevant Government agencies to grow the night-time economy across the Western Parkland City</p>
	<p>P5: Revise and distribute the Investment Prospectus for the Western Parkland City. Keep it updated/relevant.</p>
Investment Attraction	<p>P6: Provide support to WSIAO to help progress investment opportunities across the WPC.</p>
	<p>P7: Oversee the implementation of the remaining two projects in the Cyber Security Uplift Program, ensuring that all member councils gain the benefits of the vCISO service and access the cyber security framework template.</p>
Smart City	<p>P8: Continue to drive the development of the Open Data Portal with a focus on enabling economic, social and environmental outcomes.</p>
	<p>P9: Continue to support initiatives to utilise surplus government land to drive jobs growth.</p>
Surplus Government Land	

Sustainability	
Greater Sydney Waste Leadership Forum	S1: Contribute to and support the development of an infrastructure and processing capacity plan for Greater Sydney
	S2: Collaborate on the cataloguing of waste projects and reports
	S3: Collaborate and support the economic analysis of local government waste procurement and potential alternate delivery models
Circular Economy	S4: Support and provide information to the mapping of key material flows and associated net zero waste emissions
	S5: Contribute to the development of Organic Waste and Circular Technologies Pattern Books
	S6: Support the Program Manager for the Materials Management Alliance to run a Regional Procurement program for difficult waste products such as e-waste, tyres, solar panels and so on.
	S7: Work with Peclet and the Open Data teams to trial a pilot 'waste generators- waste takers' matching program focused on the pet food sector.

STRATEGIC ALIGNMENT

Linked to Delivery/Operational Plan

All the Customer Service Programs, Delivery Programs and Operational Plans of the eight member Councils align with the Western City Plan, which itself derives from *The Metropolis of Three Cities Report*, produced by the Greater Sydney Commission.

The Metropolis of Three Cities foresaw Sydney’s future as a metropolis of three unique but connected cities: a Western Parkland City west of the M7, a Central River City with Greater Parramatta at its heart and an Eastern Harbour City.¹ It outlined Ten Directions to deliver desired outcomes under the four key themes of Infrastructure and Collaboration, Liveability, Productivity and Sustainability, as per below. Many of these identified ‘directions’ became incorporated into the Western Sydney City Deal, for which The Parks office was designed to track and assist in its implementation but also all are included in the Western City District Plan.

Each of the Ten Directions are outlined below and the Programs/Actions contained within The Parks’ Delivery Program that align with each are identified.

Infrastructure and Collaboration

A City Supported by Infrastructure – aligning infrastructure to growth through GICs and in a way that will meet future needs. This includes better utilisation of existing assets.

The Parks’ aligned actions: IC3, IC6, IC7, IC8, P1, P9

¹ A Metropolis of Three Cities, Greater Sydney Commission, p.?

A Collaborative City – Focusing on government, industry and local communities collaborating to maximise use of resources such as public spaces.

The Parks' aligned actions: IC2, IC4, IC18, IC22, IC23, IC26, P6, P7, P8

Liveability

A City for People – Ensuring that services and infrastructure meet communities' changing needs and that the use of available public land is optimised for social infrastructure. Also that our communities are healthy, resilient and socially connected, irrelevant of their demographic profile.

The Parks' aligned actions: IC24, L1, L2, L3, P8

Housing the City – Providing housing supply and a range of diverse housing types through the development of housing strategies and housing targets

The Parks' aligned actions: IC4, IC11, IC12

A City of Great Places – Developing well-designed and appealing places that bring our communities together and in which environmental heritage is identified, conserved and enhanced.

The Parks' aligned actions: IC5, IC14, IC17, IC21, P4

Productivity

A Well-connected City – Focusing on integrating land use with transport planning to create walkable, 30 minute cities and a network of strategic centres that offer jobs, goods and services.

The Parks' aligned actions: IC9, IC10, IC16, IC19, IC20, IC25

Jobs and Skills for the City – Leveraging the construction of the Western Sydney International Airport and Aerotropolis as economic catalysts and connecting them to the Western Parkland City and beyond to boost local jobs and economic growth. Foster internationally competitive health, education, research and innovation precincts.

The Parks' aligned actions: IC1, IC13, L3, P1, P2, P3, P4, P5, P6, P9

Sustainability

A City in its Landscape – Protect the waterways, bushland, rural and urban areas and the biodiversity that each represents and create a cool and green parkland city with scenic and cultural landscapes and enhanced public open spaces.

The Parks' aligned actions: IC2, IC5, IC10, IC14, IC17, IC18, IC21, IC24, L3, P3

An Efficient City – Implement strategies to contribute to net-zero targets and mitigate against climate change impacts, with a focus on the development of a circular economy.

The Parks' aligned actions: S1, S2, S4, S5, S6, S7

A Resilient City – Help our people and places to be resilient and adapt to climate change and reduce their exposure to natural and urban hazards such as heatwaves, bushfires and floods.

The Parks' aligned actions: IC15, L3, P8, S6

As can be seen, by having The Parks shift to an s358 entity, it would enable the continued and enhanced pursuit of region-wide initiatives that will help realise the vision set out for the Western Parkland City in both The Metropolis of Three Cities and the Western City Plan while simultaneously contributing to its member councils' economic performance and community service responsibilities.

THE PARKS' RISK MANAGEMENT PLAN

Strategic (failed business decisions), Operational (breakdowns in internal processes/procedures), Financial (financial loss), External (uncontrollable sources)

Category	Risk Description	Risk Level			Mitigation Controls
		Severity	Likelihood	Risk	
Financial risk	Non-payment of membership fees by Member Councils	Moderate	Unlikely	2	Controls for this situation are set out clearly in our Constitution
	Inability to secure additional grant funding as required	Minor	Unlikely	2	The entity will be established with the appropriate amount of base funding to employ the essential personnel. Additional projects and programs of work will only be taken on when funding is secured.
	Transfer of any debts incurred to Member Councils	Moderate	Rare	1	We will not incur debt and should it unintentionally be created, the Constitution ensures that this will not be transferred to any Member Council.
Cyber security risk	Possible security risk for our stakeholders in the event that we are hacked and our customer data accessed or that we are the victim of phishing, baiting or malware.	Moderate	Unlikely	2	We will invest in software security solutions and educate employees on a regular basis about how to keep our data safe.
Operational risk	Lack of internal capability and/or capacity within stakeholders limiting the necessary level of systemic change required	Minor	Unlikely	2	Consult and engage closely with key stakeholders to achieve timely input, manage expectations and ensure engagement in the process.
	Possible escalation of input costs due to unforeseen/unexpected expenses	Moderate	Unlikely	2	Careful monthly financial accounting will be in place and quarterly reports given to the Board. Should costs escalate, steps will be taken to limit these through project cancellations or deferrals.

	Inefficiencies in record management, WH &S and staff training practices or technology and equipment	Moderate	Unlikely	2	Advice from Member Councils will be sought followed by implementation of identified 'best practice' approaches.
	Products/services remain superior and competitive in terms of offering and cost to Member Councils	Minor	Unlikely	2	Regular engagement with key stakeholders to understand their needs so as to be as responsive as possible will be implemented and careful consideration given to any 'customer' feedback.
	Possibility that a climate change emergency damages the office we are in	Moderate	Rare	1	We will develop a contingency plan to shield against such external events. It will be possible to be housed over the short-term within one of the Member Councils' buildings.
Reputational Risk	A negative perception of and/or negative publicity regarding the organisation either internally or externally.	Moderate	Unlikely	2	We will pay attention to how our organisation is being portrayed online and being included in relevant forums and will respond in a timely manner. We will commit to enacting good governance practices with transparency in our financial dealings and always acting with integrity and in the public interest.
Market risks	General economic downturn	Moderate	Unlikely	2	Flexibility and agility will be key as we maintain a focus on our economic, political and social environment and respond accordingly.
	Effects of competition leading to loss of Member Councils	Minor	Unlikely	2	If we remain focused on and responsive to the needs of our stakeholders, they will remain as members.
	Changes in demographic growth and hence needs of the community in the Western Parkland City	Moderate	Unlikely	2	To date, we have been able to understand and respond to the different needs of the communities within each LGA by working closely with each Member Council and this would continue.

Human Resource risk	The loss of experienced and talented staff to larger organisations	Moderate	Unlikely	2	A comprehensive HR strategy that complies with the Local Government Act as well as all necessary general and state employment laws and regulations should prevent this.
Network/interface risks	Withdrawal of the support network provided by Member Councils	Moderate	Unlikely	2	We would build a network of subcontractors that would be able to provide the essential services we would need such as accounting, audits, HR, and IT.
Industrial Relations risk	Effects of strikes or other forms of industrial action	Moderate	Rare	1	We will ensure that best practice regulations to protect employees are in place
Legislative/ government risk	Changes in legislation under the Local Government Act that might affect delivery of services	Moderate	Rare	1	We will remain in regular contact with OLG to remain abreast of any proposed changes to react flexibly and in a timely manner
	Lack of compliance with state/Federal regulations	Moderate	Rare	1	We will establish expected behaviour by outlining it in a manual and then communicating this to our employees.
Political risk	Changes in membership. When Council elections are held and/or when there are significant shifts in the political, economic or social landscape, it may be that newly elected Councils no longer view membership in The Parks as being in their Council's best interests.	Moderate	Likely	4	This is being mitigated by utilising expert external legal advice and the experience of the Executive Director and General Managers Group.

RISK MATRIX					
IMPACT	LIKELIHOOD				
	CERTAIN	LIKELY	UNLIKELY	RARE	
SEVERE	5	4	3	2	
MAJOR	5	4	3	2	
MODERATE	4	4	2	1	
MINOR	4	3	2	1	

Risk level	Priority	Risk level	Priority
1 - 4	Low risk – minimal action required	5 - 8	Moderate risk – Needs corrective action within 3 months
9 - 12	High risk – Needs corrective action within 1 month	13 - 16	Severe risk – Needs immediate corrective action

Office of Local Government

Formation of Corporations and Entities (Section 358) Guideline

January 2022

Strengthening local government



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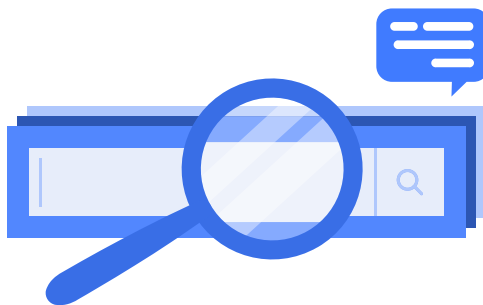
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Part A – Overview





1. How to use these Guidelines

These guidelines are issued pursuant to section 23A of the *Local Government Act 1993* (the Act). They form part of a suite of Office of Local Government (OLG) guideline documents available for use by council staff involved in the management of council projects. These guidelines set out procedures and processes to be followed when councils are considering making an application to the Minister for consent to the creation of or involvement in a separate entity outside of the council structure. These guidelines outline matters that councils will need to address when making an application to the Minister. The Minister will then determine whether to approve the application to form an entity under section 358 of the Act.

The Guideline is divided into four parts to aid the user in quickly finding the information required:

Part A provides a general overview and background information on the formation of corporations or other entities.

Part B outlines the review process for applications to form a corporation or other entity separate to the council including the documents required to be submitted to OLG.

Part C covers specific complex scenarios that might be encountered by the council during the Section 358 application process.

Part D provides templates and flowcharts detailing the process.

1.1 Introduction: Purpose of Guidelines

Section 358 was included in the Act as a means of clarifying the ways that a council may carry out trading or similar functions. However, the options available to councils were restricted so that councils could not be seen to be risking ratepayer's money and public assets in unrestricted business activities. In more recent years, experience in NSW and other states has confirmed that there are risks associated with the lack of oversight and transparency into entities which are not amenable to regulation under the Act.

Since 1993 the risks of allowing councils to operate through entities have become better understood. In more recent years, experience in this, and other states, has confirmed that the creation of separate entities outside the structures of the Act has risk. A particular risk is the lack of oversight and transparency into the workings and operations of separate entities which are not amenable to regulation under the Act. The entities are often 'gifted' council assets (including land) and these assets are then held and operate under a special purpose corporate vehicle (SPV). The oversight and operation of this SPV is then not subject to the usual oversight mechanisms which apply to councils and Joint Organisations (JOs).

This has relevance in the context of the council's decision to create an entity. In terms of oversight, directors of council entities are able to make decisions about the expenditure of funds at their own discretion. While the directors may be subject to obligations imposed by the Corporations Law or the Associations Incorporation Act 2009, the entity will not be subject to internal council procedures or typical local government oversight mechanisms, such as procurement processes and gifts and benefits registers.



Councils should always explore options to carry out their project within existing structures first before considering forming an entity outside of the local government framework

Under the Act, the role of the Governing Body (the elected representatives of the council) is to direct and control the affairs of the council in accordance with the Act (s. 223). Even though incorporated associations and corporations are subject to regulatory oversight by other agencies, that does not mean that council-created entities should not be accountable within the regulatory framework set out in the Act. For this reason, the Act imposes restrictions on the formation of entities which fall outside the normal council structure.

The central focus of section 358 of the Act is the public interest. Having regard to the Guiding Principles in Chapter 3 of the Act, the public interest is best served by encouraging councils to explore the use of available mechanisms within the Act before resorting to the creation of an entity, particularly one regulated outside the Act.

The Formation of Corporations and Entities (Section 358) Guidelines are part of a suite of Office of Local Government (OLG) guideline documents available for staff involved in the management of council projects and outline what councils must do to comply with the requirements of the Act in relation to the formation of corporations or other entities to manage projects and/or council related business.

Mere compliance with these guidelines is not the test for determining whether approval is 'in the public interest.' In making an application to the Minister the council needs to understand that it carries the onus to 'demonstrate, to the Minister's satisfaction' that the formation of the corporation "is in the public interest" (section 358(3)).

In determining whether the granting of consent is in the public interest the Minister may:

- take into account matters, other than the guidelines, which the Minister considers are relevant to the application.
- disregard any of the matters in the guidelines where the Minister considers there is good reason why they should not apply in the circumstances of that application.

The Minister has an unfettered discretion to consent to an application but in circumstances where the intent of a council can be achieved without the complexity or necessity to create a separate entity or it is open to the council to achieve the desired outcome by other available means, the council should anticipate it will be asked to first consider those alternative approaches and provide a cogent explanation as to why those alternative approaches are not in the public interest.

2. Where to send applications

All correspondence to and communications with the Coordinator General – Planning Delivery and Local Government and the Minister for Local Government in relation to a proposed Section 358 Application should be made through OLG’s Head Office in Nowra. Preferably, they should be in writing. No direct contact should be made with the Minister or the Minister’s staff.

The address of OLG’s Nowra Office is:

Director Legal – Office of Local Government
Level 2
5 O’Keefe Ave
Nowra NSW 2540

The postal address for OLG is:

Locked Bag 3015
Nowra NSW 2540

The telephone number is:

(02) 4428 4100

The facsimile number is:

(02) 4428 4199

Email:

olg@olg.nsw.gov.au

3. Glossary

3.1 Acronyms

The following acronyms are used throughout the document:

Act	The Local Government Act 1993
CE	Chief Executive
GM	General Manager
IPR	Integrated Planning and Reporting
OLG	Office of Local Government
PPP	Public Private Partnership
TCorp	Treasury Corporation

3.2 Definitions

The following definitions may assist in understanding the Guidelines:

Act

An **Act** is legislation passed by the Parliament. Acts, (not including Schedules to Acts) can only be amended by another Act of Parliament. Acts set out the broad legal/ policy principles.

Regulation

Regulations are commonly known as “subsidiary legislation” and require publishing in the Government Gazette to become legal. These are the guidelines that dictate how the provisions of the Act are applied. They may also contain pro forma official forms that are required under the Act. Regulations and schedules to Acts can only be amended by a notice published in the Government Gazette.

The definitions in the Dictionary section of the Act are also applicable.

4. Legislative framework for corporations and entities under section 358

The formation of new corporations or entities separate from the council are regulated by two main sources of legislation, the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

Local Government Act 1993 (the Act), Chapter 12, Part 1, Section 358

The Act contains requirements for all councils in NSW, including county councils, to comply with when considering the formation of a corporation or other entity, or acquiring a controlling interest in a corporation or other entity.

The Act provides that the Departmental Chief Executive (CE) of OLG may from time to time prepare, adopt or vary guidelines relating to the exercise by a council of any of its functions. Pursuant to section 23A of the Act, a council must take any relevant guidelines issued under section 23A into consideration before exercising any of its functions. These Guidelines are issued under section 23A of the Act.

The Act also contains other relevant provisions that specify the overarching principles which it is expected councils will refer to when dealing with any project, regardless of the delivery mechanism, including:

- Section 8A, **Guiding principles for councils**, which sets out principles to follow in the exercise of functions generally, in decision making and in community consultation.
- Section 8B, **Principles of sound financial management**, which provides guidance for investment in responsible and sustainable infrastructure, sound policies and processes as well as funding decisions and risk management practices.
- Section 8C, **Integrated planning and reporting principles** that apply to councils.
- Section 55, **Tendering requirements**.
- Section 358, **Restrictions on the formation of corporations and other entities**.
- Part 12, **Loans**, which regulates council borrowing.

Councils should refer to OLG Publications for other relevant guidelines, circulars and publications www.olg.nsw.gov.au/publications.

Local Government (General) Regulation 2005, Part 13, Division 7, Clause 410

The Regulations outline entities which are excluded from the restrictions under section 358 of the Act.



The S358 guidelines are issued under section 23A of the act

5. What is a Corporation or Entity?

Section 358 of the Act restricts councils in forming or participating in the formation of a corporation or other entity without first obtaining the consent of the Minister for Local Government. This restriction also extends to acquiring a controlling interest in a corporation or other entity.

For the purposes of section 358 of the Act ‘entity’ is defined broadly to mean any partnership, trust, joint venture, syndicate or other body (whether or not incorporated). It does not include any such entity that is of a class prescribed by the Regulation as not being within this definition.

Whether an entity is a ‘corporation’ will depend on the nature of the entity and whether it has been incorporated. Associations may be incorporated under the provisions of the Associations Incorporation Act 2009 (NSW), whilst companies may be incorporated under the provisions of the Corporations Act 2001 (Cth).

The restrictions on the formation of corporations and other entities does not prevent a council from being a member of a co-operative society or a company limited by guarantee and licensed not to use the word “limited” in its name.

6. Alternatives to section 358 entity or corporation

Prior to making an application under section 358 councils must give full consideration to and analyse options that are available under the Act to carry out the intended project. If a council proceeds with an application, it is a requirement that the council provide an analysis undertaken to demonstrate that it has given full consideration to other options, and the basis upon which it has determined those options are not suitable.

The following are some examples of alternatives that are available under the Act. Councils are not limited to these specific examples:

6.1 Direct management by council

Pursuant to section 355 of the Act a function of a council may be exercised by the council itself by means of the councillors or employees, or by its agents or contractors. In circumstances where a council has the funding and skills available to undertake a project or service delivery, direct management of the project by a council has the benefit of complete oversight and control by the council.



“Entity” means any partnership, trust, joint venture, syndicate or other body

6.2 Business Units

A council may establish a separate business unit within its existing structure in order to provide projects or services either to the council or the community. A business unit is distinguishable from the council structure as it is created for a defined purpose and in order to undertake a specific activity for commercial purposes. The services provided by a business unit are available on a commercial basis to both the council and potentially other organisations such as other councils, private businesses, government departments etc. A business unit operates with the council being the owner of the business, specifying the level and type of service provided by the business, whilst also being a customer of the business. The business unit itself is the service provider and the owner and manager of any assets used to provide those services. At all times the business unit operates within the local government legislative framework.

Some examples of successful business units operated by NSW councils include business units that provides waste services, airports, laboratory services, and certification services.

6.3 Operating through a council committee

Pursuant to section 355 of the Act, a council may exercise its functions by way of a committee of the council. In forming a committee, councils can determine the functions, powers, membership and voting rights of that committee. Membership is not restricted to councillors and therefore can incorporate other individuals or business representatives.

A committee can be delegated any decision-making powers other than those outlined in section 377 of the Act. However a committee can only exercise a council's regulatory function under chapter 7 of the Act if all members are councillors or council employees. At all times the committee and the activities carried out by the committee operate within the local government legislative framework.

6.4 Joint Organisation

Pursuant to section 355 of the Act, a council may exercise its functions jointly with other council/s, that is by way of a joint organisation. A joint organisation operates as a way for councils, state agencies and other interested groups to collaborate on short and long term projects, by pooling resources and focusing on the strengths that each member organisation can bring to the project. Joint organisations are particularly beneficial for the delivery of infrastructure and investment that will service a region as opposed to one individual council area. More information about joint organisations can be found on OLG's website – www.olg.nsw.gov.au/joint-organisations-strengthen-regional-nsw.

7. Relationship with PPP Requirements

In the event that the Minister's approval is obtained under section 358 and a new corporation or entity is formed for the purpose of carrying out a Public Private Partnership (PPP) Project, councils must also adhere to OLG's PPP Guidelines in respect of the PPP. These guidelines are available on OLG's website www.olg.nsw.gov.au/publications.

8. Integrated Planning and Reporting (IP&R)

The Act provides that Integrated Planning and Reporting (IP&R) must be at the centre of all council plans, activities, resourcing decisions and improvement strategies. As such, any project or works considered by a council as having potential to be undertaken by a corporation or other entity must have undergone a clear planning process that links it to the council's Local Strategic Planning Statement made under section 3.9 of the *Environmental Planning and Assessment Act 1979*, Community Strategic Plan, the Delivery Program and the Operational Plan which are powered by the *Resourcing Strategy (Integrated Planning and Reporting Guidelines for Local Government in NSW, 2018)*.



Integrated Planning and reporting must be at the centre of all council plans and activities

Fundamentally, the identification of a project which requires, for its viability, the quarantining of a significant council asset (especially land) is a policy decision that will have an on-going impact. The principles of sound financial management require that such decisions should be made after careful consideration with an eye to financial effects on future generations. The starting point is the incorporation of the IP&R principles into council’s decision-making so that council can readily demonstrate that it has consulted with its community and identified strategic goals to meet those expressed needs and aspirations in a fashion that enables the council to deliver them within council resources.

charged to provide for the community. Similarly, all rates, charges and fees paid to and collected by a council are public assets. Separate corporations or entities do not fall within the control of the Act and as such may evolve to serve a more businessoriented purpose that ultimately is not in the best interest of the public.

A project undertaken by a separate corporation or entity may entail the provision or contribution by the council of public land or funds to initialise works. Once transferred however, financial and governance information may not be easily visible to the council, OLG and the public, and as such processes may not be as transparent to the public as they would be under traditional council arrangements.

9. Council Responsibilities

Having regard to provisions of the Act, in particular the Guiding Principles set out in Chapter 3 of the Act, councils have responsibilities that go beyond the responsibilities of a private sector entity or corporation. For example, land owned and controlled by a council is a public asset which is required to be held, administered and used for the benefit of the public and to assist the council in providing the services and facilities it is

It is the primary role and responsibility of council to ensure that a rigorous assessment of all available options in accordance with these guidelines and giving consideration to the Guiding Principles is undertaken before an application is submitted to the Minister or arrangements are otherwise entered.



Council’s responsibilities to act in the best interest of the public go far beyond those of a private sector entity

Part B – Section 358 Application Process

A large, white, hollow outline of the letter 'B' is positioned in the lower right quadrant of the page. The background is a solid, vibrant blue.

10. Documents required for submission to OLG

In order to comply with the requirements under the Act, a council must submit any proposal to form a corporation or entity to the Minister for approval prior to forming an entity

A checklist of documents required for submission to OLG and/or the Minister for assessment can be found in Part D, Form 2.

The following provides more detailed information on each of the required items.

10.1 Council Resolution and Council Self-Assessment Questionnaire (pre-EOI)

Council must pass a resolution to make the necessary application to the Minister for approval to create the entity. This step signals the council's intention to deliver a project or service via a separate entity. It is vital at this early stage that the council determines what it expects delivery of the project via this mechanism will deliver to the community in terms of the public interest. It is expected that at this step council will have before it the material it is intending to submit to the Minister via OLG for assessment under these guidelines and that a resolution is passed on the basis of that material.

A copy of the minutes showing that the council resolved to make an application to the Minister for approval pursuant to section 358 and a copy of the relevant council reports is required.

Council should also complete the self-assessment questionnaire (see Part D, Form 1). The questionnaire aims to draw attention to certain characteristics of an application that may require further attention.

The completed questionnaire is to be submitted to OLG together with the required documents for the initial assessment.

The General Manager(s) of the council(s) involved must certify that the self-assessment and other documents have been prepared in accordance with these Guidelines. This will need to be attached to each submission made to OLG.

10.2 Justification Documents

10.2.1 Clear statement of proposed function or service deliverables for the proposed new entity

Council must provide a clear statement of proposed service deliverables including easily measured key performance indicators for the new entity.

Council must satisfy itself that undertaking delivery of the proposed functions and service delivery will be appropriate having regard to the broad range of council functions expressed in the Act. The council already has power under the Act *to deliver the provision of goods, services and facilities and [to carry out] activities that are appropriate to the current and future needs within its local community and of the wider public, subject to the Act, the regulations and the law generally.*



A Self-Assessment Questionnaire and accompanying documents must be submitted to OLG as part of an application for approval to form a new Corporation

10.2.2 Statement of how the proposed function or service deliverables fit with Council's Strategic Planning Documents

The proposal must have an overall positive effect regarding public or community interest. Council can demonstrate this by providing evidence on how the proposal meets the requirements of the integrated planning and reporting framework. OLG's IP&R guidelines include requirements for councils to prepare a community strategic plan, a resourcing strategy, delivery program and operational plan. Council must comply with all appropriate and relevant steps and provisions in those guidelines and show how the proposed formation of a new entity fits with the above plans. Council is advised to provide relevant excerpts from the plans and to demonstrate how the project relates to each of them.

10.2.3 Statement of how the proposal is consistent with the functions of the council or an existing service that the council provides.

To demonstrate that provision of a service and/or facility is in the public interest the following should be provided in support of the application:

- Evidence supporting the need for the creation of the proposed entity and the delivery of community or public needs
- Detail on the general appropriateness of the council's involvement in the corporation (or other entity) especially if other options are available
- An explanation as to how corporatisation or involvement in the entity would improve the council's economic performance and the ability of the council to carry out its responsibilities
- An explanation of what measures will be employed to ensure that the activities of the corporation or entity will be fully accountable to the community in a manner similar to the requirements imposed on the council under the Act.

10.2.4 Clear analysis of all available options to deliver the proposed functions or services.

The report considered by council prior to passing a resolution to make a section 358 application to the Minister should detail all possible delivery vehicles considered for the proposed functions or services. The report must outline pros and cons of each option and must include an analysis of options to keep the functions within existing council arrangements under the Act.

In making an application, the council is required to identify which alternative options were considered by the council and, in respect to each alternative option, analyse those options and address why that alternative solution would not be in the public interest. If the council has received separate and independent advice on the options it would be beneficial to an application to include that information.

10.2.5 Justification of why the intent/purpose of the proposed new entity cannot be achieved within the existing Local Government Structure

The council needs to demonstrate why the intent/purpose of the entity cannot be attained within the existing local government structure and why an external entity is required. This should be addressed and explained in the application by also making reference to the analysis made under item 9.2.4 and commentary as to why an option within existing arrangements is not available. It is not sufficient to simply state, for example, that the proposed option is more tax effective or that it is for the purpose of obtaining Deductible Gift Recipient (DGR) status from the Tax Office.

10.3 Governance Arrangements

10.3.1 Outline of the proposed governance arrangement for the new entity and how it will be separated from council

Different projects or service delivery ventures present different challenges and require individually tailored management and governance structures. While the most appropriate governance structure will ultimately be the subject of negotiation between the parties, it is appropriate that councils decide, at an early stage, why a section 358 entity is the preferred management structure for the proposal and what the eventual governance and legal structure should look like.

Applications must also demonstrate that the provision of initial capital (including working capital) of the corporation/entity can be funded without impacting the council's current program. Where the creation of the entity is necessary to protect council from legal risk, the application must indicate how the council (both as a corporate body and its members personally) will be protected from any liability that might arise as a result of the activities of the corporation/entity (including the activities of other partners). Any profit or loss sharing arrangements must be fully explained so that the risk to the council can be understood.

Where the creation of the entity is necessary to provide legal separation, the application should address three main areas or activities of the proposed corporation or entity. These are:

- Legal structure (including liability of the council, councillors and council staff)
- Financial separation (confirmation that the accounting for the corporation or other entity is separate to the council's accounts)
- Management separation (details of the management structure of the corporation or other entity).

The appropriate structures and processes will depend on (among other things) the type and complexity of the project and the stakeholders involved.

10.3.2 Mandated provisions for governance documents of new entity

Council should provide a copy of the proposed governance documents for the entity (Eg. constitution for a company, trust deed for a Trust) including mandated provisions requiring directors of the new entity to remain subject to internal council procedures. The governance documents must include clauses which replicate local government oversight mechanisms which would otherwise apply to a council operating under the Act. This includes, but is not limited to:

- Provision that the governance document may not be amended without first obtaining the consent of the Minister for Local Government
- Provision that the company or entity may not become a member of another corporation
- Provision clearly specifying the objects of the entity, which must be consistent with both the functions of council and any existing service that council provides
- In the instance of a company, provision that the company has the powers set out in the *Corporations Act 2001 (Cwlth)* only to the extent conducive or incidental to carrying out the company's objects
- Provision that council and OLG will have access to the accounting records and all other documents of the entity at all reasonable times
- Provision that the entity will take adequate insurance policies to minimise the risks in the areas of property, public liability, workers compensation, professional indemnity and directors and officer's insurance
- Provision that the entity will be required to appoint an auditor and to publish and submit to council an annual report incorporating audited annual financial reports on the business operations of the entity.
- Provision that separate accounts will be kept meeting the requirements of both the Local Government Act and the Corporations Act (where relevant)
- Provision that the entity and its officers will be subject to local government oversight mechanisms including procurement processes and the gifts and benefits register.



Beware of potential loss of assets and land through the S.358 Process!

In order to retain full transparency of financial and non-financial reporting in relation to activities undertaken by the new entity, council must provide a proposed reporting framework to be mandated in the governance documents of the new entity.

As the governance documents must include an express provision that any changes to the governance documents are subject to the Minister's consent prior to further approval, a separate section 358 application will have to be submitted to the Minister together with the necessary resolution and all supporting documents, as applicable, under these guidelines justifying the amendments sought.

10.3.3 Clear outline of any provision of public assets and council funds to the new corporation or entity

A detailed breakdown of contributions by council to the new entity must be provided. This must include the value of all cash, labour, staff time, materials, assets and land.

Careful thought should be given to requirements that the council could put in place to reduce the risk of losing assets and/or land through the process of forming a new entity (see 9.3.4).

10.3.4 Risk Assessment and Risk Management Plan as per the relevant AS/NZS

It is essential that, at an early stage in the evolution of a proposed formation of a new entity, council develops and puts into operation an appropriate risk management plan for the proposal.

One major consideration in the formation of a separate entity is the potential transfer of risk from the new entity onto the council. This is highly undesirable, and any such risk transfer must be carefully analysed by the council. This analysis should take the form of a Risk Allocation Table or a similar risk analysis tool which identifies risks including actual and preferred risk allocation.

Before risk can be appropriately treated, all potential risks must be identified and analysed. For this purpose, a council should identify, and appropriately document, all actual or potential risk elements associated, or likely to be associated, with the project in accordance with the relevant Australian Standard.

The allocation of any identified risk to the council related parties (such as directors, elected officials, chief executive officers, senior executives, line managers and staff) as well as any mitigation strategies (such as treatment and control options) should also be included. The risk assessment should include sensitivity testing to identify best and worst-case scenarios.



Beware of potential risk transfers from the new entity onto Council!

Depending on the nature of the proposed new entity and its proposed purpose, a number of risk categories may need to be included in the risk matrix or allocation table. More general guidance for the preparation of a risk management plan appropriate to the nature and size of the proposal can be obtained from the relevant Australian Standard.

The following provides example risk elements to consider (other elements may need to be considered depending on the situation):

Financial risks: such risks would include the availability of funds, chances of missing out on required grant funding, the conditions attaching to any loans and/or debt, prospects for re-financing the new entity project should it become necessary, taxation matters and interest rates.

Operational risks: matters for consideration in this context would be issues such as the possible escalation in input costs, projected maintenance/refurbishment costs, failure (financial or technical) of subcontractors, and products/services remaining contemporary/competitive in terms of technology and cost to the public.

Market risks: such risks would include general economic downturn, the effects of competition or downturn in any market segment the project relies on in any way, demographic issues and their effect on demand for services/facilities to be provided by the project and any inflationary consequences.

Network/interface risks: such issues would include the effect of withdrawal or varying (either in provision or price) of a complementary or support network/service, and the interaction between any core service of council/government and contracted services under the agreement.

Industrial relations risk: the possible effects on the project of strikes or other forms of industrial action.

Legislative/government or sovereign risk: this should include any risks associated with exposure to changes in law or regulations that may affect the delivery of works and services by the new entity.

Risks associated with asset ownership: Considerations must include the risk of losing land and/or public assets by providing such assets to the new entity without adequate contractual protection to ensure council will receive back its fair share of land or stratum entitlements via appropriate channels.

Force majeure: the risk that the inability to meet contracted outcomes is caused by major external events either pre or post completion.

Political risk: this should include considerations of the political climate and whether or not the proposal will cause significant political upheaval.

Compensation claims risk: this should provide insights into any potential for compensation claims to council due directly or indirectly to the proposal.

10.3.5 Statement of impacts on existing council staff

Council should undertake an analysis of potential impacts on existing staff and must provide that analysis together with strategies to mitigate negative impacts. Council must address the following:

- Will the proposal result in existing council staff being transferred to the employment of the entity and if so, will the staff be employed on terms and conditions consistent with their previous employment with the council?
- Will the entity guarantee the continued employment of transferred staff for a period of at least 3 years?

Will the entity adopt an agreement to refer any industrial disputes to the NSW Industrial Relations Tribunal?
Will the proposal result in existing council staff being made redundant?



There is no fee for the assessment of a section 358 application

10.3.6 Statement of impacts on council's financial position

A careful analysis of potential impacts of the proposal on the council's short-term and long-term financial position must be undertaken. It will be at the Minister's discretion whether the scale of impacts will be acceptable. An assessment of the council's overall financial viability will be made on the basis of data that the council is routinely required to supply to OLG. However, the council should also provide details about the costs expected to be incurred, and revenues expected to be received, by the council as a result of being involved in the corporation or other entity.

10.3.7 Other

OLG may request other independent specialist consultant reports on certain aspects of the proposal, which will need to be funded and commissioned by council.

11. Assessment of Application

Following assessment of the application, OLG will make a recommendation to the Minister on the council's proposal. As part of OLG's assessment of a council's application, we will have regard to the information provided in accordance with Part B section 9.

Advice will be issued as to whether the council can proceed with the formation of the proposed corporation or entity and if approved, whether conditions are attached to the approval.

The Minister has discretion to consent to an application. Councils should note that compliance with these guidelines does not guarantee that an application will be approved.

11.1 Review Timeframe

The time it takes OLG and the Minister to assess a section 358 application will depend on the nature of the proposal and the clarity of the material provided. Council should ensure that generous assessment timeframes are built into critical project timelines where necessary.

11.2 Fees

Whilst there is no fee charged for the review of section 358 applications, OLG and/or the Minister may request the council to provide additional independent specialist or consultant reports on contentious issues in relation to the proposed arrangements, such as financial management, governance issues, risk management or similar. Any fees for such specialist advice are to be borne by the council.

11.3 Withdrawing a Section 358 Application

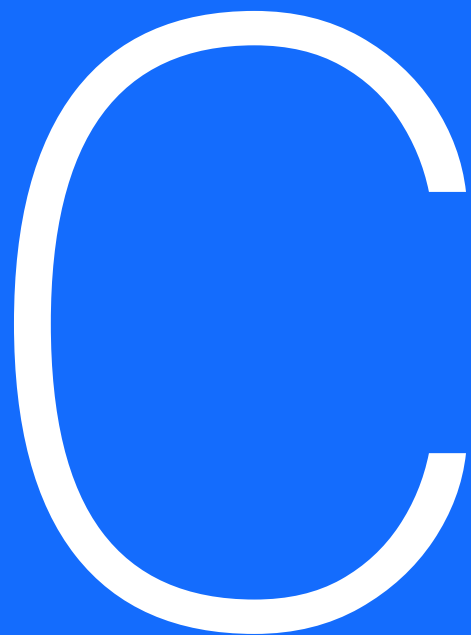
Council may withdraw a section 358 application at any time. This must be done in writing to OLG. Withdrawing a section 358 application does not preclude the council from re-submitting the application for assessment at a future point in time.

11.4 No Appeal against Minister's decision

The sole purpose of the requirement to gain the Minister's approval for the formation of a corporation or entity that is separate to council is to protect the public interest and the need for financial transparency for the use of public money. There is no appeal to the Minister against the Minister's decision. However there is no limit to the number of times an application can be re-submitted to the Minister.



Part C – Specific Scenarios





Additional Approvals from the Minister may be required for loans or special rates variations

12. Treatment of Multi-Council Applications

If a section 358 application involves multiple councils, a combined application must be submitted to OLG. However all required documents, certifications and council resolutions must be provided for each council involved.

13. Unsolicited Proposals

Many councils receive unsolicited proposals from the private sector concerning developments. Such proposals can provide great opportunity for council to bring forward developments that may otherwise not have been considered. Unsolicited proposals still need to be market tested to ensure they achieve value for money. Any potential project evolving from an unsolicited proposal must also undergo rigorous testing against the councils strategic planning documents to ensure consistency with the council's and the community's long-term strategic direction.

14. Financing and Borrowing approvals

Where some of the funds to finance the project are to be borrowed, the council will need to establish an appropriate case for such borrowings, given the need for the council to comply with the provisions of Part 12 of Chapter 15 (see section 621 and following sections) of the Act. The intention to borrow must also be outlined in the council's draft Operational Plan.

The approval of the Minister may be needed under sections 622 and 624 of the Act. The council should have regard to any relevant OLG publications, available on OLG's website www.olg.nsw.gov.au/publications.

Section 410(3) of the Act will also need to be complied with, and appropriate approvals obtained from the Minister for Local Government, in respect to a proposal to access any internal loans, that is, the movement of moneys out of a restricted fund, such as a water or sewerage fund.

Where some of the council sourced funds are to be raised by way of increased rates or charges over and above those allowed under the rate pegging provisions of the Act, approval from the Minister for a special rate variation will also be needed pursuant to Part 2 of Chapter 15 of the Act.



Unsolicited proposals must still undergo rigorous testing against IP&R

Part D – Appendices



Form 1: Section 358 Application – Council Self-Assessment Questionnaire

Council Name:

Proposed new corporation or entity:

Purpose of the proposed new corporation or entity: (1 paragraph)

QUESTION	YES	NO
Is there a viable option to provide the proposed functions or services without the need for a separate entity or corporation?		
Is council intending to provide land or another asset to the new corporation or entity?		
Is there likely to be a risk of council losing money or asset/land value if the corporation/entity fails to deliver the proposed services?		
Is there likely to be a transfer of risk from the newly formed entity to council?		
Is the proposed service/function of the new entity consistent with council's community responsibilities?		
Has the delivery of the service/function/project via a new corporation or entity been planned for as per council's IPR documentation?		
Is the application to form a new entity related to a Public Private Partnership (PPP) proposal?		
Does the formation of the new entity involve other agencies or councils?		
Is the success of the new entity reliant on external grant funding?		
Does the delivery of services or functions via the new entity require borrowings (please specify whether TCorp or bank borrowings will be used)?		
Will council ensure that the new entity conforms to the same reporting and governance mechanisms that councils are subject to under the Local Government Act?		
Will existing council staff be negatively impacted by the proposal?		

✓ Please note: If any of your answers fall within the red, your proposal may involve significant risk and become unviable.

✓ Please note: If any of your answers fall into the blue, OLG may request further information.

Form 2: Required Documents Checklist – S.358 Application

	Text Section	Required Documentation	Provided?	OLG check
1	Form 1 and section 9.1	S.358 Application Council Self-Assessment Questionnaire		
2	9.1	GM Certification that the information provided to OLG is correct		
3	9.1	Council Resolution to make a Section 358 Application to Minister and submit material to OLG for assessment		
4	9.2.1	Clear statement of proposed function or service deliverables for the proposed new entity		
5	9.2.2	Statement of how the proposed function or service deliverables fit with Council’s Strategic Planning Documents		
6	9.2.3	Statement of how the proposal is consistent with the functions of the council or an existing service the council provides		
7	9.2.4	Clear analysis of all available options to deliver the proposed functions or services. This must include options to keep the functions within existing council arrangements under the Local Government Act		
8	9.2.5	Justification of why the intent/purpose of the proposed new entity cannot be achieved within the existing Local Government Structure		
9	9.3.1	Outline of the proposed Governance Arrangements for the new entity and how it will be separated from council		
10	9.3.2	Proposed governance documents including mandated provisions for directors of the new entity to remain subject to internal council procedures and typical local government oversight mechanisms		
11	9.3.2	Proposed financial and non-financial reporting framework for the new entity		
12	9.3.3	Clear outline of any provision of public assets and council funds to the new corporation or entity		
13	9.3.3	Proposed structure of profit/loss sharing between council and the new entity		
14	9.3.4	Risk Assessment and Risk Management Plan as per the relevant AS/NZS		
15	9.3.5	Statement of impacts on existing council staff		
16	9.3.6	Statement of impacts on council’s financial position		
17	9.3.7	In some cases, OLG may request independent specialist consultant reports on certain issues, which will need to be funded and commissioned by council.		OLG will notify council of any need of special reports if and when required
18		Notification to OLG of any major variation in the proposed arrangements.		OLG and/or the Minister may request updated versions of any of the above documents

References and Further Reading

ANZSOG Institute for Governance at the University of Canberra. (n.d.). *Arm's length Entities in Local Government*.

Department of Treasury and Finance, Tasmania. (2008). *Guidelines for Tasmanian Government Businesses, Subsidiary Companies and Joint Ventures*.

ICAC. (2018). *Direct Negotiations: Guideline for Managing Risk*.

NSW Government. (n.d.). *NSW Government Procurement Policy*.

NSW Government Website. (2014). *Guide for Submission and Assessment of Unsolicited Proposals*.

NSW Legislation. (1993). *Local Government Act No 30*.

NSW Legislation. (2005). *Local Government (General) Regulation*.

Office of Local Government. (2018). *Integrated Planning and Reporting Guidelines for Local Government in NSW. Edition 2 – Planning for a sustainable future*.

Queensland Government Treasury. (2009). *Corporate Governance Guidelines for Government Owned Corporations*.

Office of Local Government



8.3 Visiting delegation from Koshigaya

Reporting Officer

Executive Manager, Strategic Communications
General Manager

Community Strategic Plan

Objective	Strategy
1 Community and Belonging	1.1.1 Provide initiatives that foster a proud, inclusive, and connected community for all 1.1.2 Provide a diverse range of cultural and creative activities and events, for all interests and people

Delivery Program

Principal Activity
1.1.1.1 Deliver initiatives that encourage social inclusion, community connections and celebrate our cultural diversity
1.1.1.2 Create and maintain partnerships that promote inclusion, pride, trust and shared values in the community

Officer's Recommendation

That the information be noted.

Purpose

To provide an overview of the recent delegation from Campbelltown's sister city, Koshigaya who visited as part of the program of activities to recognise the 40th anniversary of our sister city relationship.

History

Campbelltown and Koshigaya have maintained a successful sister city agreement since 1984. The agreement has seen a range of exchange programs and activities take place over this time including visiting delegations, sporting, school and staff exchanges, business connections and public projects in both cities.

The sister city relationship, recognised as one of the most successful of its kind, provides the opportunity for cultural connection at a global level, focussing on friendship, respect, opportunity and harmony.

Report

From 10 to 14 April 2024 the Mayor and General Manager hosted a visiting delegation from the Koshigaya City Office, which included the Mayor of Koshigaya, Chairperson of the Koshigaya City Assembly, Community Collaboration Department Director and 2 support staff.

In addition to the City Office delegation, members of the Koshigaya International Association also visited Campbelltown at this time and were hosted by the Campbelltown Koshigaya Sister City Association.

The visit marked the 40th anniversary of our sister city relationship with Koshigaya and provided an opportunity to celebrate this important milestone year and discuss ongoing opportunities to strengthen our relationship.

A detailed itinerary of activities were programmed during this visit, focussing on strengthening the connection between our 2 cities. The visit commenced with a formal meeting and introductions and provided an opportunity to discuss the strengths and opportunities of the 2 cities, and how we can continue to work together for the benefit of both cities.

This initial meeting also included a high level introduction of the development of the Masterplan for Koshigaya Park. During this meeting, feedback was sought from the delegation on the proposed inclusion of Japanese design influences, in particular through the upgrade of the Koshigaya Park play space and introduction of a public art work which has been designed in conjunction with a Japanese artist. These projects were very well received and feedback was positive.

Another key activity during this visit was a tree planting ceremony which took place in Koshigaya Park, where 2 trees were planted by the Mayor of Koshigaya and Chairperson. At this event, a plaque was also unveiled to mark this special occasion that will be installed alongside the new public artwork which will become a feature in Koshigaya Park later this year.

A special welcome event was held at Campbelltown Arts Centre on Thursday 11 April and attended by the members of both delegations, Councillors, Council's Executive Team, staff, Campbelltown Koshigaya Sister City Association members and others with connections to our enduring relationship. At this event, the Mayor, General Manager and President of the Campbelltown Koshigaya Sister City Association, along with the Mayor of Koshigaya, Chairperson of the Koshigaya City Assembly and Vice President of the Koshigaya International Association participated in a commemorative signing ceremony, to reaffirm our ongoing commitment to the relationship.

This event also included speeches from both Campbelltown and Koshigaya, and provided a great opportunity to further strengthen the connection between our 2 cities given many of those in attendance had a long standing connection to Koshigaya and the relationship, built over the last 40 years.

The final days of the delegation visit provided an opportunity for a detailed itinerary of activities and tours, including visits to a range of sites such as the Campbelltown Billabong Parklands,

Campbelltown Sports Stadium, Campbelltown Arts Centre, Civic Centre, Simmos Beach and the Dhawaral National Park. We also took the opportunity to show the delegation a range of housing types and developments across the city, and showcase major facilities such as Campbelltown Hospital, Western Sydney University and Macarthur Square, and other sites across the LGA.

In addition to a comprehensive tour of Campbelltown, the delegation also visited Sydney and a range of landmarks in the CBD, given it was the first time the Mayor and Chairperson had visited Australia.

The visit was highly successful and built upon the strong connections formed over many years, and provided an excellent opportunity to discuss opportunities to further grow our relationship in the future through activities of mutual benefit.

Attachments

Nil

8.4 Voluntary Planning Agreement - Menangle Park

Reporting Officer

Executive Manager Urban Centres
City Planning and Environment

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 authorise the General Manager to execute the draft Voluntary Planning Agreement with Dahua Group Sydney Project 2 Pty Ltd and Dahua Group Sydney Project 3 Pty Ltd on behalf of Council.

Purpose

The purpose of this report is for Council to consider the outcomes of the public exhibition of the draft Voluntary Planning Agreement (VPA) for land within the Menangle Park Urban Release Area (URA), and to recommend that Council execute the draft VPA.

History

The Menangle Park URA was rezoned from rural to urban purposes on 18 November 2017. The rezoning sought to accommodate approximately 3,400 residential dwellings, a town centre, a school site, employment land, community facilities and land for public recreation.

Council subsequently prepared, exhibited and endorsed a Contributions Plan for the Menangle Park URA and forwarded the draft Plan to the Independent Pricing and Regulatory Tribunal seeking authorisation to apply contributions in excess of the \$20,000 Ministerial cap.

The Plan was endorsed by the Independent Pricing and Regulatory Tribunal and recommendations were made to Council by the Minister's Nominee in a letter dated 23 March 2020.

The Menangle Park Contributions Plan 2020 was publicly exhibited and adopted by Council and came into force on Wednesday 24 June 2020.

In March 2020, Council endorsed a Planning Proposal from Dahua Group Sydney and forwarded it to the Department of Planning, Industry and Environment (DPIE) seeking endorsement for a Gateway Determination.

The Planning Proposal comprised of:

- Approximately 4,000 dwellings in a range of densities, lot sizes and dwelling types.
- The relocation and expansion of the town centre comprising 30,000 m² of retail/employment Gross Floor Area (GFA) within the northern portion of the site, adjacent to Howes Creek and open space and close to Spring Farm Parkway.
- The introduction of a new neighbourhood centre adjacent to the new school and open space (approximately 3,500 m² of retail floor space).
- A revised road and street network to provide better permeability throughout the site.
- Wide north-south green active transport link (approximately 1.25 ha in total area).
- Approx. 134.81 ha of open space comprised of active and passive open space consisting of sporting fields, local parks and pocket parks and riparian corridor network.
- Approx. 43.96 ha of land for environmental conservation.
- Community facilities to support the proposed increase to the population.
- A 2 ha primary school adjacent to the neighbourhood centre and one hectare of open space.

A Gateway Determination was issued for the Planning Proposal in October 2020, with an altered Gateway Determination dated 19 April 2021. The Planning Proposal changes (amendment to the Campbelltown Local Environmental Plan 2015 (CLEP 2015)) took effect on 29 April 2022. A consequence of the amendment to the CLEP 2015 is that upgrades to various types of local infrastructure including roads, drainage, and parks across the Menangle Park URA will be required. Hence the offer from Dahua to enter into a new VPA with the Council.

Prior to the above amendment to the CLEP 2015 taking affect, Council and Dahua Group Sydney had already executed a separate Voluntary Planning Agreement (current VPA) - 4 February 2021 - for a smaller portion of the Menangle Park URA being for Stages 1, 2A and 2B (409 lots). That VPA (current VPA) provides the delivery of \$17,427,254 of various infrastructure, including:

- Parks and Open Space - \$1,669,406
- Land dedication - \$4,655,884
- Bioretention facilities - \$923,000
- Construction of a roundabout - \$2,468,819
- Payment of monetary contributions - \$7,710,145

It is important to note that the infrastructure already required to be delivered under the current VPA for Stages 1, 2A and 2B, form a part of the infrastructure list proposed under the broader draft VPA which is the subject of this report.

On receipt of a revised draft VPA offer from Dahua in support of the most recent amendments to the CLEP 2015 that came into effect on 29 April 2022, Council and Dahua commenced a process to develop a suitable planning agreement that would ensure the delivery of all required infrastructure on the Dahua landholdings to be delivered by Dahua in lieu of payment of monetary contributions.

Councillors were briefed on that draft VPA the subject of the report on 21 November 2023.

Report

Dahua Group Sydney Project 2 Pty Ltd and Dahua Group Sydney Project 3 Pty Ltd, as landowner, have made an offer under S7.4 of the *Environmental Planning and Assessment Act 1979* to enter into a VPA with Council.

The objective of the draft VPA is to provide development contributions towards local infrastructure required in order to facilitate the development of all Dahua owned land within the Menangle Park Urban Release Area generally, excluding the Employment Lands as shown on the Development Area Plan which is Annexure 1 in the draft VPA.

The draft Menangle Park Release Area Planning Agreement and accompanying Explanatory Note were placed on public exhibition from Friday 23 February 2024 until Tuesday 26 March 2024. There were 92 visits to the Have Your Say webpage, however no submissions were received with regard to the draft VPA and Explanatory Note, either via the website or separately to Council.

The draft VPA requires the Developer to provide the development contributions (as reflected in Schedule 4 of the Planning Agreement) (Contributions) in accordance with the Planning Agreement, which generally comprise of the following:

- Dedication of approximately 2,500 m² of land at Menangle Park South for a future community centre facility.
- Dedication of land and works at Glenlee, Ridgeline and Menangle Park South for open space and recreation.
- Dedication of land and works at Ridgeline for 2 additional playing fields.
- Dedication of land for riparian corridors at Ridgeline, Glenlee and Menangle Park South.
- Dedication of land and works at Cummins Road, Ridgeline for road widening.
- Dedication of land and works at Glenlee, Ridgeline and Menangle Park South to construct various collector roads.
- Construction of roundabouts at the intersection of Menangle Road and Cummins Road, and on various collector roads at Ridgeline and Menangle Park South.
- Dedication of land and works at Menangle Park South for cycleways.
- Construction of Menangle Road and Spine Road signalised intersection, with allowance for 2 signalised intersections on Spine Road.
- Construction of a bridge over Howes Creek at Ridgeline, and another bridge at Menangle Park South.
- Construction of bus stops and bus stops shelter at Glenlee, Ridgeline and Menangle Park South.
- Construction of half road in front of Basin 11 at Menangle Park South.
- Dedication of land and works for wetland, drainage and bio-retention facilities at Ridgeline, Glenlee and Menangle Park South.

- The Planning Agreement will also record the payment of monetary contributions, as reflected in the table below, for public amenities and public services listed in the Menangle Park Contributions Plan 2020 (Contributions Plan) and already provided to Council in respect of Stages 1 and 2A of the Development:

Stage	Public Purpose under Contribution Plan	Monetary Contribution
Stage 1 - Monetary Contribution	Administration/Plan Preparation	\$55,494.15
	Community Land	\$11,982.38
	Open Space and Recreation - Land	\$916,646.54
	Open Space and Recreation - Works	\$479,948.90
	Trunk Drainage/Water Quality - Land	\$431,988.40
	Traffic and Transport - Works	\$1,189,072.62
	Trunk Drainage/Water Quality - Works	\$1,742,951.62
	Traffic and Transport - Land	\$112,228.28
	TOTAL	\$4,940,312.89
Stage 2A - Monetary Contribution	Administration/Plan Preparation	\$24,492.19
	Community -Land	\$5,361.99
	Open Space and Recreation - Land	\$405,099.71
	Open Space and Recreation - Works	\$212,036.10
	Trunk Drainage/Water Quality - Land	\$190,850.43
	Trunk Drainage/Water Quality - Works	\$770,176.97
	Traffic and Transport - Land	\$49,666.57
	Traffic and Transport - Works	\$525,350.57
	TOTAL	\$2,183,034.53

The total contribution value to be delivered, including land, is \$201,753,200.55.

It is noted that all the infrastructure contained within Schedule 4 of the draft VPA, being open space and recreation items, water quality and quantity basins, traffic and transport infrastructure and community land, have been seen by both Council and the community through the public exhibition of the Planning Proposal and its accompanying documents and the earlier public exhibition of the Menangle Park Contributions Plan.

The draft VPA provides benefit to both the community and to Council as it is the Developer that is best placed to deliver the infrastructure in a timely and efficient manner. By entering into a

VPA, as opposed to relying on receipt of monetary contributions via the Contributions Plan, the onus of land acquisition/dedication and delivery of infrastructure shifts from Council to the Developer. This particularly reduces the risk of land value escalation commonly associated with contributions plans.

Additionally, it is important to note that the items in Schedule 4 are linked to the adjoining subdivision stages. That is, the infrastructure is delivered in close timing to the subdivision of the land.

For most items, the delivery timing is linked to 16 months following the release of the Subdivision Certificate. This 16 month period allows for the release of the Subdivision Certificate, settlement of land purchases, preparation and approval of dwelling house applications and Complying Development Certificates and construction of the approved dwellings.

In effect, 16 months generally represents the timing at which approximately 80 per cent of dwellings within a land release area are expected to have been completed and occupied by their new owners.

Attachments

- 8.4.1 Draft Planning Agreement - Menangle Park Release Area (contained within this report) [↓](#)
- 8.4.2 Explanatory Note - Menangle Park Planning Agreement (contained within this report) [↓](#)

Planning Agreement Menangle Park Release Area

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

Dahua Group Sydney Project 2 Pty Ltd (ABN 80 606 391 235)
and
Dahua Group Sydney Project 3 Pty Ltd (ABN 49 606 391 922) (**Developer**)

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Planning Agreement Menangle Park Release Area

Parties

Council	Name	Campbelltown City Council
	Address	Civic Centre Cnr Queen and Broughton Streets Campbelltown NSW 2560
	ABN	31 459 914 087
Developer	Name	Dahua Group Sydney Project 2 Pty Ltd
	Address	Suite 2, Level 20 201 Elizabeth Street Sydney, NSW 2000
	ABN	80 606 391 235
	Name	Dahua Group Sydney Project 3 Pty Ltd
	Address	Suite 2, Level 20 201 Elizabeth Street Sydney, NSW 2000
	ABN	49 606 391 922

Background

- A** The Developer owns the Land.
- B** The Developer wishes to carry out the Development.
- C** The Developer has applied for, or proposes to apply for, the Development Consents with respect to the Development.
- D** The parties previously entered into the Prior Planning Agreement.
- E** The Developer has offered to enter into a planning agreement and make Development Contributions in connection with carrying out of the Development, on and subject to the terms of this document.
- F** Upon the commencement of this document as a planning agreement pursuant to the Act, the Prior Planning Agreement is revoked and superseded by 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 section 7.4 of the Act; and
- (2) governed by Subdivision 2 of Division 7.1 of Part 7 of the Act.

3.2 Application

- (1) This document applies to both the Land and the Development.
- (2) The parties acknowledge that the Development Contributions required to be made under this document are to meet the expected demand for public facilities arising from the Development.

3.3 Operation

- (1) This document operates as a planning agreement from the date it is executed by both parties.
- (2) When this document becomes operative in accordance with paragraph (1):
 - (a) the Prior Planning Agreement is revoked and superseded by this document; and
 - (b) this document constitutes a 'subsequent planning agreement' for the purpose of section 203(5) of the Regulation.

3.4 Further agreements relating to this document

The Developer and Council, at any time and from time to time, may enter into agreements relating to the subject matter of this document that are not inconsistent with this document for the purpose of implementing this document.

4 Application of s7.11, s7.12 and s7.24

4.1 Application

- (1) This document:
 - (a) excludes the application of section 7.11 of the Act to the Development; and
 - (b) excludes the application of section 7.12 of the Act to the Development.
- (2) For the purpose of clarity:
 - (a) sections 7.11 and 7.12 are only excluded in relation to each of the following:
 - (i) the original subdivision of the Land to create a Final Lot, and the construction of one (1) Dwelling on each of those Final Lots; and
 - (ii) the original subdivision of the Land to create commercial and retail allotments and the construction of commercial and retail premises on those allotments as part of the Development, and as may be permitted by the Development Consents for the Development.
 - (b) if any additional Dwellings are constructed on those Final Lots, or if a Final Lot is further subdivided in the future, section 7.11 and 7.12 will not be excluded for such additional Dwellings or further subdivision.

4.2 Consideration of benefits

Section 7.11(6) of the Act does not apply to the Development 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 section 7.24 of the Act to the Development.

5 Provision of Development Contributions generally

5.1 Developer must make Development Contributions

- (1) The Developer must make Development Contributions to Council in accordance with this document, and in particular in accordance with **Schedule 4**.
- (2) **Schedule 4** has effect in relation to Development Contributions to be made by the Developer under this document and in particular, subject to the terms of this document, the Developer must:
 - (a) deliver each Item comprising Works by the corresponding '*due date or development lot trigger – completion of Works*' identified for that Item in Part 1 of **Schedule 4**;

- (b) deliver each Item comprising Land for dedication by the corresponding '*due date or development lot trigger – dedication of Land*' identified for that Item in Part 1 of **Schedule 4**; and
- (c) pay the Monetary Contribution for each Final Lot by the '*due date or development trigger*' identified for the Monetary Contribution in Part 2 of **Schedule 4**.

5.2 No limit created by Contribution Value

- (1) A Contribution Value specified in relation to a Development Contribution other than a Monetary Contribution does not define or limit the extent of the Developer's obligation to provide that Development Contribution.
- (2) Further to paragraph (1), the Developer is not entitled to any payment, credit or off-set to the extent that any costs incurred by it in making a Development Contribution exceed the relevant Contribution Value.
- (3) If the cost incurred by the Developer to properly perform an obligation to carry out Work or dedicate Land is less than a Contribution Value specified in relation to the obligation, 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.

5.3 Council's obligation to apply Development Contributions

Council will use its best endeavours to apply each Development Contribution made by the Developer under this document towards the public purpose for which it is made.

5.4 Alternative method of providing items of Work by paying monetary contribution

- (1) If Council gives its prior written consent (which may be withheld at its discretion), the Developer may satisfy its obligation under this document to provide any or all of the Works by paying a monetary contribution to Council:
 - (a) in the amount of the specified Contribution Value for any or all of the Works; and
 - (b) in the manner set out in clause 6.
- (2) If the Developer pays a monetary amount under paragraph (1), the relevant amount must be paid to Council by the time that the relevant Item of Work was required to have been Completed under this document.
- (3) Council will spend the monetary contribution paid by the Developer under this clause 5.4 on services, infrastructure or facilities to be delivered, in order of precedence:
 - (a) on the Land; or
 - (b) at a location outside the boundary of the Land, but within Council's Local Government Area.
- (4) The Developer must give, or procure, reasonable access to Council to that part of the Land upon which the Works are to be carried out by Council for the purposes of carrying out any works on the Land contemplated by this clause 5.4.

5.5 Alternative method of providing items of Work

If Council gives its prior written consent (which may be withheld at its discretion), the Developer may vary or replace any Item of Work provided that:

- (1) the Contribution Value of the varied or new Item of Work is the same or greater than the Contribution Value of the original Item of Work;
- (2) the varied or new Item of Work contains the core elements for that Item of the Works as identified in the Contributions Plan;
- (3) the varied or new Item of Work serves the same, or a similar, public purpose as the original Item of Work;
- (4) the varied or new Item of Work is provided at the same time as the original Item of Work was required to have been provided under this document; and
- (5) the varied or new Item of Work complies with the requirements of any relevant Authority.

5.6 Alternative method of providing Monetary Contributions

- (1) If Council gives its prior written consent (which may be withheld at its discretion), the Developer may make any of the Monetary Contributions by the carrying out of works or the provision of services.
- (2) If the Developer carries out works or provides services under paragraph (1):
 - (a) the Contribution Value of the works or services provided must be equal to or greater than the amount of the relevant Monetary Contribution; and
 - (b) the works or services must be Completed no later than the time by which the Monetary Contribution was required to have been made under this document.

5.7 Indexation

- (1) The Contribution Value for each Item of Work specified in Part 1 of **Schedule 4** is to be adjusted quarterly in accordance with the appropriate 'Works and Construction' formula at clause 2.10 of the Contributions Plan, being:
 - (a) Producer Price Index (Road and bridge construction NSW) for:
 - (i) Traffic & Transport Work; and
 - (ii) Trunk Drainage & Water Quality Work; and
 - (b) Producer Price Index (Non-residential building construction NSW) for:
 - (i) Community Work; and
 - (ii) Open Space & Recreation Work.
- (2) The Contribution Value for each Item comprising Land for dedication specified in Part 1 of **Schedule 4** is to be adjusted quarterly in accordance with the 'Land Acquisition' formula at clause 2.10 of the Contributions Plan, being the Consumer Price Index (All Groups Index) for Sydney.

6 The provision of Monetary Contributions

6.1 Payment of Monetary Contributions

- (1) A monetary contribution is made for the purposes of this document when Council receives the full amount of the contribution payable under this document:
 - (a) in cash or by unendorsed bank cheque; or
 - (b) by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by Council.

6.2 Council to issue invoices and receipts for Monetary Contributions

- (1) In this clause 6.2, **Tax Invoice** has the same meaning given to that term in clause 25.
- (2) Within five (5) Business Days of a request from the Developer identifying the number of Final Lots to be created upon the issue of a Subdivision Certificate, Council must provide a Tax Invoice to the Developer in the amount of the Monetary Contribution payable with respect to those Final Lots in accordance with **Schedule 4**.
- (3) Council will provide the Developer with a receipt acknowledging payment of a Tax Invoice, within five (5) Business Days of receiving confirmation that the relevant Monetary Contribution has been paid.

7 Variation of scope or timing for provision of Works or Land

7.1 Variation to the scope of a Work or Land

- (1) The Developer may request that Council approve in writing a variation to the scope of any Item of Work or Land.
- (2) For the purposes of determining whether to approve a variation under paragraph (1), Council may consider the content of the Contributions Plan and whether the variation prejudices the provision of public services or public amenities for the Development.
- (3) The scope of an Item of Work or Land is 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 Works or Land

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

(**Deferred Works or Land**), then the Developer may seek Council's approval to defer the Completion of the relevant Item of Work or dedication of the relevant Item of Land by providing written notice to Council:

 - (c) identifying the relevant Item of Work or Land that the Developer proposes to defer;

-
- (d) specifying the reason for the request to defer the Completion of that Item of Work or dedication of that Item of Land; and
 - (e) identifying the anticipated or proposed time for Completion of the relevant Item of Work or dedication of the relevant Item of Land.
- (2) 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;
 - (b) the revised date for Completion or dedication 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 or the value of the relevant Item of Land as specified in Schedule 4 for that Item).
- (3) If Council consents to the deferral of the Deferred Works or Land, then the following applies:
- The Developer must comply with any conditions required by Council under paragraph (2) above.
- (a) 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 or dedication of the relevant Deferred Works or Land by the time for Completion or dedication (as the case may be) specified in this document.
 - (b) The time for dedication or completion of the Deferred Works or Land under this document is the revised date for Completion specified by Council under paragraph (2)(b) above.

8 Procedures relating to the dedication of Land

8.1 Plan of Management

The Developer must:

- (1) as a Development Contribution, fund and prepare a draft Plan of Management for any part of the Land on which an Open Space & Recreation Work is to be constructed; and
- (2) provide the draft Plan of Management to Council for Council's consideration not less than six (6) months prior to the time the Land the subject of the draft Plan of Management is required to be dedicated.

8.2 Works to be Completed prior to dedication

Unless Council gives its prior written consent or unless otherwise set out in this document to the contrary, the Developer must not dedicate any part of the Land in accordance with this document unless:

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- (1) if required under this document, a Plan of Management prepared under clause 8.1 has been accepted by Council; and
 - (2) any Works required to be carried out on that part of the Land have either been:
 - (a) Completed; or
 - (b) deferred in accordance with clause 7.2 to a date after the date that the relevant Land is required to be dedicated under this document.

8.3 Dedication process

- (1) A Development Contribution comprising the dedication of any part of the Land is made for the purposes of this document when:
 - (a) a deposited plan is registered in the register of plans held with the Registrar General that:
 - (i) dedicates the relevant part of the Land as a public road (including a temporary public road) under the *Roads Act 1993* (NSW); or
 - (ii) creates a public reserve or drainage reserve under the *Local Government Act 1993* (NSW); or
 - (b) Council is otherwise registered as the proprietor of the relevant Land.
- (2) The Developer will give Council, for execution by Council as transferee, an instrument of transfer under the *Real Property Act 1900* (NSW) in registrable form relating to the Land to be dedicated under this document. Within fifteen (15) Business Days of receiving it from the Developer, Council is to execute it and return it to the Developer.
- (3) Council agrees that it will accept the dedication or transfer of any part of the Land subject to the Permitted Encumbrances.
- (4) The Developer must ensure that upon dedication or transfer all Encumbrances other than Permitted Encumbrances are removed from the title of any part of the Land dedicated to Council under this document.

8.4 Remediation of Land to be dedicated to Council

- (1) All Land to be dedicated to Council under the document must be:
 - (a) certified by an Accredited Site Auditor as meeting the Residential "A" land use criteria as defined in National Environment Protection (Assessment of Site Contamination) Measure (NEPM) as amended in 2013, unless Council agrees in writing to another measure, standard or guideline (at its absolute discretion); and
 - (b) free from any on-site containment or capping of contaminated soil.
- (2) If any remediation activities are needed to achieve the requirements of paragraph (1), those activities must be defined in a Remedial Action Plan including remedial methodology, validation criteria and validation procedures.
- (3) Any Remedial Action Plan referred to in paragraph (2) must be prepared, or reviewed and approved, by a consultant engaged by the Developer at its cost who is certified

under a contaminated land consultant certification scheme as recognised by the New South Wales Environment Protection Authority.

9 Procedures relating to Works

9.1 Design and Specification

- (1) Before commencing construction of any Item of Work, the Developer must submit to Council for its approval the Detailed Design for the Work.
- (2) At any time prior to the receipt of the Detailed Design of a Work under paragraph (1), Council may provide the Developer with a direction to vary that Item of Work, subject to any such variation:
 - (a) not unreasonably or substantially increasing the cost and timeframe to Complete the Work;
 - (b) not resulting in a change to the matters identified as core elements for that Work in the Contributions Plan; or
 - (c) not being inconsistent with this document or any Development Consent for the Development;
- (3) If, within thirty (30) days of the date of submission referred to in paragraph (1):
 - (a) Council notifies the Developer in writing of its approval of the Detailed Design, the Developer must carry out and Complete the relevant Item of Work in accordance with that Detailed Design;
 - (b) Council fails to notify the Developer in writing that it:
 - (i) approves or does not approve of the Detailed Design; or
 - (ii) does not require the Developer to make modifications to be made to that Detailed Design,Council is taken to have approved the Detailed Design of the Item of Work and the Developer may carry out and Complete the Work in accordance with that Detailed Design; or
 - (c) Council notifies the Developer in writing that it does not approve of the Detailed Design or requires the Developer to make modifications identified in that notice, the Developer may:
 - (i) amend the Detailed Design and submit to Council the amended Detailed Design, in which case the Developer must submit any such amended Detailed Design to Council under paragraph (1); or
 - (ii) if the Developer does not agree with the modifications requested by Council, refer the matter for expert determination or mediation under this document.
- (4) For the purpose of clarity, paragraph (3) applies to any amended Detailed Design submitted by the Developer.

9.2 Standard of construction of Work

Any Work that the Developer is required to carry out under this document must be carried out in accordance with:

- (1) this document;
- (2) any further agreement entered into under clause 3.4;
- (3) the Detailed Design for the Work approved under clause 9.1;
- (4) the requirements of any approval, consent, permission or licence issued by a relevant Authority;
- (5) any Australian standards and other laws applicable to the Work; and
- (6) in a proper and workmanlike manner, complying with current industry practice and standards relating to the Work.

9.3 Access for Works

- (1) The Developer must permit Council, its officers, employees, agents and contractors to enter the Land or any other land at any time, upon giving reasonable prior notice, to:
 - (a) inspect, examine or test any Work; or
 - (b) remedy any breach by the Developer in carrying out a Work.
- (2) Where Council, its officers, employees, agents and contractors enter the Land for the purposes outlined within this clause 9.3, Council must abide by all reasonable work, health and safety requirements of the Developer.
- (3) Council may at its absolute discretion and in accordance with Council policies and any applicable law from time to time permit the Developer to enter and occupy any land owned or controlled by Council for the purposes of enabling the Developer to comply with their obligations under clauses 11 and 13 of this document, provided that, at all times, the Developer complies with Council's reasonable written directions, as well as Council's policies.

9.4 Protection of people and property

The Developer must ensure to the extent reasonably practicable in carrying out any Work that:

- (1) all necessary measures are taken to protect people and property;
- (2) unnecessary interference with the passage of people and vehicles is avoided; and
- (3) nuisances and unreasonable noise and disturbances are prevented.

10 Provisions with respect to the Completion of the Works

10.1 Developer must notify

The Developer must provide a Completion Notice to Council within ten (10) Business Days of the Developer believing it has achieved Completion of any Item of Work.

10.2 Inspection

Council must inspect the Item of Work set out in a Completion Notice within ten (10) Business Days of the receipt of that Completion Notice.

10.3 Council to notify

- (1) Within the earlier of:
 - (a) ten (10) Business Days of inspecting the Item of Work identified in a Completion Notice; and
 - (b) twenty (20) Business Days from the receipt of the relevant Completion Notice,Council must provide notice in writing to the Developer that:
 - (c) Council is satisfied that the Item of Work has been Completed; or
 - (d) Council is not satisfied that the Item of Work has been Completed, in which case the notice must also detail Council's reasons for that decision.
- (2) If Council provides a notice to the Developer under paragraph (c) or does not provide the Developer with notice in accordance with paragraph (1), then the Item of Work set out in the Completion Notice will be deemed to have been Completed, and the Development Contribution comprising that Item of Work will be recognised as having been provided for the purpose of this document, on the date nominated in the Completion Notice.
- (3) Where Council serves notice on the Developer pursuant to paragraph (d) the Developer must:
 - (a) carry out such works as are required to address the matters set out in the notice within three (3) months from the date it is issued by the Council unless otherwise agreed by the Council; or
 - (b) serve a notice on the Council that it disputes the matters set out in the notice. If the Developer serves notice on the Council in accordance with paragraph (a) the expert determination process at clause 19 will apply.

10.4 Developer's further notification

- (1) Where the Developer rectifies the Works in accordance with clause 10.3(3)(a) it must serve upon the Council a new Completion Notice for the Item of Work it has rectified (**New Completion Notice**).
- (2) The provisions of clauses 10.1 to 10.4 (inclusive) apply to any New Completion Notice issued by the Developer.

10.5 Works-as-executed-plan

No later than sixty (60) days after an Item of Work is Completed in accordance with this document, the Developer must submit to Council:

- (1) a full works-as-executed-plan for the relevant Item of Work; and

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- (2) the technical or operation manual, specifications and warranties (if any) for any product that forms part of the relevant Item of Work.

10.6 Hand-over of Works

- (1) Subject to anything to the contrary in this document, Council accepts responsibility for an Item of Work on the later of:
 - (a) the date when the Item of Work is Completed for the purposes of this document; or
 - (b) if the Work is carried out on Land which is to be dedicated to Council under this document, the date of dedication of that Land.
- (2) The Developer, at its own cost, must repair and make good to the satisfaction of Council (acting reasonably) any loss or damage to a Work from any cause whatsoever which occurs before the Work is Completed for the purposes of this document.

11 Procedures relating to the rectification of defects

11.1 Definition of Defects Liability Period

In this clause 11 the following definitions apply:

- (1) **Building Works** has the same meaning as in the Act.
- (2) **Defects Liability Period** means twelve (12) months from the date the Work is Completed for the purposes of this document.

11.2 Council may issue Rectification Notice

During the Defects Liability Period, Council may give to the Developer a Rectification Notice.

11.3 Developer must comply with Rectification Notice

The Developer must comply with a Rectification Notice at its own cost, according to the terms of that notice and to the satisfaction of Council, acting reasonably.

11.4 If the Developer fails to comply with a Rectification Notice

- (1) Council may enter upon the Land for the purpose of satisfying a Rectification Notice where the Developer has failed to comply with, the Rectification Notice, but only after giving the Developer not less than ten (10) Business Days written notice of its intention to do so.
- (2) If Council elects to exercise the step-in rights granted to it under paragraph (1) then:
 - (a) Council may:
 - (i) enter upon any part of the Land to which it requires access in order to satisfy the obligations of the Developer in accordance with the Rectification Notice; and
 - (ii) rectify the relevant Defects in accordance with the Rectification Notice; and

- (b) the Developer must not impede or interfere with Council in undertaking that work.
- (3) Where Council exercises its step-in rights in accordance with this clause 11.4, all costs incurred by Council in rectifying the relevant Defects may be claimed by Council as a liquidated debt immediately due and owing by the Developer.

11.5 End of the Defects Liability Period

- (1) By no later than ten (10) Business Days prior to the end of the Defects Liability Period:
 - (a) Council will undertake a final inspection of the relevant Item of Work; and
 - (b) Council may either:
 - (i) by way of written notice to the Developer, confirm that the Item of Work is acceptable to Council, acting reasonably; or
 - (ii) issue a Rectification Notice to the Developer if it identifies a Defect in any part of the Item of Work.
- (2) If Council issues a Rectification Notice under paragraph (ii), the Developer must comply with the Rectification Notice at its own cost, according to the terms of that Rectification Notice and to the satisfaction of Council, acting reasonably (and for the purpose of clarity, clause 11.4 applies with respect to any such Rectification Notice).
- (3) Council may not issue a further Rectification Notice under paragraph (1) for any additional unacceptable parts of the Item of Work that were not identified in the Rectification Notice issued under paragraph (ii).
- (4) If Council does not issue a Rectification Notice within ten (10) Business Days after undertaking a final inspection of the Works under paragraph (a), the Works will be deemed to be acceptable to Council.
- (5) If Council issues a Rectification Notice under paragraph (1), the Defects Liability Period for the Item of Work the subject of that Rectification Notice does not end for the purpose of this document until the relevant matters set out in that Rectification Notice have been addressed in accordance with this document.

12 Failure to carry out Work

12.1 Council may issue notice

- (1) If Council considers that the Developer is in breach of any obligation under this document relating to the carrying out of any Work, including Work the subject of a Rectification Notice, Council may give the Developer a notice under this clause 12.
- (2) The notice may require the Developer to:
 - (a) rectify the breach to Council's satisfaction; and
 - (b) immediately cease carrying out further work relating to the Work except to rectify the breach.

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- (3) A notice given under paragraph (1) must allow the Developer not less than twenty eight (28) Business Days (or such further period as Council considers reasonable in the circumstances) to rectify the breach.

12.2 Developer must comply

The Developer must comply with any notice issued by Council under clause 12.1

12.3 If Developer fails to comply

- (1) Without limiting any other rights Council has to enforce this document, if the Developer does not comply with a notice given under clause 12.1 then Council may:
- (a) call upon the Security;
 - (b) carry out and complete the Work the subject of the Developer's breach; and
 - (c) in the event the costs reasonably incurred by Council in carrying out the Works cannot be met by the Security, the Developer must pay the difference to Council within twenty eight (28) days of receiving a written demand for such payment by Council.
- (2) Clauses 19 and 20 do not prevent a notice being given under clause 12.1, nor do they apply to such a notice or the circumstances relating to the giving of the notice. Any procedure commenced under clause 19 or clause 20 ceases to apply when such a notice is given.
- (3) For the purposes of paragraph (1), the costs which Council can recover include fees and charges incurred by Council, Council's employees, agents and contractors, and legal costs and expenses.

13 Maintenance and management of Works

13.1 Definitions

- (1) In this clause the following definitions apply:
- (a) **Hard Landscaping Work** means items such as paving, seating, buildings, signage, lighting, playground equipment, and any other landscaping work that is not a Soft Landscaping Work.
 - (b) **Maintenance Period** means a period of twelve (12) months commencing on the date the Work is Completed for the purpose of this document.
 - (c) **Maintenance Compliance Certificate** means a written notice issued by Council in accordance with clause 13.3(4)(b)(i) or an Independent Verifier in accordance with clause 13.3(9)(b)(i).
 - (d) **Maintenance Standards** means the maintenance standards and performance criteria of what constitutes fair wear and tear for the Works during the Maintenance Period set out in any Plan of Management or draft Plan of Management relating to the Work or the land on which the Work is or is to be located.

- (e) **Soft Landscaping Work** means any Work comprising the planting of vegetation and associated preparation of planting beds or growing medium, such as shrubs, groundcovers, mulch and grass.
- (f) **Water Quality and Treatment Basin Work** means any work comprising landscaping of grasses, shrubs and/or trees with an underlying filter media installed as bio-retention basins, wetlands and/or swales.

13.2 Developer must maintain

Subject to clause 13.5(1) and 13.5(2), the Developer must maintain each Hard Landscaping Work, Soft Landscaping Work, and Water Quality and Treatment Basin Work during the Maintenance Period in accordance with:

- (1) any matters set out in clause 9.2;
- (2) any Plan of Management or draft Plan of Management relating to the Work or the land on which the Work is or is to be located; and
- (3) the Maintenance Standards.

13.3 Maintenance Compliance Certificate

- (1) The Developer may seek a Maintenance Compliance Certificate for a Work from either Council or an Independent Verifier.
- (2) If the Developer elects to appoint Council to issue the Maintenance Compliance Certificate:
 - (a) Council is to undertake an inspection of the Work the subject of the Maintenance Period;
 - (i) in respect of Hard Landscaping Work every three (3) months commencing on the date that the Work is completed for the purpose of this document;
 - (ii) in respect of Soft Landscaping Work, every six (6) months commencing on the date that the Work is completed for the purpose of the document; and
 - (iii) in respect of Water Quality and Treatment Basin Works, every six (6) months commencing on the date that the Work is completed for the purpose of the document.
- (3) After each inspection, Council is to provide written notice to the Developer advising whether the Work has been maintained and managed in accordance with clause 13.2.
- (4) By no later than ten (10) Business Days prior to the end of the Maintenance Period:
 - (a) Council will undertake a final inspection of the Work; and
 - (b) Council may either:
 - (i) by way of written notice to the Developer, confirm that the Work has been maintained by the Developer in accordance with this clause 13; or

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- (ii) issue a notice to the Developer if it identifies any part of the Work which has not been maintained by the Developer in accordance with this clause 13.
 - (5) If Council issues a notice under clause 13(ii) the Developer must comply with that notice at its own cost.
 - (6) Council may not issue a further notice under clause 13.3(4)(b)(ii) for any additional unacceptable parts of the Work that were not identified in the original notice issued under 13.3(4)(b)(ii).
 - (7) If the Developer elects to appoint an Independent Verifier to issue the Maintenance Compliance Certificate:
 - (a) prior to the provision of an Occupation Certificate, the Developer is to give Council written notice of the details of the nominated Independent Verifier;
 - (b) within twenty (20) Business Days' of notice provided in clause 13.3(7)(a) the parties are to agree on the appointment of an Independent Verifier and in the event that the parties cannot agree, then the Independent Verifier to be nominated by the Ecological Consultants Association of NSW for Water Quality and Treatment Basin Works and Australian Institute of Landscape Architects for Hard Landscaping Works and Soft Landscaping Works; and
 - (c) the Independent Verifier is to undertake an inspection of the Work the subject of the Maintenance Period;
 - (i) in respect of Hard Landscaping Work every three (3) months commencing on the date that the Work is completed for the purpose of this document; and
 - (ii) in respect of Soft Landscaping Work, every six (6) months commencing on the date that the Work is completed for the purpose of the document.
 - (iii) in respect of Water Quality and Treatment Basin Works, every six (6) months commencing on the date that the Work is completed for the purpose of the document.
 - (8) After each inspection, the Independent Verifier is to provide written notice to each of the parties advising whether the Work has been maintained and managed in accordance with clause 13.2.
 - (9) By no later than ten (10) Business Days prior to the end of the Maintenance Period:
 - (a) the Independent Verifier will undertake a final inspection of the Work; and
 - (b) the Independent Verifier may either:
 - (i) by way of written notice to the Developer, confirm that the Work has been maintained by the Developer in accordance with this clause 13; or
 - (ii) issue a notice to the Developer if it identifies any part of the Work which has not been maintained by the Developer in accordance with this clause 13.

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- (10) If the Independent Verifier issues a notice under clause 13.3(9)(b)(ii) the Developer must comply with that notice at its own cost.
 - (11) The Independent Verifier may not issue a further notice under clause 13.3(9)(b)(ii) for any additional unacceptable parts of the Work that were not identified in the original notice issued under 13.3(9)(b)(ii).
 - (12) If Council does not agree with the decision of the Independent Verifier referred to in clause 13.3(9)(b)(i), then clause 19 applies.
 - (13) For the purposes of this clause, maintenance includes repairing damage caused by vandalism to the Work (including replacement of plants due to vandalism) but does not include deterioration as a result solely of fair wear and tear.

13.4 No further claim against Developer

If the Developer has complied with its obligations under this clause 13, Council cannot make any Claim (other than a Claim arising from the negligence of the Developer or a breach of this document by the Developer), objection or demand about the state or condition of a Work after the end the Maintenance Period for that Work, other than with respect to Defects notified to Council in accordance with clause 10.5.

13.5 Developer may elect to pay monetary contribution

- (1) At the request of the Developer and provided that Council agrees, the Developer may satisfy any of its obligations in relation to the maintenance and management of the Works by paying the Notional Value assigned to the respective maintenance and management of the Work as a monetary contribution in the manner set out in clause 6.
- (2) Council agrees that if the Developer performs its obligations under this document in relation to maintenance and management of a Work in accordance with paragraph (1), Council will hold the monetary Development Contribution for the purpose of the maintenance and management of the Work and apply the money towards that purpose.
- (3) The Developer must give, or procure, reasonable access to Council to that part of the Land upon which management and maintenance of the Work are to be carried out by Council in accordance with paragraph (2).
- (4) For the avoidance of doubt, if the Developer pays the Notional Value for the maintenance and management of the Work in lieu of carrying out the maintenance and management pursuant to paragraph (1), the Developer is not required to carry out the maintenance and management of the Work.

14 Council may withhold Subdivision Certificate

14.1 Subdivision Certificate for Final Lots

- (1) The Developer may only make, or cause, suffer or permit the making of, an application for a Subdivision Certificate that creates a Final Lot in the Development if, at the date of the application, the Developer is not in breach of its obligation to make Development Contributions under this document which this document requires to be made before that Subdivision Certificate is issued.
- (2) If an application for a Subdivision Certificate that creates a Final Lot in the Development is made in spite of paragraph (1), Council may withhold the issue of that Subdivision

Certificate until the Developer has made all Development Contributions under this document required to be made prior to that Subdivision Certificate being issued.

14.2 Council may withhold Subdivision Certificates

- (1) The Developer acknowledges and agrees that the issue of a Subdivision Certificate may be withheld if, at the relevant time, the Developer is in breach of any obligation to make Development Contributions under this document which this document requires to be made before that Subdivision Certificate is issued, until such time as:
 - (a) the breach is rectified; or
 - (b) Council calls upon the Security provided by the Developer in respect of the Development Contributions to which the breach relates and any amount required to be paid by the Developer under this document on account of that breach over and above the amount of the Security is paid in full.
- (2) For the purpose of clarity, Council may not withhold the issue of a Subdivision Certificate if the Developer has not met its obligations to maintain and manage Works after those Works have been Completed.

15 Security for the dedication of land

15.1 Council may acquire

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 required to be dedicated, the Developer agrees that Council may compulsorily acquire that land:

- (1) for compensation in the amount of \$1.00 without having to follow the pre-acquisition procedures under the Just Terms Act; and
- (2) at any time determined by Council.

15.2 Agreement to acquire

The parties acknowledge and agree that clause 15.1 constitutes an agreement for the purpose of section 30 of the Just Terms Act.

15.3 Additional comfort for Council

- (1) If, as a result of an acquisition referred to in clause 15.1, Council is required to pay compensation to any 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.
- (2) 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.
- (3) The Developer must promptly do all things necessary, and consent to Council doing all things necessary, to give effect to this clause 15, including without limitation:
 - (a) signing any documents or forms;
 - (b) giving land owner's consent for the lodgement of any Development Application;

- (c) producing certificates of title (or other relevant documents evidencing title) to the Registrar-General under the *Real Property Act 1900* (NSW); and
- (d) paying Council's costs arising from this clause 15.

15.4 Developer must not deal with property

- (1) The Developer must not during the term of this document:
 - (a) sell, transfer, mortgage, charge or grant a lease or license or any other right of occupancy to any person over a lot which has been created by a subdivision of the Land and which lot is required to be dedicated to Council; or
 - (b) sell, transfer, or grant a lease over any Super Lot which partly comprises land be dedicated to Council,

without first obtaining Council's consent in writing.
- (2) Council may, at its absolute discretion, refuse its consent or give consent with conditions.
- (3) For the purpose of clarity, clause 15.4(1) does not preclude the Developer from entering into a contract for the sale of a proposed Final Lot (including a contract for an "off the plan" sale), provided that the Final Lot does not consist of any Land to be dedicated to Council.

16 Security for carrying out of Work

16.1 Provision of Security

Subject to paragraph 16.2, prior to the issue of a Construction Certificate for any stage of the Development where an Item of Work must be Completed prior to the issue of a Subdivision Certificate with respect to that stage, the Developer must provide Council with separate Bank Guarantees:

- (1) for the amount equivalent to the Contribution Value for the relevant Item of Works that have not been Completed (**Primary Security**); and
- (2) for an amount equivalent to ten percent (10%) of the Contribution Value for the relevant Item of Works (**Defects Security**),
- (3) (collectively referred to as the **Security**).

16.2 Floating Security

The Developer may satisfy clause 16.1 by allowing Council to retain any Security previously provided under this document (or the Prior Planning Agreement), or substituting one instrument of Security for another, provided that Council holds Security in an amount no less than the aggregate required to be provided by the Developer under this clause 16 at the relevant time.

16.3 Council may call on Security

If the Developer is indebted to Council under this document, without limiting any other remedies available to it, Council may call on any Security held by Council at that time.

16.4 Top up of Security

If Council calls on the Security, Council, by notice in writing to the Developer, may require the Developer to provide a further or replacement Security in an amount that, when added to any unused portion of any Security then held by Council, does not exceed the amount of the Security which Council is entitled to hold at that time under this document.

16.5 Release of Primary Security

Unless:

- (1) Council has made a demand against the Primary Security provided to it and that demand has not been satisfied;
- (2) if applicable, the Development Contributions on account of which that Security was provided have not been provided;
- (3) at the relevant time the relevant Item of Works to which the Primary Security relates has not been Completed; or
- (4) at the relevant time the Developer has not remedied a breach of this document of which it has been given notice by Council,

Council, upon a written request being made by the Developer, must return the Primary Security within ten (10) Business Days of such a request being made.

16.6 Release of Defects Security

Unless:

- (1) Council has made a demand against the Defects Security provided to it and that demand has not been satisfied;
- (2) the relevant Defects Liability Period has not expired; or
- (3) at the relevant time the Developer has not remedied a breach of this document of which it has been given notice by Council,

Council, upon a written request being made by the Developer, must return the Defects Security within ten (10) Business Days of such a request being made.

16.7 Indexation of value of Security value

The Developer must ensure that, on an annual basis from the date of commencement of this document, that the Security then held by Council equals the indexed amount of the Contribution Values for the relevant Works for which Security is required to be held at that time.

17 Registration of this planning agreement

17.1 Obligation to register

- (1) This document must be registered on the title of the Land pursuant to section 7.6 of the Act.
- (2) The Developer must:

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- (a) do all things necessary to allow the registration of this document to occur under paragraph (1) on the title of the Land; and
 - (b) pay any reasonable costs incurred by Council in undertaking that registration.

17.2 Obligations of Developer

- (1) The Developer, at its own expense must, promptly after this document comes into operation, and before the issue of any Construction Certificate or Subdivision Certificate for the Development, take all necessary and practical steps, and otherwise do anything that the Council reasonably requires, to procure:
 - (a) the consent of each person who:
 - (i) has an estate or interest in the Land; or
 - (ii) is seized or possessed of an estate or interest in the Land;
 - (b) the execution of any documents; and
 - (c) the production of the relevant title documentation,
 - to enable the registration of this document in accordance with clause 17.1.
- (2) The Developer, at its own expense, will take all necessary and practical steps, and otherwise do anything that the Council reasonably requires:
 - (a) to allow the lodgement of this document with the Registrar-General as soon as reasonably practicable after this document comes into operation but in any event, no later than thirty (30) business days after that date; and
 - (b) to allow the registration of this document by the Registrar-General in the relevant folios of the Register for the Land as soon as reasonably practicable after this document is lodged for registration.

17.3 Removal of this document from title of the Land

- (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) This document will be removed 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 obligations to make Development Contributions 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) For the purpose of clarity, the requirement in paragraph 3(a) will be met for Final Lots on part of the Land, if the Developer satisfies the Council that the Developer has

delivered all Development Contributions which are a pre-requisite to the release of a Subdivision Certificate for the creation of those Final Lots on that part of the Land.

- (5) Without limiting paragraph (3), this document will be removed from the title to a Super Lot if the Developer gives Council a written notice requesting such removal and:
- (a) the Developer has provided Security under this document with respect to any:
 - (i) items of Work required to be provided prior to the release of any Subdivision Certificate for the creation of Final Lots from that Super Lot; and
 - (ii) monetary contribution determined by Council, acting reasonably, that will be required to be paid upon any subdivision of that Super Lot, or
 - (b) the Developer has complied with its obligations under this document with respect to that part of the Land to which such notice relates.
- (6) Upon receipt of a notice under this clause 17.3, Council will do all things necessary to remove this document from the title to the Land specified in the notice as quickly as practicable if the party giving the notice has complied with its obligations under this clause 17.3.

18 Enforcement

- (1) Either party may enforce this document in any court of competent jurisdiction.
- (2) For the avoidance of doubt, nothing in this document prevents:
- (a) a party from bringing proceedings in the Court to enforce any aspect of this document or any matter to which this document relates; and/or
 - (b) Council from exercising any function under the Act or any other Act or Law relating to the enforcement of any aspect of this document or any matter to which this document relates.

19 Dispute resolution - expert determination

19.1 Application of this clause

- (1) This clause applies to a dispute under this document about a matter that can be determined by an appropriately qualified expert (**Expert Determination Dispute**).
- (2) An Expert Determination Dispute is taken to arise if a party gives the other party a notice in writing specifying particulars of the dispute and requiring it to be determined by an appropriately qualified expert (**EDD Notice**).
- (3) If the parties disagree over whether a dispute is properly an Expert Determination Dispute, then either party may refer that issue to the Chief Executive Officer (**CEO**) of the professional body that represents persons with the relevant expertise, for a determination of that issue. The CEO's determination is final and binds the parties.

19.2 Selection and engagement of Expert

- (1) If an EDD Notice has been given under clause 19.1, the parties must use all reasonable endeavours to agree on a person who is independent of the parties, and is qualified in

fields which are relevant to the issues comprising the Expert Determination Dispute, as the expert to determine the issues.

- (2) If the parties have not reached agreement on an expert within ten (10) Business Days of the giving of the relevant EDD Notice, either party may refer the dispute to the President of the NSW Law Society to nominate an expert to determine the dispute.
- (3) The parties must use their best endeavours to finalise the terms of the expert's retainer and appoint the expert as soon as possible and, in any event, within ten (10) Business Days after the expert has been agreed or nominated in accordance with this clause 19, and which must include directions to the expert to undertake the determination of the Expert Determination Dispute in accordance with this clause 19.
- (4) If the expert appointed under paragraph (3) dies or resigns, or the parties agree to replace the expert, then paragraphs (1), (2) and (3) re-apply as if a notice was given under clause 19.1 in respect of the same issues on the day on which all parties became aware that the expert has died or resigned or they agree to replace the expert.

19.3 Expert no longer independent

If the expert becomes aware at any stage of any circumstance that might reasonably be considered to adversely affect the expert's capacity to act independently or impartially:

- (1) the expert must inform the parties immediately;
- (2) the appointment of the expert will terminate unless the parties agree otherwise; and
- (3) if they agree to replace the expert, the parties must promptly do all things necessary to do so.

19.4 Role of the expert

- (1) The parties acknowledge and agree that the expert should, and they will use their best endeavours to ensure that expert will:
 - (a) issue his or her determination with respect to the Expert Determination Dispute as soon as possible;
 - (b) treat all information provided to him or her in relation to the Expert Determination Dispute as confidential;
 - (c) act as an expert and not as an arbitrator;
 - (d) act independently of the parties, and act fairly and impartially as between the parties;
 - (e) give each party a reasonable opportunity of presenting its case by way of written submissions (which must be provided in full to the other party) and countering any arguments of any opposing party by way of written submissions in reply;
 - (f) proceed in any matter he or she thinks fit;
 - (g) determine whether it is appropriate to co-opt legal or other technical expertise to assist his or her coordination of the dispute;

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- (h) conduct any investigation which he or she considers necessary to resolve the dispute;
 - (i) examine such documents, and interview such persons, as he or she may require; and
 - (j) make such directions for the conduct of the expert determination as he or she considers necessary.

19.5 Determination of the expert

- (1) The parties acknowledge and agree that the determination of the expert binds the parties, except in the case of the expert's fraud or misfeasance.
- (2) If the determination of the expert contains a clerical mistake, an error arising from an accidental inclusion or omission, a material miscalculation of figures, a material mistake in the description of any person, matter or thing, or a defect of form, then:
 - (a) the party which noticed the relevant matter must notify the other party in writing promptly,
 - (b) the parties must use their best endeavours to ensure that the expert corrects the determination within ten (10) Business Days after they receive notice; or
 - (c) if the expert does not correct the determination within that time, the parties may agree to appoint a substitute expert.
- (3) Each party must bear its own costs arising from or in connection with the appointment of the expert and the expert determination and must pay one-half of the expert's costs and any incidental costs of facilitating the expert determination.

20 Dispute resolution – mediation

20.1 Application

This clause applies to any dispute under this document other than a dispute to which clause 19 applies (**Mediation Dispute**).

20.2 Notice

A Mediation Dispute is taken to arise if one party gives the other party a notice in writing specifying particulars of the dispute (**MD Notice**).

20.3 Procedure

- (1) The parties must meet within fourteen (14) days of the service of an MD Notice to try to resolve the Mediation Dispute.
- (2) If the Mediation Dispute is not resolved within a further twenty eight (28) days, the parties must mediate the dispute in accordance with the Mediation Rules of the Law Society of New South Wales published from time to time, and must request the President of the Law Society, or the President's nominee, to select a mediator.
- (3) If the Mediation Dispute is not resolved by mediation within a further twenty eight (28) days, or any longer period that may be needed to complete any mediation process which has been started, then the parties may exercise their legal rights in relation to the

matter the subject of the Mediation Dispute, including by taking legal proceedings in a court of competent jurisdiction in New South Wales.

21 Assignment and sale of Land

- (1) Unless the precondition specified in paragraph (2) is satisfied, the Developer must not:
- (a) transfer the Land or any part of it, other than a Final Lot, to any person other than Council; or
 - (b) assign its rights or obligations under this document, or novate this document, to any person.
- (2) The precondition to be satisfied under paragraph (1) is that the Developer has, at no cost to Council, procured the execution by the person to whom the Developer proposes to assign the Land, or to whom the Developer's rights or obligations under this document are to be assigned or novated (**Third Party**), of an agreement in favour of Council to the effect that the Third Party is bound as if a party to this document.

22 Position of Council

22.1 Consent authority

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

22.2 Agreement 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).

22.3 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 22 is substantially satisfied; and
 - (b) in the event that paragraph (a) 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.
- (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 that extent this document is not to be taken to be inconsistent with the Law.

22.4 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 Land or the Development.

23 Indemnity and Insurance

23.1 Indemnity

- (1) Each party indemnifies the other party from and against all Claims that may be sustained, suffered, recovered or made against each other party arising in connection with the performance of that party's obligations under this document except if, and to the extent that, the Claim arises because of another party's negligence or default.

23.2 Insurance

- (1) The Developer must take out and keep current to the satisfaction of Council the following insurances in relation to Work required to be carried out by the Developer under this document, up until the time that the Work is taken to have been Completed in accordance with this document:
- (a) contract works insurance, noting Council as an interested party, for the full replacement value of the Works (including the cost of demolition and removal of debris, consultants' fees and authorities' fees), to cover the Developer's liability in respect of damage to or destruction of the Works,
 - (b) public liability insurance for at least \$20,000,000.00 for a single occurrence which covers Council, the Developer and any subcontractor of the Developer, for liability to any third party,
 - (c) workers compensation insurance as required by law, and
 - (d) any other insurance required by law.
- (2) If the Developer fails to comply with clause 23.2(1), Council may effect and keep in force such insurances and pay such premiums as may be necessary for that purpose and the amount so paid shall be a debt due from the Developer to Council and may be recovered by Council as it deems appropriate, including:
- (a) by calling upon any Security provided by the Developer to Council pursuant to clause 16; or
 - (b) recovery as a debt due in a court of competent jurisdiction.
- (3) The Developer must not commence to carry out any Work unless it has first provided to Council satisfactory written evidence of all of the insurances specified in clause 23.2(1).
- (4) Council acknowledges and agrees that the insurances required to be taken out and kept current by the Developer in accordance with this clause 23.2 may be novated to the Third Party.

24 Review of this document

24.1 Developer to report

- (1) The Developer must provide Council with a report every three (3) years detailing the performance of the Developer's obligations under this document.
- (2) The report is to be:
 - (a) given no later than every three (3) years from the date on which this document is entered into; and
 - (b) in the form and addressing the matters Council notifies to the Developer from time to time.

24.2 Parties to review

- (1) The parties are to review this document every three (3) years, and otherwise if either party considers that any change of circumstance has occurred, or is imminent, that materially affects the operation of this document.
- (2) For the purposes of paragraph (1), the relevant changes include any change to a Law that restricts or prohibits, or enables Council or any other planning authority to restrict or prohibit, any aspect of the Development.
- (3) For the purposes of addressing any matter arising from a review of this document referred to in paragraph (1), the parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this document.
- (4) If this document becomes illegal, unenforceable or invalid as a result of any change to a law, the parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this document is entered into.
- (5) A party's failure to agree to take action requested by the other party as a consequence of a review referred to in paragraph (1) is not a dispute for the purposes of clauses 19 and 20, and is not a breach of this document.

25 GST

- (1) In this clause 25 the following definitions apply:
 - (a) Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, Supply and Tax Invoice have the meaning given by the GST Law.
 - (b) **GST Amount** means in relation to a Taxable Supply the amount of GST payable for the Taxable Supply.
 - (c) **GST Law** has the same meaning as in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.
 - (d) **Input Tax Credit** has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a Party includes an Input Tax Credit for an acquisition made by that Party but to which another member of the same GST Group is entitled under the GST Law.

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- (e) **Taxable Supply** has the meaning given by the GST Law, excluding (except where expressly agreed otherwise) a supply for which the supplier chooses to apply the Margin Scheme in working out the amount of GST on that supply.
- (2) Subject to paragraph (4), 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.
- (3) Paragraph (2) does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this document to be GST inclusive.
- (4) No additional amount is payable by Council under paragraph (2) unless, and only to the extent that, Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.
- (5) If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this document by one Party to the other Party that are not subject to Division 82 of the *A New Tax System (Goods and Services Tax) Act 1999* (Cth), the parties agree:
- (a) to negotiate in good faith to agree the GST inclusive market value of those Supplies before issuing Tax Invoices for those Supplies; and
- (b) that any amounts payable by the parties in accordance with clause (as limited by paragraph (2) (as limited by clause 47(d)) to each other for those Supplies will be set off against each other to the extent that they are equivalent in amount.
- (6) No payment of any amount under this clause 25, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided the recipient with a Tax Invoice or Adjustment Note as the case may be.
- (7) Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.
- (8) This clause continues to apply after expiration or termination of this document.

26 General provisions

26.1 Notices

- (1) A notice, consent, information, application or request (**Notification**) that must or may be given or made to:
- (a) any other party under this document, must only be given or made if it is in writing and sent in one of the following ways:
- (b) delivered or posted to that party at its address set out in this document; or
- (c) emailed to that party at its email address set out in this document.

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- (2) A party may change its address or email address by giving the other party three (3) Business Days' notice of the change, in which case the new address or email address is treated as the address or number in this document.
 - (3) A Notification is to be treated as given or made under paragraph (a) if it is:
 - (a) delivered, when it is left at the relevant address;
 - (b) sent by post, two (2) Business Days after it is posted; or
 - (c) sent by email, and the sender does not receive a delivery failure message from the sender's internet service provider within a period of twenty-four (24) hours of the email being sent.
 - (4) If a Notification is delivered, or an error-free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

26.2 Approvals and consent

- (1) In this clause 26.2, a reference to an approval or consent does not include a reference to a Development Consent.
- (2) Except as otherwise set out in this document, and subject to any statutory obligations,
 - (a) each party must act in good faith towards each other party; and
 - (b) a party must act reasonably and in a timely way in giving or withholding an approval or consent to be given under this document.
- (3) A party must give its reasons for giving or withholding consent or for giving consent subject to conditions.

26.3 Costs

The Developer is to pay Council's reasonable costs of preparing, negotiating, executing this document and any document related to this document.

26.4 Entire agreement

- (1) This document contains everything to which the parties have agreed in relation to the matters it deals with.
- (2) No party can rely on an earlier document, or anything said or done by another party, or by a director, officer, agent or employee of that party, before this document was executed, except as permitted by law.

26.5 Further acts

Each party must promptly execute all documents and do all things that another party from time to time reasonably requests to effect, perfect or complete this document and all transactions incidental to it.

26.6 Governing law and jurisdiction

- (1) This document is governed by the Law of New South Wales.
- (2) The parties submit to the non-exclusive jurisdiction of its courts, and are not to object to the exercise of jurisdiction by those courts on any basis.

26.7 Representations and warranties

The parties represent and warrant that they have power to enter into this document and to comply with their obligations under the document, and that entry into this document will not result in the breach of any law.

26.8 Severability

- (1) If a clause or part of a clause can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- (2) If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part of it is to be treated as removed from this document, but the rest of this document is not affected.

26.9 Modification

No modification of this document has any effect unless it is in writing and signed by the parties and otherwise in accordance with the Act.

26.10 Waiver

- (1) A party does not waive any of the other party's obligation or breach of obligation merely by failing to do, or delaying in doing, something under this document.
 - (2) A waiver by a party is effective only if it is in writing.
 - (3) A written waiver by a party is effective only in relation to the particular obligation or breach for which it is given. It is not to be taken as an implied waiver of any other obligation or breach, or as an implied waiver of that obligation or breach in relation to any other occasion.
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**Schedule 1
Requirements under the Act**

REQUIREMENT UNDER THE ACT	THIS PLANNING AGREEMENT
<p>Planning instrument and/or development application – (Section 7.4(1))</p> <p>The Developer has:</p> <p>(1) sought a change to an environmental planning instrument.</p> <p>(2) made, or proposes to make, a Development Application.</p> <p>(3) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.</p>	<p>(1) No</p> <p>(2) Yes.</p> <p>(3) Not Applicable.</p>
<p>Description of land to which this agreement applies – (Section 7.4(3)(a))</p>	<p>Refer to the definition of 'Land' in Schedule 2.</p>
<p>Description of change to the environmental planning instrument to which this agreement applies – (Section 7.4(3)(b))</p>	<p>Not applicable.</p>
<p>Application of section 7.11 of the Act – (Section 7.4(3)(d))</p>	<p>Does not apply to the Development.</p>
<p>Applicability of section 7.12 of the Act – (Section 7.4(3)(d))</p>	<p>Does not apply to the Development.</p>
<p>Consideration of benefits under this agreement if section 7.11 applies – (Section 7.4(3)(e))</p>	<p>Refer to clause 4.1(2)(b) of the Planning Agreement.</p>
<p>Mechanism for Dispute resolution – (Section 7.4(3)(f))</p>	<p>See clauses 19 and 20.</p>
<p>Enforcement of this agreement (Section 7.4(3)(g))</p>	<p>See clause 18.</p>
<p>No obligation to grant consent or exercise functions – (Section 7.4(3)(9))</p>	<p>See clause 22.</p>

Schedule 2: Defined terms and interpretation

Part 1 – Defined terms

The following definitions apply unless the context requires otherwise.

Accredited Site Auditor	means a person who is certified as a site auditor under a contaminated land certification scheme as recognised by the New South Wales Environment Protection Authority.
Act	means the <i>Environmental Planning and Assessment Act 1979</i> (NSW).
Approval	includes approval, consent, licence, permission or the like.
Authority	means the Commonwealth of Australia, the State of New South Wales, or any department or agency of the Commonwealth of Australia or the State of New South Wales, any public authority within the meaning of the Act, and any court or tribunal.
Bank Guarantee	means an irrevocable and unconditional undertaking without any expiry or end date by one of the following trading banks: <ol style="list-style-type: none"> (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 Council, in its absolute discretion, in response to a request from the Developer.
Business Day	means a day other than: <ol style="list-style-type: none"> (1) a Saturday, Sunday or public holiday in the state of New South Wales; or (2) 27, 28, 29, 30 or 31 December in any year.
Claim	against any person means 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.
Community Work	means the Works to be carried out as part of the delivery of Item 1 in Part 1 of Schedule 4.

Complete	means the point in time at which an Item of Work is fit for use and occupation, and is capable of being used and occupied for its intended purposes, except for minor omissions and minor defects which the Developer has reasonable grounds for not rectifying before public use and occupation of the Item of Work, and which will not prejudice the convenient and safe use of the Item of Work.
Completion Notice	means a notice issued under this document by the Developer to Council specifying an Item of Work that the Developer believes is Complete.
Construction Certificate	has the same meaning as in the Act.
Contributions Plan	means the <i>Menangle Park Contributions Plan 2020</i> (as amended from time to time).
Contribution Value	means: <ol style="list-style-type: none"> (1) in relation to an Item of Work, the amount specified in Part 1 of Schedule 4 as the “<i>Notional Value of Works</i>” for that Item of Work; and (2) in relation to an Item (or any part) comprising Land to be dedicated, the amount specified in Part 1 of Schedule 4 as the “<i>Notional Value of Land</i>” for that Land.
Court	means the Land and Environment Court of New South Wales.
Defect	means a material defect that adversely affects the structural integrity, functionality or use or enjoyment of a Work or part of a Work.
Defects Liability Period	has the meaning ascribed to it in clause 11.1.
Detailed Design	means plans and specifications which are sufficiently advanced so as to be suitable to enable the issue of a Construction Certificate for the relevant Work.
Development	means the development of the Land: <ol style="list-style-type: none"> (1) so as to create up to 4,525 Final Lots; (2) so as to construct the first single Dwelling on each Final Lot created by the Developer; and (3) for associated purposes including subdivision, community, retail and commercial facilities comprising up to 33,000 m2 of gross floor area, parks, open space and infrastructure.
Development Application	has the same meaning as in the Act.
Development Area	means the whole of the Land identified (i.e. shaded in colour) on the Development Area Plan.
Development Area Plan	means the plan attached as Annexure 1

Development Consent	means a development consent or project approval within the meaning of the Act with respect to the Development.
Development Contribution	means any of the following, or any combination of them, to be used for, or applied towards, a public purpose: <ol style="list-style-type: none">(1) a monetary contribution;(2) the dedication of land free of cost;(3) the carrying out of work; and(4) the provision of any other material public benefit.
Dwelling	means a room, or suite of rooms, occupied or used, or so constructed or adapted, as to be capable of being occupied or used, as a separate domicile to be erected on any part of the Land.
Encumbrance	means: <ol style="list-style-type: none">(1) an interest or power reserved in or over an interest in any asset;(2) an interest or power 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 restriction on the use of land or positive covenant, subordination to any right of any other person and any other encumbrance or security interest, trust or bill of sale; or(3) an interest or power by way of security for the payment of a debt or other monetary obligation or the performance of any obligation.(4) However, the parties agree that Encumbrance does not include a Biobanking agreement or similar instrument relating to the conservation of biodiversity or as otherwise agreed between the parties during approval of the Detailed Design under clause 9.
Final Lot	means a lot created as part of the Development, including a strata lot, intended for separate occupation and disposition, not being: <ol style="list-style-type: none">(1) a lot created by a subdivision of the Land that is to be dedicated or otherwise transferred to Council, the Minister or TfNSW;(2) a Super Lot; and(3) a lot created:

	(a) for community use, ecological restoration, drainage, ecology, open space or infrastructure;
	(b) that is to be dedicated or otherwise transferred for public use.
Independent Verifier	means the independent verifier nominated under clause 13, substantially qualified and experienced to certify the maintenance of the Work.
Item	means each separate Development Contribution specified in Column 1 of Part 1 of Schedule 4 .
Just Terms Act	means the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> (NSW).
Land	means land that is, or was prior to its subdivision, contained in Certificates of Title Folio Identifiers listed in Schedule 3 of this document.
Law	means all legislation, regulations, by-laws, common law and other binding order made by any Authority.
Legislation	means the Act, the <i>Local Government Act 1993</i> (NSW) and the <i>Roads Act 1993</i> (NSW).
LEP	means the <i>Campbelltown Local Environmental Plan 2015</i> .
Maintenance Period	has the meaning ascribed to it in clause 13.1(1)(b).
Monetary Contribution	means the amount specified as the “ <i>Monetary Contribution</i> ” in Part 2 of Schedule 4 .
Notional Value	means the value identified in Part 1 of Schedule 4 or if a Plan of Management has been prepared which assigns a value to the maintenance and management of a Work to be prepared for each Item in Part 1 of Schedule 4 , the amount specified in the Plan of Management.
Occupation Certificate	has the same meaning as in the Act.
Open Space & Recreation Work	means the Works to be carried out as part of the delivery of Items 2 to 29 in Part 1 of Schedule 4 .
Permitted Encumbrances	means any encumbrance agreed by Council as a Permitted Encumbrance.
Plan of Management	means a plan of management within the meaning of s36 of <i>the Local Government Act 1993</i> (NSW).
Prior Planning Agreement	means the document titled ‘ <i>Planning Agreement – Menangle Park (Stages 1, 2A and 2B)</i> ’ entered into by the parties on 4 February 2021 in connection with the development as contemplated by the Stage 1

	Development Application, Stage 2A Development Application and Stage 2B Development Application.
Rectification Notice	means a notice in writing that is issued in accordance with clause 11.2 or clause 11.5(1)(b)(ii), identifies a Defect in a Work, and requires rectification of the Defect within a specified period of time.
Registrar General	means the Registrar General within the meaning of the <i>Real Property Act 1900</i> (NSW).
Regulation	means the <i>Environmental Planning and Assessment Regulation 2021</i> (NSW)
Remedial Action Plan	means a report of a kind described as such in the <i>NSW Guidelines for Consultants Reporting on Contaminated Sites 2011</i> .
Security	means a Bank Guarantee provided by a financial institution acceptable to Council or other form of security to the satisfaction of Council provided in accordance with clause 16.
Subdivision Certificate	has the same meaning as in the Act.
Super Lot	means a lot that forms part of the Development which, following the registration of a plan of subdivision, is intended for further subdivision to create Final Lots.
Tax Invoice	has the same meaning as in <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cth).
Traffic & Transport Work	means the Works to be carried out as part of the delivery of Items 30 to 53 in Part 1 of Schedule 4.
Trunk Drainage & Water Quality Work	means the Works to be carried out as part of the delivery of Items 54 to 69 in Part 1 of Schedule 4.
Work	means the physical result of any building, engineering or construction work in, on, over or under land, required to be carried out by the Developer under this document.

Part 2 – Interpretational rules

clauses, annexures and schedules	a clause, annexure or schedule is a reference to a clause in or annexure or schedule to this document.
reference to statutes	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.
singular includes plural	the singular includes the plural and vice versa.
person	the word “person” includes an individual, a firm, a body corporate, a partnership, joint venture, an unincorporated body or association or any government agency.

executors, administrators, successors	a particular person includes a reference to the person's executors, administrators, successors, substitutes (including persons taking by novation) and assigns.
dollars	Australian dollars, dollars, \$ or A\$ is a reference to the lawful currency of Australia.
calculation of time	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.
reference to a day	a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later.
accounting terms	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.
reference to a group of persons	a group of persons or things is a reference to any two or more of them jointly and to each of them individually.
meaning not limited	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.
next day	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.
next Business Day	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.
time of day	time is a reference to Sydney time.
headings	headings (including those in brackets at the beginning of paragraphs) are for convenience only and do not affect the interpretation of this document.
agreement, document or instrument	a reference to any agreement, document or instrument includes the same as varied, modified, supplemented, novated or replaced from time to time.
gender	a reference to one gender extends and applies to the other and neuter gender.

Schedule 3: Land

Land owned by Dahua Group Sydney Project 2 Pty Ltd

Lot	Deposited Plan	Precinct
1257	1269274	Ridgeline
1258	1269274	Ridgeline
1259	1269274	Ridgeline
1260	1269274	Ridgeline
1261	1269274	Ridgeline
1263	1269274	Ridgeline
1264	1269274	Ridgeline
1265	1269274	Ridgeline
41	1285744	Ridgeline
44	1285744	Ridgeline
1000	1219023	Ridgeline
2	554242	Ridgeline
59	10718	Ridgeline
42	1285744	Glenlee
2008	1234643	Glenlee
32	1105615	Glenlee
12	251335	Glenlee
15	251335	Glenlee
17	251335	Glenlee
4	628052	Glenlee
D	19853	Ridgeline – Rural
2009	1234643	Ridgeline – Rural

Land owned by Dahua Group Sydney Project 3 Pty Ltd

Lot	Deposited Plan	Precinct
2985	1293392	MP South
2986	1293392	MP South
2987	1293392	MP South
2988	1293392	MP South
2989	1293392	MP South
2990	1293392	MP South
2991	1293392	MP South
2992	1293392	MP South
2993	1293392	MP South
2994	1293392	MP South

2995	1293392	MP South
2996	1293392	MP South
2997	1293392	MP South
3000	1293392	MP South

**Schedule 4:
Development Contributions**

Part 1 - Completion of Works and dedication of Land

Item	Nature and extent of Contribution Item	Reference in Contributions Plan	Due date or development lot trigger – Dedication of Land	Due date or development lot trigger – Completion of Works	Notional Value of Land (indexed to Sept 2023)	Notional Value of Works (indexed to Sept 2023)	Approx. land area
Community							
1	Land parcel with an area of 2,500m ² for a future community centre facility (MP South)	CF1	N/A	16 months following Subdivision Certificate for 2,000th lot across all precincts	\$321,409.00	N/A	2,500m ²
Open Space & Recreation							
2	Open Space A (Glenlee)	A	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months following Subdivision Certificate of lots in Stage 9 (or equivalent stage east of Park A)	N/A	\$824,338.05	N/A
3	Open Space B (Glenlee)	B	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months following Subdivision Certificate of lots in Stage 9 (or equivalent stage east of Park B)	\$1,258,488.38	\$528,248.19	3,904m ²
4	Open Space C (Glenlee)	C	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months following Subdivision Certificate of lots in Stage 7 (or equivalent stage adjoining Park C)	\$234,748.77	\$1,285,884.43	6,554m ²

Item	Nature and extent of Contribution Item	Reference in Contributions Plan	Due date or development lot trigger – Dedication of Land	Due date or development lot trigger – Completion of Works	Notional Value of Land (indexed to Sept 2023)	Notional Value of Works (indexed to Sept 2023)	Approx. land area
5	Open Space D (Glenlee)	D	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months following Subdivision Certificate of lots in Stage 7 (or equivalent stage adjoining/east Park D)	\$585,761.58	\$2,619,214.47	16,354m ²
6	Open Space E (Glenlee)	E	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months following Subdivision Certificate of lots in Stage 8 (or equivalent stage adjoining/east Park E)	\$1,226,805.12	\$841,083.29	3,552m ²
7	Open Space F (Glenlee)	F	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months following Subdivision Certificate of lots in Stage 8 (or equivalent stage adjoining/west Park F)	\$275,222.70	\$779,787.63	7,684m ²
8	Open Space G (Glenlee)	G	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months following Open to Traffic of Howes Creek Bridge	\$256,454.26	\$726,611.40	7,160m ²
9	Open Space H (Glenlee)	H	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months following Subdivision Certificate for 750 th lot in Glenlee	\$1,551,870.62	\$1,692,143.77	43,327m ²
10	Open Space I (Ridgeline)	I	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months following Subdivision Certificate for 3,000 th lot across all precincts	\$2,056,720.17	\$4,782,419.04	57,422m ²

Item	Nature and extent of Contribution Item	Reference in Contributions Plan	Due date or development lot trigger – Dedication of Land	Due date or development lot trigger – Completion of Works	Notional Value of Land (indexed to Sept 2023)	Notional Value of Works (indexed to Sept 2023)	Approx. land area
11	Open Space J (Ridgeline)	J	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months following Open to Traffic of Howes Creek Bridge	\$429,811.61	\$486,707.55	1,200m ²
12	Open Space K (Active) (Ridgeline)	K	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months following Subdivision Certificate for lots with Stage 6A (or equivalent stage north and east of Park K)	\$8,169,106.82	\$2,727,582.74	21,287m ²
13	Open Space K (Conservation) (Ridgeline)	K	No Later than 12 months after Completion of Open Space Works on this land parcel	N/A	\$469,461.73		13,107m ²
14	Open Space L (Active) (Ridgeline)	L	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months following Open to Traffic of Spine Road adjoining Park L.	\$1,894,624.91	\$1,002,033.32	4,937m ²
15	Open Space L (Conservation) (Ridgeline)	L	No Later than 12 months after Completion of Open Space Works on this land parcel	N/A	\$417,418.70		11,654m ²
16	Open Space M (Ridgeline)	M	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months following Subdivision Certificate for lots within Stage 6A (or equivalent stage west of Park M)	\$392,740.35	\$1,427,466.86	10,965m ²

Item	Nature and extent of Contribution Item	Reference in Contributions Plan	Due date or development lot trigger – Dedication of Land	Due date or development lot trigger – Completion of Works	Notional Value of Land (indexed to Sept 2023)	Notional Value of Works (indexed to Sept 2023)	Approx. land area
17	Open Space N (Ridgeline)	N	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months following Subdivision Certificate for lots within Stage 4A (or equivalent stage north and south of Park N)	\$3,993,410.32	\$2,370,714.06	10,406m ²
18	Open Space O (Ridgeline)	O	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months following Subdivision Certificate for lots within Stage 2B (or equivalent stage north and south of Park O)	\$3,977,031.43	\$2,921,764.94	15,702m ²
19	Open Space P (MP South)	P	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months following Subdivision Certificate for lots within Stage 4 south (or equivalent stage south of Park P)	\$1,888,060.00	\$1,147,854.05	27,602m ²
20	Open Space Q (MP South)	Q	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months following Subdivision Certificate for lots within Stage 4 south (or equivalent stage south of Park Q)	\$2,544,712.50	\$1,606,209.92	12,338m ²
21	Open Space R (MP South)	R	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months following Subdivision Certificate for 2,000th lot across all precincts	\$6,014,785.00	\$13,096,245.63	171,851m ²
22	Green Spine North (Glenlee)	GS Nth	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months after open to traffic of Spine Road in Glenlee Precinct	\$1,693,237.50	\$541,237.86	5,017m ²

Item	Nature and extent of Contribution Item	Reference in Contributions Plan	Due date or development lot trigger – Dedication of Land	Due date or development lot trigger – Completion of Works	Notional Value of Land (indexed to Sept 2023)	Notional Value of Works (indexed to Sept 2023)	Approx. land area
23	Green Spine Mid (SFPWY to Menangle Rd) (Ridgeline)	GS Mid	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months after open to traffic of Spine Road in Ridgeline Precinct	\$5,554,800.00	\$4,484,680.73	13,887m ²
24	Green Spine Sth (MP South)	GS Sth	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months after open to traffic of Spine Rd signalised intersection	\$329,737.50	\$338,273.41	977m ²
25	2 Additional Playing Fields (Ridgeline)	AF	No Later than 12 months after Completion of Open Space Works on this land parcel	16 months following Subdivision Certificate for 4,000th lot across all precincts	\$875,000.00	\$2,562,674.28	25,000m ²
26	Riparian corridors (Ridgeline)	RIPARIAN	16 months following Subdivision Certificate for the 3,000th lot across all Dahua precincts	N/A	\$1.00		222,609m ²
28	Riparian corridors (Glenlee)	RIPARIAN	16 months following Subdivision Certificate for 700th lot in the Glenlee precincts	N/A	\$1.00		1,113m ²
29	Riparian corridors (MP South)	RIPARIAN	16 months following Completion of Open Space works in relevant adjoining Lands (Park P and R)	N/A	\$1.00		176,307m ²

Item	Nature and extent of Contribution Item	Reference in Contributions Plan	Due date or development lot trigger – Dedication of Land	Due date or development lot trigger – Completion of Works	Notional Value of Land (indexed to Sept 2023)	Notional Value of Works (indexed to Sept 2023)	Approx. land area
Traffic & Transport							
30	Cummins Road Widening Dahua (Ridgeline)	CR2	At completion of works the land is to then be dedicated on or before the registration of the plan of subdivision that creates the lot so specified. If over more than one stages then area is apportioned based on area specific to the relevant application.	Prior to registration of the lots associated Stage 4 and/or 5A depending on relevant frontage (or equivalent adjoining stage). If over more than one stage then cost is apportioned based on length specific to the relevant application.	\$117,000.00	\$3,894,403.88	327m ²
31	Parkway Collector (Glenlee)	CR3	At completion of works the land is to then be dedicated on or before the registration of the plan of subdivision that creates the lot so specified. If over more than one stages then area is apportioned based on area specific to the relevant application.	Prior to registration of the lots associated immediately adjoining Stage 7 or 8 depending on relevant frontage (or equivalent adjoining stage). If over more than one stage then cost is apportioned based on length specific to the relevant application	\$4,872,000.00	\$2,936,968.61	13,224m ²
32	Parkway Collector (Ridgeline)	CR3	At completion of works the land is to then be dedicated on or before	Prior to registration of the lots associated immediately adjoining Stage 3A-2 for	\$8,904,000.00	\$5,367,562.15	24,168m ²

Item	Nature and extent of Contribution Item	Reference in Contributions Plan	Due date or development lot trigger – Dedication of Land	Due date or development lot trigger – Completion of Works	Notional Value of Land (indexed to Sept 2023)	Notional Value of Works (indexed to Sept 2023)	Approx. land area
33	Standard Collector Dahua (MP South)	CR5	At completion of works the land is to then be dedicated on or before the registration of the plan of subdivision that creates the lot so specified. If over more than one stages then area is apportioned based on area specific to the relevant application.	Prior to registration of the lots associated immediately adjoining Stage 3 south or 4 south depending on relevant frontage (or equivalent adjoining stage). If over more than one stage then cost is apportioned based on length specific to the relevant application	\$2,511,000.00	\$4,115,097.18	6,787m ²
34	Sub-Collector Dahua (Glenlee)	CR6	At completion of works the land is to then be dedicated on or before the registration of the plan of subdivision that creates the lot so specified. If over more than one stages then area is apportioned	Prior to registration of the lots associated immediately adjoining Stage 7 or 8 depending on relevant frontage (or equivalent adjoining stage). If over more than one stage then cost is apportioned based on	\$1,037,000.00	\$2,801,877.36	2,740m ²

Item	Nature and extent of Contribution Item	Reference in Contributions Plan	Due date or development lot trigger – Dedication of Land	Due date or development lot trigger – Completion of Works	Notional Value of Land (indexed to Sept 2023)	Notional Value of Works (indexed to Sept 2023)	Approx. land area
35	Sub-Collector Dahua (Ridgeline)	CR6	At completion of works the land is to then be dedicated on or before the registration of the plan of subdivision that creates the lot so specified. If over more than one stages then area is apportioned based on area specific to the relevant application.	Prior to registration of the lots associated immediately adjoining stage depending on relevant frontage (or equivalent adjoining stage). If over more than one stage then cost is apportioned based on length specific to the relevant application	\$2,271,000.00	\$6,132,721.38	5,998m ²
36	Sub-Collector Dahua (MP South)	CR6	At completion of works the land is to then be dedicated on or before the registration of the plan of subdivision that creates the lot so specified. If over more than one stages then area is apportioned based on area specific to the relevant application.	Prior to registration of the lots associated immediately adjoining Stage 3 south or 4 south depending on relevant frontage (or equivalent adjoining stage). If over more than one stage then cost is apportioned based on length specific to the relevant application	\$945,000.00	\$2,611,778.85	2,554m ²

Item	Nature and extent of Contribution Item	Reference in Contributions Plan	Due date or development lot trigger – Dedication of Land	Due date or development lot trigger – Completion of Works	Notional Value of Land (indexed to Sept 2023)	Notional Value of Works (indexed to Sept 2023)	Approx. land area
37	Cycleways (MP South)	C1	At time of Subdivision Certificate following completion of Land within a Development Area so specified is to be dedicated on or before the registration of the plan of subdivision that creates the lot so specified. If over more than one stage then area is apportioned based on area specific to the relevant application.	16 months following Subdivision Certificate for 2,000 lot across all precincts. If over more than one stage then cost is apportioned based on length specific to the relevant application.	\$63,000.00	\$261,340.39	1,753m ²
38	Menangle Rd/Cummins Rd intersection Roundabout (Ridgeline)	T11	N/A	Complete	N/A	\$3,146,535.22	N/A
39	Menangle Road / Spine Road Signalised intersection (MP South)	T12	N/A	16 months after release of the Subdivision Certificate for any lot associated with the Stage 4 south Development Application	N/A	\$7,370,442.32	N/A
40	Allowance for 2x signalised intersection on	T13	N/A	Within 12 months of Open to Traffic for Spine Road in Ridgeline precinct. If works	N/A	\$2,803,922.25	N/A

Item	Nature and extent of Contribution Item	Reference in Contributions Plan	Due date or development lot trigger – Dedication of Land	Due date or development lot trigger – Completion of Works	Notional Value of Land (indexed to Sept 2023)	Notional Value of Works (indexed to Sept 2023)	Approx. land area
	Spine road (Ridgeline)			staged across two development application then entitlement of half at each.			
41	Southern Collector Roundabout 1 (MP South)	TI4	N/A	Prior to the release of the Subdivision Certificate for any lot associated with the Stage 3 south Development Approval	N/A	\$139,078.18	N/A
42	Southern Collector Roundabout 2 (Adjacent to Riparian Zone) (MP South)	TI5	N/A	Prior to the release of the Subdivision Certificate for any lot associated with the Stage 3 south Development Approval	N/A	\$139,078.18	N/A
43	Parkway Collector Roundabout 1 (Ridgeline)	TI6	N/A	Within 12 months of Open to Traffic of southern portion of Spine Road in Ridgeline precinct	N/A	\$139,078.18	N/A
44	Parkway Collector Roundabout 2 (Ridgeline)	TI7	N/A	Within 12 months of Open to Traffic of southern portion of Spine Road in Ridgeline precinct	N/A	\$125,169.55	N/A
45	Bridge over Howes Creek (Ridgeline)	B1	N/A	Prior to registration of the 2,000th lot across all precincts and issuing of OC for any built form in the Town Centre Precinct.	N/A	\$10,573,333.67	N/A

Item	Nature and extent of Contribution Item	Reference in Contributions Plan	Due date or development lot trigger – Dedication of Land	Due date or development lot trigger – Completion of Works	Notional Value of Land (indexed to Sept 2023)	Notional Value of Works (indexed to Sept 2023)	Approx. land area
46	Bridge over OS P (mp South)	B2	N/A	Prior to registration of the lots associated Stage 4 south	N/A	\$2,517,157.49	N/A
47	Bus Stops Shelter (Dahua) (Glenlee)	T18	N/A	12 months following Subdivision Certificate for 700th lot in Glenlee precinct. Unless directed otherwise by bus authority. If over more than one stage then cost is apportioned based on length specific to the relevant application	N/A	\$59,817.39	N/A
48	Bus Stops Shelter (Dahua) (Ridgeline)	T18	N/A	12 months following Subdivision Certificate for 700th lot in Ridgeline precinct. Unless directed otherwise by bus authority. If over more than one stage then cost is apportioned based on length specific to the relevant application	N/A	\$149,543.49	N/A
49	Bus Stops Shelter (Dahua) (MP South)	T18	N/A	12 months following Subdivision Certificate for 700th lot in MP South precinct. Unless directed otherwise by bus authority. If over more than one stage then cost is apportioned based on length specific to the relevant application	N/A	\$59,817.39	N/A

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Item	Nature and extent of Contribution Item	Reference in Contributions Plan	Due date or development lot trigger – Dedication of Land	Due date or development lot trigger – Completion of Works	Notional Value of Land (indexed to Sept 2023)	Notional Value of Works (indexed to Sept 2023)	Approx. land area
50	Bus Stops Non Shelter (Glenlee)	T19	N/A	12 months following Subdivision Certificate for 700th lot in Glenlee precinct. Unless directed otherwise by bus authority. If over more than one stage then cost is apportioned based on length specific to the relevant application	N/A	\$16,149.15	N/A
51	Bus Stops Non Shelter (Ridgeline)	T19	N/A	12 months following Subdivision Certificate for 700th lot in Ridgeline precinct. Unless directed otherwise by bus authority. If over more than one stage then cost is apportioned based on length specific to the relevant application	N/A	\$48,447.46	N/A
52	Bus Stops Non Shelter (MP South)	T19	N/A	12 months following Subdivision Certificate for 700th lot in MP South precinct. Unless directed otherwise by bus authority. If over more than one stage then cost is apportioned based on length specific to the relevant application	N/A	\$16,149.15	N/A
53	Half Road Infront of Basin 11 (Local) (MP South)	T16	N/A	Prior to registration of the lots associated immediately adjoining Stage 3 south or 4 south depending on relevant	N/A	\$156,500.00	N/A

Item	Nature and extent of Contribution Item	Reference in Contributions Plan	Due date or development lot trigger – Dedication of Land	Due date or development lot trigger – Completion of Works	Notional Value of Land (indexed to Sept 2023)	Notional Value of Works (indexed to Sept 2023)	Approx. land area
				frontage (or equivalent adjoining stage). If over more than one stage then cost is apportioned based on length specific to the relevant application			
Truck Drainage & Water Quality							
54	Wetland - In Trunk Drainage Land (Basin/GPT 2) (Ridgeline)	B2 & G2	No Later than 12 months after completion of Trunk Drainage and/or Water Quality Works on this land parcel	Prior to the release of the Subdivision Certificate for any Development Approval for which this item services. Subject to any alternate timing or staging of construction in relevant subdivision development approval	\$493,531.18	\$3,585,196.86	13,779m ²
55	Bio Retention (Basin/GPT 3) (Glenlee)	B3 & G3	No Later than 12 months after completion of Trunk Drainage and/or Water Quality Works on this land parcel	Prior to the release of the Subdivision Certificate for any Development Approval for which this item services. Subject to any alternate timing or staging of construction in relevant subdivision development approval	\$266,769.74	\$694,475.65	7,448m ²
56	Wetland - In Trunk Drainage Land	B4 & G4	No Later than 12 months after completion of Trunk Drainage and/or Water Quality	Prior to the release of the Subdivision Certificate for any Development Approval for which this item services. Subject to	\$330,632.58	\$1,594,025.25	9,231m ²

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Item	Nature and extent of Contribution Item	Reference in Contributions Plan	Due date or development lot trigger – Dedication of Land	Due date or development lot trigger – Completion of Works	Notional Value of Land (indexed to Sept 2023)	Notional Value of Works (indexed to Sept 2023)	Approx. land area
	(Basin/GPT 4) (Glenlee)		Works on this land parcel	any alternate timing or staging of construction in relevant subdivision development approval			
57	BIO Retention in District Open Space / Wetland (Basin/GPT 5, 6A and 6B) (Glenlee)	B5, G5	No Later than 12 months after completion of Trunk Drainage and/or Water Quality Works on this land parcel	Prior to the release of the Subdivision Certificate for any Development Approval for which this item services. Subject to any alternate timing or staging of construction in relevant subdivision development approval	\$41,190.28	\$373,618.14	1,150m ²
58	BIO Retention in District Open Space / Wetland (Basin/GPT 5, 6A and 6B) (Ridgeline)	B6 & G6	Completed	Completed	\$97,423.96	\$883,685.20	2,720m ²
59	BIO Retention in District Open Space / Wetland (Basin/GPT 5, 6A and 6B) (Ridgeline)	B6 & G6	No Later than 12 months after completion of Trunk Drainage and/or Water Quality Works on this land parcel	Prior to the release of the Subdivision Certificate for any Development Approval for which this item services. Subject to any alternate timing or staging of construction in relevant subdivision development approval	\$67,337.15	\$610,784.35	1,880m ²

Item	Nature and extent of Contribution Item	Reference in Contributions Plan	Due date or development lot trigger – Dedication of Land	Due date or development lot trigger – Completion of Works	Notional Value of Land (indexed to Sept 2023)	Notional Value of Works (indexed to Sept 2023)	Approx. land area
60	Bioretention Basin / GPT 9 (MP South)	B9 & G9	No Later than 12 months after completion of Trunk Drainage and/or Water Quality Works on this land parcel	Prior to the release of the Subdivision Certificate for any Development Approval for which this item services. Subject to any alternate timing or staging of construction in relevant subdivision development approval	\$244,370.00	\$1,254,363.51	6,982m ²
61	Bio Retention + Perched Wetland - In Trunk Drainage Land (Basin/GPT 10) (MP South)	B10 & G10	No Later than 12 months after completion of Trunk Drainage and/or Water Quality Works on this land parcel	Prior to the release of the Subdivision Certificate for any Development Approval for which this item services. Subject to any alternate timing or staging of construction in relevant subdivision development approval	\$304,115.00	\$3,388,424.61	8,689m ²
62	Wetland to Minor Watercourse (Basin/GPT 11 and GPT 15) (MP South)	B11, G11 & G15	No Later than 12 months after completion of Trunk Drainage and/or Water Quality Works on this land parcel	Prior to the release of the Subdivision Certificate for any Development Approval for which this item services. Subject to any alternate timing or staging of construction in relevant subdivision development approval	\$202,685.00	\$697,167.86	5,791m ²
63	BIO Retention in District Open Space (Basin/GPT 12) (Ridgeline)	B12 & G12	No Later than 12 months after completion of Trunk Drainage and/or Water Quality Works on this land parcel	Prior to the release of the Subdivision Certificate for any Development Approval for which this item services. Subject to any alternate timing or staging of construction in relevant subdivision development approval	\$72,781.43	\$629,873.47	2,032m ²

Item	Nature and extent of Contribution Item	Reference in Contributions Plan	Due date or development lot trigger – Dedication of Land	Due date or development lot trigger – Completion of Works	Notional Value of Land (indexed to Sept 2023)	Notional Value of Works (indexed to Sept 2023)	Approx. land area
			Works on this land parcel	any alternate timing or staging of construction in relevant subdivision development approval			
64	Drainage Basin/GPT 13 (Bio Retention) (Glenlee)	B13 & G13	No Later than 12 months after completion of Trunk Drainage and/or Water Quality Works on this land parcel	Prior to the release of the Subdivision Certificate for any Development Approval for which this item services. Subject to any alternate timing or staging of construction in relevant subdivision development approval	\$2,286,009.31	\$900,395.65	8,123m ²
65	Hume Highway Water Bypass (Overland Flow and+ drainage pipes - S2 to Creek) (MP South)	OF	No Later than 12 months after completion of Trunk Drainage and/or Water Quality Works on this land parcel	Prior to the release of the Subdivision Certificate for any Development Approval for which this item services. Subject to any alternate timing or staging of construction in relevant subdivision development approval	\$31,500.00	\$542,391.96	900m ²
66	Drainage Easement (MP South)	E3	No Later than 12 months after completion of Trunk Drainage and/or Water Quality Works on this land parcel	N/A	\$21,525.00		1,230m ²

Item	Nature and extent of Contribution Item	Reference in Contributions Plan	Due date or development lot trigger – Dedication of Land	Due date or development lot trigger – Completion of Works	Notional Value of Land (indexed to Sept 2023)	Notional Value of Works (indexed to Sept 2023)	Approx. land area
67	Trunk Drainage (Collector Road) (Ridgeline)	TRUNK DRAINAGE	N/A	Prior to the release of the Subdivision Certificate for any Development Approval for which this item services. Subject to any alternate timing or staging of construction in relevant subdivision development approval	N/A	\$2,359,959.29	N/A
68	Howes Creek Northern Riparian (Ridgeline)	CREEK STABILISATION	N/A	16 months following Subdivision Certificate for 3,000 lot across all precincts	N/A	\$5,098,040.37	N/A
69	Southern Riparian to Nepean (MP South)	N/A	N/A	Park P - 16 months following Subdivision Certificate for lots with Stage 4 south (or equivalent stage south of Park P) Park R - 16 months following Subdivision Certificate for 2,000th lot across all precincts If over more than one stage then cost is apportioned to the relevant application.	N/A	\$3,174,361.31	N/A
Total					\$71,591,292.59	\$130,161,907.96	

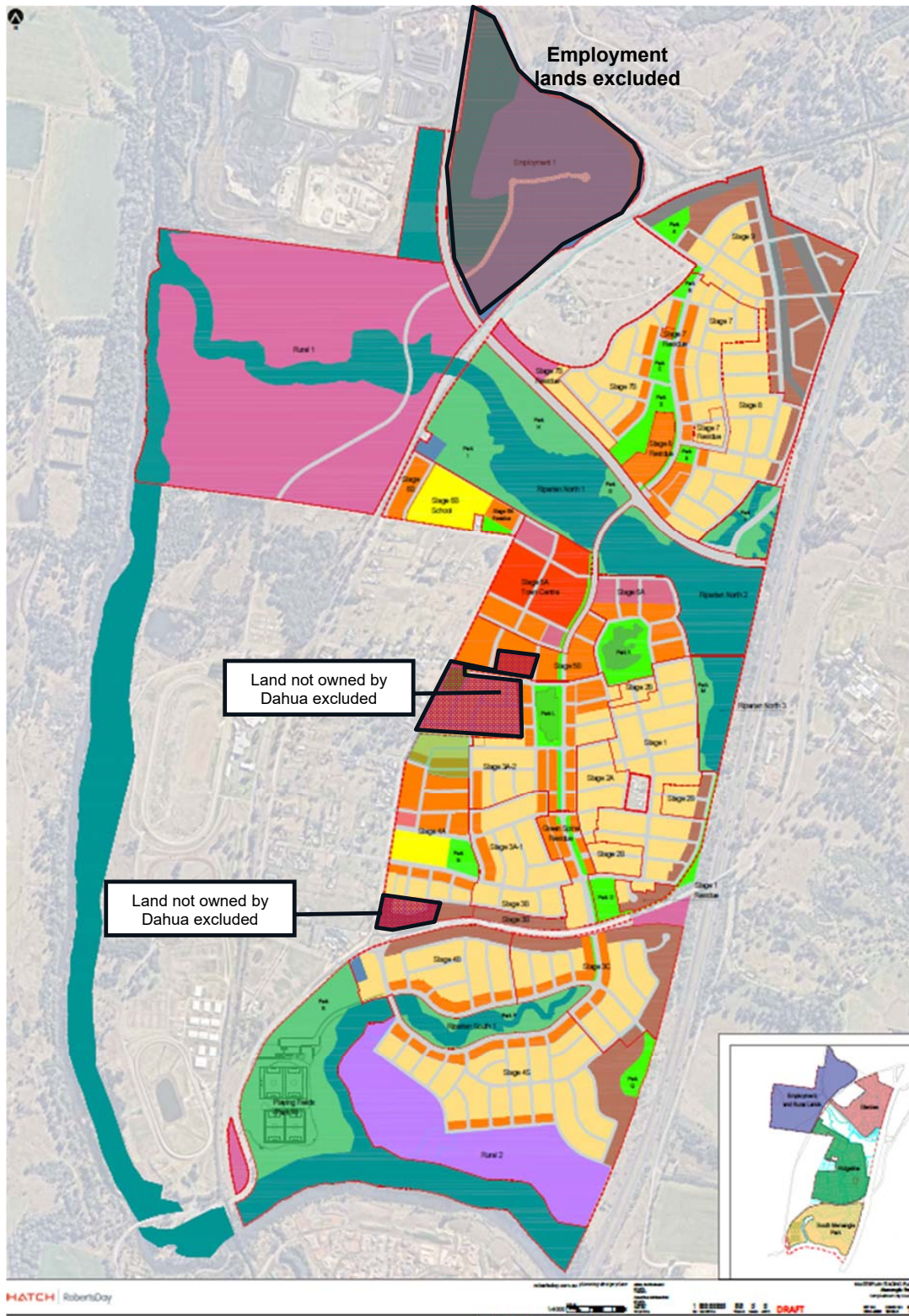
Part 2 - Monetary Contributions

The following Monetary Contributions were paid to Council in accordance with Item 5 of Schedule 3 of the Prior Planning Agreement in connection with Stage 1 and Stage 2A of the Development:

Stage	Nature and extent of contribution	Public Purpose under Contributions Plan	Monetary Contribution	Due date or development trigger
Stage 1 – Monetary Contribution	Payment of a monetary contribution for public amenities and public services listed in the Contributions Plan	Administration/Plan Preparation	\$55,494.15	Already paid in accordance with Item 5 of Schedule 3 of the Prior Planning Agreement.
		Community Land	\$11,982.38	
		Open Space & Recreation – Land	\$916,646.54	
		Open Space & Recreation – Works	\$479,948.90	
		Trunk Drainage/Water Quality – Land	\$431,988.40	

				\$405,099.71	
				\$212,036.10	
				\$190,850.43	
				\$770,176.97	
				\$49,666.57	
				\$525,350.57	

Annexure 1 – Development Area Plan



7

Execution page

Executed as a deed

Dated:

Executed by Campbelltown City Council by its General Manager and Mayor by the affixing of the Common Seal of Council in accordance with resolution dated

General Manager (Signature)

Mayor (Signature)

Name of General Manager (Print Name)

Name of Mayor (Print Name)

Executed by Dahua Group Sydney Project 2 Pty Ltd in accordance with section 127(1) of the *Corporations Act 2001* (Cth) by authority of its directors.

Director/Secretary (Signature)

Director (Signature)

Name of Director/ Secretary (Print Name)

Name of Director (Print Name)

Executed by Dahua Group Sydney Project 3 Pty Ltd in accordance with section 127(1) of the *Corporations Act 2001* (Cth) by authority of its directors.

Director/Secretary (Signature)

Director (Signature)

Name of Director/ Secretary (Print Name)

Name of Director (Print Name)

Planning Agreement

Menangle Park Release Area

Explanatory Note

1 Introduction

- (1) This Explanatory Note has been prepared jointly between the parties in accordance with clause 205 of the *Environmental Planning & Assessment Regulation 2021* (NSW).
- (2) 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) (**EP&A Act**).
- (3) Words appearing with initial capital letters in this Explanatory Note have the meanings given to them in this Explanatory Note or (if not defined in this Explanatory Note) in the Planning Agreement.
- (4) This Explanatory Note is not to be used to assist in construing the Planning Agreement.

2 Parties to the Planning Agreement

The parties to the Planning Agreement are:

- (1) Campbelltown City Council (ABN 31 459 914 087) (**Council**).
- (2) Dahua Group Sydney Project 2 Pty Ltd (ABN 80 606 391 235) and Dahua Group Sydney Project 3 Pty Ltd (ABN 49 606 391 922) (**Developer**).

3 Description of the Subject Land

The land to which the Planning Agreement applies, and to which the Planning Agreement will be registered, is set out in **Schedule 1** of this document.

4 Description of the Development

The development to which the Planning Agreement applies is the development of the Land by the Developer:

- (1) so as to create up to 4,525 Final Lots;
- (2) so as to construct the first single Dwelling on each Final Lot created by the Developer; and
- (3) for associated purposes including subdivision, community retail and commercial facilities comprising up to 33,000 square metres of gross floor area, parks, open space and infrastructure,

(**Development**).

5 Development Contributions

The Developer is required to provide the development contributions (as reflected in Schedule 4 of the Planning Agreement) (**Contributions**) in accordance with the Planning Agreement, which generally comprise of the following:

- (1) Dedication of approximately 2,500 square metres of land at Menangle Park South for a future community centre facility.
- (2) Dedication of land and works at Glenlee, Ridgeline and Menangle Park South for open space and recreation.
- (3) Dedication of land and works at Ridgeline for two (2) additional playing fields.
- (4) Dedication of land for riparian corridors at Ridgeline, Glenlee and Menangle Park South.
- (5) Dedication of land and works at Cummins Road, Ridgeline for road widening.
- (6) Dedication of land and works at Glenlee, Ridgeline and Menangle Park South to construct various collector roads.
- (7) Construction of roundabouts at the intersection of Menangle Road and Cummins Road, and on various collector roads at Ridgeline and Menangle Park South.
- (8) Dedication of land and works at Menangle Park South for cycleways.
- (9) Construction of Menangle Road and Spine Road signalised intersection, with allowance for two (2) signalised intersections on Spine Road.
- (10) Construction of a bridge over Howes Creek at Ridgeline, and another bridge at Menangle Park South.
- (11) Construction of bus stops and bus stops shelter at Glenlee, Ridgeline and Menangle Park South.
- (12) Construction of half road in front of Basin 11 at Menangle Park South.
- (13) Dedication of land and works for wetland, drainage and bio-retention facilities at Ridgeline, Glenlee and Menangle Park South.
- (14) The Planning Agreement will also record the payment of monetary contributions, as reflected in the table below, for public amenities and public services listed in the *Menangle Park Contributions Plan 2020 (Contributions Plan)* and already provided to Council in respect of Stages 1 and 2A of the Development:

Stage	Public Purpose under Contribution Plan	Monetary Contribution
Stage 1 – Monetary Contribution	Administration/Plan Preparation	\$55,494.15
	Community Land	\$11,982.38
	Open Space & Recreation – Land	\$916,646.54
	Open Space & Recreation – Works	\$479,948.90
	Trunk Drainage/Water Quality – Land	\$431,988.40

	Traffic and Transport – Works	\$1,189,072.62
	Trunk Drainage/Water Quality – Works	\$1,742,951.62
	Traffic and Transport – Land	\$112,228.28
	TOTAL	\$4,940,312.89
Stage 2A – Monetary Contribution	Administration/Plan Preparation	\$24,492.19
	Community –Land	\$5,361.99
	Open Space and Recreation – Land	\$405,099.71
	Open Space and Recreation – Works	\$212,036.10
	Trunk Drainage/Water Quality – Land	\$190,850.43
	Trunk Drainage/Water Quality – Works	\$770,176.97
	Traffic and Transport – Land	\$49,666.57
	Traffic and Transport – Works	\$525,350.57
	TOTAL	\$2,183,034.53

6 Summary of objects, nature and effect of the Planning Agreement

- (1) The **objectives** of the Planning Agreement are as follows:
 - (a) To provide development contributions towards local infrastructure required to facilitate the development of land within the Menangle Park Urban Release Area, including the Land.
 - (b) To ensure that local infrastructure is delivered in a timely and efficient manner.
- (2) The **intent** of the Planning Agreement is as follows:
 - (a) To facilitate the provision of the Contributions by the Developer; and
 - (b) To revoke and supersede all prior Planning Agreements in connection with the Development (including the current Planning Agreement between Council and the Developer in relation to Stages 1, 2A and 2B of the Development, under which the Contributions referred to at section 5(14) of this document have already been provided.
- (3) The **nature** of the Planning Agreement is a contractual relationship between the Council and the Developer for providing the Contributions, which constitutes a planning agreement under section 7.4 of the EP&A Act.
- (4) The Planning Agreement will be registered on the title of the Land.
- (5) The **effect** of the Planning Agreement is that the Developer will provide the Contributions in the manner provided for by the Planning Agreement (as applicable).

7 Assessment of the merits of the Planning Agreement

7.1 The planning purposes served by the Planning Agreement

In accordance with section 7.4(2) of the EP&A Act, the Planning Agreement promotes the following public purposes:

- (1) Provision of Contributions to accommodate and meet the demands of future developments and to mitigate the potential impacts of the Development on existing infrastructure.
- (2) The provision of monetary contributions to meet the demands for infrastructure in relation to public amenities and public services.

7.2 How the Planning Agreement promotes the public interest

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

- (1) Efficiencies will be achieved through the Planning Agreement by allowing the Developer:
 - (a) greater involvement in the timing and scope of the infrastructure items that affect, and are required by, the Development; and
 - (b) the ability to coordinate the concurrent roll-out of residential lots and local infrastructure.
- (2) The Planning Agreement relieves Council of the obligation of delivering part of the public open space and other infrastructure required for the Menangle Park Release Area.
- (3) The Planning Agreement provides certainty for the Developer and Council as to the provision of the Contributions directed towards community infrastructure within the Menangle Park community.
- (4) The proper management, conservation and development of land.
- (5) The promotion and co-ordination of the orderly and economic use and development of Land to which the Planning Agreement applies.
- (6) 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.
- (7) Council will be able to enforce the Planning Agreement by the following means:
 - (a) Withholding the issue of subdivision certificates in the Development where the Developer has not delivered Contributions by the time specified in the Planning Agreement.
 - (b) Compulsorily acquiring any part of the Land required to be dedicated to Council for \$1.00, where the Developer has not dedicated that Land by the time required in the Planning Agreement.
 - (c) A requirement that the Developer provide Bank Guarantees, prior to the issue of certain Construction Certificates, for:

- (i) 100% of the Contribution Value for an item of Works, to secure the provision of those Works; and
- (ii) 10% of the Contribution Value for an item of Works, to secure the rectification of any defects in those Works for a period of twelve (12) months from the date those Works are completed.

7.3 How the Planning Agreement promotes Council's guiding principles

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) Secures the means of providing local infrastructure to meet the needs of a major development in one of Campbelltown's key release areas.
- (3) To plan strategically for the provision of effective and efficient services and regulation to meet the diverse needs of the local community. The Planning Agreement sets out a framework for the efficient delivery and sustainable ongoing management of infrastructure on the Land, and relieves Council of the risk associated with the provision that infrastructure.
- (4) To act fairly, ethically and without bias to the interests of the local community;
- (5) To recognise diverse local community needs and interests.
- (6) To have regard to the long term and cumulative effects of its decisions on future generations. The Planning Agreement supports natural areas being retained, protected and integrated into the Development.
- (7) To engage in long-term strategic planning on behalf of the local community;
- (8) 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.
- (9) 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.

8 Identification of whether the Planning Agreement conforms with the Council's capital works program

The Planning Agreement conforms to Council's capital works program.

9 Does the Planning Agreement specify that certain requirements of the agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

Yes. The Planning Agreement requires, as follows:

- (1) Certain Contributions to be delivered prior to the issue of subdivision certificates in the Development (as set out in Schedule 4 to the Planning Agreement).
- (2) Bank Guarantees to be provided to Council to secure Contributions comprising items of Works prior to the issue of Construction Certificates, for any stage of Development

where that item of Works must be completed prior to the issue of the relevant subdivision certificate (as set out in clause 16 of the Planning Agreement).

Schedule 1: Land**Land owned by Dahua Group Sydney Project 2 Pty Ltd**

Lot	Deposited Plan	Precinct
1257	1269274	Ridgeline
1258	1269274	Ridgeline
1259	1269274	Ridgeline
1260	1269274	Ridgeline
1261	1269274	Ridgeline
1263	1269274	Ridgeline
1264	1269274	Ridgeline
1265	1269274	Ridgeline
41	1285744	Ridgeline
44	1285744	Ridgeline
1000	1219023	Ridgeline
2	554242	Ridgeline
59	10718	Ridgeline
42	1285744	Glenlee
2008	1234643	Glenlee
32	1105615	Glenlee
12	251335	Glenlee
15	251335	Glenlee
17	251335	Glenlee
4	628052	Glenlee
D	19853	Ridgeline – Rural
2009	1234643	Ridgeline - Rural

Land owned by Dahua Group Sydney Project 3 Pty Ltd

Lot	Deposited Plan	Precinct
2985	1293392	MP South
2986	1293392	MP South
2987	1293392	MP South
2988	1293392	MP South
2989	1293392	MP South
2990	1293392	MP South
2991	1293392	MP South
2992	1293392	MP South
2993	1293392	MP South
2994	1293392	MP South
2995	1293392	MP South
2996	1293392	MP South
2997	1293392	MP South
3000	1293392	MP South

8.5 Significant Development Applications

Reporting Officer

Director City 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.

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
NIL	NIL	NIL	NIL	NIL	NIL

DAs where the authority is the Department of Planning					
DA No. & Link	Address	Description	Value	Authority Criteria	Status
SSD - 52066209	1 Hurley Street, Campbelltown	Macarthur Health Precinct - Stage 2	\$68 million	Hospital >\$30 million	Assessment in progress

DAs where the authority is Campbelltown Local Planning Panel					
DA No. & Link	Address	Description	Value	Authority Criteria	Status
2675/2008/DA-S	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
151/2023/DA-RA	6-8 Palmer Street, Ingleburn	Construction of a residential apartment building containing 30 units	\$6,574,000	Variation to development standard greater than 10%	Deferred at meeting by Panel for additional information to be provided.

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
NIL	NIL	NIL	NIL	NIL	NIL

8.6 Minutes of the Traffic Committee meeting held 26 March 2024

Reporting Officer

Coordinator Traffic and Roads Design
City Services

Officer's Recommendation

That the minutes from the Traffic Committee held 26 March 2024 be endorsed.

Purpose

To seek Council's endorsement of the minutes from the Traffic Committee meeting held 26 March 2024.

Report

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

Reports listed for consideration:

5.1 Traffic Committee Operating Structure

Resolution

1. That all members note the charter of the traffic committee – Committee agreed.
2. That all members note the operating structure of the traffic committee – Committee agreed.

5.2 Blindspot- Intersection of Narellan Road and Kellicar Road, Campbelltown

NOTING: TfNSW advised that such matters be reported to them separately in advance.

ACTION: Council suggested TfNSW to consider the installation of a signalised pedestrian crossing at the slip lane for traffic heading North from Narellan Road onto Kellicar Road. (Council to write to TfNSW for them to assess and consider).

5.3 Thunderbolt Drive and Hurricane Drive, Intersection Raby- Safety Concerns

ACTIONS:

1. Extend the existing speed cushion on Hurricane Drive for the full laneway (West Bound).
2. Police to continue speed tasking with feedback to Council.
3. Council to resend roundabout proposal to residents for consultation.

6.1 Raby Road - Traffic Congestion

NOTING: TfNSW acknowledged that Council would require support from TfNSW for duplication of the bridge.

ACTION: Stromferry Crescent and Raby Road intersection: Campbelltown Police advised that they would patrol at this intersection during morning and evening peaks.

6.2 Intersection of Collins Promenade and Eagleview Road - Safety Concerns

NOTING: Traffic committee suggested the installation of traffic signals at this intersection and for Council to supply traffic data on Eagleview Road if available.

ACTION: TfNSW acknowledged the issues raised in the traffic committee and advised that they will review this intersection for possible improvements.

Attachments

8.6.1 Traffic Committee Agenda 26 March 2024 (contained within this report) [↓](#)

8.6.2 Item 5.3 - Attachment 4 - Pages from Traffic committee Agenda 26 March 2024 (Due to confidentiality)(distributed under separate cover)



TRAFFIC COMMITTEE AGENDA

26 March 2024

19 March 2024

You are hereby notified that the next Traffic Committee Meeting will be held at the Civic Centre, Campbelltown and Teams on Tuesday 26 March 2024 at 9:00am.

Deputy General Manager | Director City Services Ben Hoyle
Convenor

Agenda Summary

ITEM	TITLE	PAGE
1.	ACKNOWLEDGEMENT OF LAND	1
2.	APOLOGIES	1
3	CONFIRMATION OF MINUTES	1
4.	BUSINESS ARISING FROM PREVIOUS MINUTES	1
5.	REPORTS FOR CONSIDERATION - LOCAL TRAFFIC COMMITTEE	2
5.1	Traffic Committee Operating Structure	2
5.2	Blindspot- Intersection of Narellan Road and Kellicar Road, Campbelltown	5
5.3	Thunderbolt Drive and Hurricane Drive, Intersection Raby- Safety Concerns	7
6.	REPORTS FOR CONSIDERATION - CAMPBELLTOWN TRAFFIC COMMITTEE	18
6.1	Raby Road - Traffic Congestion	18
6.2	Intersection of Collins Promenade and Eagleview Road - Safety Concerns	24

TRAFFIC COMMITTEE AGENDA

Traffic matters related to the functions delegated to Councils under the *Transport Administration Act 1988*.

1. ACKNOWLEDGEMENT OF LAND

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

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

2. APOLOGIES

Nil at time of print

3. CONFIRMATION OF MINUTES**4. BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil at time of print



5. REPORTS FOR CONSIDERATION - LOCAL TRAFFIC COMMITTEE

5.1 Traffic Committee Operating Structure

Reporting Officer

Coordinator Traffic and Roads Design
City Services

Officer's Recommendation

1. That all members note the charter of the Traffic Committee.
2. That all members note the operating structure of Traffic Committee.

Purpose

The purpose of this report is to:

1. To update the traffic committee members of their roles and responsibilities as laid out in the guidelines provided by Transport for NSW (TfNSW).
2. To advise committee members of the operating structure.

History

Since this traffic committee is meeting after a long gap which was due to COVID 19, it will be appropriate to recap and understand the latest guidelines on the responsibilities of the traffic committee members as well as the operating structure of the committee.

Report

As per the guidelines issued by TfNSW, the traffic committee is to comprise of the following:

Members of Traffic Committee: The committee to constitute of voting members and advisory members which is shown as below:

Voting Members:

1. Representative of Council (Councillor or Council Officer): One vote only.
2. Representative from Police: One vote only.
3. Representative from TfNSW: One vote only.
4. Members of Parliament or their nominee. If more than one MP, only the MP or their representative is permitted to vote on the matters which effect their electorates: One vote only.

Advisory Members who can attend but are not entitled to vote:

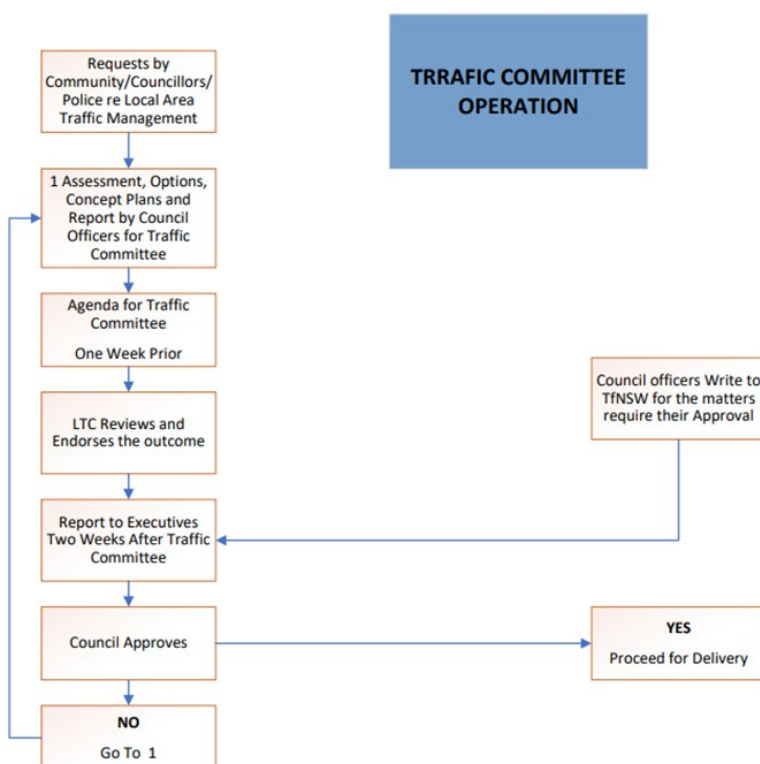
- Council Officers.

- Emergency Services Reps except Police.
- Bus Operator representatives.
- Transport Workers Union representatives.
- Chamber of Commerce.

The Traffic Committee advises to Council on a proposal referred to it, which must be one of the following:

1. Unanimous support- Council may approve or can still reject.
2. Majority support- Council may approve.
3. Split Vote- Council may approve or reject.
4. Minority support-If Council decides to proceed, must advise TfNSW and Police with intention.
5. Unanimous decline-Council may reject.

Operating Structure



Traffic Committee Meeting

26/03/2024

Attachments

Nil

Item 5.1

Page 4



5.2 Blindspot- Intersection of Narellan Road and Kellicar Road, Campbelltown

Reporting Officer

Coordinator Traffic and Roads Design
City Services

Officer's Recommendation

1. That Transport for NSW (TfNSW) arrange for vegetation clearance to eliminate blind spots both for motorists and pedestrians.
2. That TfNSW continue to monitor and program for maintenance at this location.

Purpose

The purpose of this report is to advise Transport for NSW (TfNSW) to assess the intersection of Narellan Road and Kellicar Road (NW corner), Campbelltown for overgrown grass and shrubs, for pedestrian enhancement and to improve the line of sight to prevent conflict with motorists.

History

At this location, many near misses have been reported to Council in the past. The pedestrians cannot walk with confidence due to their safety concerns.

Report

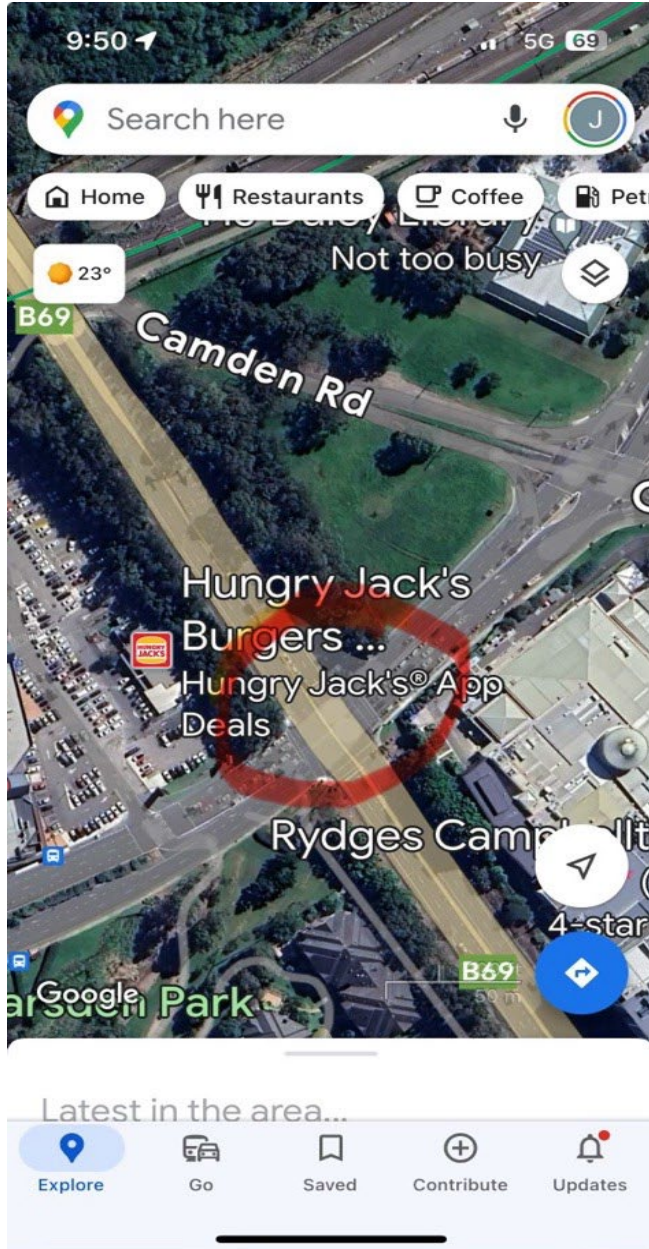
The overgrown vegetation is causing blinds spots which could result in pedestrian impact with the traffic turning left from Narellan Road onto Kellicar Road, North bound. It is envisaged that the pedestrian activity will increase quite significantly once Genesis Care is opened to the public in a few weeks time. Genesis Care is a medical facility constructed at the NE corner of Narellan Road and Kellicar Road with the entrance from Camden Road.

This maintenance will not only improve the line of sight for both, the pedestrians and motorists but will enhance the safety of all road users.

The ownership of this road reserve containing overgrown vegetation lies with TfNSW and Council would like this to be maintained regularly to prevent any accidents.

Attachments

Nil





5.3 Thunderbolt Drive and Hurricane Drive, Intersection Raby- Safety Concerns

Reporting Officer

Coordinator Traffic and Roads Design
City Services

Officer's Recommendation

1. That the traffic committee discuss this matter for possible effective options which can be taken to the residents for consultation and a suitable outcome.
2. That in the meantime, continued speed tasking be performed by Campbelltown Police with feedback to Council on the outcome.

Purpose

To curtail speeding vehicles at the intersection of Thunderbolt Drive and Hurricane Drive Raby, Council had provided traffic calming treatments in 2019/2020 after seeking approval from the traffic committee. As reported by the residents, speeding issues continue to occur which are generally due to poor driver's behaviour and not following the Road Rules. The residents of the adjoining properties are concerned about their safety especially House Numbers 79 and 81. It is requested that the traffic committee discuss this matter and advise on the possible options to slow the speeding vehicles.

History

Council received complaints from the residents of Thunderbolt Drive, Raby in 2019 regarding their safety due to speeding vehicles through the intersection, losing control and veering off into their properties and causing damage.

Based on the information from the residents and speed data collected, Campbelltown Police were requested for speed tasking in the street as an immediate measure. In the meantime, a concept plan was developed after weighing up various options. The preferred option proposed was the installation of a roundabout along with other traffic calming devices which was issued for consultation to the effected residents (refer to attachment 1).

In 2019, both the residents of No 79 and 81 objected to the proposal of a roundabout and requested Council to amend the plans. Amended plans (refer to attachment 2) were developed without a roundabout but with intersection treatment and installation of various traffic calming devices. These plans were personally taken by the then Director City Delivery to the residents of House No 70, 79 and 81 who accepted the proposal and signed (refer to attachment 3). Based on the conformation from these residents, the traffic calming devices were installed (June 2020).

Report

The residents have raised the concerns about speeding and loss of control by speeding vehicles through the intersection of Hurricane Drive and Thunderbolt Drive Raby and would like some treatments which would enhance the safety and control the speed. Allowed speed on both these streets is 60 Km/h.

Since this matter was presented to traffic committee in 2019/2020 it was resolved to adopt the treatments which are currently in place.

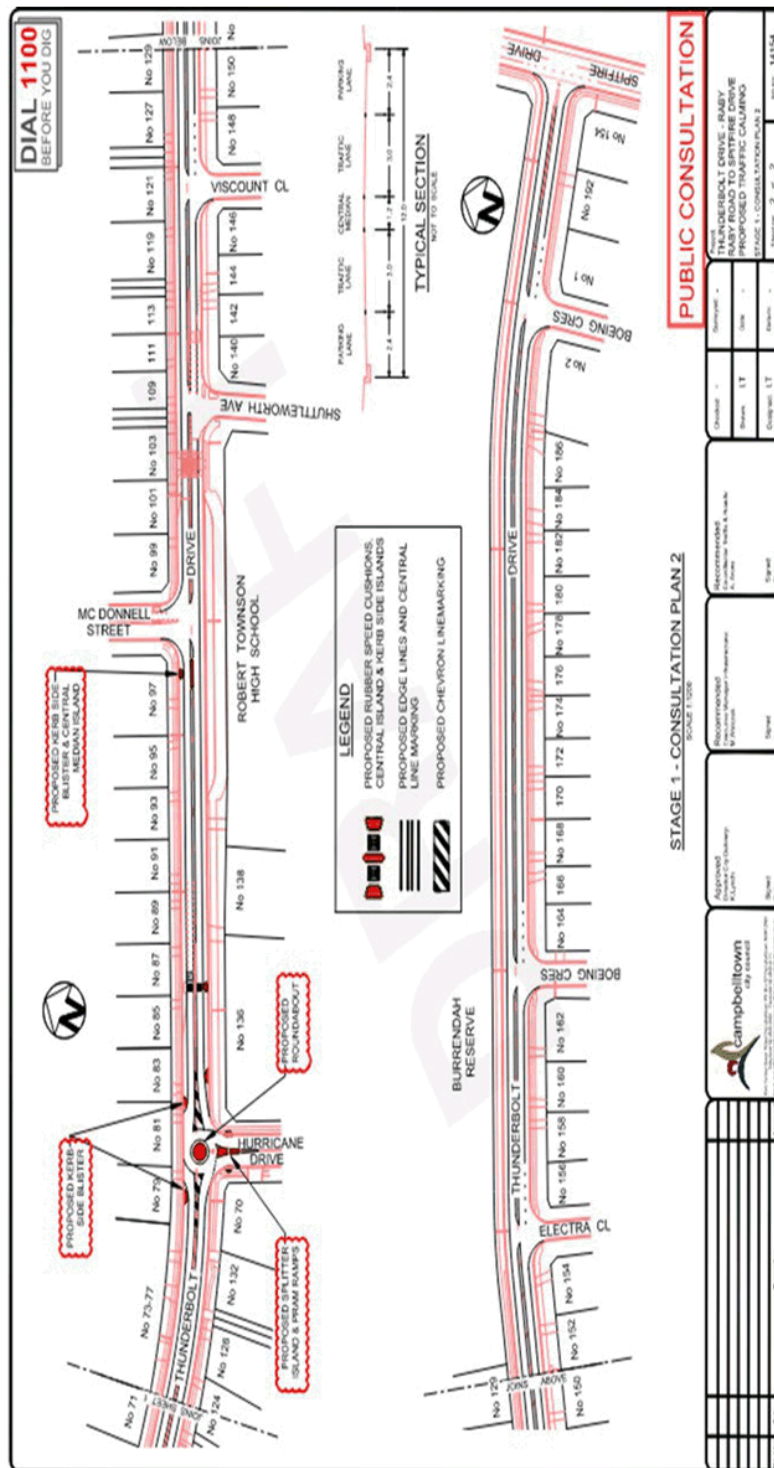
It is proposed that the traffic committee discuss this matter for possible effective options which can be taken to the residents for consultation and a suitable outcome.

It is also proposed that in the meantime Campbelltown Police perform speed tasking in these streets with feedback to Council.

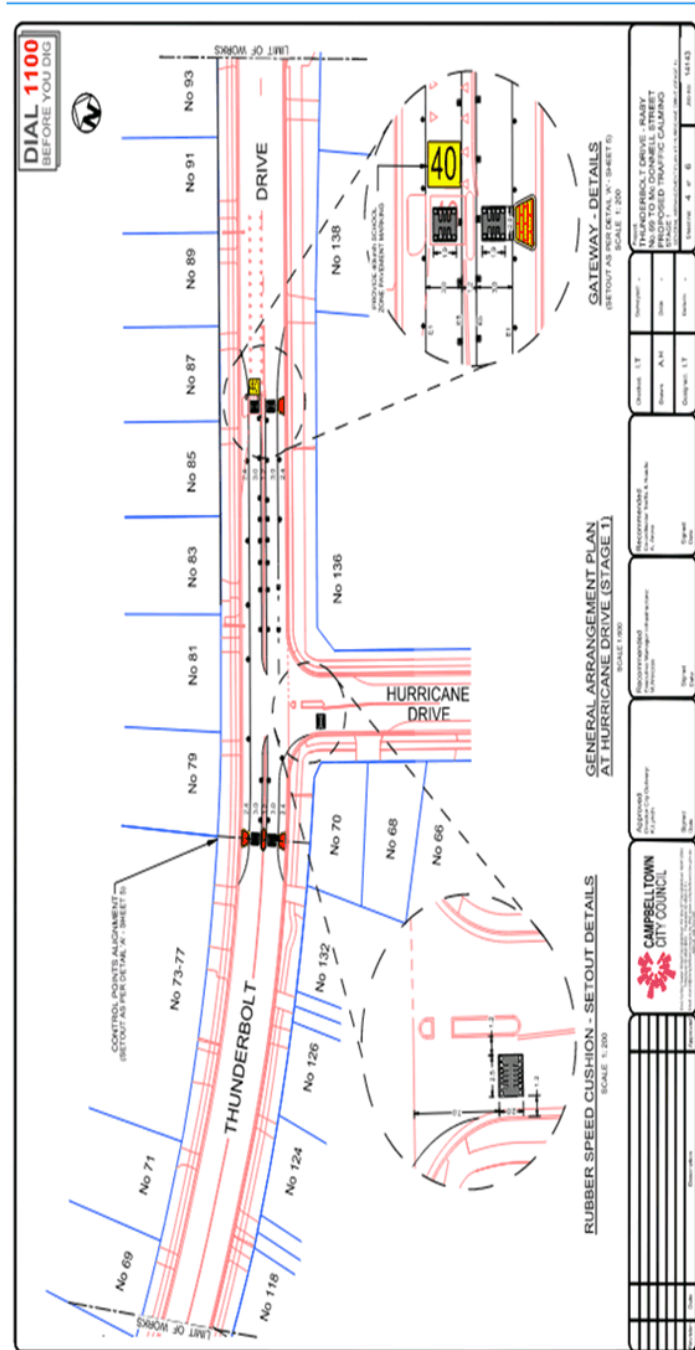
Attachments

- 5.3.1 Proposal Intersection Thunderbolt Drive and Hurricane Drive Raby (contained within this report)
- 5.3.2 Amended Plans signed and accepted after initial consultation (contained within this report)
- 5.3.3 Proposal signed and accepted by residents (contained within this report)
- 5.3.4 Resident Mr Marsh Documents (contained within this report)

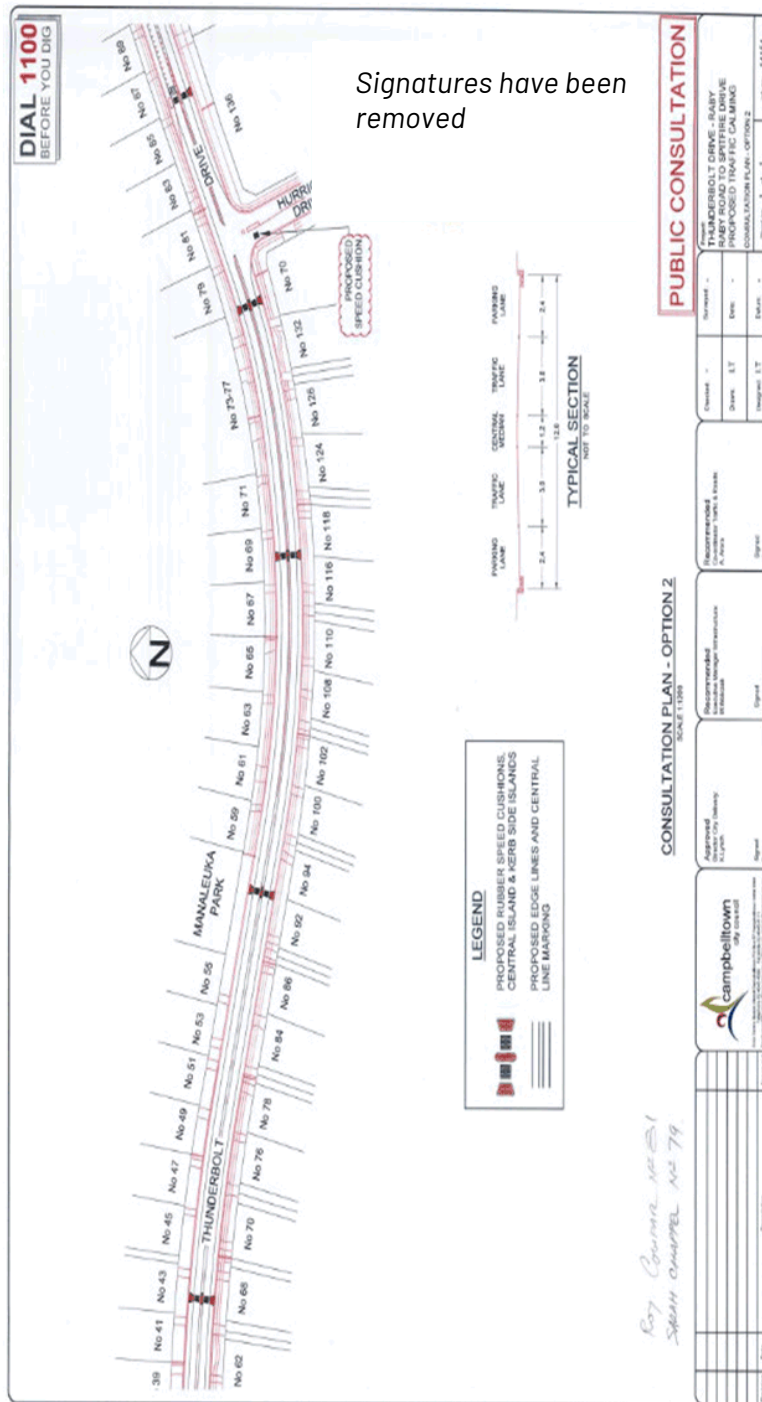
Attachment 1:
Proposal showing the roundabout at the intersection of Thunderbolt Drive and Hurricane Drive Raby:



Attachment 2:
Amended plans after initial consultation



Attachment 3:
Proposal signed and accepted by the residents



Signatures have been removed

Local Traffic Committee Meeting – Item Inclusion: Raby’s ‘Death Trap’ Black Spot

Attachment 4 - Distributed under separate cover due to personal information



6. REPORTS FOR CONSIDERATION - CAMPBELLTOWN TRAFFIC COMMITTEE

6.1 Raby Road - Traffic Congestion

Reporting Officer

Coordinator Traffic and Roads Design
City Services

Officer's Recommendation:

1. That Transport for NSW (TfNSW) consider the recommendation of traffic model.
2. That TfNSW consider duplication of the bridge over M31.

Purpose

To advise the traffic committee about the concerns received from the community, Councillors, and Federal Members of Campbelltown regarding congestion, right of way and delays experienced in the section of M31 on ramp and Campbelltown Road, St Andrews.

The purpose of this report is to request that the Traffic committee discuss the concerns of congestion and pinch points being experienced by the community and work out the way forward to find a solution to the problem and the responsibility for its implementation.

History

Council was provided with the funds for Traffic Study and Traffic Model for Raby Precinct, covering from Camden Valley Way to Campbelltown Rd, Pembroke Road, Queen Street, and Campbelltown Road and to Raby Road off ramp in 2016 through Western Sydney Infrastructure Plan (WSIP) Round 2 for Local Councils.

Council had engaged a consultant to develop a Traffic Model for Raby Precinct to assess the future performance of the road network, option analysis for various transport work upgraded to address existing traffic issues and manage future traffic demands.

A summary of the main findings extracted from the traffic study report are as follows.

Short Term:

2016-2021_5	Campbelltown Road Off-ramp / Raby Road	<ul style="list-style-type: none"> ▪ Signalisation ▪ Duplication of Raby Road / M31 overpass in both directions ▪ Additional lane (150m) on the off-ramp for a dual left turn
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Medium Term:

2021-2026_4	Campbelltown Road / Raby Road Ben Lomond Road / Campbelltown Road	<ul style="list-style-type: none"> ▪ Signalisation ▪ Dual left and right turns on Raby Road approach to Campbelltown Road ▪ Dual left turns on Campbelltown Road approaches ▪ Dual right turn on Campbelltown Road approach in the southbound travel direction ▪ Duplication of Campbelltown Road in the northbound and southbound travel directions between Raby Road and Ben Lomond Road
-------------	--	---

Long Term:

2026-2036_4	Campbelltown Road / Raby Road Stranraer Road / Raby Road Campbelltown Road Off-ramp / Raby Road	<ul style="list-style-type: none"> ▪ Extend dual left turn to 120m on Campbelltown Road in the northbound travel direction ▪ Extend dual right turn to 140m on Campbelltown Road in the southbound travel direction ▪ Signalisation of Raby Road / Stranraer Road intersection ▪ Extend triple left turn to 150m on Campbelltown Road Off-ramp
2026-2036_5	St Andrews Road / Campbelltown Road	<ul style="list-style-type: none"> ▪ Signalisation ▪ Dual through and dual right turn lanes (60m) on Campbelltown Road in the southbound travel direction ▪ Left and right turn lanes (60m) on Campbelltown Road in the northbound travel direction

Report

The section of Raby Road between on ramp M31 and Campbelltown was upgraded by TfNSW in 2015 when the on ramp to M31 was constructed. Two roundabouts in this section were upgraded but no changes were made to the road alignment and the existing bridge. This upgrade was done to facilitate heavy vehicles from Leumeah and Minto Industrial area to access the M31 north bound.

Detailed design for the upgrade of Raby Road from Thunderbolt Drive to Emerald Hills Drive to four lanes, funded by Department of Planning and Infrastructure, to be delivered by both Campbelltown and Camden Council is underway, likely to be completed by June 2024. It is expected that the construction works will be funded by the State Government after the approval of the business case.

Due to the ongoing development as well as the upgrade of Raby Road to four lanes along Raby Road, traffic volume has increased and is likely to increase multi-fold as more and more residents from the west side of M31 residing up to Camden valley Way and beyond will use this road to access to M31 as well as to Minto/ Leumeah Railway Station.

Subsequently two intersections on Raby Road were upgraded to traffic signals thus making Raby Road a four lane road from Thunderbolt Drive to the M31 on ramp. The existing bridge, which is owned and maintained by TfNSW remained as single lane bridge. This single lane bridge has an impact on the following intersections causing long queues, delays, and heavy congestion at these intersections:

1. Intersection of Campbelltown Road off ramp onto Raby Road.

2. Intersection of Strome ferry Crescent / Stranraer Drive and Raby Road.

Other issues identified between Raby Road on Ramp to the M31, and Campbelltown Road (refer attachment 1) are:

1. Duplicate bridge over M31 and reclassify Raby Road between M31 on ramp and Campbelltown Road to a State Road.
2. Requirement of Traffic Signals at Campbelltown off Ramp and Raby Road.
3. Poor line of sight for pedestrians and cyclists due to noise wall- Raby Road on ramp to M31.
4. Upgrade round about to Traffic Signals at the intersection of Raby Road and Stranraer Drive.
5. Upgrade roundabout to Traffic Signals at the intersection of Bouddi Street and Campbelltown Road.
6. Upgrade Campbelltown Road to four lanes between Raby Road and St Andrews Road/Ben Lomond Road.
7. Upgrade round about to Traffic Signals at the intersection of Campbelltown Road and Raby Road.

It has become almost impossible for the residents along Strome ferry Crescent and Stranraer Drive to get on to Raby Road due to congestion and blocking of the intersections by vehicles during the peak periods although Council has installed all the possible traffic devices, concerns continue to exist.

Council has provided warning signage as well as installation of CCTV cameras to monitor the traffic. Campbelltown Police have also helped Council by tasking at these intersections for traffic discipline.

The current bridge on Raby Road is owned and maintained by TfNSW and the traffic study conducted in 2016 recommended:

- Need for traffic signals to be installed at both the approaching intersections in 2036.
- Duplication of the Raby Road bridge over M31 including the road configuration and widening of Raby Road from Strome ferry Crescent to Raby Road on-ramp to the M31.

Council cannot construct such a massive infrastructure from its revenue and always relies on funding either from State Government or Federal Government due to the cost and other constraints in its construction for duplication of the bridge and upgrading of the approach intersections on either side of the bridge to traffic signals. The bridge over the M31, if not duplicated, safety of road users due to their frustrations, delays in travel time and excessive congestion will become critical which could result in accidents.

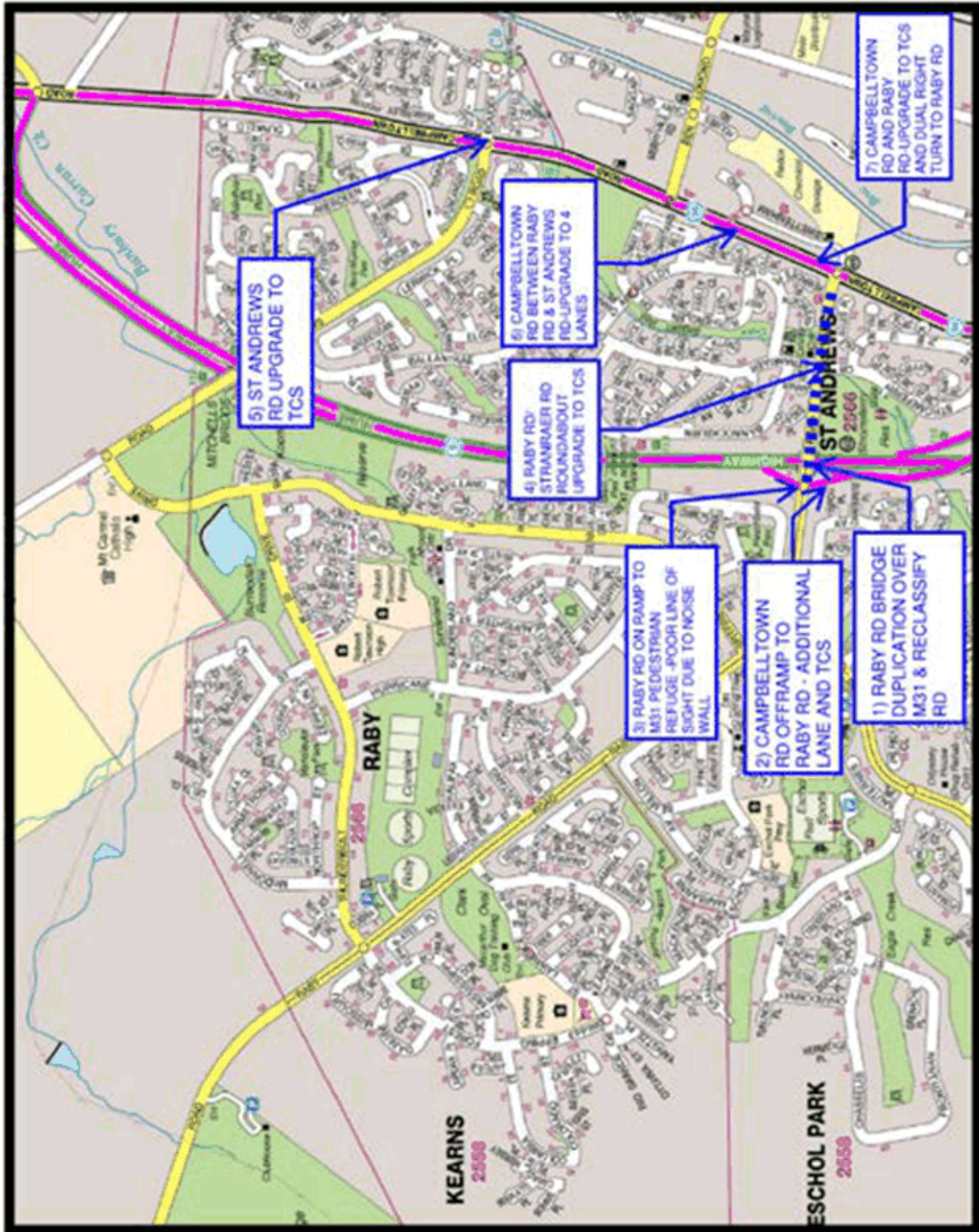
It is recommended that TfNSW consider the possible options of funding to upgrade the road infrastructure which is impacting both the State Roads and Local Roads.

Traffic Committee Meeting

26/03/2024

Attachments

- 6.1.1 Raby Road improvements as identified in Raby Precinct Model in 2016 - Attachment 1
(contained within this report)
- 6.1.2 Raby Road improvements as identified in Raby Precinct Model in 2016 - Attachment 2
(contained within this report)







6.2 Intersection of Collins Promenade and Eagleview Road - Safety Concerns

Reporting Officer

Coordinator Traffic and Roads Design
City Services

Officer's Recommendation:

1. That Transport for NSW (TfNSW) note the safety concerns raised by the community.
2. That Transport for NSW (TfNSW) consider a review of the intersection to enhance the safety of road users and advise Council.

Purpose

To advise the traffic committee about the concerns received from the community, Councillors, and Federal Members of Campbelltown regarding the safety and delays caused at the intersection of Eagleview Road and Collins Promenade, Minto after the upgrade/ modifications by TfNSW early this year.

History

The intersection of Eagleview Road and Collins Promenade, Minto has a history of accidents as indicated by the data provided by Centre for Road Safety for the past 5 years (2017-June 2022). The type of accidents which occurred prior to upgrade of the intersection were:

- Fatality motorbike: 1(2019)
- Serious Injury: 1(2020)
- Injury: 5 (2017-2019)
- Non-Injury: 3 (2019-2022)

Due to the ongoing developments in Campbelltown and Southwest Growth Centre, the traffic has increased which has resulted in an increase of traffic on Pembroke Road, Collins Promenade, Eagleview Road and other local collector roads connecting to these roads. The intersections along Collins Promenade and Pembroke Road require upgrades to enhance safety of the road users as well as to improve the efficiency.

Report

Since TfNSW has implemented changes to the traffic controls at the subject intersection early this year, road users are complaining that this intersection has become unsafe while making right turns from Eagleview Road to merge with the traffic on Collins Promenade especially during peak hours.

An assessment of this intersection was carried out by Council Officers who installed a CCTV camera. The data recorded was analysed and observed that the changes implemented to the traffic controls at the subject intersection has significantly resulted in near misses/ highly unsafe conditions as well as longer queues on Eagleview Road, Minto resulting in frustration and anger in the community.

The results of the findings from CCTV footage are as follows:

1. Morning Peak- 7.30am to 9 am
 - a. Average delay for most of the cars/ vehicles: 10 sec
 - b. Average maximum delay for less than 5 cars: 30 sec
2. Afternoon Peak - 3 pm to 5.30pm
 - a. Average delay for most of the cars/ vehicles: < 10 sec
 - b. Average maximum delay (only two cars):39 sec
3. Near Misses observed: 12 Nos

This is due to vehicles turning right from Eagle View Rd and stop in the newly chevroned area trying to merge into traffic on Collins Boulevard.

The Level of Service has been assessed based on the information as provided by SIDRA for this type of intersection, the current Level of Service is 'C' as averaged out which means Steady Traffic but Limited. The presence of other vehicles affects drivers. The choice of the speed is affected, and manoeuvring requires vigilance. The level of comfort decreases quickly at this level because drivers have a growing impression of being caught between other vehicles.

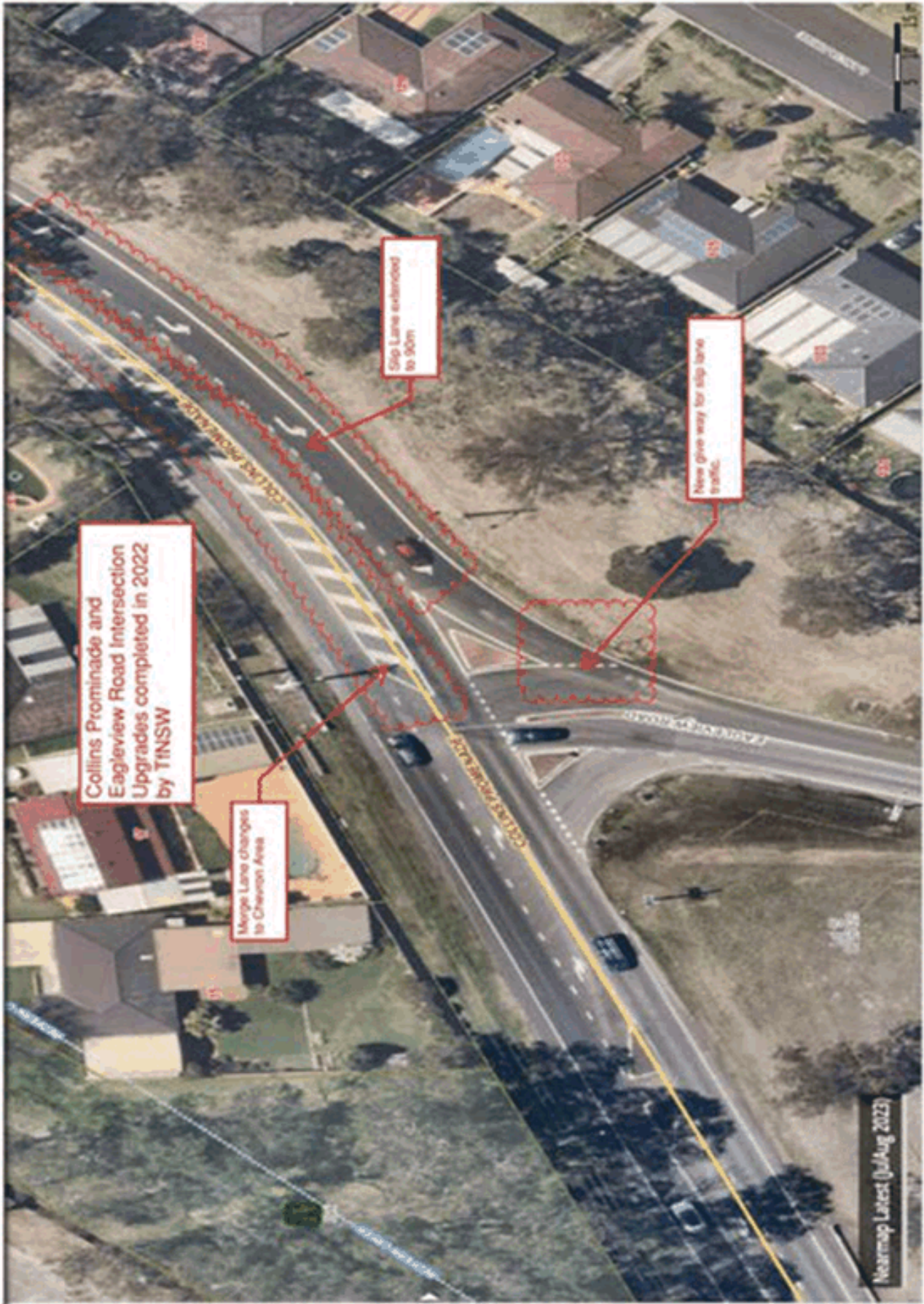
The new layout implemented is based on the current Austroads Standards which is for both rural and urban schemes whereas the previous layout was solely for the rural scheme. It is apparent that TfNSW has upgraded the intersection to new standards for which there is no change in the Level of Service which is determined based on the data collected as above.

It is recommended that TfNSW review the intersection so that the safety concerns raised by the community and as observed by Council and appropriate measures be implemented to enhance the safety of road users as well as to enhance the performance of this intersection.

Attachments

- 6.2.1 Intersection Prior to Upgrade (contained within this report)
- 6.2.2 Intersection After Upgrade (contained within this report)





CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Traffic Committee Meeting held at 9:00am on Tuesday, 26 March 2024.

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Minutes of the Traffic Committee Meeting held on 26 March 2024

In attendance

Convenor - B Hoyle - Deputy General Manager/Director City Services
Member - M Chowdhury- Councillor
Member - A Arora - Coordinator Traffic and Road Design
Member - M Fruean- Representing Anoulack Chanthivong's office MP
Member - K Alawadhi -Transport NSW
Member - J Duguid -Transit Systems
Member - M Pruss -Transit Systems
Member - Sergeant Barrett -Campbelltown Police
Member- Sergeant Abbott -Campbelltown Police
Committee Secretary - V Ross- Campbelltown City Council

1. ACKNOWLEDGEMENT OF LAND

An Acknowledgement of Land was presented by Committee Member -A. Arora

2. APOLOGIES

Member - J Gooch - Representing Greg Warrens Office MP

3. CONFIRMATION OF MINUTES**4. BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil at time of print

5. REPORTS FOR CONSIDERATION**5.1 Traffic Committee Operating Structure**

Resolution:

1. That all members note the charter of the Traffic Committee. **Committee Agreed**
 2. That all members note the operating structure of Traffic Committee. **Committee Agreed**
-

5.2 Blindspot-Intersection of Narellan Road and Kellicar Road, Campbelltown

Resolution:

1. That Transport for NSW (TfNSW) arrange for vegetation clearance to eliminate blind spots, both for motorists and pedestrians. **Committee Agreed**
2. That TfNSW continue to monitor and program for maintenance at this location. **Committee Agreed**

NOTING – TfNSW advised that such matters be reported to them separately in advance.

ACTION – Council suggested TfNSW to consider installation of signalised pedestrian crossing at the slip lane for traffic heading North from Narellan Road onto Kellicar Road. (Council to write to TfNSW for them to assess and consider).

5.3 Thunderbolt Drive and Hurricane Drive, Intersection Raby- Safety Concerns

Resolution:

1. That the traffic committee discuss this matter for possible effective options which can be taken to the residents for consultation and suitable outcome. **Committee Agreed**
2. That in the meantime, continued speed tasking be performed by Campbelltown Police with feedback to Council on the outcome. **Committee Agreed**

ACTION

1. Extend the existing speed cushion on Hurricane Drive for the full laneway (West Bound).
 2. Police to continue speed tasking with feedback to Council.
 3. Council to resend roundabout proposal to residents for consultation.
-

6. REPORTS FOR CONSIDERATION

6.1 Raby Road - Traffic Congestion

Resolution:

1. That Transport for NSW (TfNSW) consider the recommendation of traffic model. **Committee Agreed**

-
2. That TfNSW consider duplication of the bridge over M31. **Committee Agreed**

NOTING – TfNSW acknowledged that Council would require support from TfNSW for duplication of the bridge.

ACTION – Stromferry Crescent and Raby Road intersection: Campbelltown Police advised that they would patrol at this intersection during morning and evening peaks.

6.2 Intersection of Collins Promenade and Eagleview Road - Safety Concerns

Resolution:

1. That Transport for NSW (TfNSW) note the safety concerns raised by the community.

Committee Agreed

2. That Transport for NSW (TfNSW) consider a review of the intersection to enhance the safety of road users and advise Council. **Committee Agreed**

NOTING – Traffic committee suggested the installation of traffic signals at this intersection and for Council to supply traffic data on Eagleview Road if available.

ACTION – TfNSW acknowledged the issues raised in the traffic committee and advised that they will review this intersection for possible improvements.

General Business

Campbelltown City Council: Requested TfNSW to provide a status on Pembroke Road and Durham Street Intersection upgrade to traffic signals. TfNSW advised that, it is in the detailed design phase, due to be completed this year, however was unable to advise on the construction phase at this stage.

Councillor reported: Ohlfsen Road and Minto Road, Cr Chowdhury has been receiving complaints regarding delay in turning right out of Ohlfsen onto Minto Road due to heavy volume of traffic on Minto Road. Council to assess traffic conditions at this intersection, and advise.

Transit Systems: Enquired about the road closures in CBD for Anzac Day. A Arora advised on 26 March 2024 that the event is being organised by RSL and Council has not yet received any traffic management plans. Transit Systems was advised to plan the bus routes as per previous year's traffic management plans. If any changes, Transit Systems would be notified.

The members of the traffic committee were very supportive of the recommencement of the committee.

The next meeting of the Traffic Committee will be held Tuesday 25 June 2024 at 9:00 on Teams.

Deputy General Manager | Director City Services Ben Hoyle

Convenor

Meeting Concluded: 10.01am

8.7 Draft Memorials and Monuments in Public Open Space Policy

Reporting Officer

Executive Manager Open Space
City Services

Community Strategic Plan

Objective	Strategy
2 Places For People	2.1.1 Provide public places and facilities that are accessible, safe, shaded and attractive

Delivery Program

Principal Activity
2.1.2.1 Maintain and create multi-use, attractive, safe and well shaded open spaces that set our city apart from others

Officer's Recommendation

1. That the revised Draft Memorials and Monuments in Public Open Space Policy as attached to this report be adopted.

Purpose

To inform Council of the outcome of the public exhibition of the Draft Memorials and Monuments in Public Open Space Policy.

To seek Council's endorsement to adopt the Draft Memorials and Monuments in Public Open Space Policy.

History

Council at its meeting held 12 December 2023, considered a report on the Draft Memorials and Monuments in Public Open Space Policy and resolved as follows:

1. That Council rescind the current Memorials and Monuments in Public Open Space Policy.
2. That Council endorse the revised Draft Memorials and Monuments in Public Open Space Policy for the purposes of a 28 day public exhibition.

3. That a further report be presented to Council on the Memorials and Monuments in Public Open Space Policy following the public exhibition period.

This report presents to Council the outcome of the public exhibition of the Draft Memorials and Monuments in Public Open Space Policy.

Report

In accordance with Council's resolution, the Draft Memorials and Monuments in Public Open Space Policy, provided as attachment 1, was publicly exhibited for a period of 28 days from Friday 16 February 2024 until Friday 22 March 2024. This exhibition period included an extension of time for feedback by 1 week.


The draft policy was exhibited through Council's Website.

No responses were received from the Campbelltown Community.

Based on no submissions being received it is recommended that Council adopt the draft Memorials and Monuments in Public Open Space Policy.

Attachments

- 8.7.1 Proposed New Policy Memorials and Monuments in Public Open Space (contained within this report) [↓](#)

 CAMPBELLTOWN CITY COUNCIL		POLICY
Policy Title	Memorials and Monuments in Public Open Space	
Related Documentation	Roadside Memorials Policy	
Relevant Legislation	Local Government Act 1993 Copyright Act 1968	
Responsible Officer	Executive Manager Open Space	

This Policy provides a framework for assessing proposals for Memorials and Monuments in Public Open Space.

This Policy only applies to Public Open Spaces owned by Campbelltown City Council.

This Policy does not apply to Crown Land Reserves.

Objective

The objectives of this policy are:

1. To provide a framework for the submission, review and assessment of proposals for Memorials and Monuments in a Public Open Space within the Campbelltown Local Government Area (LGA);
2. To ensure the preservation of the desired amenity and community experience of Public Open Space and adjoining lands by managing the physical form (including the location, design, scale, materials), function and long-term maintenance and care of Memorials or Monuments;
3. To support the ongoing social, cultural and community engagement within our Public Open Space through the implementation of well-considered and appropriate Memorials or Monuments;
4. To protect the social, environmental and economic value of the Public Open Space as a sustainable asset that is appropriately maintained and managed for the benefit of future communities; and
5. To not compromise the amenity value, aesthetic integrity or character of the Public Open Space or neighbouring lands.

Policy Statement

1. Public Open Space is a very important community resource with a wide range of social, environmental and economic values that benefit the whole community.
2. Campbelltown City Council (Council) recognises that Memorials and Monuments in Public Open Space are important to the community as they hold meaning and reflect social,

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historical and/or cultural significance. In this Policy, cultural significance encompasses religion without being specific.

3. Memorials and Monuments have been an integral element of society for thousands of years. Memorials and Monuments in Public Open Space can create community, provide comfort, encourage peace, and offer respect and remembrance. Memorials and Monuments can also add value to Public Open Space by offering visual interest and amenity, and by providing a richer community experience and deeper understanding of the city and its people.
4. Proposals for Memorials and Monuments in Public Open Space must be carefully reviewed and assessed to protect the value of the Public Open Space to the broader community, and ensure the potential future benefit of the Public Open Space to the future communities, is not adversely affected.

Scope

1. This Policy applies to proposals for Memorials and Monuments in Public Open Spaces within the Campbelltown LGA.
2. This Policy does not apply to Crown Land Reserves.
3. This Policy does not apply to naming of streets, parks/reserves and community assets.
4. This Policy does not apply retrospectively to existing Memorials and Monuments and does not apply to proposals for Memorials and Monuments on Private Property.
5. This Policy does not apply to, consider or approve the spreading or placement of cremation ashes in Public Open Space.
6. Under this Policy, previous proposals and historic approvals for Memorials and Monuments in Public Open Space, the process of their approval/rejection, funding arrangements, financial responsibilities, their physical form (including the location, design, scale, materials), function and long-term maintenance and care arrangements must not be relied upon and will not be considered to be a precedent for any application for a Memorial or Monument in a Public Open Space.

Definitions

Term	Definition
Public Open Space	Public Open Space is public land which is in the ownership of Council, including road reserves, parks, reserves, bushland, golf courses and playing/sports fields.
Memorial	A Memorial is typically an element with a small footprint within an area of Public Open Space. It can take the form of an item of nature or structure (such as a historical marker or commemorative plaque) that is built to remember a deceased person or a group of people whom passed away in an important past event.

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	<p>Under this Policy, the maximum dimensions of a Memorial are 1.0m wide x 1.0m long x 1.0m high.</p> <p>Commemorative Plaques, Memorial Trees, Memorial Plantings and small Historical Markers, not exceeding the maximum dimensions specified in this Policy, are all considered to be Memorials.</p> <p>The mature height of any proposed Memorial Tree and/or Memorial Plantings will be assessed on the value of its amenity, safety, site suitability and long-term maintenance requirements.</p> <p>Please note that furniture (seats) and trees associated with the memorial that support and signify the importance of the memorial that are larger than the footprint (1.0m wide x 1.0m long x 1.0m high) will be considered as part of the assessment of the memorial.</p>
<p>Monument</p>	<p>A Monument is typically larger than a Memorial and an element having a sizable footprint. A Monument can take the form of an item of nature or a structure or a statue that is built to honour someone notable or a special event.</p> <p>Under this Policy, the dimensions of a Monument are greater than 1.0m wide x 1.0m long x 1.0m high.</p> <p>Types of Monuments include but are not limited to; public art pieces such as sculptures, statues or structures.</p> <p>A Memorandum of Understanding (MOU) entered into between the Applicant and Campbelltown City Council is required for all Monuments in Public Open Space, prior to the final approval of the application.</p>
<p>Non Fixed Memorial or Monument</p>	<p>A temporary non fixed Memorial or Monument that is brought into a Public Open Space to assist in the celebration of an Event. The Memorial or Monument must be removed from the Public Open Space at the conclusion of the Event.</p>
<p>Applicant</p>	<p>An Applicant is a person, persons, community group or incorporated organisation that prepares and submits a formal application to Council for the review and assessment of a proposal for the design, implementation and long-term maintenance and care of a Memorial or Monument in Public Open Space.</p>

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1. SUBMISSION REQUIREMENTS

- 1.1 A Proposal for a Memorial or Monument in Public Open Space must be submitted to Campbelltown City Council by way of a formal application.
- 1.2 As a minimum, the application must:
 - a. identify the name and contact details of the Applicant;
 - b. provide detailed evidence of the significance of the Memorial or Monument;
 - c. address how the Memorial or Monument affects Public Open Space benefit to community;
 - d. provide a clear and accurate written and graphic description of the proposal; and
- 1.3 adequately address the assessment criteria outlined in this Policy.
- 1.4 Applications are to be submitted to Council via electronic means.

2. APPROVAL PROCESS

- 2.1 Applications for a Memorial or Monument will be reviewed by the Executive Manager Open Space.
- 2.2 If insufficient information is received, the Executive Manager Open Space may either reject the application, or request further information from the Applicant to assist in the assessment process.
- 2.3 Council reserves the right to request the Applicant provide verification/evidence of any claim of significance for a proposed Memorial or Monument. If Council is not satisfied with the reliability of the verification/evidence provided, the Applicant may be requested to seek and provide additional information to assist in the assessment of the application.
- 2.4 Memorials and Monuments will not be permitted if any part of the proposal is deemed offensive and not in keeping with the values and expectations of the Council and its community. As representatives of the Campbelltown community, Council reserve the right to reject an application if there is any potential to offend.
- 2.5 Where the Executive Manager Open Space is assured that the application and supporting documentation satisfactorily addresses the submission requirements and assessment criteria of this Policy, a formal recommendation will be submitted to Councils Executive Group for review.
- 2.6 Following its review, the Council's Executive Group will either reject the application, request further information be provided by the Applicant, or otherwise refer the application, to Council for its decision.
- 2.7 Consultation with the broader Campbelltown LGA community needs to occur for Monument applications prior to submission of the application to Council for approval and prior to the commencement of the Development Consent process. Monuments are required to have a public exhibition period of a minimum of 28 days prior to final approvals.
- 2.8 The final decision for an application for a Memorial or Monument is to be made by way of a formal resolution of Council, and at its sole discretion.

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- 2.9 Council is under no obligation (legal or otherwise) to approve the application of a Memorial or Monument in Public Open Space.

3. SEPARATE DEVELOPMENT CONSENT

- 3.1 In addition to the Approval Process outlined under this Policy, a proposal for a Memorial or Monument may require separate development consent under the Environmental Planning and Assessment Act 1979 (the Act). If separate development consent is required under the Act, the applicant will be required to lodge a separate Development Application (DA) with Council in order to gain formal development consent for the use and construction of the Memorial or Monument.
- 3.2 It is recommended that prior to the lodgement of an application for a Memorial or monument, the Applicant undertake a pre-DA lodgement meeting with Council’s planning officers to assist the Applicant with an understanding of whether or not separate development consent will be required, and what information will be required in support of a DA.
- 3.3 It is important to note that the requirement for separate development consent might only be revealed during the assessment of the application for a Memorial or Monument. In this case, the Applicant will be advised accordingly.
- 3.4 A DA should not be lodged until after receipt of Council’s formal approval of the proposed Memorial or Monument.
- 3.5 As the Development Application process is separate to that of the process for the application of a Memorial or Monument, additional fees and charges will apply. The Applicant is responsible for all costs and provisioning of all reports, studies, drawings and information associated with the submission of the DA if one is required.
- 3.6 If the proposed Memorial or Monument is visible from any neighbouring properties (current or proposed), public consultation in accordance with Council's Community Engagement Policy is required.
- 3.7 All communication with the broader community will be undertaken with Council support. The Council will ensure that any community engagement is equitable and reasonable.
- 3.8 It is important to note that any proposal for a Memorial or Monument in a Public Open Space that is specific or relevant to a cultural event, then support from the local community surrounding the Public Open Space needs to be provided.
- 3.9 Any costs associated with community consultation are to be covered by the Applicant.

4. ASSESSMENT CRITERIA

- 4.1 An application for a Memorial or Monument in a Public Open Space must satisfactorily address the following assessment criteria:
 - a. Relevance to the Campbelltown LGA

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- b. A proposal for a Memorial or Monument must outline the purpose of the item (typically in remembrance of a person, event or milestone) and clearly demonstrate its relevance, significance and direct association with the Campbelltown LGA.
 - c. In addition, a proposal for a Memorial or Monument must provide clear evidence to, and satisfy the Council of, compliance with the following criteria:
 - i. If relevant to a person: the person was or currently is a resident within the Campbelltown LGA, and it can be demonstrated that the person has made a significant individual contribution toward the betterment of the Campbelltown area and its community.
 - ii. If relevant to an association: it must be demonstrated that the association has made a significant and positive contribution toward the betterment of the Campbelltown area and the cultural or social aspects of the Campbelltown area and its community.
 - iii. The person or association must have demonstrated more than 20 years dedicated service to the people of the Campbelltown LGA, or more than 20 years of not-for-profit work on a community or social cause, such as education, arts & culture, sport or providing assistance to vulnerable communities (These contributions are to be independently verified by a reputable and suitably qualified source/sources).
 - iv. The Memorial or Monument must commemorate an important anniversary of an event significant to the history of the Campbelltown LGA.
 - v. If relevant to a cultural event, figure, or movement, the Memorial or Monument should be relevant to a substantial portion of the local community (Evidence is to be provided to support the applicant's position including information and statistics relevant to Campbelltown's current demographic and/or projected future demographic).
- 4.2 Relationship with the Public Open Space
- a. A proposal for a Memorial or Monument must clearly demonstrate a strong connection and direct relationship between the purpose of the item and the nominated Public Open Space or its surrounding locality.
- 4.3 Open Space Amenity
- a. The proposal must not compromise the amenity value, aesthetic integrity or character of the site on which the Memorial or Monument is proposed.
- 4.4 Physical Form
- a. A proposal for a Memorial or Monument must include detailed information regarding the physical form and location in order for Council to undertake an assessment of the application. Detailed information of the physical form for both Memorial and Monument includes:
 - i. Context Plan;
 - ii. Site Plan;
 - iii. Dimensions (height, width, length);
 - iv. Materials and Finishes.

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- b. In addition, a proposal for a Monument must include the following additional information that must be prepared by a suitably qualified consultant or organisation:
 - i. Site Analysis Plan including existing and proposed views to and from the Monument, pedestrian and vehicular access points, drainage assessment, shadow diagrams;
 - ii. Services and Utilities Plan;
 - iii. Landscape and Pavement Plan;
 - iv. Levels and Drainage Plan;
 - v. Furniture and Fencing Plan;
 - vi. Planting Plan;
 - vii. Walling (Retaining and Free-Standing Walls) Plan;
 - viii. Note: Walls greater than 600mm in height will need structural certification and consent under the Environmental Planning and Assessment Act 1979.
 - ix. Structural Design Plan and Certifications (registered structural engineer);
 - x. Footing Designs and Certifications (registered structural engineer);
 - xi. Geotechnical and Soil Assessment;
 - xii. Traffic Impact Assessment for parking (where it is expected that the proposed Monument will attract large gatherings, services or spectators);
 - xiii. Lighting Plan (if applicable);
 - xiv. Details of security measures;
 - xv. Typical Details including construction materials of Pavements, Walls, Planting, Lighting, Furniture, Fencing etc.
 - xvi. Maintenance Management Plan;
 - xvii. Lifespan and Asset Replacement Plan.
- c. At its sole discretion, Council may require additional information to that listed above.

4.5 Primary Purpose of Public Open Space

- a. A proposal for a Memorial or Monument must clearly outline the proximity of the item to the various facilities within the Public Open Space (such as sportsfields, recreational facilities, community facilities) and determine the potential impacts of the proposal on the primary purpose of Public Open Space.
- b. The primary purpose of Public Open Space must not be compromised or inhibited by the proposal for a Memorial or Monument. As an example, the primary purpose of a sporting ground is sports activities and therefore sports activities and activities ancillary to the primary activity, are not to be compromised.
- c. Applicants must provide supporting evidence to this effect as part of their application.

4.6 Function of the Memorial or Monument in Public Open Space

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- a. A proposal for a Memorial or Monument must clearly outline the intended function and type of patronage anticipated, including the frequency and expected number of patrons at any function. Any significant dates or events that are intended to be held must be identified in the proposal with an assessment of the impacts on the primary purpose and daily operation of the Public Open Space.
- 4.7 Plan of Management
 - a. A proposal for a Memorial or Monument in Public Open Space must clearly respond to the requirements of the relevant Plan of Management including the land use permissibility identified in the relevant Plan of Management.
- 4.8 Cost Estimate
 - a. All costs associated with the design, management and installation of any proposed Monument or Memorial is to be borne solely by the Applicant.
 - b. A proposal for a Memorial or Monument must be accompanied by a cost estimate from a suitably qualified consultant. Cost estimates are to be inclusive of 30% construction contingency. This estimate will be checked by Council to ensure the cost estimate is accurate.
- 4.9 Benefit to the Broader Community
 - a. A proposal for a Memorial or Monument must clearly state the anticipated benefits to the broader community.
- 4.10 Safety by Design Principles
 - a. A proposal for a Memorial or Monument in Public Open Space must clearly consider the safety of the community and respond appropriately to the principles of Safety By Design.

5. DELIVERY

- 5.1 It is Council's responsibility to deliver approved Monuments or Memorials in Public Open Space once all relevant approvals are granted and Council has received the funds from the Applicant.
- 5.2 The Applicant must pay the proposed cost of the Monument or Memorial to the Council in accordance with the estimate. This includes the 30% construction contingency.
- 5.3 Unspent funds will be returned to the Applicant at the completion of works.
- 5.4 Where the Memorial or Monument costs more than the 30% contingency, the additional costs will be borne by the Applicant.

6. OWNERSHIP

- 6.1 Ongoing ownership of all Memorials or Monuments in a Public Open Space will rest solely with Council. Applicants are to transfer all rights they may legally have to the Memorial or Monument, including any moral rights under the Copyright Act 2000, to the Council.

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- 6.2 All applications must be accompanied by a declaration from the Applicant and designer/artist involved in the creation of the Memorial or Monument, transferring all rights and ownership to Council.
- 6.3 At all times, Council reserves the right to remove, replace and/or relocate any approved Memorial or Monument from or within a Public Open Space.
- 6.4 At all times, Council reserves the right to modify any or all parts of the Memorial or Monument.
- 6.5 Before any Monument or Memorial is modified, removed, replaced or relocated, Council will make all reasonable efforts to contact and consult with the original Applicant and any affected community members.
- 6.6 Applicants will not be entitled to any reimbursement of funds expended for installed Memorials or Monuments, where they have been modified, removed, replaced or relocated by Council or its authorised agent.
- 6.7 If the Memorial or Monument is an artwork, it is expected that the lifespan of the artwork will be 5 to 10 years. This will be reviewed as part of our regular asset inspections.
- 6.8 Decommissioning of a public artwork may be necessary or appropriate when:
 - a. The site is to be re-developed; or
 - b. A work becomes unsafe; or
 - c. A work deteriorates or is damaged beyond reasonable repair; or
 - d. A work is deemed to be no longer appropriate on that particular site.
- 6.9 Decisions regarding the safety of an artwork, the feasibility of its repair, or the process for its removal will be made in consultation with relevant officers of the Council.
- 6.10 A clause outlining the process for managing the decommissioning of an artwork, should be included as part of the artist's Contract. Where this has not been the case, where practicable all reasonable attempts will be made by the Council to consult with the artist in regard to decisions to dispose of the work.
- 6.11 Occasionally it is appropriate for a work to be re-located from its original site to a more appropriate site. When the work has originally been commissioned for a particular site the artist should, where practicable, be consulted regarding its re-location.

7. MANAGEMENT AND MAINTENANCE COST

- 7.1 Subject to the size, structure, material composition, and cost of the proposed Memorial or Monument, Council will request a financial contribution from the Applicant toward the ongoing maintenance of the asset.
- 7.2 For a Memorial in a Public Open Space, the proposed financial contribution for management and maintenance of the item will be determined as part of the approval process. This will be a one-off financial contribution charged to the Applicant. This contribution must be paid to Council prior to the commencement of construction.

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- 7.3 Please note for monuments the contribution for the ongoing management and maintenance of the monument will be resolved as part of the finalisation of the memorandum of understanding between the applicant and Council.
- 7.4 For a Monument in Public Open Space, a signed Memorandum Of Understanding prepared by the Council (MOU) will be required to be completed between the Applicant and Council. The MOU will outline the financial contributions and expectations of the Applicant for the ongoing maintenance of the Monument.
- 7.5 The approval of the MOU is with the Council Executive.
- 7.6 The MOU will include that the Applicant must pay for:
 - a. all and any inspection, planning, design, construction, rectification and maintenance costs associated with ensuring the Monument is safe and does not present a hazard or risk to the community; and
 - b. all and any security costs related to the Monument itself or any associated events held and approved by Council.
- 7.7 Irrespective of whether maintenance costs are contributed or not, Council reserves the right to collect from the Applicant a financial contribution to cover any rectification costs associated with future property damage, or dilapidation of the Memorial or Monument, indefinitely. This aspect will be finalised as part of the MOU.
- 7.8 The maintenance of approved Memorial or Monuments must be undertaken by Council and/or its authorised agents. Applicants are not to attempt repairs, rectification or maintenance without the formal written approval of the Council.
- 7.9 Council reserves the right to remove or relocate any approved Memorial or Monument, where at any time the Memorial or Monument is deemed to be unsafe, poses a risk or becomes a hazard to public safety. This action will be undertaken in consultation with the Applicant.

END OF POLICY STATEMENT

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8.8 Library Relocation Update

Reporting Officer

Executive Manager - City Projects
City Services

Community Strategic Plan

Objective	Strategy
1 Community and Belonging	1.2.3 Promote and support a safe community
2 Places For People	2.1.1 Provide public places and facilities that are accessible, safe, shaded and attractive 2.2.3 Utilise communication technologies to better connect people and foster an inclusive community
4 Economic Prosperity	4.2.1 Support the growth, productivity and diversity of the local economy 4.2.2 Attract investment to the area 4.2.3 Provide support for local businesses
5 Strong Leadership	5.1.1 Increase opportunities for the community to engage and collaborate with Council and Key Delivery Partners

Delivery Program

Principal Activity
2.1.1.1 Create and maintain public places that are clean and safe (2.1.1.1)
2.1.1.2 Provide a range of regional facilities that promote community connection
4.3.1.1 Revitalise and Reimagine town centres for our community, visitors and businesses (Including Leumeah, Campbelltown-Macarthur CBD and Ingleburn)

Officer's Recommendation

1. That Council notes the update of the library relocation to 147-157 Queen Street Campbelltown.
2. That Council endorses the final project budget and enters into a variation of the existing lease at 147-157 Queen Street, Campbelltown.
3. That all and any documentation associated with the variation of lease is signed by way of delegated authority of the General Manager (or her authorised delegate) under Section 377 of the *Local Government Act 1993*.

Purpose

To provide Council an update on the status of the Library Relocation Project.

Background

Council is delivering on a bold and exciting vision for the heart of the Campbelltown City Centre as we embark on the revitalisation of Campbelltown CBD in line with the Reimagining Campbelltown City Centre Master Plan, capitalising on the opportunities that come with extensive growth, while responsibly considering, conserving and enhancing the historic and natural assets that make our city unique.

As one of the key moves to turn the vision into reality, the Macarthur Health Precinct Stage 1 - Genesis Care cancer treatment centre valued at \$54 million, has successfully opened. The developer, Northwest Health are now actively proceeding with Stage 2, a \$68 million day surgery hospital and associated health services and medical offices, in accordance with the development agreement. This development will require the relocation of the existing library, which is now over 30 years old.

Extensive community consultation of the relocation has occurred since 2018, as part of the Library Strategic Plan (LSP) and in 2020 as part of Reimagining Campbelltown, where the relocation of the library was recognised and endorsed. In 2023 we announced that the library is moving to a new location in Queen Street.

The following timeline details the history of the project:

- In June 2021, Council resolved to enter a commercial leasing arrangement for a healthcare facility on Council owned land on Hurley Street.
- In January 2022, Council entered a development agreement for a 3-stage development option; noting a parcel involved in the lease was associated with the current HJ Daley Library site.
- In December 2022, Knight Frank assisted in site selection for the Library relocation, and Council undertook an Expression of Interest for commercial space within the Campbelltown CBD; 12 sites were evaluated against the following:
 - Availability
 - Location
 - Floor space
 - Accessibility
 - Proximity to City Centre
 - Commercial considerations (rental factor)
- February - April 2023: A detailed review was undertaken, which each shortlisted property was scored against a weighted assessment criteria, resulting in the following outcome:
 - Qualitative Assessment: 147 Queen Street offered the best location and layout for the library. With good street level access through a retail arcade, the location is well known to the community and offers good street presence in the heart of Campbelltown CBD.

- Financial Assessment: 147 Queen Street presented the best “value for money” option, noting the total quantum of rent payable across the total lease term was considerably less than other sites despite being a longer lease term.
- Conclusion: Based on the weighted assessment criteria, the 147-157 Queen Street site was nominated as the preferred site due to factors including the ability to consolidate On Q activities, ‘central’ location within the CBD, alignment to existing parking and public transport connections, and value-orientated cost of lease compared to other sites.
- A fit-out estimate was calculated based on a per square metre rate on a normal relocation “move in” basis with basic upgrade to make it operational at circa \$3.5-4 million.
- In April 2023, a Council Briefing occurred for the library relocation, which recommended 147 Queen Street (formerly Spotlight).
- In May 2023, Council resolved to enter into a lease for the premises with S&T Zois Pty Ltd, for an initial 6 year term with three, 2 year options available to extend the lease.
- In August 2023, Lacoste + Stevenson Architect and Council undertook further site investigations and design activities to develop a series of architectural and services drawings, and ultimately, a scope of works for a future Design and Construct contract. Additionally, MBM Quantity Surveyor was engaged to review and provide cost estimates of test fits and design ensuring alignment of project budget provisions. During this time, it was determined that there were unexpected alterations that Council is required to undertake to the existing building to accommodate the library requirements and change of use.
- Therefore, several base-build compliance improvements as part of alignment to the Building Code were determined to be required, particularly regarding the existing mechanical system, electrical switch boards and fire systems throughout the premises. Active engagement has occurred with the Lessor noting these improvements, which have been positively acknowledged.
- Following engagement of the Construction Contractor, Council Officers will continue engagement with the Lessor to formalise costs and to rectify the compliance improvements.
- In December 2023, a Request for Tender (RFT) for a Design Finalisation and Construct (DF&C) Contract was released to the market based on the preliminary design. The tenders and tendered prices are valid until 7 June 2024.
- In January 2024, a Development Application was submitted to enable construction works to be undertaken at the site and to enable the change of use.

Report

New Location

The relocated Campbelltown City Library, which will be located within a 3 minute walk from Campbelltown train station and bus interchange and within proximity to the CBD, will encourage visitors to use public and passive modes of transport. Visitor survey data shows that 87 per cent of library visitors use a car to access the current library with the remaining 13 per cent choosing alternative means of transport such as walking, train, bus or bike.

The central location of the relocated Campbelltown City Library will also help to reduce the barriers for visitors across the region to access library services. According to Council's library borrower data from 2017 to 2022 (year-to-date), approximately 61 per cent of borrowers at the HJ Daley Library reside in suburbs outside of Campbelltown including Ingleburn (15 per cent), Minto (13 per cent) and Macquarie Fields (11 per cent).

Enhancing walkability in the Campbelltown CBD is seen as a priority where services should be within a direct and accessible 10 minute walk from key public transport hubs. The current HJ Daley Library is a 15 minute walk from Campbelltown train station and bus interchange, making the new library location more accessible for Campbelltown residents.

The relocation of the library will serve as a catalyst for Queen Street activation and economic generation. Analysis of other recently constructed libraries in locations proximate to shopping zones in comparative centres demonstrates an average uplift in sales of 4.2 per cent in the year following opening of the relocated library. Based upon the HJ Daley Library projected visitation this year of over 100,000 and assuming a conservative estimate of consumer spending for each visit, the relocation of the library is likely to generate \$700,000 - \$1.09 million economic stimulation in the first year alone.

Community Sentiment

The community responded positively to the news of the library re-location, including a Facebook post on 17 July 2023 reaching 14,907 people with 333 engagements, 173 comments and only one negative reaction.

Below is an example of a comment received:

"Awesome stuff! New location is closer to train station and plenty of parking in Hurley St /Milgate Lane car park. The Downtown Plaza seriously needs some new life after Spotlight left and this will be fantastic for the small businesses there..."

Other comments from the community include:

- Closer to train station and additional bus stops and taxi rank.
- More parking (current parking is often completely full meaning people miss out on programs or are late).
- Multi-level to allow customisation of spaces for different community needs e.g. noisier sections like children's area can be on a different floor to quieter activities such as study spaces.
- Close to coffee and food for longer stay visits.
- In the existing path of students walking from school to transport.

- This location has improved disability access (public transport and taxis)

Project Risks

Council Officers are currently finalising the evaluation of the construction tenders, in which five applicants provided submissions. It is expected that we will finalise the tender evaluation process and engage the nominated contractor in May 2024. If the Council does not resolve to proceed with the required budget of \$8.5 million and the contractor is not secured in May, the tender pricing validity will expire, causing uncertainty of pricing and supplier commitment, and the likelihood of further cost escalation.

Projected cost

The overall proposed project budget, containing a contingency provision is \$8.5 million, which remains within Council's existing budget.

Program

Stage 1 will establish the functional Library operation, which initially will be restricted to Level 1 and Level 2 of the building, with compliance improvements only to the ground floor, which will be used as storage while the library is transitioned progressively into full operation.

The construction period of the stage 1 schedule is circa 28 weeks, plus an additional period for transition and commissioning of the library assets and operations from the existing library site.

Stage 2 includes the fit-out of the ground floor which will become a multi-use community space (youth and arts area etc.) strategically aligned to the recently endorsed Youth Plan and Cultural Strategy. Further community consultation will occur, to seek functional feedback prior to finalising the design and fit out. The outcomes of this consultation would also be subject to Council's annual budget and prioritisation.

Council can expect the following timeline for the remainder of the project:

- May 2024: Design Finalisation and Construct Contractor engaged.
- July 2024: construction works commencement.
- 8 November 2024: HJ Daley Library operation will cease (Post completion of this year's HSC period).
- December 2024: construction works completion.
- December – January 2025: completion of operations and testing phase.
- Early 2025: New Library operation will commence at the new location.
- During late 2025 to 2026: Stage 2 works will be completed to enable ground floor to become operational.

Contingency has been allowed to accommodate possible delays related to the approval of the Development Application, sourcing of long-lead items (i.e. lift and mechanical plant), and general risks associated with undertaking construction activities within aged building stock within a live, operating environment. Unforeseen risk due to age of building (e.g. structural considerations with penetrations) will be carefully managed and tested during the detailed design phase.

Council will continue to liaise with the health precinct developer to reduce the impact of library relocation activities.

Revised approach to long-term strategy

A future phase of the city activation strategy is largely contingent on the government commitment to proceed with the Community and Justice Precinct. We have collaboratively developed the Master Plan for the 5 hectare site with the Federal and State Agencies over the last 5 years, with a vision for significant commercial opportunity within the precinct, which includes the Federal Circuit and Family Court of Australia, redevelopment of the State's District, Local and Children's Court, and the co-location of government and private wrap-around services.

Council is also considering locating a new modern city library and council chambers in conjunction with a complementary vertical campus for tertiary education within the precinct.

However, we have heard from industry that without State and/or Federal commitment to the significant capital investment required for the court developments, there is limited confidence from the private sector to undertake such a development. With such limitations, the Council can not undertake the Community and Justice Precinct alone and must focus its resources on advocating and working with the State and/or Federal government to achieve this once in a generation redevelopment of Campbelltown CBD.

While council advocacy is consistently met with interest—though not commitment—the optimal outcome for Campbelltown would be to maintain the library at 147-157 Queen Street, a location that serves as a catalyst for revitalising the CBD and is easily accessible to the broader community.

Discussions have been undertaken with the lessor regarding the option to extend the lease term in order to provide Council maximum flexibility into the future to enable the continuation of advocacy and planning for the Community and Justice Precinct.

The lessor has verbally indicated support for a variation to the existing lease to 6+2+2+5+5 providing a lease up to a 20 year term.

Attachments

Nil

8.9 Temporary Suspension of Alcohol Free Zone for 'Wander On Q' Program

Reporting Officer

Director City Lifestyles
City Lifestyles

Community Strategic Plan

Objective	Strategy
1 Community and Belonging	1.1.2 Provide a diverse range of cultural and creative activities and events, for all interests and people

Delivery Program

Principal Activity
1.1.2.1 Deliver a wide range of events and opportunities for people to come together

Officer's Recommendation

That Council approve temporary suspension of the Alcohol-Free Zone in Queen Street between Cordeaux Street and Patrick Street, Campbelltown on Saturday 12 October 2024 between 4:00 pm and 10:00 pm.

Purpose

To gain necessary approvals for the temporary suspension of alcohol-free zones to facilitate the delivery of a pop-up bar as part of a 'Wander On Q' Open Street Project Grant Program.

History

Campbelltown CBD is one of three main centres identified in the 'Reimagining Campbelltown City Centre Master Plan', Council's long-term strategy for the city. The masterplan designates the CBD as a hub for economic, civic, and cultural activities. Council also identifies city revitalisation as a priority area in the current Delivery Program and Operational Plan and Community Strategic Plan 'Campbelltown 2032'.

The activation of streets and providing 'places for people' are at the forefront of Campbelltown's principal activities and outcomes within these strategic documents. The Open Streets grant program directly supports the delivery of Council's identified strategy to 'Activate a unique and lively city as a destination for business, social, event and leisure activities' and will allow Campbelltown to facilitate a highly collaborative street festival style event to showcase local businesses, culture, and arts within the CBD.

Council has been undertaking several projects to revitalise our city and to bring people and business back into the City Centre. The 'Wander On Q' Project is funded by The NSW Government's 'Open Streets Program' and due to finish in November 2024.

To date, Council's Place and Events teams have trialled a number of high-profile activations to attract people into the city, and to encourage workers to stay. This has included weekly markets, Valentine's Day food trucks, Live and Local and the highly successful 'Ramadan' program. The Revitalisation project has also trialled new temporary infrastructure such as parklets, dance spaces, temporary grass, altered parking, new seating, decking, gardens, and places for people in our City Centre.

To ensure our city is a safe place, a number of Alcohol-Free Zones are in place. Alcohol Free Zones assist in the control of antisocial behaviour associated with excessive and inappropriate alcohol consumption. This includes sites that have been proposed for the 'Wander On Q' Program along Queen Street.

Report

In February 2024, Council was notified that it's recent Expression of Interest (EOI) for funding under the NSW Governments 'Open Streets' Program was successful.

The program will deliver a large scale creative & cultural event in the heart of Campbelltown CBD on Saturday 12 October 2024 and will utilise street closures in Dumaresq, Queen, Lithgow and Patrick Streets. The funded event is "Wander on Q". 'Wander on Q' will take place in the evening, and it is proposed that a small Pop-Up bar is included in the event layout. Temporary suspension of the Alcohol-Free Zone on a section of Queen Street is requested to facilitate the legal inclusion of an operating bar.

This Pop-Up bar is like those held at many events across Australia at festival and street events. The Pop-Up bar will be in a small strictly controlled space with security controlling entry, exit and behaviour in the space. Wander On Q staff are working closely with NSW Police and Council's regulatory staff to ensure best practice procedures are followed.

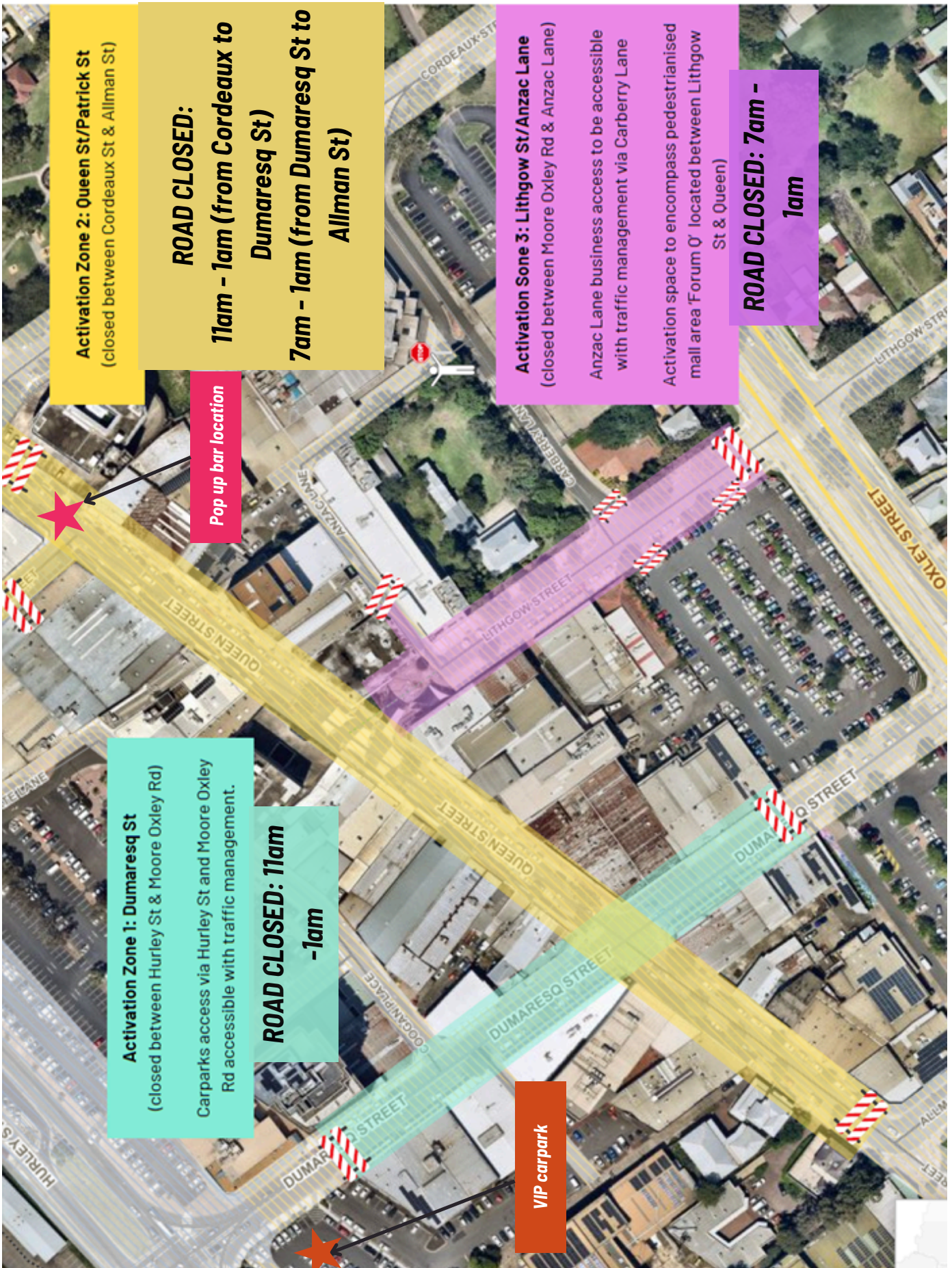
Alcohol Free Zones are created and managed by Council. Sections 644B and 645 of the Local Government Act 1993 allow for the establishment and suspension of these Zones. Section 645 requires Council to publish notice of this suspension to ensure the community is informed of the change.

Consultation has been undertaken and support received by Local Police and Council's Compliance Teams to offer a Pop-Up licensed bar at the above activations. Council's Place & Events Teams are working alongside Compliance and local authorities to ensure all risk management planning is in line with relevant regulations.

The 'Wander On Q' and associated programs are an exciting way to encourage people to explore the Campbelltown Queen Street precinct, changing perceptions of the CBD and benefitting local main street businesses.

Attachments

8.9.1 Site of Temporary Suspension Zone (contained within this report) [↓](#)



8.10 Macarthur Football Club Funding Request

Reporting Officer

Director City Lifestyles
City Lifestyles

Community Strategic Plan

Objective	Strategy
4 Economic Prosperity	4.2.3 Provide support for local businesses

Delivery Program

Principal Activity
1.1.2.1 Deliver a wide range of events and opportunities for people to come together

Officer's Recommendation

1. That the information be noted.
2. That Council decline to support the Macarthur Football Club 2024-2028 community partnership proposal.

Purpose

Council has received an informal funding request from Macarthur FC (MFC) seeking financial support from Council for a 5-year term.

This report outlines information for Council to consider and decide about the treatment of the proposal.

History

Council entered into an agreement to sponsor MFC in 2019, for a 5-year term as a "Principal Community Partner of Macarthur FC"; and "Official Community Partner of Macarthur FC".

The agreement provided rights to Council in the following categories: -

1. Hospitality and ticketing,
2. Signage and advertising,
3. Campaign activity,
4. Activations and promotions,
5. Merchandise,

6. Player rights, and Community engagement.
7. MFC's community engagement pillars included specific activities regarding Indigenous programs, Community Cohesion and Health and Wellness. During each year of the agreement, MFC delivered a number of community initiatives such as Bulls in Schools, community appearances and school holiday clinics.

The 2019 sponsorship agreement concludes at the end of the current season (30 June 2024) and there are no obligations or options to renew or continue the current agreement. The 2019 sponsorship support provided by Council totalled \$2.5million.

At Councils ordinary meeting of 26 March 2024, Council noted a report "Macarthur Bulls Football Club Community Partnership Report 2022-2023", which outlined the compliance with the 2019 agreement.

At Councils extraordinary meeting of 16 April 2024, Council resolved to put the 2024-25 operational plan on public exhibition. The 2024-25 operational plan does not include financial support of MFC as part of the budget.

Use of Campbelltown Stadium

Councils support of MFC also included use of the Campbelltown Sports Stadium for A-League matches under a separate agreement (a 15-year term), with discounted access and usage fees and charges for the first 7 years. Additionally, match days at Campbelltown Sports Stadium create economic value above the value of the usage fees and is impacted by crowd numbers.

Report

MFC's funding request for 2024-25 and beyond seeks funding of \$500,000 per year for 5 years, structured in a similar way to the 2019 agreement.

Council officers have evaluated the funding request against Council's Adopted Grants, Sponsorship and Donations Policy. This policy has the following endorsed principles and criteria as follows for assessment of proposals, such as that received from MFC:

The key principles for Council support

1. **Delivering Council's Community Strategic Plan** - aligned with Council's Community Strategic Plan, and other social, economic, and environmental policies and plans.
2. **Partnerships and collaboration** - between Council and the community to achieve Council's strategic direction.
3. **Capacity building** - Support community groups and organisations to function positively, develop skills and increase community participation.
4. **Social inclusion** - Campbelltown is a diverse community comprising people from a range of different backgrounds.
5. **Leveraging value** - represent good value for the level of cash or in-kind support requested.
6. **Good governance** - Council is committed to demonstrating integrity, professionalism and transparency in our decision making and has strong governance structures in place to support this.

7. **Reflection and Learning** – demonstrate commitment to continuous improvement.

Assessment Criteria

Criteria applied when assessing a request for funding support at this level is as follows: -

1. The level of city-wide exposure
2. Quantified local economic benefit.
 - a. It would be expected to demonstrate a minimum of 3:1 return on the investment, applying the Profile.id economic forecast tool.
3. Event attendance and community participation
4. Attraction of out of area visitors
5. Nature and profile of the program / content / event(s)
6. Marketing support provided to Campbelltown City Council (CCC)
 - a. Significant media impact / coverage
7. Demonstrate a positive outcome for the Campbelltown LGA aligned with Councils vision and the principles for funding.
8. Activate strategic spaces, public places or venues in Campbelltown.
9. Have a positive impact on public perceptions of Campbelltown.
10. Quantum of funding must also be considered in conjunction with other priorities across the LGA.

Assessment of the proposal received

Council officers have evaluated the funding request from MFC and offer the following assessment:

1. The proposal is not centred on the proposed benefits to Council and the Campbelltown LGA but rather the broader Macarthur region.
2. Assessment of the stated benefits to Council as outlined in the proposal are not sufficiently aligned with Councils objectives. The reasons for entering the 2019 agreement are not considered applicable to the assessment of this proposal.
3. Based on the information provided by MFC, Council Officers cannot determine the economic benefit, and 'value for money' for the Campbelltown community cannot be established.
4. Based on the information provided by MFC, Council Officers cannot determine the non-economic benefits to the City of Campbelltown.
5. Currently, Council is exhibiting the Draft 2024-25 Delivery and Operational Plans, which present a balanced budget for Council expenditure. Several important Council activities were not funded as part of the development of the 2024-25 budget, and Council does not have the funds to enter into the agreement.

Conclusion

Having regard to the assessment of the proposal and noting the draft funding priorities in the 2024-25 operational plan and budget endorsed by Council for public exhibition, it is recommended that Council decline to support the Macarthur Football Club proposal.

Attachments

8.10.1 Macarthur Football Club Community partnership proposal 2024-2028 (contained within this report) [↓](#)



MACARTHUR FC

Campbelltown Council

Community Partnership 2024 -2028



Our Community & Club

Macarthur FC is the only full-time professional team in the south-west of Sydney and have shown our commitment to the region. Our region has over 30,000 registered players; far more than any other sport such as netball & rugby league. This will double over the next decade as more and more people make the Southwest their home.

The club anticipates to spend in excess of \$2m per annum in Schools, multicultural programs and other community programs. Macarthur FC has invested over \$15m in the region and anticipate investing in excess of \$50M over the next five years.

We have launched our own registered charity called the *Macarthur FC Foundation Inc*. The key pillars of this charity are; community cohesion, education, health & wellbeing and Indigenous and multicultural. The Foundation works closely with Macarthur FC Ltd our non for profit arm.

Our club is in regular contact, meeting with Local, State and Federal government members promoting Southwest Sydney as our home, championing further investment into the region across all areas, not just sport.

Our region has in excess of 1.2 million people and our Culturally and Linguistically Diverse communities make up 75% of the south-west, totalling 900,000. Of that, more than 670,000 are of non-European background and have moderate English proficiency skills and 345,000 have limited to low English proficiency, according to the 2021 Census.

All our community programs are run through Macarthur FC Ltd, our NFP.



Mile Sterjovski, Macarthur FC Head Coach
Mile has been with the Club since inception and represented our country as one of our most capped Soccerroos

**MACARTHUR FC****OUR PILLARS*****Community Cohesion***

WE WILL collaborate with our partners and stakeholders to promote our region's unique community spirit and pride, in making a meaningful contribution to a harmonious, cohesive society.

Health and Wellness

WE WILL promote healthy lifestyles and life choices using football and education in a fun, rewarding and aspirational way.

Community Aspiration

WE WILL provide the community with an opportunity for achieving esteem by recognition of the achievements of the club as a representative of the Region.

A Key focus in our community is CaLD & Indigenous community groups and in particular



MACARTHUR FC

Key Demographics

Why our work in south-west Sydney is so important

- Population of 1,215,414
- 14.50% of NSW population
- 17,500 identify as Aboriginal or Torres Strait Islander, comprising 1.6% of NSW population
- 45.20% born overseas
- 18,000 people a year moving to south-west Sydney
- 400 Children born per-week in south-west Sydney
- 54.00% of Households speak another language at home
- 16.5% of NSW Public Housing Tenancies
- 5.3% unemployment rate, compared to NSW state average unemployment rate below 3%
- Highest level of youth unemployment above the national average & state average
- Highest level of unemployment above the national average & state average
- Highest level of female unemployment above the national average & state average
- 4,293 domestic assaults above the national average & state average
- 1.3% above the state average people with a disability
- 3 people per household compared to 2.6 NSW average
- 2,362 Children and young people in out of home care
- Below the state average for Higher Education
- Crime rates above the national average
- Gambling addiction above the national average & state average



MACARTHUR FC

BULLS IN SCHOOLS & COMMUNITY

BULLS IN SCHOOLS

Regardless of the global health pandemic and previous restrictions from the Department of Education regarding outside school personnel, the Bulls in Schools program has been extremely successful, well received and supported by local schools in the Southwest of Sydney.



Bulls in Schools – Blairmount PS

Over 60,000 children have participated in the program. Our aspirations are to cover all schools in south-west Sydney, with more tailored programs for K-2, 3-6 and 7-9 stages.

We are consistently booking schools with our aim to grow the program to over 20,000 children per annum.

The program runs all day and each Bulls In Schools session works within the school's curriculum program. Our program aims to teach the children basic fundamental physical activity, **inclusion and harmony** as well as skills such as:

- Teamwork
- Communication
- Gross Motor skills
- Fine Motor skills
- Improved self-esteem

BULLS IN SCHOOLS & COMMUNITY

MACARTHUR FC



OTHER COMMUNITY PROGRAMS

MACARTHUR FC





MACARTHUR FC

Annual Fan Day

- Our FREE Annual Fan Day in partnership with Council was held on 7 October 2023.
- The event was open to the general public with fans having the opportunity to watch a training session with the Bulls and gain some insight from coaching staff and players.
- On conclusion of training, players met with all fans and posed for photos as well as signing autographs.

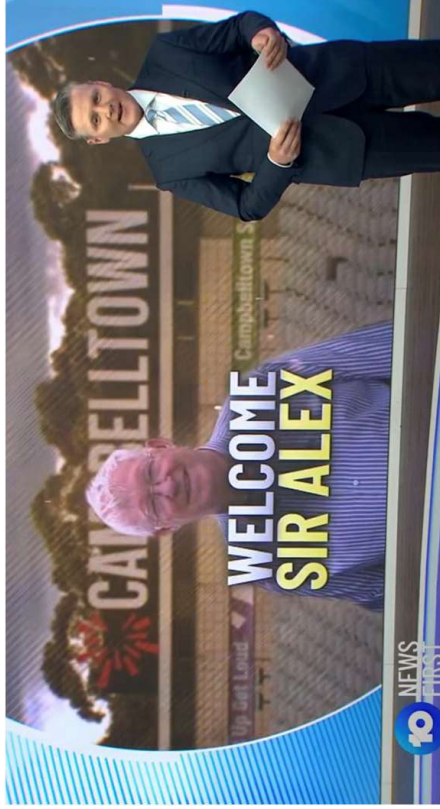




MACARTHUR FC

Other Notable Occasions

- Winning the 2022 Australia Cup, earning Australian Football the first ever spot for an Australian Team to participate in the AFC Cup.
- Throughout the 2023/24 sponsorship term, regular player appearances occurred throughout the Campbelltown LGA, including visits to Grassroots Football Clubs.
- Sir Alex Ferguson made headlines nationally and worldwide when he travelled to Campbelltown Sports Stadium to visit our Players Captains Run on 27 October 2022. Features on 10 News prime time and the Sydney Morning Herald reached 4.4million nationally.
- Various mentions of Macarthur FC in Parliament, in particular Greg Warren discussing our Australia Cup win and Parliamentary Congratulations.



MACARTHUR BULLS FC

Mr GREG WARREN (Campbelltown)—It has only taken a couple of years for Macarthur Bulls FC to earn the reputation of A-League heavy weights. And the reputation increased 10-fold recently when the players, led by coach Dwight Yorke, took home the Australia Cup. Goals from Al Hassan Toure and Ulises Davila ensured the result would go down in the history books. It was a wonderful run for our local club that started with the round of 32 result in July, a 6-0 win over the Magpies Crusaders. That was followed by a 4-0 win against Modbury Jets and a 2-0 win against fellow A-League side, Wellington Phoenix, in August. The September 14 clash against the Oakleigh Cannons ultimately ended Macarthur's clean sheet run however the 5-2 result was enough to secure a spot in the final. The club, its players and its staff have been truly embraced by our region since they entered the nation's premier competition. The Macarthur region is the fastest growing region in the state and we were long overdue for our own A-League side. Congratulations again to the Bulls on a wonderful result. You did Campbelltown and the wider Macarthur region proud.

MACARTHUR FC

Out and About in Campbelltown



A few memorable moments while out and about in Campbelltown!

- Macarthur FC attended the NAIDOC event at **Campbelltown Arts Centre** to support our partnership with Council and their involvement with the indigenous community.
- Once again Macarthur FC attended the Campbelltown City Challenge walk.
- Building on from our appearance at the Campbelltown City Challenge walk in the previous sponsorship term, we held **mini skill building activities** at the event with appearances by players and Arthur.
- In June 2024, the Macarthur FC club (players, coaches, staff) will once again attend Macarthur Magic and take part in their Football activities from training to playing. Last year, the visit was a humbling and **heartwarming** experience for all and was warmly received by the Macarthur Magic network.
- In March 2024, Macarthur FC attended Ingleburn Alive.



MACARTHUR FC

Campbelltown Value

Campbelltown On Our Screens

- Across the 17 games played at Campbelltown Stadium the word “Campbelltown” was mentioned in match commentary or broadcast in vision for a minimum 99 minutes across the total match minutes of 26 hours 2 minutes. Based on previous years.
- Using the Australian Professional Leagues (A-League) advertising rate this would equate to over \$2.97m in value, purely for Campbelltown.
- This does not include the term Macarthur or South West Sydney.





MACARTHUR FC

Campbelltown Value

Promoting Campbelltown

From July 2023 – April 2024 Macarthur FC, in conjunction with A-League, spent in excess of **\$350,000** across television, digital and print advertising to promote our matches at Campbelltown Sports Stadium and the region. This equates to a **return paid media value of \$2.66m** for the 2022/23 Isuzu UTE A-League Season.

During the 2023/24 Isuzu UTE A-League Season, Macarthur FC featured in **over 93*** individual news stories and interviews across television and articles, profiling players, the club and the region.

Across the 2023/24 Isuzu UTE Season the club surpassed **106m*** impressions in both ATL & BTL advertising and media exposure. **This number does not include general print, radio and television media match coverage.*





MACARTHUR FC

Campbelltown Value

Campbelltown on Radio

The 2023/24 season saw a continued collaboration with Campbelltown’s own radio station, C91.3FM.

C91.3FM attended a variety of our games at Campbelltown Sports Stadium.

With an estimated audience of 50,000, C91.3FM promoted our games through their radio channel and gave away over 450 tickets.

2GB Big Sports Breakfast Radio have appeared at half of our games to promote. A combined audience of 282,000



**MACARTHUR FC****Bulls in Schools & Community****Why our work is so important**

Physical education and sport for children and young people have demonstrated positive impacts on physical and mental health and development and help to build effective long-term physical activity behaviors as adults. Playing sport as a child is also highly correlated with staying at school longer, especially for boys.

Children who play sport have improved cognitive development and pro-social skills, are more attentive at school, and achieve better academic results. It also increases their self esteem which leads to better mental health outcomes.

University graduates who participated in sports earn more on average than those who didn't participate in sport, or who participated in gym/physical fitness activities only.

Employers and students agree that engagement in sport, especially in a voluntary leadership or management role, provides 'added value' beyond standard academic qualifications.

Children that play sport and more likely to support National teams and have pride in their community and their country.

The Matilda effect will only continue if opportunities to participate are available to all.



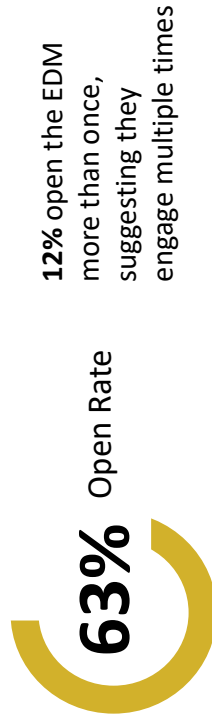
MACARTHUR FC

Global Reach

Digital Insights

Across Macarthur FC Social Platforms there were **30 Million Total Impressions**

Macarthur FC EDM's go to **38,179** fans and have a:



Followers Across Platforms



TV Viewership & Digital Growth

Across all TV viewership mediums, we have received:

- An average of **130,026 viewers** on 10Bold
- More than **18.61 Million live minutes** viewed

Across all platforms Macarthur FC had **1.87 Million video views**



Connected on Social Media





MACARTHUR FC

The Role of Sport

Employment & Education

The education benefits that result from children playing sport are worth A\$5 billion annually. These benefits are from:

- Improved cognitive development, learning and retaining information
- Building critical life skills
- Staying in school longer
- Higher lifetime earnings (through better grades and staying in school longer)
- University graduates who participated in sports earn more on average than those who didn't participate in sport, or who participated in gym/physical fitness activities only
- Employers and students agree that engagement in sport, especially in a voluntary leadership or management role, provides 'added value' beyond standard academic qualifications

Health & wellbeing

- Sport creates **A\$29 Billion of net health benefits** each year through reduced healthcare costs and early mortality
- **A\$4.9 Billion worth of health benefit**, The estimated cost of treating physical activity related injuries in hospitals was A\$764 million, while managing health conditions due to physical inactivity (such as heart disease and type 2 diabetes) cost the health system A\$968 million (2018-19)
- **A\$5.1 Billion worth of social benefit**

**MACARTHUR FC****The Role of Sport**

82% of Australians believe that sport is good for health and wellbeing

Participating in sport and physical activity for social, psychological and mental health reasons has increased over the past 5 years. Playing sport during childhood is critical for developing a life-long habit of being physically active. Children who grow up playing sport are 10% more likely to remain active as adults. Physical health and/or fitness is the strongest motivator for Australians 15+ to participate in sport and physical activity

Participating in sport, particularly team sport, makes it more likely that participants will meet the physical activity guidelines and continue physical activity long term. The Australian sport sector to play a greater role in preventive health action to increase physical activity and improve mental health within the community. More Australians to be engaged in sport and active recreation throughout every stage of life. Communities to be encouraged and supported to deliver locally designed programs that support physical activity, which are inclusive and promote social connection.



MACARTHUR FC

The Role of Sport

Australians over 18 years feel that National Teams:

- make Australians proud: 87%
- demonstrate fair play and integrity: 86%
- are internationally competitive: 88%
- inspire people to participate in sport: 84%
- are worthy of government investment: 81%
- help support health and wellbeing in the population: 79%
- promote gender equity: 75%
- have a positive impact on child development and education: 81%
- are inclusive for all Australians: 77%
- have a positive influence in my local community: 70%

The shared camaraderie of watching or cheering for high performance athletes and teams has a strong impact on developing community cohesion. Research suggests that certain groups within the community are more likely to feel pride and happiness from the achievements of elite athletes in international competitions, including:

- individuals with lower educational levels and/or lower incomes
- Indigenous, or CaLD backgrounds

**MACARTHUR FC****The Role of Sport**

Research supporting the benefits of sport participation on a positive mental outlook is clear. Sport can play a valuable role in building mental health and connecting people to community.

- 82% of Australians aged over 18 years believe that sport is good for their health and wellbeing, and 88% agree that sport is important for bringing people together in their local communities.
- Sport, particularly organised and team sport, has been shown to provide strong mental and social benefits for people of all ages, beyond the benefits that come from just being physically active
- Participation in sport, both as a child and adult, is a source of **resilience and mental wellbeing**
- Sport can lead to more time spent with others. One study calculated that for every hour spent doing sport, 48 minutes were spent with other people; every hour of non-sport exercise accounted 23 minutes spent with others

**MACARTHUR FC****Benefits of Sport for Specific Populations**

Rates of poor mental health can be higher in specific populations, including younger Australians, Aboriginal and Torres Strait Islander peoples, people with disability, and same-sex attracted and gender diverse (SSAGD) individuals.

The social and mental wellbeing benefits of playing sport have also been studied in some of these population groups, demonstrating that sport can have particularly strong outcomes for individuals from these communities, especially by promoting social inclusion and community engagement.

Children & Young People

- demonstrate **greater trust** in other people
- possess a stronger sense of belonging to their community
- achieve greater levels of life satisfaction, happiness, positive mental and physical health
- possess a greater desire to **give back to their community through volunteering**
- improved **wellbeing**
- **reduced stress and distress**
- increased **social functioning and vitality**
- form more **close friendships and bonds that can assist in peer pressure situations**



MACARTHUR FC

Benefits of Sport for Specific Populations

Aboriginal and Torres Strait Islander peoples

- Aboriginal and Torres Strait Islander youth who participate in sport are 3.5 times more likely to report good general physical and mental health and 1.6 times more likely to have no probable serious mental illness.
- Aboriginal and Torres Strait Islander adults who played Australian football in the previous 12 months reported **higher life satisfaction** than those who did not participate in the sport. They also reported **more frequent social contact** and were more likely to feel they had **support outside their immediate household**

Culturally and Linguistically Diverse

- Participation by young people from culturally and linguistically diverse backgrounds has been shown to help overcome **challenges** such as a lack of social supports and connection, sense of displacement, discrimination, and migration stress.

People with disability

- improved **quality of life**
- better **psychological and mental wellbeing, mood and sleep**
- higher levels of **physical activity and health-related fitness**
- Better integration into mainstream life and changing community perceptions about disability



MACARTHUR FC

Schools who have partnered with Bulls

- | | |
|------------------------------------|---|
| Ambarvale Public School | Thomas Acres Public School |
| Bardia Public School | Minto Public School |
| Kearns Public School | Robert Townson Public School |
| Kentlyn Public School | Ruse Public School |
| Blairmount Public School | Sackville Street Public School |
| Bradbury Public School | Sarah Redfern Public School |
| Glenfield Park Public School | St Andrews Public School |
| Glenfield Public School | St Helens Public School |
| Broughton Anglican College | Ingleburn Public School |
| Campbellfield Public School | The Grange Public School |
| Campbelltown North Public School | Denham Court Public School |
| Campbelltown Public School | John Warby Public School |
| Leumeah Public School | Appin Public School |
| St Peter’s Anglican Grammar School | Mary Immaculate Catholic Primary School |

In addition;

Free Discover Football Clinic Boys – Macarthur FC Experience Store, Macarthur Square
 Free Discover Football Clinic Girls – Macarthur FC Experience Store, Macarthur Square
 Programs with Macarthur Football Association , Based at Lynwood Park, St Helens

**MACARTHUR FC****2024 – 2028 Proposal****Major Community Partner: \$500,000 Per Annum (2024 – 2028)****Benefits***Designation*

- Principal Community Partner of Macarthur FC
- Official Community Partner of Macarthur FC

Corporate Hospitality & Ticketing

- 10 x Invitations to all Club events
- Community Rewards Initiative. Can be used by Sponsor as incentives and rewards for its Community programs and other initiatives to its discretion;
 - 230 GA tickets to each Club home game to (shared across 13 home games)

Signage & Advertising

- Logo representation at home ground & all home matches via one (1) sideline LED signage rotation (30secs/ 8 rotations).
- Logo Placement on the Club Media Backdrop

Campaign Activity

- Prominent branding on all Club member and fan EDMs (approx 30,000 per send)
- One (1) Campbelltown City Council promotional video (produced by Campbelltown City Council) to run as a deature on Club home games.

**MACARTHUR FC****2024 – 2028 Proposal****Major Community Partner: \$500,000 Per Annum (2024 – 2028)***Merchandise*

- 10 x signed Club inaugural team shirts
- 10 x Club media polo shirts
- 50 x Club Media Caps

*Player Rights – Use of Images and Appearances**Community Engagement*

- In collaboration with the Sponsor, the Club will develop twelve (12) month Community Engagement dule that will include but not limited to :
 - Club to deliver Football School Holiday Clinics at the end of each school term. Details to be determined as part of the yearly strategy
 - Club will host an annual Club Fan Day (Open Training session) within the Campbelltown LGA. Location and date to be agreed on between Club and Campbelltown City Council.

**MACARTHUR FC****Benefits of Sport for specific populations**

Source Documents

<https://www.clearinghouseforsport.gov.au/>

https://www.facs.nsw.gov.au/data/assets/pdf_file/0003/725853/South-Western-Sydney-District-Data-Profile.pdf

<https://abs.gov.au/census/find-census-data/quickstats/2021/127>



MACARTHUR FC

8.11 Investments and Revenue Report - March 2024

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 report outlining the activity in Council's financial services portfolio for the month of March 2024.

Report

Investments

Council's investment portfolio as of 31 March 2024 stood at approximately \$219 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 for the month of March is consistent with the benchmark and provided an actual positive return of 0.43 per cent or 5.16 per cent annualised. This return includes the 31-day notice saver account but excludes Council's at call cash and Treasury Corp managed fund accounts.

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, Arlo Advisory, have confirmed that Council's investment portfolio is compliant with current policy settings, with clear buffers between exposures to individual entities and is well diversified from a credit rating spread perspective.

Council's total liquidity to meet short to medium term cash flow needs remains strong with \$0.6 million held in an at call account and an amount of \$10.7 million in a 31-day notice account. This notice account offers an attractive rate for short term deposits of 5.20 per cent which also increases in line with movements in the official cash rate.

The Reserve Bank now meets to consider monetary policy 8 times per year namely:

- 5-6 February
- 18-19 March
- 6-7 May
- 17-18 June
- 5-6 August
- 23-24 September
- 4-5 November
- 9-10 December.

The official cash rate is 4.35 per cent following a continued pause by the Reserve Bank (RBA) Board at the March monetary policy decision meeting with the next announcement scheduled for 7 May 2024.

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 strictly 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 March 2024 totalled \$144,056,490 representing 100 per cent of the current budget estimate.

The rates and charges receipts collected to the end of March totalled \$108,495,370. In percentage terms 76.7 per cent of all rates and charges due to be paid have been collected, compared to 77.5 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 18 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 20 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, 167 notices were sent to ratepayers advising them of the amount unpaid on their account and the amount levied in annual rates and charges. In addition, a separate letter is sent containing a request for additional contact points such as mobile number and/or email address.

Sundry Debtors

Debts outstanding to Council as at 31 March 2024 are \$23,862,051 reflecting an increase of \$19,717,507 since February 2024. During the month, 634 invoices were raised totalling \$21,911,072. 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 \$476,834 as at 31 March 2024. The majority of this debt relates to City Standards with \$182,819 outstanding for health licence inspection fees. These fees are generated for various shop premises, household pool inspections, fire safety services and wastewater management systems. Council staff will continue to work with recovery agents to assist in recovering debts however formal recovery may be considered if no response is received. Part of this debt is due to shop owners that have closed and are no longer contactable. If it is uneconomical to recover the debt it may be recommended for write-off.

Corporate Governance debts totalling \$169,710 with the most significant amount of \$70,413 relating to cost recovery of Macarthur FC matches held at Campbelltown Stadium. Council continues to work with the club to bring the account up to date and anticipates this to occur in coming weeks.

Also incorporated in this debt is the amount of \$24,500 for various property related debts regarding clean-up orders issued and the recovery of costs associated with restoring private property to a suitable healthy condition. In some cases, property owners are already in financial distress and where the property is vacant, may be uncontactable. Council staff continue to reach out to the owners to seek a positive resolution. Debts are encumbered to the land and are often finalised with the sale of the property. Another amount of \$7,666 relates to electricity and recharges for various sporting groups. Council continues to work with the volunteer sporting groups to resolve outstanding accounts.

Hire fees to the value of \$69,674 are broken up into 3 categories. Hall hire fees of \$14,954 are a result of debts raised in advance, and in accordance with Council policy, do not need to be finalised until two weeks prior to the function. This process also gives hirers an option to book early with the option to make smaller regular payments leading up to their event. Sports ground and field hire debt of \$35,947 are also debts raised in advance, however, Council staff are continuing to work with sporting groups that are having difficulties finalising their payments.

City Services debt of \$21,270 is represented by costs associated with road restoration works, payment of this debt was received early April 2024.

Community Life debt of \$6,243 relates mostly to the Bicycle Education Centre which are debts raised in advance.

Property Services debt of \$9,591 is mainly contributed to the lease agreement for the Campbelltown Australian Football Club of \$5,300. They have amalgamated with another club resulting in a new agreement under the new entity. Also categorised in this debt is the amount of \$4,289 for a deed of airspace licence fee and application.

Debt recovery action is undertaken in accordance with Council's Sundry Debtors Recovery Procedures Policy and commences with the issue of a tax invoice. A person or entity may be issued any number of invoices during the calendar month for any business, services or activities provided by Council. At the conclusion of each calendar month, a Statement of Transactions is provided with details of all invoices due and how payments or credit notes have been apportioned. Once an invoice is paid, it no longer appears on any subsequent statement.

All debts that age by 90 days or more are charged a statement administration fee of \$5.50 per statement. Debtors are contacted by telephone, email or in writing to make suitable arrangements for payment of the overdue debt. Where a suitable arrangement is not achieved or not maintained as agreed, a 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, two 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 not instructed to issue any legal recovery on matters.

Council officers are mindful of any debtors that may be in hardship and 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 - March 2024 (contained within this report) [↓](#)
- 8.11.2 Rates and Charges Summary and Statistics - March 2024 (contained within this report) [↓](#)
- 8.11.3 Debtors Summary and Ageing Report - March 2024 (contained within this report) [↓](#)

Summary of Council's Investment Portfolio

Portfolio as at 31 March 2024



Investments Summary*

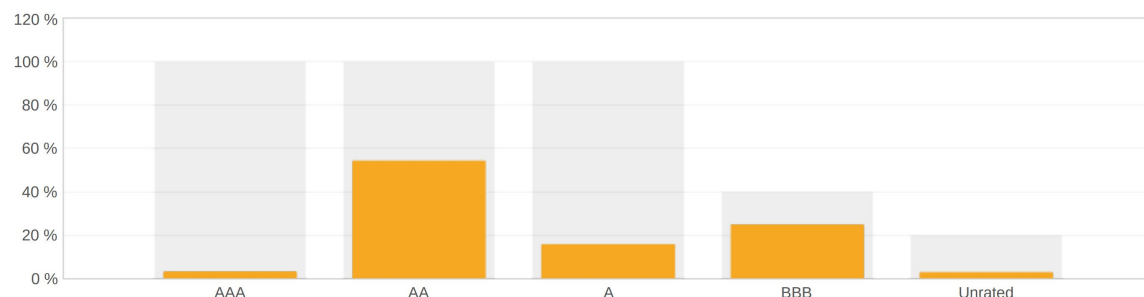
Asset Class

Code	Number of Trades	Invested (\$)	Invested (%)
TD	45	132,151,084.93	132,151,084.93
FRN	23	44,746,417.80	20.45
FRTD	4	13,000,000.00	5.94
BOND	5	11,818,429.50	5.40
CASH	4	11,409,472.11	5.21
MGFUND	1	5,719,753.13	2.61
TOTALS	81	218,845,157.47	100.0

*Note valuations of Council's Senior FRNs on the Imperium Markets platform are marked-to-market and priced on a daily basis from an independent third party provider. Council has recorded its FRNs internally at the purchase price or face value. As such, the total portfolio's balance is likely to differ as at the reporting date).

Credit Quality

Compliant	Rating	Invested (\$)	Invested (%)	Limit (%)	Available (\$)
✓	AAA	6,419,302.25	2.93	100.00	212,425,855.22
✓	AA	118,685,717.18	54.23	100.00	100,159,440.29
✓	A	34,015,736.24	15.54	100.00	184,829,421.23
✓	BBB	54,004,648.67	24.68	40.00	33,533,414.32
✓	Unrated	5,719,753.13	2.61	20.00	38,049,278.37
TOTALS		218,845,157.47	100.00		



Summary of Council's Investment Portfolio – March 2024 cont'd

Maturity Compliance

Compliant	Term	Invested (\$)	Invested (%)	Min Limit (%)	Max Limit (%)	Available (\$)
✓	0 – 90 days	34,830,092.34	15.91	0.00	100.00	184,015,065.13
✓	91 – 365 days	109,014,012.00	49.81	0.00	100.00	109,831,145.47
✓	1 – 2 years	31,274,888.30	14.29	0.00	100.00	187,570,269.17
✓	2 – 5 years	38,006,411.70	17.37	0.00	100.00	180,838,745.77
✓	5 – 10 years	5,719,753.13	2.61	0.00	20.00	38,049,278.37
TOTALS		218,845,157.47	100.00			

Portfolio Return

Council's performance for the month ending March 2024 (excluding cash accounts and TCorp LTGF) is summarised as follows:

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.36%	1.07%	2.14%	3.18%	4.15%
AusBond Bank Bill Index	0.37%	1.09%	2.15%	3.26%	4.19%
T/D Portfolio	0.44%	1.27%	2.51%	3.66%	-
FRT/D Portfolio	0.46%	1.33%	2.68%	4.04%	-
FRN Portfolio	0.46%	1.32%	2.65%	4.01%	-
Bond Portfolio	0.13%	0.37%	0.70%	1.03%	-
Council's Total Portfolio[^]	0.43%	1.23%	2.44%	3.59%	-
Relative (to Bank Bills)	0.06%	0.15%	0.28%	0.33%	-

[^]Council's total portfolio returns excludes Council's cash account holdings and TCorp LTGF.

Performance (Annualised)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	4.35%	4.35%	4.31%	4.24%	4.15%
AusBond Bank Bill Index	4.41%	4.42%	4.34%	4.35%	4.19%
T/D Portfolio	5.32%	5.19%	5.06%	4.89%	-
FRT/D Portfolio	5.56%	5.45%	5.42%	5.39%	-
FRN Portfolio	5.53%	5.40%	5.36%	5.36%	-
Bond Portfolio	1.54%	1.50%	1.41%	1.37%	-
Council's Total Portfolio[^]	5.16%	5.04%	4.92%	4.80%	-
Relative (to Bank Bills)	0.75%	0.62%	0.57%	0.45%	-

[^]Council's total portfolio returns excludes Council's cash account holdings and TCorp LTGF.



Rates Summary

Statement of all Outstanding Rates and Extra Charges

Rate - Charge	30/06/2023	Net Levy for Year	Pension Rebates	Extra Charges	Total Receivable	Cash Collected	Net Amount Due	Postponed Rates & Interest	Gross Amount Due
Residential	3,982,851.76	76,645,540.32	1,405,419.80	780,162.59	80,003,134.87	59,826,140.24	20,176,994.63	283,685.71	20,460,680.34
Business	539,881.93	22,253,938.68	93,273.28	93,273.28	22,887,093.89	17,808,035.30	5,079,058.59		5,079,058.59
Farmland	35,098.13	485,070.24	205.23	2,586.21	522,549.35	390,140.46	132,408.89	242,605.99	375,014.88
Mining	0.00	30,760.56		13.23	30,773.79	30,760.58	13.21		13.21
SR - Loan	845.32	-8.00		62.02	899.34	0.00	899.34	0.00	899.34
SR - Infrastructure	422,244.28	7,523,862.18		20,191.99	7,966,298.45	5,951,378.19	2,014,920.26	52,317.22	2,067,237.48
Total	\$4,980,921.42	\$106,939,163.98	\$1,405,625.03	\$896,289.32	\$111,410,749.69	\$84,006,454.77	\$27,404,294.92	\$578,608.92	\$27,982,903.84
Garbage	1,302,053.44	30,612,530.33	931,362.86	82,783.75	31,066,004.66	23,300,127.01	7,765,877.65		7,765,877.65
Stormwater	81,986.14	1,495,871.98		1,857.18	1,579,715.30	1,188,787.85	390,927.45		390,927.45
Grand Total	\$6,364,961.00	\$139,047,566.29	\$2,336,987.89	\$980,930.25	\$144,056,469.65	\$108,495,369.63	\$35,561,100.02	\$578,608.92	\$36,139,708.94

Total from Rates Financial Transaction Summary	34,182,882.77
Overpayments	-1,956,826.17
Difference	0.00

Analysis of Recovery Action

Rate accounts greater than 6 months less than 12 months in arrears	1,392,935
Rate accounts greater than 12 months less than 18 months in arrears	165,081
Rate accounts greater than 18 months in arrears	44,292
TOTAL rates and charges under instruction with Council's agents	1,602,307



Rates Statistics

No. of documents issued	July	August	September	October	November	December	January	February	March	April	May	June	Mar-23
Rate Notices	58,791			146			43						
Electronic - DoH	4,629												
Instalment Notices				46,395			49,061						
Electronic - DoH				4,635			4,686						
Missed Instalment Notices						10,838			9,148				8,834
- Pensioners > \$15.00						1,205			1,017				874
Notice to new owner	185	163	159	161	165	198	181	173	167				105
7-day Letters - Council issued			936			1,502			1,360				1,059
- Pensioners > \$1000			122			207			221				129
7-day Letters - Agent issued			433				819		948				624
Statement of Claim	144	12	23	170	25	10	232	34	18				11
Judgments	6	41	24	10	60	7	20	40	20				32
Writs				1	5	1	1	1					0
Electronic - eRates & BPAView	16,302	16,557	16,882	16,963	17,038	17,175	17,365	17,458	17,612				16,346
Pensioner applications	77	48	54	60	47	33	47	69	70				53
Arrangements	86	81	78	67	73	70	76	71	82				68

DEBTORS SUMMARY 1 March 2024 to 31 March 2024



DEBTOR TYPE/DESCRIPTION	ARREARS AT 29/02/2024	RAISED THIS PERIOD	RECEIVED THIS PERIOD	BALANCE AT 31/03/2024	% DEBT RATIO
Corporate Governance	699,696	259,163	63,497	895,362	3.75%
City Services	94,346	273,233	343,062	24,517	0.10%
City Standards	299,113	60,577	69,645	290,044	1.22%
Community Businesses	57,617	57,173	37,346	77,443	0.32%
Community Life	60,414	50,533	49,640	61,306	0.26%
Grants	1,913,106	20,806,272	642,106	22,077,272	92.52%
Hall Hire	206,929	146,277	214,391	138,815	0.58%
Property Services	813,324	257,844	773,878	297,291	1.25%
	4,144,544	21,911,072	2,193,565	23,862,051	100%

AGEING OF SUNDRY DEBTOR ACCOUNTS - 31 March 2024



	Current Charges	Total 30 Days	Total 60 Days	Total 90+ Days	Balance Due	Previous Month 90+ days
Corporate Governance	264,776	90,282	370,593	169,710	895,362	101,936
City Services	3,328	117	0	21,071	24,517	21,270
City Standards	56,379	25,553	25,294	182,819	290,044	194,389
Community Businesses	28,023	31,694	0	17,726	77,443	9,285
Community Life	43,805	8,087	3,171	6,243	61,306	15,031
Grants	20,806,272	948,970	322,029	0	22,077,272	78,402
Hall Hire	16,216	47,546	5,379	69,674	138,815	136,000
Property Services	284,697	3,003	0	9,591	297,291	9,591
	21,503,497	1,155,253	728,467	476,834	23,862,051	565,904

8.12 Reports and Letters Requested

Reporting Officer

Manager Governance and Risk
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 7 May 2024.

Attachments

8.12.1 Reports Requested Register (contained within this report) [↓](#)

8.12.2 Letters Requested Register (contained within this report) [↓](#)

Reports requested effective 7 May 2024

Date of Decision Mover	Action Item	Comments / updates	Expected completion date
City Services			
11.07.23 Munro	<p>NM 11.1 - Intersection of Collins Promenade and Eagleview Rd</p> <p>1. That Council undertake a review of recent changes to the intersection of Collins Promenade and Eagleview Rd and present the findings to Transport NSW for their review and consideration in the interest of motorist safety.</p>	<p>a report to be presented to Council at the May 2024 meeting as Item 8.6 on the agenda.</p>	<p>May 2024</p>
12.9.23 Hunt	<p>NM 11.2 Bus Stop Shelters</p> <p>2. That Council, subject to confirmation of bus routes and service standards, review the current installation program of bus stop shelters and explore options to expand to meet community growth and expectations; and</p> <p>3. That a report is presented on the information received and options to be considered.</p>	<p>Currently under review.</p>	<p>June 2024</p>
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>	<p>12 month trial began in May 2023. The report findings will be presented at the November Council meeting. Following Cr Stellino's statement at the September Council meeting a report will be provided 12 months from date of the first bin latch being issued to the public, or 3 months after all the bin latches being distributed whichever comes first.</p>	<p>June 2024</p>

Reports requested effective 7 May 2024

Date of Decision Mover	Action Item	Comments / updates	Expected completion date
City Services			
13.10.22 Brtricevic	<p>NM 11.3 Footbridge over Bow Bowling Creek</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. provide a report on the feasibility of building a footbridge over Bow Bowling Creek (causeway) at Bow Bowling towards Minto. 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. 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. 	The feasibility report is currently being prepared.	June 2024
20.9.22 Brtricevic	<p>NM 11.3 - International Mother Language Day Monument</p> <ol style="list-style-type: none"> 1. That Council rescind the current Memorials and Monuments in Public Open Space Policy-(Attachment 1). 2. That Council endorse the revised draft Memorials and Monuments in Public Open Space Policy for the purposes of a 28-day public exhibition (Attachment 2). 3. That a further report be presented to Council on the Memorials and Monuments in Public Open Space Policy following the public exhibition period. 	a report to be presented to Council at the May 2024 meeting as Item 8.7 on the agenda.	May 2024

Reports requested effective 7 May 2024

Date of Decision Mover	Action Item	Comments / updates	Expected completion date
City Services			
9.8.22 Chowdhury	<p>NM 11.4 - Grass Cutting</p> <p>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</p> <p>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.</p>	<p>Currently under investigation and report being prepared. Briefing provided to Councillors on 28 November 2023.</p>	<p>June 2024</p>
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> <ul style="list-style-type: none"> a) identification of any future enhancement works planned or required to improve the location. b) marketing opportunities to increase visitation and tourism. c) any environmental factors to be taken into account because of increasing visitation. d) any future resourcing considerations to enable an ongoing program of works and marketing activity. 	<p>Currently under investigation and report being prepared.</p>	<p>June 2024</p>

Reports requested effective 7 May 2024

Date of Decision Mover	Action Item	Comments / updates	Expected completion date
City Planning and Environment			
09.04.24 Cotter	ORD 8.3 -Post Exhibition Report - Planning Proposal for 80 O'Sullivan Road, Leumeah 1. That the matter be deferred for a Councillor briefing and brought back to Council as soon as possible..	Deferred at Council meeting of 9 April 2024.	July 2024
09.04.24 Bricevic	ORD 8.2 - Draft Amendments to Menangle Park Development Control Plan 1. That Council endorse the draft amendment to Volume 2 of the Campbelltown (Sustainable City) Development Control Plan 2015 (Part 8A – Menangle Park) for the purposes of public exhibition; and 2. That further report be submitted to Council on the outcome of public exhibition.	Preparing documents for public exhibition	August 2024
26.03.24 Morrison	ORD 8.3 - Draft Site Specific Development Control Plan - Glenlee Estate, Menangle Park 3. That the outcome of the public exhibition of the draft amendment to the Campbelltown (Sustainable City) Development Control Plan 2015 - (Part 8B - Glenlee Estate) be reported to Council with the outcome of the public exhibition of the associated Glenlee Estate Planning Proposal.	Currently on Public Exhibition	July 2024

Reports requested effective 7 May 2024

Date of Decision Mover	Action Item	Comments / updates	Expected completion date
City Planning and Environment			
13.02.24 Oates	<p>ORD 8.2 - Planning Proposal Request - Hollylea Road, Leumeah</p> <p>5. That following the completion of public exhibition either:</p> <p>a. where submissions are received by Council in response to public exhibition, a submissions report be presented to Council, or</p> <p>b. where no submissions are received by Council in response to public exhibition, the Planning Proposal be finalised.</p>	<p>Waiting on Gateway Determination which will detail public exhibition requirements. Post exhibition report, if required expected early 2025</p>	<p>March 2025</p>
13.02.24 Greiss	<p>ORD 8.3 Public Exhibition - Draft Regional Affordable Housing Contribution Scheme</p> <p>That item 8.3 Public Exhibition – Draft Regional Affordable Housing Contribution Scheme be deferred subject to further discussion with the NSW State Government.</p>	<p>Matter deferred</p>	<p>June 2024</p>

Reports requested effective 7 May 2024

Date of Decision Mover	Action Item	Comments / updates	Expected completion date
City Futures			
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>	<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.</p>	June 2024
13.10.20 Lake	<p>NM 11.1 - Charging for parking within the Campbelltown Local Government Area</p> <p>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.</p>	<p>Further studies are required for paid parking to form a part of a parking strategy.</p>	October 2024

Reports requested effective 7 May 2024

Date of Decision Mover	Action Item	Comments / updates	Expected completion date
City Lifestyles			
10.10.23 Bricevic	4. That Council is presented with a quarterly report detailing the operational costs and utilisation of the facility.	The quarterly report will be provided to Council after the opening of the Billabong facility.	Quarter 4
12.09.2023 Oates	NM 11.1 Vernacular Housing 1. Investigate different ways to involve our local community in recognising and researching examples of disappearing vernacular styles of housing in Campbelltown suburbs; 2. Use the information gathered to create a page on the Library's local studies website to contain photos and a brief description of the styles.	Local Studies team will work on this as a project for History Week in September 2024.	June/July 2024
8.8.2023 Cotter	NM 11.5 -Library Design 3. That a report is presented to the council detailing the result of the consultation process, including costing and funding options.	Further Investigation will commence detailing the result of the consultation process, including costing and funding options on the library design.	June 2024

Reports requested effective 7 May 2024

Date of Decision Mover	Action Item	Comments / updates	Expected completion date
City Governance			
26.03.24 Chivers	<p>NM 11.1 - Campbelltown Theatre</p> <p>1. That a report be presented to Council on the occupation of Campbelltown Theatre by Campbelltown Theatre Group Inc. The report should include a summary of the existing occupation of the site and whether it is consistent with the community's needs, consideration of the general benefit in reverting back to a council – managed community facility and consideration for the provision of alternative function that may provide opportunity for greater utilisation by the Campbelltown community.</p>	Currently under investigation	July 2024
9.5.23 Chew	<p>NM 11.2 - Customer Experience</p> <p>1. That Council further investigate opportunities for enhancing measurement of customer experience.</p> <p>2. That a report to Council detailing the outcomes and recommendation for customer experience metrics.</p>	The Customer Charter has been revised based on feedback and will be presented to the Executive for endorsement. The Customer Experience journey mapping review is now complete. As part of this project, we have completed internal and external engagement, identified improvements and mapped the priorities. The business is now working on the implementation plan.	June 2024
Office of the General Manager			
10.10.23 Morrison	<p>NM 11.1 - Campbelltown Ambassadorship Program</p> <p>That a report be presented to Council investigating the opportunity for development of a Campbelltown Ambassadorship Program that acknowledges significant contributions of individuals to our city and leverages their profile to promote Campbelltown.</p>	A model is currently being explored and consultation and benchmarking being undertaken.	June 2024

Letters requested effective 7 May 2024

Date of Decision Mover	Action Item	Comments / updates
City Planning and Environment		
26.3.24 Chowdhry	ORD 8.6 - Campbelltown Local Planning Panel Membership 4. That the Mayor write to Stuart McDonald, Scott Lee, Helena Miller, Mary-Lynn Taylor, Phillip Hayward and Cecilia Cox and thank them for their service to Council and the community over the last 6 years.	Letters sent to Local Planning Panel members on 22 April, included in the May business paper.
City Lifestyles		
09.04.24 Oates	ORD 8.7 - Colonial History 3. That Council writes to our Federal and State Members of Parliament seeking their support for funding opportunities to undertake Heritage Event Programs in Campbelltown.	Letters currently being drafted
26.3.24 Khalil	NM - 11.2 - Pickleball Courts 3. That Council write to our regions State and Federal MP's seeking their endorsement and support and financial contribution of the State and Federal Government's for the establishment of Pickleball Courts in the Campbelltown LGA.	Letters currently being drafted
City Services		
26.03.24 Khalil	NM 11.3 - Minto Railway Station Improvements 1. That Council write to the Hon Jo Haylen, Minister for Transport, raising concerns about the lack of sufficient cover at Minto Station, including a roof covering the overbridge and ramps situated between the platforms, and advocating for improvements.	Letter sent to the Hon Jo Haylen, Minister for Transport on 15 April 2024, included in the May business paper.

Letters requested effective 7 May 2024

Date of Decision Mover	Action Item	Comments / updates
<p>City Services 26.03.24 Morrison</p>	<p>NIM 11.4 - Spring Farm Parkway - South Bound Ramps That Council writes to the Hon Jo Haylen MP, Minister for Transport and the Hon John Graham MLC, Minister for Roads, Shadow Minister for Transport and Roads Natalie Ward and Mr Greg Warren, MP, Member for Campbelltown, The Hon Anoulack Chanthivong MP, Member for Macquarie Fields and Mr Nathan Hagarty MP, Member for Leppington, advocating for the delivery of South Bound Ramps at the M31 connection with Spring Farm Parkway, Menangle to enable traffic movement north and south on the M31 from the Menangle interchange, and minimise future disruption.</p>	<p>Letters sent on 15 April 2024, included in the May business paper to: The Hon Jo Haylen, Minister for Transport The Hon John Graham MLC, Minister for Roads The Hon Natalie Ward, Shadow Minister for Transport and Roads The Hon Anoulack Chanthivong MP, Member for Macquarie Fields Mr Greg Warren, MP, Member for Campbelltown Mr Nathan Hagarty MP, Member for Leppington</p>
<p>14.6.22 Hunt</p>	<p>ORD 7.1 - Koala Care and Treatment Facilities 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 July 2022 to the new Federal Minister for the Environment and Water, the Hon. Tanya Plibersek MP.</p>
<p>9.8.22 Stellino</p>	<p>NM 11.1 - Koala Care 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. 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. 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. 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. 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.</p>	<p>Letters sent 15 November 2022 to the Hon James Griffin MP- Minister for the Environment and Heritage Letter sent 4 July 2023 to Minister for Environment, the Hon. Penny Sharpe MLC. Letter sent to the Hon. Penny Sharpe MLC on 25 August 2023.</p>

Letters requested effective 7 May 2024

Date of Decision Mover	Action Item	Comments / updates
<p>City Services 10.10.23 Stellino</p>	<p>NM 11.2 New National Park</p> <p>1. That Council write to the Minister for Environment and Heritage, the Hon. Penny Sharpe MLC, thanking the NSW Government for the commitment of \$48 million in the 2023-24 NSW Budget to help establish a new National Park along the Georges River between Long Point and Appin, eventually covering up to 1830 hectares, with an aim to delivering long-lasting conservation benefits for Sydney's largest and healthiest koala populations.</p> <p>2. That Council write to the NSW Department of Environment and Heritage requesting details of the program for delivery of the new National Park and invite the department to present a briefing for councillors and any appropriate staff which includes the Department's position as to their plans to lock-out land previously accessible by the public.</p>	<p>Letter sent to Minister for Environment, the Hon Penny Sharpe MLC on 26 October 2023. Response received from Minister for Environment, the Hon Penny Sharpe MLC dated 9 February 2024.</p>
<p>12.09.2023 Khalli</p>	<p>8.8 Public Exhibition of Draft Lynwood Park Masterplan</p> <p>1. That Council write to our region's State and Federal Members of Parliament seeking their input and/or support of the Masterplan prior to its exhibition, noting the funding for delivery for such a plan will come from NSW and/or Commonwealth government(s).</p>	<p>Letters sent on 10 October 2023 to:</p> <ul style="list-style-type: none"> - Member for Werriva, Anne Stanley MP - Member for Camden, Sally Anne Quinnell MP - Member for Campbelltown, Greg Wairren MP - Member for Leppington, Nathan Hagarty MP - Member for Macquarie Fields, Anouack Chanthivong MP - Member for Macarthur, Dr Mike Freeland MP
<p>12.09.2023 Hunt</p>	<p>NM 11.2 - Bus Stop Shelters</p> <p>1. That Council write to Hon. Jo Haylen MP, Minister for Transport seeking a review of current bus routes and service standards in Campbelltown Local Government Area, with particular focus on vulnerable community groups such as schools, aged care;</p>	<p>Letter sent to Minister for Transport, the Hon Jo Haylen on 9 October 2023.</p>

Letters requested effective 7 May 2024

Date of Decision Mover	Action Item	Comments / updates
<p>City Futures 13.10.22 Khalil</p>	<p>NIM 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> <ul style="list-style-type: none"> a) implementation of an enhancement to the bus service network in Macarthur Heights to improve the residents' access to Campbelltown Station. 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>Letters sent 3 March 2023 to: Member for Macquarie Fields, Anoulack Chanthivong MP Minister for Transport, the Hon David Elliott MP Member for Campbelltown, Greg Warren MP Shadow Minister for Transport, the Hon Jo Haylen MP Shadow Minister for Education, the Hon Prue Car Minister for Education and Early Learning, the Hon. Sarah Mitchell</p> <p>Responses received: Transport for NSW dated 4 December 2023. Shadow Minister for Education, the Hon Prue Car MP, referring the matter onto Shadow Minister for Transport, the Hon Jo Haylen MP, received on 3 March 2023. Member for Campbelltown, Greg Warren MP received dated 6 March 2023.</p>
<p>Office of General Manager 6.6.23 Britcevic</p>	<p>NIM- 11.2 Campbelltown Hospital Staff Parking</p> <p>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.</p> <p>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.</p>	<p>Further correspondence sent to Member for Macarthur, Dr Mike Freeland on 30 April 2024. Further letter received from Dr Mike Freeland dated 7 February 2024, received 13 February 2024. Secondary letter received from Dr Mike Freeland dated 11 January 2024, received on 1 March 2024. Secondary correspondence sent to Member for Macarthur, Dr Mike Freeland on 13 December 2023. A response received from Member for Macarthur, Dr Mike Freeland on 7 July 2023. Letters to Dr Freeland MP and Mr Greg Warren MP were sent 23 June 2023.</p>

Letters requested effective 7 May 2024

Date of Decision Mover	Action Item	Comments / updates
<p>Office of General Manager</p> <p>14.2.23 Brticevic</p>	<p>NM 11.1 - Community and Justice Precinct</p> <ol style="list-style-type: none"> 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. 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. That Council write to the Member for Macarthur Dr Mike Freeland 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. 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 	<p>11 December 2023 Letter sent to the Attorney General the Hon. Michael Daly MP via portal requesting a meeting to discuss the Campbelltown Community and Justice Precinct.</p> <p>4 April 2023 A further letter was sent to the new Attorney General the Hon. Michael Daley MP requesting a meeting to discuss the Community and Justice Precinct.</p> <p>28 March 2023 A response received from the office of the Hon. Peter Dutton MP, Leader of the Opposition and from the Hon. Mark Dreyfus KC MP, Attorney General and also on behalf of the Prime Minister, the Hon. Anthony Albanese MP.</p> <p>1 March 2023 A response received from the Hon Melinda Pavey MP on behalf of the Attorney-General, the Hon Mark Speakman MP.</p> <p>16 Feb 2023 Letters sent to Member/Candidate for the electorate of Campbelltown Greg Warren MP, Shadow Attorney General Michael Daley, Opposition Leader Chris Minns.</p> <p>15 Feb 2023 Letters sent to the Member for Macarthur Dr Mike Freeland MP, Attorney General the Honourable Mark Dreyfus MP, the Prime Minister the Honourable Anthony Albanese MP, the NSW Attorney-General, the Hon Mark Speakman MP, and the NSW Premier, the Hon Dominic Perrottet MP, the Shadow Attorney-General, Mr Julian Leeser MP, and the Leader of the Opposition, the Hon Peter Dutton MP.</p>

Letters requested effective 7 May 2024

Date of Decision Mover	Action Item	Comments / updates
<p>Office of General Manager 14.02.2023 Brittcevic</p>	<p>1. That Council write to the Member for Macarthur Dr Mike Freelander MP, the Honourable Catherine King MP the Minister for Infrastructure, Transport, Regional Development and Local Government and the Prime Minister the Honourable Anthony Albanese MP seeking a financial commitment to the upgrade/expansion of Appin Road including underpasses and fauna protection measures similar to Labor's election promise to allocate \$50 million for the upgrade of Appin Road, being the most notorious road in the Macarthur region, if it won that election.</p> <p>2. That Council write to the Shadow Minister for Infrastructure, Transport, Regional Development, Senator the Hon Bridget McKenzie, and the Leader of the Opposition, the Hon Peter Dutton MP, seeking a financial commitment to the upgrade/expansion of Appin Road, including underpasses and fauna protection measures.</p> <p>3. That Council write to the Member/Candidate for Campbelltown Greg Warren MP, Shadow Minister for Transport Jo Haylen MP, Opposition Leader Chris Minns seeking an election commitment to the upgrade/expansion of Appin Road including underpasses and fauna protection measures similar to the Wollongong by-election promise of fifty million dollars in 2016.</p> <p>4. That Council write to the Minister for Transport David Elliott MP, the NSW Premier, the Hon Dominic Perrottet MP seeking an election commitment to the upgrade/expansion of Appin Road including underpasses and fauna protection.</p>	<p>All letters sent 16 February 2023. Response received from Member for Campbelltown, Greg Warren MP on 1 March 2023. Acknowledgement received from Opposition Leader, Chris Minns MP on 6 March 2023. Response received from the Hon Catherine King MP 28 June 2023 and letter dated 6 June 2023. Letter raising concerns regarding delays in approving koala protection efforts and upgrade to Appin Road Appin from Dr Mike Freelander MP to the Hon John Graham MLC, Minister for Roads dated 15 November 2023.</p>

Letters requested effective 7 May 2024

Date of Decision Mover	Action Item	Comments / updates
Office of General Manager		
7.11.2023 Greiss Mayoral Minute	That the Mayor write to the Hon. Chris Minns with my proposal and offer him unconditional support in undertaking the state-led rezoning. It is my aspiration that we can secure the Council's endorsement of a preliminary Local Environmental Plan for public exhibition prior to the conclusion of this Council term.	Letter sent to the Hon Chris Minns MP dated 9 November 2023.
12.12.2023 Cotter	<p>NIM - 11.1 Emergency Room Wait Times</p> <ol style="list-style-type: none"> That Council write to the relevant Ministers and Deputy Secretary seeking action to improve Emergency Room wait times and patient comfort at Campbelltown Hospital. That Council advocate to the State and Federal Governments and their respective opposition to focus on addressing the GP shortage in Campbelltown and Western Sydney. That Council write to the relevant Ministers and Shadow Ministers as well as Deputy Secretary seeking funding for the development of Community Health Hub at Glenfield. 	<p>Responses received from the Hon Ryan Park MP</p> <p>GP shortage referring letter to the Federal Minister for Health and Aged Care, the Hon. Mark Butler MP on 1 February 2024. Glenfield Integrated Health Hub dated 30 January 2024 and Emergency Wait Times received on 6 March 2024.</p> <p>Response received from South West Sydney Local Health District, Chief Executive, Sonia Marshall on behalf of Dr Kerry Chant dated 13 February 2024.</p> <p>Letters sent 30 January 2024 to the Hon Ryan Park MP Minister for Health, Dr Kerry Chant Deputy Secretary, Population and Public Health NSW Health, the Hon Matt Kean, Shadow Minister for Health, the Hon Anoulack Chanthivong MP, the Hon Anne Ruston and the Hon Mark Butler MP</p>
13.02.2024 Briticevic	<p>Item 7.6 - Western Sydney Bus Services - Stage 1</p> <ol style="list-style-type: none"> That the Council make representations to the relevant Ministers and Transport for NSW Secretary acknowledging the letter from Transport for NSW regarding the failure to deliver a rapid bus service between Campbelltown and Western Sydney Airport prior to its opening and imploring the government to re-prioritise funding to deliver on the commitment. 	<p>Response received via email on 4 March 2024 from the Hon Prue Car MP, referring onto the Minister for Transport the Hon Jo Haylen MP.</p> <p>28 February 2024</p> <p>Letter sent to the Hon Prue Car MP, Minister for Western Sydney and the Hon Jo Haylen MP. A copy of these letters were provided to the Member for Campbelltown, Mr Greg Warren MP and Member for Macquarie Fields, the Hon Anoulack Chanthivong MP. Letter was sent to Secretary of Transport for NSW, Josh Murray.</p>

8.13 Policy Review – Privacy Management Policy

Reporting Officer

Manager Governance and Risk
City Governance

Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.2.1 Provide proactive and collaborative leadership on issues that are important to Campbelltown now and into the future

Delivery Program

Principal Activity
5.2.2.1 Conduct Council business in an open, transparent and accountable manner

Officer's Recommendation

1. That the proposed Privacy Management Policy, as attached to this report, be adopted.
2. That the Privacy Management Policy review date be set as 30 June 2028.
3. The Council provide a copy of the Management Policy to the Privacy Commissioner in accordance with the requirements of section 33(5) of the *Privacy and Personal Information Protection Act 1998*.

History

This Policy was first adopted by Council in 2019 to comply with the requirements of the *Privacy and Personal Information Protection Act 1998* (PIIP Act) which prescribes that each public sector agency must prepare and implement a Privacy Management Plan. The Policy was further reviewed in 2023 to update the related documentation list and legislative references.

Report


Council's Privacy Management Policy has been reviewed in accordance with Council's Information Management Authorised Statement and the adopted procedure for Policy Development and Review.

The Policy was updated to compliment the Data Breach Policy which was adopted by Council in November 2023.

Attachments

8.13.1 Privacy Management Policy - current with mark ups (contained within this report) [↓](#)

8.13.2 Privacy Management Policy - for adoption (contained within this report) [↓](#)

 CAMPBELLTOWN CITY COUNCIL		POLICY
Policy Title	Privacy Management Plan	
Related Documentation	Access to Information Policy Access to Information webpage Information Management Authorised Statement Agency Information Guide Data Breach Policy Corporate Document Development and Review Procedure Councillor's Access to Information and Interaction with Staff Policy	
Relevant Legislation	<i>Privacy and Personal Information Protection Act 1998</i> <i>Health Records and Information Privacy Act 2002</i> <i>Government Information (Public Access) Act 2009</i> <i>Government Information (Public Access) Regulation 2018</i> <i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2005</i> <i>Environmental Planning and Assessment Act 1979</i> <i>Companion Animals Act 1998</i> <i>State Records Act 1998</i> Public Interest Disclosures Act 2022	
Responsible Officer	Manager Governance and Risk	

Policy details may change prior to review date due to legislative changes, therefore this document is uncontrolled when printed.

Objectives

The ~~main~~ objective of this ~~P~~olicy is to [explain how Campbelltown City Council \(Council\) manages personal information in accordance with NSW Privacy laws. This includes the:](#)

- ~~inform the community and educate staff on access to personal information and introduce Council policies and procedures to maximise compliance with the Privacy and Personal Information Protection Act 1998 (the PPIP Act) and the~~
- *Health Records and Information Privacy Act 2002 (the HRIP Act):*

[This Policy explains who our community may contact about:](#)

- [the personal information collected and held by Council,](#)
- [how a person can access their own information and seek to amend it, and](#)
- [how privacy complaints are handled.](#)

[Additionally, this Policy is used to educate Council staff about how to deal with personal information. This helps ensure that Council complies with our legislative obligations.](#)

Policy Statement

~~Campbelltown City~~ Council [respects and values the privacy rights of our community. We are ~~is~~ committed to building good privacy practices into our decision making, as well as the design and](#)

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~~structures of our information systems, business processes and services, to protecting the privacy of our customers, business contacts, Councillors, employees, contractors and volunteers.~~

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

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

Scope

~~This Privacy Management Policy and the principles of the PPIP Act and HRIP Act applies to:~~

- ~~• the public,~~
- ~~• Campbelltown City Council staff,~~
- ~~• and Councillors,~~
- ~~• Council owned businesses and~~
- ~~• Council Committees (including those which may be established under section 355 of the Local Government Act 1993 [the LG Act]).~~

~~The meaning of Council staff, for the purposes of this Policy includes permanent (whether full-time or part-time), temporary and casual employees together with agency contractors, consultants, volunteers, trainees, apprentices, and students on work placement.~~

Legislative Context

~~Council is required to prepare, implement, and maintain a Privacy Management Plan under section 33 of the PPIP Act and it must include information on:~~

- ~~• how Council develops policies and practices to ensure compliance with the PPIP Act and the HRIP Act,~~
- ~~• how these policies and practices are communicated within Council,~~
- ~~• Council's internal review process, and~~
- ~~• anything else Council considers relevant in relation to privacy and the personal and health information we hold.~~

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

Effectiveness of this Policy

~~This Policy will be reviewed every two years. It will be reviewed earlier if any legislative or administrative changes affect the management of personal and health information by Council. This review period is in accordance with Council's adopted Procedure for Policy Development and Review Corporate Document Development and Review Procedure to ensure the framework to manage disclosures is effective and meets current legislative requirements.~~

PART 1 -- INTRODUCTION TO PERSONAL AND HEALTH INFORMATION

1.1 What is Personal Information?

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Personal information is defined in section 4 of the PPIP Act as any information or opinion about a person where that person’s identity is apparent or can be reasonably ascertained from that information or opinion.

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

1.2 What is not Personal Information?

There are some kinds of information that are not personal information, this includes:

- information about a person who has been dead for more than 30 years,
- Personal information does not include information about an individual a person that is contained in a publicly available publication. ~~Personal information, once it is contained in a publicly available publication, ceases to be covered by the PPIP Act.~~
- Information or an opinion about a person’s suitability for appointment or employment as a public sector official, and
- information about a person that is contained in a public interest disclosure as defined in the Public Interest Disclosure Act 2022 (the PID Act), or that has been collected while dealing with a voluntary public interest disclosure in accordance with Part 5, Division 2 of the PID Act.

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

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

1.3 What is Health Information?

Health information is a more specific type of information and is defined in section 6 of the HRIP Act. ~~Health information includes~~

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

Examples of health information include:

- a psychological report,
- blood test,
- x-rays and x-ray report,
- results from drug and alcohol testing, and
- information about a person’s medical appointments

Health information can also include some personal information that is collected to provide a health service, such as a name and telephone number.

1.4 Collection of Personal and Health Information

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[Council collects personal and health information in a variety of ways in order to preform services and functions. Council assesses the level of personal information that is appropriate to be collected on a case-by-case basis.](#)

[Personal and health information may be collected from:](#)

- [members of the public,](#)
- [NSW public sector agencies,](#)
- [businesses,](#)
- [non-governmental organisations,](#)
- [employees, and](#)
- [medical professionals.](#)

[Contractors acting on Council’s behalf may also collect personal and health information. Council includes clauses in its contracts that require contractors to comply with relevant privacy obligations.](#)

[Council has a range of functions requiring or involving the collection of personal information, including:](#)

- [levying and collecting of rates,](#)
- [providing services, for example, libraries and waste collection,](#)
- [consultation with the community, businesses, and other stakeholders,](#)
- [assessing development and major project applications,](#)
- [recording, investigating, and managing complaints and allegations,](#)
- [site inspections and audits,](#)
- [incident management,](#)
- [enforcing regulations and legislation,](#)
- [issuing approvals, consents, licences, and permits,](#)
- [providing funding grants,](#)
- [maintaining the non-residential register of electoral information,](#)
- [employment, and](#)
- [fitness for work.](#)

1.4 Application of this Policy

[The PPIP Act, HRIP Act and this Policy apply, wherever practicable, to:](#)

- [Councillors](#)
- [Council employees](#)
- [Consultants and contractors of the Council](#)
- [Volunteers](#)
- [Council owned businesses and](#)
- [Council Committees \(including those which may be established under section 355 of the Local Government Act 1993 \[the LG Act\]\);](#)
- [Customers, ratepayers and residents](#)

1.55 Personal and Health Information held by Council

[Personal and/or health information is considered to be held by Council if:](#)

- [Council is in possession or control of the information, or](#)
- [the information is in the possession or control of a person employed or engaged by Council in the course of such employment or engagement, or](#)
- [the information is contained in a state record of which Council is responsible under the State Records Act.](#)

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

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

The Council holds personal and health information concerning its customers, ~~ratepayers~~ ratepayers, and residents, in records such as but not limited to:

- rates records,
- customer requests, ~~complaints~~ complaints, and claims,
- library lending records,
- fitness records,
- community service utilisation e.g. Community Transport,
- CCTV footage,
- donation, ~~grant~~ grant, and sponsorship applications,
- submissions and information collected as part of Council's community engagement and consultation activities,
- public access forum applications, and
- development applications and related submissions.

The Council holds personal and health information concerning its current and former employees in records such as but not limited to:

- recruitment material,
- pre-employment medical information,
- workers compensation investigations,
- public interest disclosure investigations,
- leave and payroll data,
- personal contact information,
- performance management plans,
- disciplinary matters,
- drug and alcohol testing results,
- disclosure of interest returns, and
- wage and salary entitlements.

1.6 Unsolicited Information

Unsolicited information is ~~personal~~ personal, or health information received by Council in circumstances where Council has not asked for or required the information to be provided. It includes ~~gratuitous~~ unnecessary or irrelevant information received.

Such information is not deemed to have been collected by Council but the ~~access, retention~~ storage, use and disclosure ~~Information Protection Principles and Health Privacy Principles in this Policy will apply to any such information.~~ of the information will apply to any such information in Council's possession. Personal information contained in petitions received in response to a call for submissions or unsolicited petitions tabled at Council meetings will be treated the same as any other submissions and be made available for release to the public.

1.7 Applications for Access to own Personal or Health Information

~~Pursuant to~~ Section 14 of the PPIP Act, requires Council ~~must at the request of the individual to whom the information relate and without excessive delay or expense to,~~ provide ~~the individual a~~ person with

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access to ~~their own personal or health~~ information. This must be done by Council without excessive delay or expense.

Additionally, Section 15 of the PPIP Act requires Council, ~~to at the request of the individual to whom the information related,~~ make any appropriate amendments (whether by way of corrections, deletions or additions) to a person's personal and/or health information, at the request of the person that the information relates to. This is to ensure that the personal information held by Council:

- a) ~~is~~ accurate, and
- b) ~~Having in regard to consideration of~~ the purpose for which the information was ~~collected~~ collected, the intended use of the information (or is to be used) and to any purpose that is directly related to that ~~purpose~~ use, that the information be relevant, up to date, complete and not misleading.

Individuals wanting to access Council's records to confirm or amend their own personal or health information, such as updating contact details can do so by contacting Council either in person or in writing. Council will take steps to verify the identity of the person requesting access or changes to information.

Where a person makes an application for access under the PPIP ~~Act~~ Act, which is involved or complex, and requires a formal determination, Council will provide a response within 20 working days of the application being made.

Written applications for access to a person's own personal information can be sent to Councils Privacy Contact Officer. The contact information can be found in Part 8 below.

1.8 Accessing or Amending other People's Personal or Health Information

Council is restricted from giving ~~individuals~~ people, businesses or other corporations, access to someone else's personal and health information unless that person provides ~~us~~ Council with written consent. An "authorised" person must confirm their identification to act on behalf of someone else by providing proof of identity a valid power of attorney to act on the ~~individual's~~ person's behalf.

There may be other reasons Council may be authorised to disclose personal and health information, such as in the event of a serious and imminent threat to the life, ~~health~~ health, and safety of the ~~individual~~ person, to find a missing person or for compassionate reasons.

Council will not ~~give a person~~ provide access to ~~another~~ another person's personal or health information ~~records~~ for any private matter, unless:

- non-compliance with the Information Protection Principles and Health Privacy Principles is lawfully authorised or required by legislation, compelled to do so for a statutory purpose or
- to comply with a court order.

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PART 2 - PUBLIC REGISTERS

[Part 6 of the PPIP Act governs how Council should manage personal and health information contained in public registers.](#)

2.1 Definition of a Public Register

A public register is defined in section 3 of the PPIP Act, ~~it is as~~ a register of personal information that is required by law to be, ~~or is~~ made, ~~or is made,~~ publicly available or open to ~~the~~ public ~~for~~ inspection (whether or not on payment of a fee).

Council holds public registers under the [Local Government Act 1993 \(the LG Act\)](#) including:

- Land Register
- Records of Approvals
- Register of Disclosures of Interests

Note – this is purely indicative. Council may, by virtue of its own practice, hold other public registers, to which the PPIP Act applies.

Council holds public registers under the *Environmental Planning and Assessment Act 1979* (~~the~~ EPA Act):

- Register of consents and certificates
- Record of building certificates

Council holds a public register under the *Protection of the Environment Operations Act 1997* (~~the~~ POEO Act):

- Public register of licences

Council holds a public register under the *Impounding Act 1993*:

- Record of impounding

[Council holds public registers under the Government Information \(Public Access\) Act 2009:](#)

- [Contracts with the private sector valued from \\$150,000](#)
- [Register of Formal Access Applications decided by Council \(Disclosure Log\)](#)

The purpose for each of these public registers is set out in this Policy.

2.2 Disclosure of Personal Information Contained in Public Registers

~~Pursuant to Section 57 of the PPIP Act provides that, Council staff must not disclose any personal information held on public registers unless the information is to be used for a purpose relating to the purpose of the register. Personal information contained in a public register, other than where required by legislation, will only be disclosed where Council is satisfied that it is to be used for a purpose relating to the purpose of the register.~~

[A person seeking access to another person’s personal information contained in a public register will be requested to provide a statutory declaration to Council verifying their intended use of the information.](#)

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Disclosure ~~in relation to~~ personal ~~and health~~ information ~~held by Council that is~~ not contained in a public register must comply with the Information Protection Principles ~~and Health Privacy Principles~~ as outlined in this Policy.

~~A person seeking a disclosure concerning someone else’s personal information from a public register must give particulars, in the form of a statutory declaration, as to the intended use of any information obtained from the inspection.~~

2.3 Purposes of Public Registers

In the following section, by way of guidance only, what might be called the “primary” purpose (or “the purpose of the register”) has been specified for each identified register. In some cases, a “secondary purpose” has also been specified, by way of guidance as to what might constitute “a purpose relating to the purpose of the register”.

Land Register

The primary purpose is to identify all land vested in Council, or under its control.

The secondary purpose includes a consideration of public accountability as to the land held by Council. Third-party access is therefore a secondary purpose.

Records of Approvals

The primary purpose is to identify all approvals granted under the LGA.

Register of Disclosures of Interests

The primary purpose of this register is to determine whether or not a Council official has a pecuniary interest in any matter with which the council is likely to be concerned.

There is a corresponding public accountability purpose and ~~third-party~~ third-party access is a secondary purpose.

Register of consents and certificates

The primary purpose is to identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates.

Record of building certificates

The primary purpose is to identify all building certificates.

Public register of licences

The primary purpose is to identify all licences granted under the POEO Act.

Record of impounding

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The primary purpose is to identify any impounding action by Council.

2.4 Secondary purpose of all Public Registers

Council aims to be open and ~~accountable~~ accountable, and it is considered that a secondary purpose for which all public registers are held by Council includes the provision of access to members of the public. Disclosure of specific records from public registers would normally be permitted.

Requests for access, copying or the sale of the whole or a substantial part of a public register will not necessarily fit within this purpose. Council will make an assessment as to the minimum amount of personal information that is required to be disclosed with regard to any request.

2.5 Other Registers

Council may keep other registers that are not public registers. The Information Protection Principles, Heath Privacy Principles, this Policy, the Privacy Code of Practice for Local Government (the Code), and the PPIP Act apply to the use and disclosure of information in those registers.

A register that Council keeps that is not a public register is the rates record and Council's position on this record is as follows:

Rates Record

The primary purpose is to record the value of a parcel of land and record rate liability in respect of that land.

The secondary purpose includes recording the owner or lessee of each parcel of land.

- For example, a disclosure on a rating certificate that a previous owner was a pensioner is considered to be allowed, because the secondary purpose is "a purpose relating to the purpose of the register".

Public access to the rates record will only be granted where the purpose of the access is to obtain information necessary for a statutory purpose ~~for which~~ which places a legal obligation on Council ~~has an obligation to~~ comply. Such as, where with Council must such as notifying relevant ~~land owners~~ landowners of development applications and other matters where Council is required or wishes to consult its local community.

2.6 Applications for Suppression of Personal Information in a Public Register

~~Pursuant to~~ Section 58 of the PIPP Act, provides that a person may request to have their personal information removed or not placed on a public register. A person may do this by ~~about whom personal information is contained (or is proposed to be contained) in a public register, may request Council to have the information removed from or not placed on the register by~~ submitting an application in the form of a Statutory Declaration.

Council will suppress the information, if Council is ~~we are~~ satisfied that the safety or well-being of any person would be affected by not suppressing the person's personal information. Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest

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in maintaining public access to the information outweighs any individual interest in suppressing the information.

The information may still be used in the exercise of Council functions, but it cannot be disclosed to third parties.

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PART 3 – POLICIES AND LEGISLATION

There are Policies in addition to this Policy, and legislation affecting that affect the how Council processes of personal information and related to this Policy. These have been explained below:

Legislation:

- **Environmental Planning and Assessment Act 1979 (“EP&A Act”)**

The EPA Act contains provisions that require Council to make development applications and accompanying information publicly available and provides a right for people to inspect and make copies of elevation plans during the submission period.

View the EP&A Act here:

Environmental Planning and Assessment Act 1979 No 203 - NSW Legislation

- **Health Records and Information Privacy Act 2002 (“HRIP Act”)**

The HRIP Act governs both the public and private sector in NSW. It contains a set of 15 Health Privacy Principles and sets up a complaints mechanism to ensure agencies abide by them.

View the HRIP Act here:

Health Records and Information Privacy Act 2002 No 71 - NSW Legislation

- **Privacy and Personal Information Protection Act 1998 (“PIIP Act”)**

In addition to the requirements covered in this Privacy Management Policy, the PIIP Act makes the following provisions:

- Public sector officers, are prohibited from disclosing personal information, that is collected and held by a NSW Government agency, where the disclosure of the information is not within the scope their official duties.

This provision relates to corrupt or irregular disclosure of personal information that staff may have access to at work and not inadvertent failure to follow procedures or guidelines.

Corrupt or irregular disclosure can include intentionally disclosing or using personal information accessed in doing our jobs for an unauthorised purpose, or to offer to supply personal information that has been disclosed unlawfully. Offences can be found listed in sections 62-68 of the PIIP Act, are considered serious and may, in some cases, lead to imprisonment.

- Part 6A of the PIIP Act establishes the NSW Mandatory Notification of Data Breach (“MNDB”) scheme. This scheme places obligations on NSW public sector agencies in relation to the management of data breaches.

View the PIIP Act here:

Privacy and Personal Information Protection Act 1998 No 133 - NSW Legislation

- **Government Information (Public Access) Act 2009 (“GIPA Act”)**

The GIPA Act provides the framework for how the public can access a NSW public sector agencies records. This framework identifies rights of access, limitations to these rights, and obligations on an agency in relation to making information available to the public.

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[View the GIPA Act here:](#)
[Government Information \(Public Access\) Act 2009 No 52 - NSW Legislation](#)

- **[Government Information \(Public Access\) Regulation 2018 \(“GIPA Regulation”\)](#)**
[The GIPA Regulation expands on the GIPA and provides more descriptive details of open access information. Additionally, the GIPA Regulation identifies reporting requirements on NSW public sector agencies.](#)

[View the GIPA Regulation here:](#)
[Government Information \(Public Access\) Regulation 2018 - NSW Legislation](#)

- **[Public Interest Disclosures Act 2022 \(“PID Act”\)](#)**
[The definition of personal information under the PPIP Act excludes information contained in a public interest disclosure. This means that a person cannot seek review of the use or disclosure of a public interest disclosure or be prosecuted for unauthorised disclosure of public interest disclosure information under the PPIP Act.](#)

[However, this plan is still able to address strategies for the protection of personal information disclosed under the PID Act.](#)

[The PID Act is available for viewing at \[www.legislation.nsw.gov.au\]\(http://www.legislation.nsw.gov.au\) – further information can be obtained from the NSW Ombudsman at \[www.ombo.nsw.gov.au\]\(http://www.ombo.nsw.gov.au\)](#)

[View the PID Act here:](#)
[Public Interest Disclosures Act 2022 No 14 - NSW Legislation](#)

Policies:

- **[Access to Information Policy](#)**
[Public access to information and documents held by Council is facilitated by Council’s Access to Information policy. This policy has regard to the GIPA Act, Government Information \(Public Access\) Regulation 2009 and the LG Act.](#)

[This Privacy Management Policy should be read in conjunction with the:](#)

- [Access to Information Policy,](#)
- [Privacy Code of Practice for Local Government, and](#)
- [Council’s Information Guide.](#)

- **[Data Breach Policy](#)**
[Separate from this Policy Council has a Data Breach Policy that set out Councils procedures for managing a data breach, including the assessment and notification requirements for the Mandatory Notification of Data Breach Scheme under the PPIP Act.](#)

[A data breach occurs when there is a failure that has caused or has the potential to cause unauthorised access to personal information held by Council, whether in physical or electronic information format.](#)

[View Council Policies here:](#)
[Council documents, policies, strategies, plans and publications - Campbelltown City Council \(nsw.gov.au\)](#)

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Council's Access to Information policy

~~Public access to information and documents held by Council is facilitated by Council's Access to Information policy. This policy has regard to the GIPA Act, Government Information (Public Access) Regulation 2009 and the LG Act.~~

~~This Policy should be read in conjunction with the Access to Information Policy, the Privacy Code of Practice for Local Government and Council's Information Guide.~~

~~The above documents are available for viewing at Council's website www.campbelltown.nsw.gov.au.~~

~~• **Environmental Planning and Assessment Act 1979 (EPAA)**~~

~~The EPA Act contains provisions that require Council to make development applications and accompanying information publicly available and provides a right for people to inspect and make copies of elevation plans during the submission period.~~

~~The EPA Act is available for viewing at <https://www.legislation.nsw.gov.au/#/view/act/1979/203>~~

~~• **Health Records and Information Privacy Act 2002 (HRIPA)**~~

~~The HRIP Act governs both the public and private sector in NSW. It contains a set of 15 Health Privacy Principles and sets up a complaints mechanism to ensure agencies abide by them.~~

~~The HRIP Act is available for viewing at <https://www.legislation.nsw.gov.au/#/view/act/2002/71>~~

~~• **Privacy and Personal Information Protection Act 1998 (PPIPA)**~~

~~In addition to requirements covered in this Policy, the PPIP Act prohibits disclosure of personal information by public sector officers that are not done in accordance with the performance of their official duties. These provisions are generally directed at corrupt or irregular disclosure of personal information staff may have access to at work and not inadvertent failure to follow procedures or guidelines. Corrupt or irregular disclosure can include intentionally disclosing or using personal information accessed in doing our jobs for an unauthorised purpose, or to offer to supply personal information that has been disclosed unlawfully. Offences can be found listed in sections 62-68 of the PPIP Act, are considered serious and may, in some cases, lead to imprisonment.~~

~~The PPIP Act is available for viewing at <https://www.legislation.nsw.gov.au/#/view/act/1998/133>~~

~~• **Public Interest Disclosures Act 1994 (the PID Act)**~~

~~The definition of personal information under the PPIP Act excludes information contained in a public interest disclosure. This means that a person cannot seek review of the use or disclosure of a public interest disclosure or be prosecuted for unauthorised disclosure of public interest disclosure information under the PPIP Act.~~

~~However, this plan is still able to address strategies for the protection of personal information disclosed under the PID Act.~~

~~The PID Act is available for viewing at www.legislation.nsw.gov.au — further information can be obtained from the NSW Ombudsman at www.ombo.nsw.gov.au~~

PART 4 - INFORMATION PROTECTION PRINCIPLES AND HEALTH PRIVACY PRINCIPLES

[Information Protection Principles \(IPP's\)](#)

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[Health Protection Principles \(HPP's\)](#)

4.1 ~~How Council implements the Council complies with the Information Protection Principles (IPP's and the HPP's) prescribed under the PPIP Act and Health Privacy Principles (HPPs) prescribed under the HRIP Act as follows:~~

IPP 1 and HPP 1 Lawful collection

Council will collect personal and/or health information that is reasonably necessary for a lawful purpose that is directly related to its functions and/or activities. ~~Such~~ The personal and health information ~~that Council~~ may collect include:

- names,
- residential address,
- phone numbers,
- email addresses,
- signatures,
- medical certificates,
- photographs, and
- video footage (CCTV).

IPP 2 and HPP 2 Direct collection

Personal information will be collected directly from ~~the person concerned~~ the individual, unless that person consents otherwise. Parents or guardians may give consent for minors.

Health information will be collected directly from the person ~~concerned, unless~~ concerned unless it is unreasonable or impracticable to do so.

~~Collection~~ Council may collect personal information by:

- ~~occur via~~ phone,
- written correspondence to Council,
- email,
- facsimile,
- on Council forms, or
- in person.

IPP 3 and HPP 3 Requirements when collecting

When collecting personal information, Council will inform individuals that:

- their personal information is being collected,
- why it is being collected, and
- who will be storing and using it.

Council will also inform the person how they can view and correct their information. A Privacy Statement is published on Council's website, intranet and included on forms where personal or health information is collected.

When collecting health information, Council will inform persons:

- why health information is being collected about them,
- what will be done with it, and
- who might see it.

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Council will also inform the person how they can view and correct their health information and any consequences if they do not provide their information. If health information is collected about a person from someone else, reasonable steps will be taken to ensure that the person has been notified as above.

IPP 4 and HPP 4 Relevance of collection

Personal and health information collected will be relevant to Council’s functions and services, accurate, up-to date, complete and not excessive. The collection will not unreasonably intrude into the individual’s personal affairs.

Council will rely on the individual to supply accurate, complete information, although in special circumstances some verification processes may be necessary.

IPP 5 and HPP 5 Secure storage

Council will store personal information securely, for no longer than as required by the General Retention and Disposal Authorities for Local Government Records issued by State Records Authority of NSW, and will be disposed of appropriately. It will be protected from unauthorised access, use or disclosure by application of appropriate access levels to Council’s electronic data management system and staff training.

If it is necessary for the information to be given to a person in connection with the provision of a service to the Council (e.g. consultants and contractors), everything reasonably within the power of the Council is done to prevent unauthorised use or disclosure of the information.

IPP 6 and HPP 6 Transparent access

Council stores information for the purpose of carrying out its services and functions and in order to comply with relevant records keeping legislation.

Individuals have a right to request access to their own information to determine what, if any information is stored, how long it will be stored for and how it is stored (e.g. electronically with open or restricted access to staff, in hard copy in a locked cabinet etc.).

Council will provide reasonable details about what personal and/or health information is stored ~~an~~ [about an](#)-individual if they receive an access application from the individual which the information ~~pertains-relates~~ to.

IPP 7 and HPP 7 Access to own information

Council will ensure individuals are allowed to access their own personal and health information without unreasonable delay or expense by way of implementation of appropriate procedures for access to this information.

IPP 8 and HPP 8 Right to request to alter own information

Council will, at the request of a person, allow them to make appropriate amendments (i.e. corrections, deletions or additions) to their own personal and health information.

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Changes of name, address and other minor amendments require appropriate supporting identification or documentation.

Where substantive amendments are involved, an application form will be ~~required~~required, and appropriate evidence must be provided as to why the amendment is needed.

IPP 9 and HPP 9 Accurate use of information collected

~~Taking into account~~Considering the purpose for which the information is proposed to be used, Council will ensure that personal and health information is accurate before using it. Council will ensure that the information it proposes to use is the most recent information kept on file, is not unreasonably out of date or where it is reasonable and necessary to do so, write to the individual to whom the information relates to confirm the accuracy of the information.

IPP 10 and HPP 10 Limits to use of information collected

Council will only use personal and health information for the purpose for which it was collected, for a directly related purpose or for a purpose for which a person has given consent. It may also be used without consent in order to deal with a serious and imminent threat to any person's life, health or safety, for the management of a health service, for training, research or to find a missing person.

Additionally, a secondary purpose includes investigation of suspected unlawful activity, to exercise complaint handling functions or investigative functions.

IPP 11 and HPP 11 Restricted and Limited disclosure of personal and health information

Council will only disclose personal and health information with the individual's consent or if the individual was told at the time of collection that it would do so. Council may also disclose information if it is for a related ~~purpose~~purpose, and it considers that the individual would not object. Personal and health information may also be used without the individual's consent in order to deal with a serious and imminent threat to any person's life, health, safety, for the management of a health service, for training, research or to find a missing person.

Additionally, a secondary purpose includes investigation of suspected unlawful activity, to exercise complaint handling or investigation functions.

IPP 12 Special limits on disclosure

Council will not disclose sensitive personal information relating to an individual's:

- ethnic or racial origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.

Council will not disclose this information to any person or body that is in a jurisdiction outside New South Wales unless:

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- a relevant privacy law that applies to the personal information concerned is in force in that jurisdiction, or
- the disclosure is permitted under a Privacy Code of Practice.

Specific Health Information Privacy Principles

Health information is given a higher level of protection regarding use and disclosure than is other personal information. In addition to the privacy principles, above, that apply to both personal and health information, the following four additional principles apply specifically to health information.

The specific Health Privacy Principles are:

HPP 12 Unique Identifiers

Council will only assign identifiers to individuals if the assignment of identifiers is reasonably necessary to enable the Council to carry out any of its functions efficiently.

HPP 13 Anonymity

Wherever it is lawful and practicable, individuals must be given the opportunity to not identify themselves when entering into transactions with or receiving any health service(s) from Council.

HPP 14 Transborder data flow

Health information must only be transferred outside NSW if Council reasonably believes that:

- the recipient is subject to laws or obligations substantially similar to those imposed by the HRIP Act, or
- consent has been given, or
- transfer is under a contract between Council and the individual, or
- transfer will benefit the individual, or
- to lessen a serious threat to an individual’s health and welfare, or
- steps have been taken to ensure that the information will not be handled inconsistently with the HRIP Act, or
- transfer is permitted or required under any other law.

HPP 15 Cross-organisational linkages

Council will seek the express consent of individuals before participating in any system that links health records across more than one organisation. Health information or the disclosure of their identifier for the purpose of the health records linkage system will only be included if the person has given express consent.

4.2 How the Privacy Code of Practice for Local Government affects the IPPs

The Privacy Code of Practice for Local Government makes provisions from Councils to depart from IPP’s.

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The ~~View the~~ Privacy Code of Practice for Local Government ~~is available for viewing at~~ ~~here:~~
https://www.olg.nsw.gov.au/content/0044-privacy-code-practice-local-government-Privacy_Code_of_Practice_for_Local_Government_20_December_2019.pdf (nsw.gov.au)

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PART 5 – ~~DISSEMINATION~~DISTRIBUTION OF ~~THE PRIVACY MANAGEMENT POLICY~~THIS POLICY

5.1 Compliance strategy

During induction and on a regular basis all employees will be made aware of this ~~Policy~~Policy, and it will be made available for on Council’s Intranet and Council’s website.

Councillors, employees, ~~contractors~~contractors, and volunteers will be regularly acquainted with the general provisions of the PPIP Act and HRIP Act and, in particular:-

- ~~the~~ this Policy,
- ~~Council’s~~ [Council’s Access to Information Policy](#),
- ~~Council’s~~ [Council’s Data Breach Policy](#),
- ~~the~~ Information Protection Principles,
- ~~the~~ [Health Protection Principles](#),
- ~~the~~ Public Register provisions,
- ~~the~~ Privacy Code of Practice for Local Government, and
- any other applicable Code of Practice.

5.2 Communication strategy

Council informs its employees, ~~Councillors~~Councillors, and the community of their rights under the PPIP Act and this Policy by:

- publishing ~~the Privacy Management~~this Policy and associated documents on Council’s website together with a link to the Information & Privacy Commission website, ~~and~~
- including privacy statements on application forms and invitations for community engagement.

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PART 6 – COMPLAINTS AND PROCEDURES FOR INTERNAL REVIEW

6.1 Internal Review

~~Pursuant to s~~Section 53 of the PPIP Act ~~provides that~~, if ~~an individual~~ a person is not satisfied with Council’s conduct in relation to their privacy request, disclosure of personal information on a public register or believe Council is contravening a privacy principle or privacy code of practice they can make an application for internal review of Council’s conduct or decision by writing to Council’s Privacy Contact Officer.

The written application must be addressed to Council, include a return postal address in Australia and be received by Council within six months of the individual becoming aware of the conduct or decision that is the subject of the application.

6.2 How does the process of Internal Review operate?

The Privacy Contact Officer will appoint a Reviewing Officer to conduct the internal review. The Reviewing Officer will report their findings to the Privacy Contact Officer.

The review is to be completed within 60 calendar days of receipt of the application. The applicant will be notified of the outcome of the review within 14 calendar days of its determination.

~~Pursuant to s~~Section 54 of the PIPP Act ~~provides that~~, the NSW Privacy Commissioner will be notified by the Privacy Contact Officer of a review application as soon as is practicable after it is received. Council will brief the NSW Privacy Commissioner on the progress of an internal review and notify them of the outcome.

The NSW Privacy Commissioner may make submissions to Council in relation to the subject matter of the application for internal review. Council may, if it deems it appropriate, ask the NSW Privacy Commissioner to conduct the internal review.

6.3 What happens after an Internal Review?

~~Pursuant to s~~Section 55 of the PPIP Act ~~provides that~~, if the applicant remains dissatisfied with the outcome of a review, an application may be made to the NSW Civil and Administrative Tribunal for a review of Council’s conduct.

6.4 Alternative to lodging an application for internal review

If a person does not want to lodge an application for internal review with Council, they may contact the Privacy Commissioner directly through the Information and Privacy Commission.

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PART 7 - SPECIFIC EXEMPTIONS IN THE PPIP ACT AND HRIP ACT RELEVANT TO COUNCIL

There are a number of exemptions from compliance with the PPIP Act and HRIP Act that apply directly to Council.

These relate to situations where:

- information is collected in connection with proceedings (whether commenced or not) before any Court or Tribunal.
- information is collected for law enforcement purposes.
- information is used for a purpose reasonably ~~neecessar~~necessary for law enforcement purposes or to protect the public revenue.
- Council is authorised or required by a subpoena or search warrant or other statutory instrument.
- Council is investigating a complaint that may be referred or made to an investigative agency.
- Council is permitted by a law or statutory instrument not to comply.
- compliance would prejudice the interests of the individual to whom the information relates.
- the individual to whom the information relates has given express consent to Council not to comply. and
- disclosure is permitted under the Privacy Code of Practice for Local Government.

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PART 8 -- ~~OTHER INFORMATION~~ CONTACT INFORMATION

Campbelltown City Council

Privacy Contact Officer
 Manager, Governance and Risk
 Phone: (02) 4645 4000
 Fax: (02) 4645 4387
 Email: council@campbelltown.nsw.gov.au

Information & Privacy Commission

GPO Box 7011
 SYDNEY NSW 2001
 Phone: 1800 472 679
 Email: ipcinfo@ipc.nsw.gov.au
 Web: www.ipc.nsw.gov.au

NSW Civil and Administrative Tribunal (NCAT)

Address: 86 - 90 Goulburn St
 Sydney NSW 2000
 Phone: 1300 006 228

END OF POLICY STATEMENT

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 CAMPBELLTOWN CITY COUNCIL		POLICY
Policy Title	Privacy Management Plan	
Related Documentation	Access to Information Policy Access to Information webpage Information Management Authorised Statement Agency Information Guide Data Breach Policy Corporate Document Development and Review Procedure Councillor's Access to Information and Interaction with Staff Policy	
Relevant Legislation	<i>Privacy and Personal Information Protection Act 1998</i> <i>Health Records and Information Privacy Act 2002</i> <i>Government Information (Public Access) Act 2009</i> <i>Government Information (Public Access) Regulation 2018</i> <i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2005</i> <i>Environmental Planning and Assessment Act 1979</i> <i>Companion Animals Act 1998</i> <i>State Records Act 1998</i> <i>Public Interest Disclosures Act 2022</i>	
Responsible Officer	Manager Governance and Risk	

Policy details may change prior to review date due to legislative changes, therefore this document is uncontrolled when printed.

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Objectives

The objective of this Policy is to explain how Campbelltown City Council (Council) manages personal information in accordance with NSW Privacy laws. This includes the:

- *Privacy and Personal Information Protection Act 1998* (the PPIP Act)
- *Health Records and Information Privacy Act 2002* (the HRIP Act)

This Policy explains who our community may contact about:

- the personal information collected and held by Council,
- how a person can access their own information and seek to amend it, and
- how privacy complaints are handled.

Additionally, this Policy is used to educate Council staff about how to deal with personal information. This helps ensure that Council complies with our legislative obligations.

Policy Statement

Council respects and values the privacy rights of our community. We are committed to building good privacy practices into our decision making, as well as the design and structures of our information systems, business processes and services.

Scope

This Policy and the principles of the PPIP Act and HRIP Act apply to:

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

The meaning of Council staff, for the purposes of this Policy includes permanent (whether full-time or part-time), temporary and casual employees together with agency contractors, consultants, volunteers, trainees, apprentices, and students on work placement.

Legislative Context

Council is required to prepare, implement, and maintain a Privacy Management Plan under section 33 of the PPIP Act and it must include information on:

- how Council develops policies and practices to ensure compliance with the PPIP Act and the HRIP Act,
- how these policies and practices are communicated within Council,
- Council's internal review process, and
- anything else Council considers relevant in relation to privacy and the personal and health information we hold.

Effectiveness of this Policy

This Policy will be reviewed every two years. It will be reviewed earlier if any legislative or administrative changes affect the management of personal and health information by Council. This review period is in accordance with Council's adopted Corporate Document Development and Review Procedure.

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PART 1 – INTRODUCTION TO PERSONAL AND HEALTH INFORMATION

1.1 What is Personal Information?

Personal information is defined in section 4 of the PPIP Act as any information or opinion about a person where that person’s identity is apparent or can be reasonably ascertained from that information or opinion.

1.2 What is not Personal Information?

There are some kinds of information that are not personal information, this includes:

- information about a person who has been dead for more than 30 years,
- information about a person that is contained in a publicly available publication,
- Information or an opinion about a person’s suitability for appointment or employment as a public sector official, and
- information about a person that is contained in a public interest disclosure as defined in the *Public Interest Disclosure Act 2022* (the PID Act), or that has been collected while dealing with a voluntary public interest disclosure in accordance with Part 5, Division 2 of the PID Act.

1.3 What is Health Information?

Health information is a more specific type of information and is defined in section 6 of the HRIP Act. Health information includes information or an opinion about a person’s physical or mental health or a disability, or a person’s express wishes about the future provision of health services to him or her or a health service provided to a person.

Examples of health information include:

- a psychological report,
- blood test,
- x-rays and x-ray report,
- results from drug and alcohol testing, and
- information about a person’s medical appointments

Health information can also include some personal information that is collected to provide a health service, such as a name and telephone number.

1.4 Collection of Personal and Health Information

Council collects personal and health information in a variety of ways in order to preform services and functions. Council assesses the level of personal information that is appropriate to be collected on a case-by-case basis.

Personal and health information may be collected from:

- members of the public,
- NSW public sector agencies,
- businesses,
- non-governmental organisations,
- employees, and
- medical professionals.

Contractors acting on Council’s behalf may also collect personal and health information. Council includes clauses in its contracts that require contractors to comply with relevant privacy obligations.

Council has a range of functions requiring or involving the collection of personal information, including:

- levying and collecting of rates,
- providing services, for example, libraries and waste collection,
- consultation with the community, businesses, and other stakeholders,

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- assessing development and major project applications,
- recording, investigating, and managing complaints and allegations,
- site inspections and audits,
- incident management,
- enforcing regulations and legislation,
- issuing approvals, consents, licences, and permits,
- providing funding grants,
- maintaining the non-residential register of electoral information,
- employment, and
- fitness for work.

1.5 Personal and Health Information held by Council

Personal and/or health information is considered to be held by Council if:

- Council is in possession or control of the information, or
- the information is in the possession or control of a person employed or engaged by Council in the course of such employment or engagement, or
- the information is contained in a state record of which Council is responsible under the *State Records Act*.

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

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

The Council holds personal and health information concerning its customers, ratepayers, and residents, in records such as but not limited to:

- rates records,
- customer requests, complaints, and claims,
- library lending records,
- fitness records,
- community service utilisation e.g. Community Transport,
- CCTV footage,
- donation, grant, and sponsorship applications,
- submissions and information collected as part of Council’s community engagement and consultation activities,
- public access forum applications, and
- development applications and related submissions.

The Council holds personal and health information concerning its current and former employees in records such as but not limited to:

- recruitment material,
- pre-employment medical information,
- workers compensation investigations,
- public interest disclosure investigations,
- leave and payroll data,
- personal contact information,
- performance management plans,
- disciplinary matters,
- drug and alcohol testing results,
- disclosure of interest returns, and
- wage and salary entitlements.

1.6 Unsolicited Information

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Unsolicited information is personal, or health information received by Council in circumstances where Council has not asked for or required the information to be provided. It includes unnecessary or irrelevant information received.

Such information is not deemed to have been collected by Council but the access, storage, use and disclosure Information Protection Principles and Health Privacy Principles in this Policy will apply to any such information. Personal information contained in petitions received in response to a call for submissions or unsolicited petitions tabled at Council meetings will be treated the same as any other submissions and be made available for release to the public.

1.7 Applications for Access to own Personal or Health Information

Section 14 of the PPIP Act, requires Council to provide a person with access to their own personal or health information. This must be done by Council without excessive delay or expense.

Additionally, Section 15 of the PPIP Act requires Council, to make any appropriate amendments (whether by way of corrections, deletions or additions) to a person’s personal and/or health information, at the request of the person that the information relates to. This is to ensure that the personal information held by Council:

- a) is accurate, and
- b) in consideration of the purpose for which the information was collected, the intended use of the information and to any purpose that is directly related to that use, that the information be relevant, up to date, complete and not misleading.

Individuals wanting to access Council’s records to confirm or amend their own personal or health information, such as updating contact details can do so by contacting Council either in person or in writing. Council will take steps to verify the identity of the person requesting access or changes to information.

Where a person makes an application for access under the PPIP Act, which is involved or complex, and requires a formal determination, Council will provide a response within 20 working days of the application being made.

Written applications for access to a person’s own personal information can be sent to Councils Privacy Contact Officer. The contact information can be found in Part 8 below.

1.8 Accessing or Amending other People’s Personal or Health Information

Council is restricted from giving people, businesses or other corporations, access to someone else's personal and health information unless that person provides Council with written consent. An "authorised" person must confirm their identification to act on behalf of someone else by providing proof of identity a valid power of attorney to act on the person’s behalf.

There may be other reasons Council may be authorised to disclose personal and health information, such as in the event of a serious and imminent threat to the life, health, and safety of the person, to find a missing person or for compassionate reasons.

Council will not give a person access to another person’s personal or health information for any private matter, unless:

- non-compliance with the Information Protection Principles and Health Privacy Principles is lawfully authorised or required by legislation, or
- to comply with a court order.

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PART 2 – PUBLIC REGISTERS

Part 6 of the PPIP Act governs how Council should manage personal and health information contained in public registers.

2.1 Definition of a Public Register

A public register is defined in section 3 of the PPIP Act, it is a register of personal information that is required by law to be made, or is made, publicly available or open to the public for inspection (whether or not on payment of a fee).

Council holds public registers under the *Local Government Act 1993* (the LG Act) including:

- Land Register
- Records of Approvals
- Register of Disclosures of Interests

Note – this is purely indicative. Council may, by virtue of its own practice, hold other public registers, to which the PPIP Act applies.

Council holds public registers under the *Environmental Planning and Assessment Act 1979* (the EPA Act):

- Register of consents and certificates
- Record of building certificates

Council holds a public register under the *Protection of the Environment Operations Act 1997* (the POEO Act):

- Public register of licences

Council holds a public register under the *Impounding Act 1993*:

- Record of impounding

Council holds public registers under the *Government Information (Public Access) Act 2009*:

- Contracts with the private sector valued from \$150,000
- Register of Formal Access Applications decided by Council (Disclosure Log)

The purpose for each of these public registers is set out in this Policy.

2.2 Disclosure of Personal Information Contained in Public Registers

Section 57 of the PPIP Act provides that, Council staff must not disclose any personal information held on public registers unless the information is to be used for a purpose relating to the purpose of the register. A person seeking access to another person’s personal information contained in a public register will be requested to provide a statutory declaration to Council verifying their intended use of the information.

Disclosure of personal and health information held by Council that is not contained in a public register must comply with the Information Protection Principles and Health Privacy Principles as outlined in this Policy.

2.3 Purposes of Public Registers

In the following section, by way of guidance only, what might be called the “primary” purpose (or “the purpose of the register”) has been specified for each identified register. In some cases, a “secondary purpose” has also been specified, by way of guidance as to what might constitute “a purpose relating to the purpose of the register”.

Land Register

The primary purpose is to identify all land vested in Council, or under its control.

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The secondary purpose includes a consideration of public accountability as to the land held by Council. Third-party access is therefore a secondary purpose.

Records of Approvals

The primary purpose is to identify all approvals granted under the LGA.

Register of Disclosures of Interests

The primary purpose of this register is to determine whether or not a Council official has a pecuniary interest in any matter with which the council is likely to be concerned.

There is a corresponding public accountability purpose and third-party access is a secondary purpose.

Register of consents and certificates

The primary purpose is to identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates.

Record of building certificates

The primary purpose is to identify all building certificates.

Public register of licences

The primary purpose is to identify all licences granted under the POEO Act.

Record of impounding

The primary purpose is to identify any impounding action by Council.

2.4 Secondary purpose of all Public Registers

Council aims to be open and accountable, and it is considered that a secondary purpose for which all public registers are held by Council includes the provision of access to members of the public. Disclosure of specific records from public registers would normally be permitted.

Requests for access, copying or the sale of the whole or a substantial part of a public register will not necessarily fit within this purpose. Council will make an assessment as to the minimum amount of personal information that is required to be disclosed with regard to any request.

2.5 Other Registers

Council may keep other registers that are not public registers. The Information Protection Principles, Heath Privacy Principles, this Policy, the Privacy Code of Practice for Local Government (the Code), and the PPIP Act apply to the use and disclosure of information in those registers.

A register that Council keeps that is not a public register is the rates record and Council’s position on this record is as follows:

Rates Record

The primary purpose is to record the value of a parcel of land and record rate liability in respect of that land.

The secondary purpose includes recording the owner or lessee of each parcel of land.

- For example, a disclosure on a rating certificate that a previous owner was a pensioner is considered to be allowed, because the secondary purpose is “a purpose relating to the purpose of the register”.

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Public access to the rates record will only be granted where the purpose of the access is to obtain information necessary for a statutory purpose which places a legal obligation on Council to comply. Such as, where Council must notify relevant landowners of development applications and other matters where Council is required or wishes to consult its local community.

2.6 Applications for Suppression of Personal Information in a Public Register

Section 58 of the PIPP Act, provides that a person may request to have their personal information removed or not placed on a public register. A person may do this by submitting an application in the form of a Statutory Declaration.

Council will suppress the information, if we are satisfied that the safety or well-being of any person would be affected by not suppressing the person’s personal information. Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information.

The information may still be used in the exercise of Council functions, but it cannot be disclosed to third parties.

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PART 3 – POLICIES AND LEGISLATION

There are Policies in addition to this Policy, and legislation that affect how Council processes personal information and directly relate to this Policy. These have been explained below:

Legislation:

- **Environmental Planning and Assessment Act 1979 (“EP&A Act”)**

The EPA Act contains provisions that require Council to make development applications and accompanying information publicly available and provides a right for people to inspect and make copies of elevation plans during the submission period.

View the EP&A Act here:

[Environmental Planning and Assessment Act 1979 No 203 - NSW Legislation](#)

- **Health Records and Information Privacy Act 2002 (“HRIP Act”)**

The HRIP Act governs both the public and private sector in NSW. It contains a set of 15 Health Privacy Principles and sets up a complaints mechanism to ensure agencies abide by them.

View the HRIP Act here:

[Health Records and Information Privacy Act 2002 No 71 - NSW Legislation](#)

- **Privacy and Personal Information Protection Act 1998 (“PIIP Act”)**

In addition to the requirements covered in this Privacy Management Policy, the PPIP Act makes the following provisions:

- Public sector officers, are prohibited from disclosing personal information, that is collected and held by a NSW Government agency, where the disclosure of the information is not within the scope their official duties.

This provision relates to corrupt or irregular disclosure of personal information that staff may have access to at work and not inadvertent failure to follow procedures or guidelines.

Corrupt or irregular disclosure can include intentionally disclosing or using personal information accessed in doing our jobs for an unauthorised purpose, or to offer to supply personal information that has been disclosed unlawfully. Offences can be found listed in sections 62-68 of the PPIP Act, are considered serious and may, in some cases, lead to imprisonment.

- Part 6A of the PPIP Act establishes the NSW Mandatory Notification of Data Breach (“MNDB”) scheme. This scheme places obligations on NSW public sector agencies in relation to the management of data breaches.

View the PPIP Act here:

[Privacy and Personal Information Protection Act 1998 No 133 - NSW Legislation](#)

- **Government Information (Public Access) Act 2009 (“GIPA Act”)**

The GIPA Act provides the framework for how the public can access a NSW public sector agencies records. This framework identifies rights of access, limitations to these rights, and obligations on an agency in relation to making information available to the public.

View the GIPA Act here:

[Government Information \(Public Access\) Act 2009 No 52 - NSW Legislation](#)

- **Government Information (Public Access) Regulation 2018 (“GIPA Regulation”)**

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The GIPA Regulation expands on the GIPA and provides more descriptive details of open access information. Additionally, the GIPA Regulation identifies reporting requirements on NSW public sector agencies.

View the GIPA Regulation here:

[Government Information \(Public Access\) Regulation 2018 - NSW Legislation](#)

- **Public Interest Disclosures Act 2022 (“PID Act”)**

The definition of personal information under the PPIP Act excludes information contained in a public interest disclosure. This means that a person cannot seek review of the use or disclosure of a public interest disclosure or be prosecuted for unauthorised disclosure of public interest disclosure information under the PPIP Act.

However, this plan is still able to address strategies for the protection of personal information disclosed under the PID Act.

The PID Act is available for viewing at www.legislation.nsw.gov.au – further information can be obtained from the NSW Ombudsman at www.ombo.nsw.gov.au

View the PID Act here:

[Public Interest Disclosures Act 2022 No 14 - NSW Legislation](#)

Policies:

- **Access to Information Policy**

Public access to information and documents held by Council is facilitated by Council’s Access to Information policy. This policy has regard to the GIPA Act, Government Information (Public Access) Regulation 2009 and the LG Act.

This Privacy Management Policy should be read in conjunction with the:

- Access to Information Policy,
- Privacy Code of Practice for Local Government, and
- Council’s Information Guide.

- **Data Breach Policy**

Separate from this Policy Council has a Data Breach Policy that set out Councils procedures for managing a data breach, including the assessment and notification requirements for the Mandatory Notification of Data Breach Scheme under the PPIP Act.

A data breach occurs when there is a failure that has caused or has the potential to cause unauthorised access to personal information held by Council, whether in physical or electronic information format.

View Council Policies here:

[Council documents, policies, strategies, plans and publications - Campbelltown City Council \(nsw.gov.au\)](#)

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PART 4 - INFORMATION PROTECTION PRINCIPLES AND HEALTH PRIVACY PRINCIPLES

Information Protection Principles (IPP's)

Health Protection Principles (HPP's)

4.1 How Council implements the IPP's and the HPP's

IPP 1 and HPP 1 Lawful collection

Council will collect personal and/or health information that is reasonably necessary for a lawful purpose that is directly related to its functions and/or activities. The personal and health information that Council may collect include:

- names,
- residential address,
- phone numbers,
- email addresses,
- signatures,
- medical certificates,
- photographs, and
- video footage (CCTV).

IPP 2 and HPP 2 Direct collection

Personal information will be collected directly from the person concerned, unless that person consents otherwise. Parents or guardians may give consent for minors.

Health information will be collected directly from the person concerned unless it is unreasonable or impracticable to do so.

Council may collect personal information by:

- phone,
- written correspondence to Council,
- email,
- facsimile,
- on Council forms, or
- in person.

IPP 3 and HPP 3 Requirements when collecting

When collecting personal information, Council will inform individuals that:

- their personal information is being collected,
- why it is being collected, and
- who will be storing and using it.

Council will also inform the person how they can view and correct their information. A Privacy Statement is published on Council's website, intranet and included on forms where personal or health information is collected.

When collecting health information, Council will inform persons:

- why health information is being collected about them,
- what will be done with it, and
- who might see it.

Council will also inform the person how they can view and correct their health information and any consequences if they do not provide their information. If health information is collected about a person from someone else, reasonable steps will be taken to ensure that the person has been notified as above.

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IPP 4 and HPP 4 Relevance of collection

Personal and health information collected will be relevant to Council’s functions and services, accurate, up-to date, complete and not excessive. The collection will not unreasonably intrude into the individual’s personal affairs.

Council will rely on the individual to supply accurate, complete information, although in special circumstances some verification processes may be necessary.

IPP 5 and HPP 5 Secure storage

Council will store personal information securely, for no longer than as required by the General Retention and Disposal Authorities for Local Government Records issued by State Records Authority of NSW, and will be disposed of appropriately. It will be protected from unauthorised access, use or disclosure by application of appropriate access levels to Council’s electronic data management system and staff training.

If it is necessary for the information to be given to a person in connection with the provision of a service to the Council (e.g. consultants and contractors), everything reasonably within the power of the Council is done to prevent unauthorised use or disclosure of the information.

IPP 6 and HPP 6 Transparent access

Council stores information for the purpose of carrying out its services and functions and in order to comply with relevant records keeping legislation.

Individuals have a right to request access to their own information to determine what, if any information is stored, how long it will be stored for and how it is stored (e.g. electronically with open or restricted access to staff, in hard copy in a locked cabinet etc.).

Council will provide reasonable details about what personal and/or health information is stored about an individual if they receive an access application from the individual which the information relates to.

IPP 7 and HPP 7 Access to own information

Council will ensure individuals are allowed to access their own personal and health information without unreasonable delay or expense by way of implementation of appropriate procedures for access to this information.

IPP 8 and HPP 8 Right to request to alter own information

Council will, at the request of a person, allow them to make appropriate amendments (i.e. corrections, deletions or additions) to their own personal and health information.

Changes of name, address and other minor amendments require appropriate supporting identification or documentation.

Where substantive amendments are involved, an application form will be required, and appropriate evidence must be provided as to why the amendment is needed.

IPP 9 and HPP 9 Accurate use of information collected

Considering the purpose for which the information is proposed to be used, Council will ensure that personal and health information is accurate before using it. Council will ensure that the information it proposes to use is the most recent information kept on file, is not unreasonably out of date or where it is reasonable and necessary to do so, write to the individual to whom the information relates to confirm the accuracy of the information.

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IPP 10 and HPP 10 Limits to use of information collected

Council will only use personal and health information for the purpose for which it was collected, for a directly related purpose or for a purpose for which a person has given consent. It may also be used without consent in order to deal with a serious and imminent threat to any person’s life, health or safety, for the management of a health service, for training, research or to find a missing person.

Additionally, a secondary purpose includes investigation of suspected unlawful activity, to exercise complaint handling functions or investigative functions.

IPP 11 and HPP 11 Restricted and Limited disclosure of personal and health information

Council will only disclose personal and health information with the individual’s consent or if the individual was told at the time of collection that it would do so. Council may also disclose information if it is for a related purpose, and it considers that the individual would not object. Personal and health information may also be used without the individual’s consent in order to deal with a serious and imminent threat to any person’s life, health, safety, for the management of a health service, for training, research or to find a missing person.

Additionally, a secondary purpose includes investigation of suspected unlawful activity, to exercise complaint handling or investigation functions.

IPP 12 Special limits on disclosure

Council will not disclose sensitive personal information relating to an individual’s:

- ethnic or racial origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.

Council will not disclose this information to any person or body that is in a jurisdiction outside New South Wales unless:

- a relevant privacy law that applies to the personal information concerned is in force in that jurisdiction, or
- the disclosure is permitted under a Privacy Code of Practice.

Specific Health Information Privacy Principles

Health information is given a higher level of protection regarding use and disclosure than is other personal information. In addition to the privacy principles, above, that apply to both personal and health information, the following four additional principles apply specifically to health information.

The specific Health Privacy Principles are:

HPP 12 Unique Identifiers

Council will only assign identifiers to individuals if the assignment of identifiers is reasonably necessary to enable the Council to carry out any of its functions efficiently.

HPP 13 Anonymity

Wherever it is lawful and practicable, individuals must be given the opportunity to not identify themselves when entering into transactions with or receiving any health service(s) from Council.

HPP 14 Transborder data flow

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Health information must only be transferred outside NSW if Council reasonably believes that:

- the recipient is subject to laws or obligations substantially similar to those imposed by the HRIP Act, or
- consent has been given, or
- transfer is under a contract between Council and the individual, or
- transfer will benefit the individual, or
- to lessen a serious threat to an individual’s health and welfare, or
- steps have been taken to ensure that the information will not be handled inconsistently with the HRIP Act, or
- transfer is permitted or required under any other law.

HPP 15 Cross-organisational linkages

Council will seek the express consent of individuals before participating in any system that links health records across more than one organisation. Health information or the disclosure of their identifier for the purpose of the health records linkage system will only be included if the person has given express consent.

4.2 How the Privacy Code of Practice for Local Government affects the IPPs

The Privacy Code of Practice for Local Government makes provisions from Councils to depart from IPP’s.

View the Privacy Code of Practice for Local Government here:

[Privacy_Code_of_Practice_for_Local_Government_20_December_2019.pdf \(nsw.gov.au\)](https://www.nsw.gov.au/privacy/code-of-practice-for-local-government-20-december-2019.pdf)

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PART 5 – DISTRIBUTION OF THIS POLICY

5.1 Compliance strategy

During induction and on a regular basis all employees will be made aware of this Policy, and it will be made available for on Council’s Intranet and Council’s website.

Councillors, employees, contractors, and volunteers will be regularly acquainted with the general provisions of the PPIP Act and HRIP Act and, in particular:

- this Policy,
- Council’s Access to Information Policy,
- Council’s Data Breach Policy,
- the Information Protection Principles,
- the Health Protection Principles,
- the Public Register provisions,
- the Privacy Code of Practice for Local Government, and
- any other applicable Code of Practice.

5.2 Communication strategy

Council informs its employees, Councillors, and the community of their rights under the PPIP Act and this Policy by:

- publishing this Policy and associated documents on Council’s website together with a link to the Information & Privacy Commission website, and
- including privacy statements on application forms and invitations for community engagement.

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PART 6 – COMPLAINTS AND PROCEDURES FOR INTERNAL REVIEW

6.1 Internal Review

Section 53 of the PPIP Act provides that if a person is not satisfied with Council’s conduct in relation to their privacy request, disclosure of personal information on a public register or believe Council is contravening a privacy principle or privacy code of practice they can make an application for internal review of Council’s conduct or decision by writing to Council’s Privacy Contact Officer.

The written application must be addressed to Council, include a return postal address in Australia and be received by Council within six months of the individual becoming aware of the conduct or decision that is the subject of the application.

6.2 How does the process of Internal Review operate?

The Privacy Contact Officer will appoint a Reviewing Officer to conduct the internal review. The Reviewing Officer will report their findings to the Privacy Contact Officer.

The review is to be completed within 60 calendar days of receipt of the application. The applicant will be notified of the outcome of the review within 14 calendar days of its determination.

Section 54 of the PIPP Act provides that the NSW Privacy Commissioner will be notified by the Privacy Contact Officer of a review application as soon as is practicable after it is received. Council will brief the NSW Privacy Commissioner on the progress of an internal review and notify them of the outcome.

The NSW Privacy Commissioner may make submissions to Council in relation to the subject matter of the application for internal review. Council may, if it deems it appropriate, ask the NSW Privacy Commissioner to conduct the internal review.

6.3 What happens after an Internal Review?

Section 55 of the PPIP Act provides that if the applicant remains dissatisfied with the outcome of a review, an application may be made to the NSW Civil and Administrative Tribunal for a review of Council’s conduct.

6.4 Alternative to lodging an application for internal review

If a person does not want to lodge an application for internal review with Council, they may contact the Privacy Commissioner directly through the Information and Privacy Commission.

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PART 7 - SPECIFIC EXEMPTIONS IN THE PPIP ACT AND HRIP ACT RELEVANT TO COUNCIL

There are a number of exemptions from compliance with the PPIP Act and HRIP Act that apply directly to Council.

These relate to situations where:

- information is collected in connection with proceedings (whether commenced or not) before any Court or Tribunal,
- information is collected for law enforcement purposes,
- information is used for a purpose reasonably necessary for law enforcement purposes or to protect the public revenue,
- Council is authorised or required by a subpoena or search warrant or other statutory instrument,
- Council is investigating a complaint that may be referred or made to an investigative agency,
- Council is permitted by a law or statutory instrument not to comply,
- compliance would prejudice the interests of the individual to whom the information relates,
- the individual to whom the information relates has given express consent to Council not to comply, and
- disclosure is permitted under the Privacy Code of Practice for Local Government.

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Campbelltown City Council

PART 8 – WHO CAN YOU CONTACT

Campbelltown City Council

Privacy Contact Officer
 Manager, Governance and Risk
 Phone: (02) 4645 4000
 Fax: (02) 4645 4387
 Email: council@campbelltown.nsw.gov.au

Information & Privacy Commission

GPO Box 7011
 SYDNEY NSW 2001
 Phone: 1800 472 679
 Email: ipcinfo@ipc.nsw.gov.au
 Web: www.ipc.nsw.gov.au

NSW Civil and Administrative Tribunal (NCAT)

Address: 86 - 90 Goulburn St
 Sydney NSW 2000
 Phone: 1300 006 228

END OF POLICY STATEMENT

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8.14 Proposed Co-Location at Council Community Facility - Wedderburn

Reporting Officer

Property Services Manager and Natural Areas 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 proposed co-location of entities at Wedderburn Outdoor Resource Centre.
2. That Council endorse the terms of the proposed licence agreements for each entity to be co-located at Wedderburn Outdoor Resource Centre.
3. That all and any documentation associated with the proposed licence agreements be signed by way of delegated authority by the General Manager (or her authorised delegate) under *Section 377 of the Local Government Act 1993*.

Purpose

To seek Council's endorsement for the proposed co-location of Westwords and Wildlife Information Rescue and Education Service (WIREs) Koala Rehabilitation Facility at Wedderburn Resource Centre (the Centre).

History

The Centre is located at 391 Wedderburn Rd, Wedderburn and has a legal identifier Lot 41 DP 752066. The site consists of low fencing, a hard stand carpark and two buildings with a small kitchen and a shared toilet amenity. The property is 8,094 m² in size and is largely tree covered with a cleared understory consisting of mown grass. The zoning of the site is RU5 Rural Village

under the Campbelltown Local Environmental Plan 2015, and the land is classified as Operational Land under the *Local Government Act 1993*.

The site has been underutilised for many years by the community and is somewhat isolated in proximity to residential areas which lends itself to the proposed community use outlined within this report.

Westwords Writers Retreat

In 2017, Council entered into a management agreement with Westwords to exclusively occupy the Centre for the purpose of operating Campbelltown Writers' Retreat. The retreat was part of a project aimed to develop writing rooms across Western Sydney and was funded through a Creative NSW grant. Council agreed to make the Centre available for use free of charge (including the absorption of all operating costs for the site) for this purpose for the duration of the grant which ended in June 2019. Due to the success of the program, the arrangement was extended until August 2022, with an option for further extension. The relationship has been managed by the Community Learning and Library team since it was first established.

Westwords is a not-for-profit literacy organisation focused on nurturing and telling stories of the people of Western Sydney. They currently utilise the Centre to conduct writing workshops for members of the community as well as provide spaces for writers to work on their writing. Westwords also supports Library writing programs and is contracted to administer the Fisher's Ghost Writing Prize.

WIRES Koala Rehabilitation Facility

In late October 2022, WIRES approached Council with a proposal to investigate the establishment of a Koala Rehabilitation Facility within the Campbelltown LGA, with specific interest in the Centre.

WIRES is a not-for-profit organisation focused on rescuing and caring for sick, injured, and orphaned native animals and have been in operation in Campbelltown, and the surrounds, for over 35 years with approximately 50 active members within Campbelltown LGA.

The proposal suggests installation of critical care koala enclosures and koala pre-release enclosures with natural floors, a cool room to store fresh leaves and medicines and benches to perform simple veterinary procedures, all of which are within the existing building at the rear of the site. Given the limited current security of the site, the proposal also included the installation of fencing and CCTV with 24/7 access required to the site, as majority of rescues occur between dark and dawn.

Due diligence on the co-location model by both parties has evolved with support from Council's Property Services, Open Space and Development Assessment teams including identifying the requirement for any regulatory approvals and investment to support the proposal by Council.

WIRES and key Council staff have worked together to determine site suitability and the interface between the Koala Rehabilitation facility and the Writers Retreat which will see WIRES taking occupation of the rear building (the old schoolhouse) and installation of enclosures and supporting infrastructure.

Report

Co-Location Proposal

Discussions with both WIRES and Westwords have determined that both parties could successfully co-exist on the site with minimal impact on each other's operations.

The use of the Centre as a WIRES Koala Rehabilitation Facility would enable animals that are sick, have been in contact with domestic dogs or experienced vehicle strikes to be rehabilitated in a safe and secure location. The use of the rear building would provide locations for animal assessment and treatment, with multiple wildlife care licence compliant enclosures installed at the rear of the building. For security, fences and CCTV cameras are proposed as well as linking pathways and lighting for all weather access. The use of the building, installation of infrastructure and operation of the facility are subject to a Development Application that has been lodged by WIRES but remains subject to Council consideration.

Westwords have indicated that they would like to be able to offer an overnight stay for writers. This would require significant refurbishment to the front building which would include the installation of bathroom amenity. Westwords have been advised that they are to seek grant funds to undertake this work and would require landholder consent for the application and planning approval from Council. Westwords is currently developing a Scope of Works on the front building for Council to consider.

Community and Environmental Benefits

This proposal has significant community and environmental benefits which include:

- Continued development of a writing community in Campbelltown.
- Space for writers to develop their craft in a rural setting giving them focus and quiet.
- Ensures partnerships highlighted within Council's Comprehensive Koala Plan of Management and to ensure Council resolutions to support wildlife care groups can be honoured.
- Ensure that wildlife carers have access to secure, safe facilities that provide koalas with the best change of rehabilitation.
- Provides access to an underutilised site for 2 valuable services.
- Provides practical long-term support to ensure the health and rehabilitation of koalas in Campbelltown.

Progress on Actions Arising

Council's Property Services team has now secured conditional Heads of Agreement terms with both parties subject to the formal endorsement of Council.

The proposed terms, while not revenue generating, ensure that all direct costs of operation at the site are recovered from WIRES and Westwords respectively. The outcome is significantly better than the existing situation that places responsibility for the costs of operating the site with Council.

The Property Services team also identified the quantum of Council's required investment to expedite the successful co-location of the site. In an initial discussion between WIRES and members of Council's Development team, it was identified that their DA application would

trigger a requirement for the upgrade of the existing public amenity at the hall to comply with Building regulations. A cost estimate was obtained from Council's project team for the works. The works scope and cost are detailed as follows: -

- Remove existing ramp and construct new to make it accessible compliant as per AS 1428.1.
- Upgrade mechanical ventilation as per AS 1668.2.
- Installation of new cubical with proper back rest that comply with AS 1428.1.
- Upgrade basin and plumbing works as per AS 3500.2.2018 to comply with AS1428.1.
- Remove existing fluorescent light and install new.
- Fixing and upgrading existing door lock.

The estimated cost of works is \$44,000 plus GST.

These funds have been allowed for as part of Council's annual building program.

Next Steps

1. WIRES have produced a detailed concept plan and obtained all supporting documentation required for their DA application.
2. Westwords will present Council with a revised operating model and fitout proposal.
3. Westwords to secure grant funding to undertake the fitout works.
4. Charter between the 2 parties to be developed to support principles of co-location at the site.
5. WIRES and Westwords to obtain respective Board approval to proceed.

Conclusion

Based on the information provided in this report the parties jointly recommend that Council grant approval for the co-location business model and approve the funding to upgrade the existing public amenity.

Attachments

Nil

8.15 24 hour Fight Against Cancer Macarthur

Reporting Officer

Manager Governance and Risk
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 Council determine the request for a 3 year sponsorship arrangement for the 24 Hour Fight Against Cancer Macarthur 2024 to 2026 including coverage of the cost of Campbelltown Athletics Stadium hire and other associated costs with the 24 Hour Fight Against Cancer Macarthur Annual Walk event as detailed in the report.

Purpose

This report has been prepared for Council to consider the request for a 3 year sponsorship arrangement for the 24 Hour Fight Against Cancer Macarthur event, 2024-26 (inclusive).

History

The 24 Hour Fight Against Cancer Macarthur has been conducted since October 2005. Council has been a long-term supporter of the 24 Hour Fight Against Cancer Macarthur and has sponsored the annual fundraising walk through venue hire and other associated costs also being provided by Council since the inaugural event.

Report

A request has been received by the 24 Hour Fight Against Cancer Macarthur Inc to enter into a 3 year sponsorship arrangement to support the 24 Hour Fight Against Cancer Macarthur annual walk from 2024 - 26 (inclusive). The in-kind support sought from Council under the arrangement includes:

- hire of the Campbelltown Athletics Stadium Leumeah for the 24 Hour Walk Against Cancer Macarthur event
- use of the large portable LED display screen
- security for the event and
- cleaning services over the 24 hours of the event.

The value of the sponsorship arrangement sought is \$9,500 per year. Please note these costs are for 2024 and may be subject to change in accordance with the fees and charges set for the following years of the agreement.

Use of the Campbelltown Athletics Stadium, Leumeah is sought on the second weekend of October for the term of the agreement. Should Council approve the request it is recommended that the sponsorship arrangement provide for an appropriate weekend in October as agreed with Council Stadium operations.

In 2024 the event will take place on Saturday 12th October – Sunday 13th October.

The attached correspondence states that more than 1500 local residents participate during the weekend and their efforts, combined with a number of other high profile fundraising events, raised much needed funds for the Macarthur Cancer Therapy Centre, the Oncology Ward and the Paediatric Ambulatory Care Unit located in Campbelltown Hospital and the Palliative Care Unit and its outreach services based at Camden Hospital. Since the inaugural event in 2005, more than \$5.2 million has been raised.

Under the Grants, Sponsorship and Donations Policy, the elected Council has authority to approve grants or other financial assistance. This request is referred to the Council for its consideration and determination as the in-kind value of this request over the 3 year term exceeds the delegation under the policy.

Attachments

8.15.1 24hr Walk Against Cancer Macarthur Request for Council Sponsorship 2024-26 (contained within this report) [↓](#)

Fight Against Cancer Macarthur Inc
c/- 10/1-5 Parkside Crescent
Campbelltown NSW 2560



Clr George Greiss
Mayor
Campbelltown City Council
PO Box 57 CAMPBELLTOWN NSW 2560

Dear Mayor

I write to request that Campbelltown City Council continue their sponsorship of the 24 Fight Against Cancer Macarthur Inc. signature fundraising event, for the period 2024 -26 inclusive by providing:

- use of the Campbelltown Athletics Stadium Leumeah on the second weekend of October at no cost
- large portable LED display screen
- security for the event, and
- cleaning services over the 24 hours.

In 2024 the event will take place on Sat 12th October – Sunday 13th October and we will be celebrating our 20th year of operation with some special activities.

More than 1500 local residents participate during the weekend and their efforts, combined with a number of other high profile fundraising events, raised much needed funds for the Macarthur Cancer Therapy Centre, the Oncology Ward and the Paediatric Ambulatory Care Unit located in Campbelltown Hospital and the Palliative Care Unit and its outreach services based at Camden Hospital.

It is also my pleasure to inform you, as our patron, that the total raised for local cancer care by the 24Hr Fight Against Cancer Macarthur to date totals more than \$5.2m. I am sure you agree that this is an outstanding achievement by a volunteer committee, local residents and businesses across the Macarthur community spanning two decades.

The generous support of the Campbelltown City Council, as one of our valued Foundation sponsors, will be acknowledged on our publicity material which includes banners, signage, brochures, posters and team booklets and on the event T-shirts. The logo will also be displayed on the Macarthur Cancer Therapy Centre patient transport bus that was purchased through this fundraising.

I look forward to welcoming you on the day and announcing the details of the continued support of Campbelltown City Council.

Yours sincerely

Signature has been removed

Warren Morrison
Chairperson
8 April 2024

FIGHT AGAINST CANCER MACARTHUR INC.
Fundraising Authority under the Charitable Fundraising Act 1991
Registered Charity - Donations over \$2 are tax deductible

8.16 Submission - Reforming the emergency services funding system

Reporting Officer

Executive Manager Corporate Services and Governance
City Governance

Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.2.1 Provide proactive and collaborative leadership on issues that are important to Campbelltown now and into the future

Delivery Program

Principal Activity
5.2.2.4 Deliver financial sustainability through short, medium and long-term financial planning

Officer's Recommendation

That Council endorse the submission regarding reforms to the emergency services funding system.

Purpose

To advise Council on the NSW Government consultation paper regarding reforming the emergency services funding system in NSW.

On 16 November 2023, the NSW Government announced its commitment to reform the State's emergency services funding with 3 key objectives:

- reduce insurance costs for households by spreading the levy across all property owners.
- protect pensioners and vulnerable members of the community.
- ensure a revenue-neutral model that sustainably funds our emergency services agencies.

All 8 of the questions in the consultation paper have been responded to in the attached submission.

History

In December 2015 the NSW Government announced it would abolish the insurance-based Emergency Services Levy (ESL) from 1 July 2017 and replace it with the Emergency Services Property Levy (ESPL), to be paid alongside council rates.

On 30 May 2017 the NSW Government announced that it would defer the introduction of the Fire and Emergency Services Levy (FESL) to ensure small to medium businesses do not face an unreasonable burden in their contribution to the State's fire and emergency services.

In June 2017 the Government announced a Portfolio Committee Inquiry into and to report on the funding of fire and emergency services and in particular the policy process and financial modelling underlying the FESL, financial implications on stakeholders, alternative models for ensuring these services are fully funded fairly and equitably.

The NSW Government released its consultation paper on 10 April 2024 seeking feedback on its proposed reforms for a replacement levy to the one currently payable on property insurance. The consultation period is open for comment until 22 May 2024 when submissions are due.

Report

The 3 emergency service agencies are funded by contributions known as the Emergency Services Levy (ESL), these agencies manage natural disasters and other emergencies as they occur.

- Fire and Rescue NSW is responsible for the provision of fire, rescue and hazmat services in cities and towns.
- The NSW Rural Fire Service is responsible for combating bushfires in NSW and leads coordinated bushfire fighting operations across 95 per cent of the State.
- The NSW State Emergency Service is responsible for responding to flood and storm emergencies, with a majority of rescue efforts in rural parts of the State.

The total cost of running Fire and Rescue NSW, The NSW Rural Fire Service and NSW State Emergency Services is estimated to be \$1.9 billion (excluding depreciation). The funding of these services currently comes from ESL contributions made by insurance companies (73.7 per cent), the State Government (14.6 per cent) and local councils (11.7 per cent).

A key reform proposal is for the NSW Government to collect the replacement ESL through Revenue NSW. The consultation paper is not clear on any changes to the council contribution representing 11.7 per cent of the funding need. The NSW Government should consider a holistic end to end process in this reform that would be inclusive of all costs including the 11.7 per cent currently funded by local council contributions.

Below is a summary of the response to the attached consultation paper.

Question	Agree/disagree	Summary
Do you agree with the design principles of cost recovery, equity, efficiency, simplicity and sustainability for the replacement levy?	Yes	This levy is essentially a tax and the principles outlined align with accepted taxation principles.
Which of the four revenue base models – capital improved values, unimproved land values, gross rental values and a fixed charges model – should be used to design the replacement levy?	Unimproved Values	Valuations already available and used by Revenue NSW for land tax and councils for land rates.
Which of the current revenue sources for emergency services agencies should be replaced?	All sources rolled into one levy.	Remove the contributions from Insurance policies and local government into one state levy.
Should different levy rates be applied to: <ul style="list-style-type: none"> • different property types, such as residential, commercial or farmland, or • properties in different locations? 	Yes. Based on property type not location.	Property type is better understood by the community.
What protections are necessary for pensioners and other vulnerable cohorts?	This is an essential measure.	The government should consider a scaled rebate/concession capped by a pre-determined percentage. Consideration of assessing and making provision for hardship should also be included.
How should a levy collected each year reflect changing funding needs for emergency services?	Full cost recovery.	The 11.7% council contribution be discontinued and any true up from past years be adjusted in future years.
Should revenue from a replacement levy be collected by local governments or by the State Government through Revenue NSW?	State government through Revenue NSW.	The process should be end to end, inclusive of all costs including the 11.7% currently funded by council ratepayers and paid by council. This will also ensure consistency and administration efficiency across the State having the collection centralised.
What arrangements should be put in place to ensure that the removal of the current Emergency Services Levy is	An Insurance Monitor should be appointed.	Council supports the proposal for a 'period of transition, and any arrangements that may need consideration if council

<p>passed on in lower insurance premiums? How long should the transition take? What other transitional arrangements should be considered for the reform?</p>		<p>contributions are to be replaced by the levy.' to be transparent and equitable.</p>
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Attachments

8.16.1 Emergency Services Funding Reform Consultation Paper (contained within this report) [↓](#)

8.16.2 Campbelltown City Council Submission (contained within this report) [↓](#)



Reforming the emergency services funding system

Consultation paper

10 April 2024

Acknowledgement of Country

The New South Wales Treasury acknowledges the Traditional Custodians of the lands where we work and live. We celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales.

We pay our respects to Elders past, present and emerging.

About this consultation paper

Reforming the emergency services funding system

Published by the New South Wales Treasury on behalf of the Hon Daniel Mookhey MLC, Treasurer and the Hon Jihad Dib, MP, Minister for Emergency Services.

www.treasury.nsw.gov.au

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Foreword

Protecting everyone

Our emergency services protect the lives and property of everyone in NSW.

NSW Treasury projects that the total cost of flood and bushfire to the economy is projected to increase from \$7 billion in 2020-21 to up to \$24 billion per year by 2070-71, in today's dollars.

Funding our emergency services is always important, and particularly so in this light.

Fair for everyone

The NSW Government believes that funding for emergency services in NSW can be made fairer, simpler, more efficient, and more sustainable.

Taxing only those who take out insurance, and thereby allowing those who are uninsured to avoid paying for emergency services through the Emergency Services Levy, is unfair. Worse, it discourages more people from taking up insurance – which further erodes the foundations of emergency services funding.

A system where everyone whose property is protected by emergency services would make a contribution to those services is not only possible, it is in place in every other mainland Australian state.

Working with everyone

The time has come for NSW to reform the emergency services funding system. But reform requires a clear objective, good faith and respect for all parties who will be affected by change.

The NSW Labor Government has learned from the mistakes of the former government, which did not proceed with its Fire and Emergency Services Levy in 2017.

The consultation process we begin today is designed to make sure that the emergency services funding system delivers the best outcome for everyone involved.

The NSW Government is seeking views from industry and the wider community on the principles for the reform, the revenue base model to be used, and the key design elements and arrangements for the replacement levy.

We encourage you to express your views and feedback on the NSW Government's 'Have Your Say' website.

The Hon Daniel Mookhey MLC
Treasurer

The Hon Jihad Dib MP
Minister for Emergency Services

1 Introduction

On 16 November 2023, the New South Wales (NSW) Government announced its commitment to reform the State's emergency services funding with three key objectives:

1. Reduce insurance costs for households by spreading the levy across all property owners.
2. Protect pensioners and vulnerable members of the community.
3. Ensure a revenue-neutral model that sustainably funds our emergency services agencies.

The current Emergency Services Levy on insurance funds services that benefit everyone but are only paid by some.

The existing Emergency Services Levy increases insurance premiums in NSW by about 18 per cent for residential property and about 34 per cent for commercial property.

The Emergency Services Levy funding requirements for our emergency services increase with climate change and the growing instances of natural disasters, making insurance more unaffordable.

Rising insurance premiums increase the cost of living for households and leads to underinsurance or an increasing number of households left at risk.

With natural disasters becoming more frequent, intense and unpredictable, the need for emergency prevention and response is growing. Finding a sustainable, broad and fair system is vital to ensuring the best emergency services to protect everyone.

The NSW Government has committed to reform the funding of emergency services to resource our fight against the increasing instances of natural disasters, and to more fairly spread the costs among property owners.

This consultation paper is the beginning of public consultations to inform the design, scope, features and transition arrangements of a reformed emergency services levy.

Have your say

The NSW Government would like your views and feedback on any or all of the following questions raised in this consultation paper:

1. Do you agree with the design principles of cost recovery, equity, efficiency, simplicity and sustainability for the replacement levy?
2. Which of the four revenue base models – capital improved values, unimproved land values, gross rental values and a fixed charges model – should be used to design the replacement levy?
3. Which of the current revenue sources for emergency services agencies should be replaced?
4. Should different levy rates be applied to:
 - different property types, such as residential, commercial or farmland, or
 - properties in different locations?
5. What protections are necessary for pensioners and other vulnerable cohorts?
6. How should a levy collected each year reflect changing funding needs for emergency services?
7. Should revenue from a replacement levy be collected by local governments or by the State Government through Revenue NSW?

8. What arrangements should be put in place to ensure that the removal of the current Emergency Services Levy is passed on in lower insurance premiums? How long should the transition take? What other transitional arrangements should be considered for the reform?

To give feedback, you can upload a submission at the NSW Government's 'Have Your Say' website.

Email questions about the consultation paper to the project team at ESFReform@treasury.nsw.gov.au

Submissions are open until 22 May 2024

We prefer submissions in an accessible format. Accessibility is about making documents easy to use for everyone, including people with disability. For more information on how you can make your submission accessible, visit <http://webaim.org/techniques/word/>

We may publish submissions

We may publish submissions. If you do not want your personal details or any part of your submission published, please say so clearly in your submission. An automatically generated confidentiality statement in your email is not enough.

We may refer to submissions upon the completion of the consultation. We will accept anonymous submissions if you do not want us to publish yours, or if you have concerns about safety or about your submission being linked back to you. We will refer to these in our report as anonymous submissions.

There may be circumstances where the NSW Government is required by law to release the information in your submission. For example, this may be in keeping with the requirements of the *Government Information (Public Access) Act 2009*.

2 Current funding of emergency services in NSW

The three NSW emergency services agencies, funded by the Emergency Services Levy, help NSW residents and businesses when natural disasters and other emergencies occur.

- Fire and Rescue NSW is responsible for the provision of fire, rescue and hazmat services in cities and towns across NSW.
- The NSW Rural Fire Service is responsible for combating bushfires in NSW and leads coordinated bushfire fighting operations across 95 per cent of the State’s land mass.
- The NSW State Emergency Service is responsible for responding to flood and storm emergencies in NSW, with a majority of rescue efforts in rural parts of the State.

The funding needed for our emergency services currently comes from insurance companies (73.7 per cent), local councils (11.7 per cent) and the State Government (14.6 per cent).

The NSW Government will remove the Emergency Services Levy currently imposed on insurance, and instead will distribute the levy across a broad base of property owners.

This change recognises that our emergency services agencies serve everyone in NSW, and there is a collective benefit in having these agencies fully funded, well prepared and well resourced.

NSW is the last mainland Australian state to rely on a levy on insurance to fund the cost of their emergency services agencies. Removing the NSW Emergency Services Levy will help insured households and businesses who are managing rising cost of living pressures.

In 2023-24, expenditure for the emergency services agencies is estimated at \$2.3 billion. Over the past five years, the costs of emergency services have increased by 42 per cent, or 18 per cent in real terms (see Table 1). The rapidly growing cost of the emergency services agencies is linked to the increasing number of major natural disasters, including due to risks related to climate change.

Table 1: Emergency services agency expenditure from 2018-19 to 2023-24 (nominal \$ million)

Agency	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Fire and Rescue NSW	868	909	915	986	1,086	1,107
NSW Rural Fire Service	617	910	630	574	706	808
NSW State Emergency Service	115	142	173	201	255	357
Total	1,600	1,962	1,719	1,760	2,047	2,273

Source: NSW Budget Papers. Expenditure includes both expenses (including depreciation) and capital expenditure. The expenditure for 2023-24 is an estimate. Agency funding requirements do not include depreciation expenses, are net of self generated income, and therefore are lower than expenditure. The 2023-24 funding target for emergency services agencies is \$1.9 billion.

An overarching principle of the emergency service funding system reform is that only the revenue required to fund the emergency services is recovered by the new system. An outline of the current NSW funding arrangements for emergency services is in Appendix A.

3 The case for reforming emergency services funding

Placing the Emergency Services Levy on insurance is an unfair, inefficient, and unsustainable way to fund our emergency services. Removing the Emergency Services Levy imposed on insurance and instead distributing the levy across a broad base of property owners could create a fairer system that is cheaper for the majority of people.

The burden of paying for emergency services falls on households, especially those with mortgages

The largest share of funding of the NSW emergency services is provided by people who insure their properties, contents or other goods.

Generally, people who take on a mortgage must pay for property insurance under the conditions in their loan. People who do not insure their properties or other goods do not pay the Emergency Services Levy and make no direct contribution to funding emergency services.

The Emergency Services Levy is generally passed onto policyholders by insurers. It increases the price of insurance by adding to the base premium, and consequently also by increasing the price on which goods and services tax (GST) and stamp duty are levied. Table 2 shows that the Emergency Services Levy has increased the cost of residential property insurance by 18 per cent on average over recent years.

Table 2: How the Emergency Services Levy makes residential property insurance more costly

	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	Average
Percentage increase in premium	21%	17%	18%	21%	15%	17%	18%

Source: NSW Treasury calculations based on aggregated data on insurance premiums and Emergency Services Levy contributions by class of insurance. Estimates include the direct impact of the Emergency Services Levy on insurance premiums and the flow-on impact of the Emergency Services Levy as it increases the GST and stamp duty payable on insurance policies.

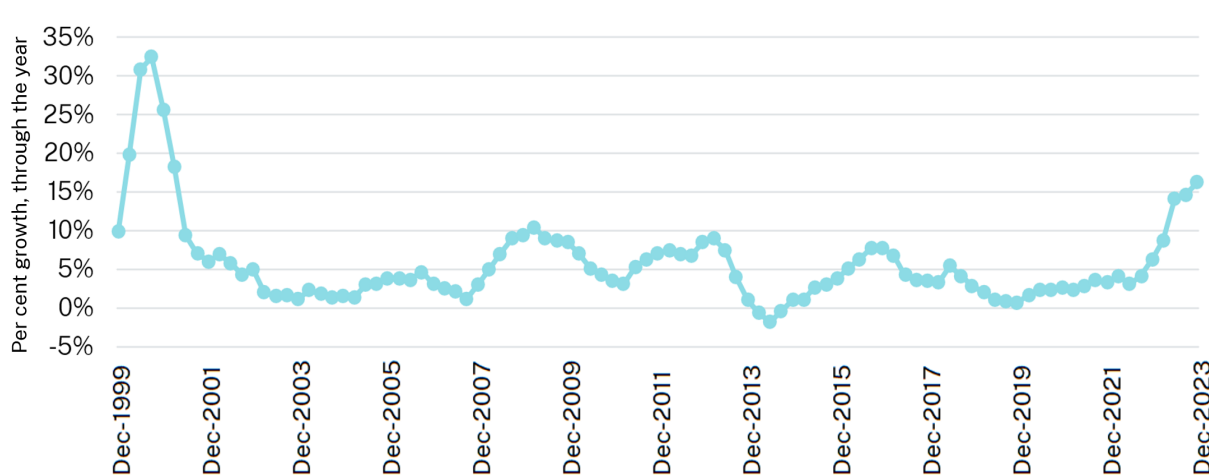
Home insurance premiums in NSW are estimated to be the third highest in Australia, below only cyclone-prone Queensland and the Northern Territory.¹ The current Emergency Services Levy also makes insurance premiums in NSW around 34 per cent higher on average for commercial property than would otherwise be the case.²

Insurance costs have been increasing rapidly in Australia over recent years, rising 16.2 per cent through the year to the December quarter 2023 – the strongest annual rise in more than two decades (see Figure 1).

¹ Actuaries Institute, *Home Insurance Affordability Update*, August 2023.

² NSW Treasury estimates based on data on insurance premiums and Emergency Services Levy contributions by different classes of insurance. Estimates include the direct impact of the Emergency Services Levy on insurance premiums and the flow-on impact of the Emergency Services Levy as it increases the GST and stamp duty payable on insurance policies. The Emergency Services Levy component of individual insurance policies is likely to vary depending on insurance provider or type of insurance.

Figure 1: Australian insurance costs have grown rapidly in recent years



Source: Australian Bureau of Statistics, Consumer Price Index, Australia, December Quarter 2023.

The higher payment burden raises underinsurance and non-insurance

The latest available *Household Expenditure Survey* from the Australian Bureau of Statistics indicates that 35 per cent of NSW households did not have contents insurance and 5 per cent of homeowners did not have building insurance. Table 3 shows the rates of non-insurance in NSW among different groups of households.

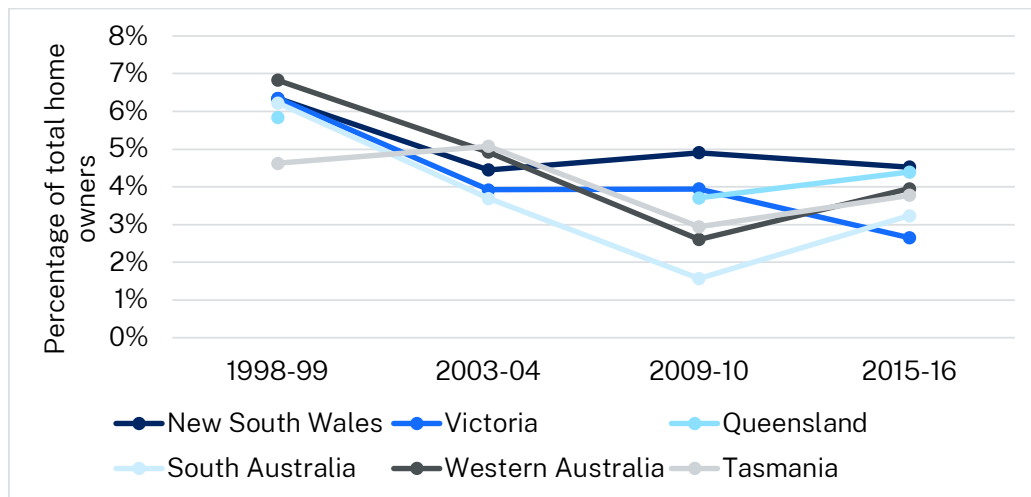
Table 3: Proportions of households in NSW without insurance

Households	Building	Contents
Owner without a mortgage	3.9%	15.6%
Owner with a mortgage	4.7%	16.7%
Total homeowners	4.5%	16.0%
Renter / Other tenure type		75.0%
Total		35.4%

Source: NSW Treasury calculations based on data provided by the Australian Bureau of Statistics, from the 2015-16 *Household Expenditure Survey*. Figures for building insurance are restricted to the set of homeowners who do not pay body corporate fees.

Property owners in NSW have the highest proportion of buildings without insurance and are likely to have the highest level of underinsurance compared with other states (Figure 2).

Figure 2: NSW has the highest proportion of homeowners without building insurance



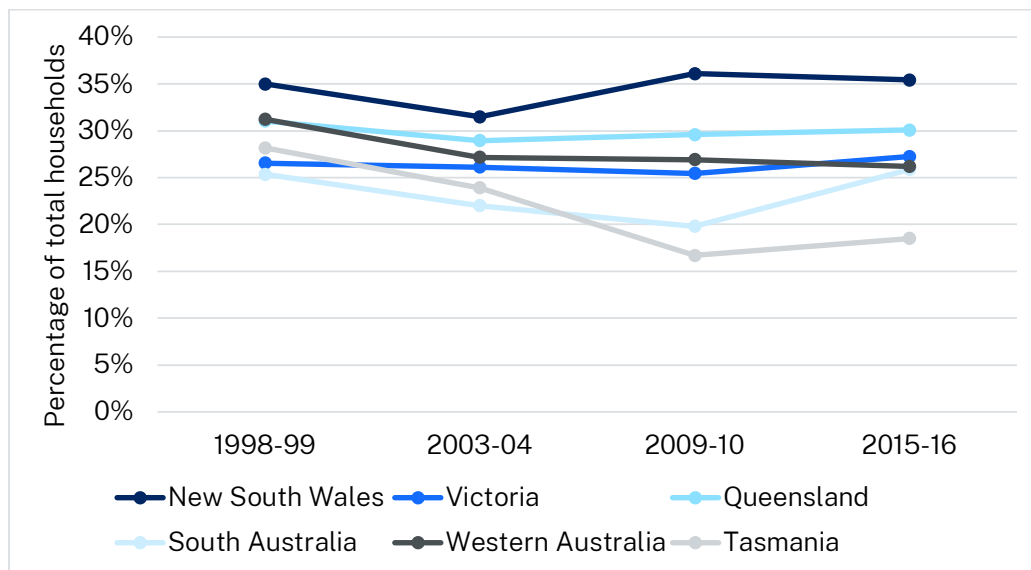
Source: NSW Treasury calculations using data supplied by the Australian Bureau of Statistics, Household Expenditure Surveys. The figures exclude homeowners who pay body corporate fees. Data are not available for Queensland in 2003-04, because of a small sample size.

States that have removed emergency service funding from insurance premiums have seen the proportion of uninsured buildings decrease relative to states that did not reform insurance levies over the same period (Figure 2):

- In Victoria, the number of property owners choosing not to insure their building declined significantly between 2009-10 and 2015-16. This coincided with the abolition of its insurance-based emergency services levy in 2013-14.
- South Australia and Western Australia abolished their insurance-based emergency services levies in 1999 and 2003 respectively.

Higher insurance costs also affect the amount of insurance households take out on their contents. NSW has persistently had the highest level of non-insurance for household contents across all states (Figure 3).

Figure 3: The proportion of NSW households without contents insurance is higher than any other State



Source: NSW Treasury calculations using data supplied by the Australian Bureau of Statistics, Household Expenditure Surveys.

Small business are victims too

NSW businesses have ranked insurance costs their number one issue in almost every business conditions survey conducted since 2019, including the first quarter of 2024³.

Small businesses have a lower capacity to self-insure than some large businesses, so high insurance prices can leave many small businesses exposed to risks. A May 2015 survey by the Insurance Council of Australia found 13 per cent of small businesses had no general insurance. Sole traders are often forced to take on more risk, with 24 per cent found to have no insurance.⁴

The pressure on households and businesses will increase unless there is change

The impact of the Emergency Services Levy on insurance costs is compounded by several underlying factors which raise prices.

More frequent and intense climate events increase demand for emergency services

The funding requirements of our emergency services agencies are expected to rise quickly with climate change and increased exposure to climate-related hazards. Without change to the current Emergency Services Levy system, this will further increase the cost of insurance and discourage insurance take-up. As the number of uninsured properties increases, the number of contributors to the emergency services funding is expected to decrease.

NSW Treasury modelling projects the total economic cost of floods and bushfires to rise from \$7 billion in 2020-21 to up to \$24 billion per year by 2070-71 (in real 2022-23 dollars).⁵ This is consistent with other Australian and international estimates that project costs to grow significantly over coming decades. For example, a report prepared by Deloitte Access Economics finds that disasters cost the Australian economy \$38 billion per year, on average, and that this cost is projected to rise to at least \$73 billion annually by 2060.⁶

Reinsurance costs are high globally making it harder for insurers to finance their policies

More frequent and intense climate change related events are making it more expensive to insure, particularly in areas where flood, fire and storm damage are most likely. Due to increased risks, reinsurance costs are high globally, making it harder for insurers to finance their policies.

Insurance companies around the world are finding it more difficult to access finance. Reinsurance is more difficult to obtain, and willingness to take on risk is low. All these issues can impact the cost of premiums locally. Adding the Emergency Services Levy on top of these cost pressures only exacerbates the problem.

A simpler system will be more transparent

Insurance companies disclose the component of a premium which is linked to their Emergency Services Levy liability for that policy and pass this cost on to consumers. However, the Emergency Services Levy liability calculation is complex. Overall, households and businesses lack visibility on the funding of emergency services and the cost of service provision.

- *Levy-payers* may find it challenging to understand the operation of the Emergency Services Levy due to its complex mechanism.
- *Insurance companies* have to forecast growth in volumes and values of their own policies as well as the market, and then ensure they recover the correct amount of the Emergency Services Levy

³ Business NSW, *March 2024 BCS Report, 2024* and Business NSW, *Insurance at the Speed of Business*, November 2023.

⁴ Insurance Council of Australia, *Non-Insurance in the Small to Medium Sized Enterprise Sector*, July 2015.

⁵ Flood costs include costs arising from riverine flood only; they do not include those arising from other disasters such as storms, hail, storm surge and earthquakes.

⁶ Deloitte Access Economics, *Special report: Update to economic costs of natural disasters in Australia*, Australian Business Roundtable for Disaster Resilience & Safer Communities, 2021.

from policyholders to meet their final contribution amount. These final contribution amounts are only known after the end of each financial year.

The complexity on the insurance side is mirrored in the systems for collecting revenue from councils. Each emergency services agency has different approaches to the allocation of costs between councils.

Previous reviews relating to the Emergency Services Levy

Numerous studies and investigations have provided commentary on how the Emergency Services Levy could be reformed. Three key sources are referenced below, with further details of the findings and recommendations outlined in Appendix B.

NSW Parliamentary Inquiry into Fire and Emergency Services Levy – 2018⁷

The Inquiry provided its findings and recommendations following its examination of the former government's failed implementation of the Fire and Emergency Services Levy (FESL). The Inquiry found that the former government did not have an adequate understanding of the complexities or impacts of the proposed reform. This resulted in the decision to indefinitely defer FESL, causing significant and avoidable costs to councils and the insurance industry.

The Inquiry recommended that, when developing a new levy, a government should:

- ensure that there is appropriate consultation with key stakeholders
- conduct full and transparent modelling of such a levy
- reintroduce an insurance monitor
- consider a range of issues before deciding to implement a new levy.

NSW Federal Financial Relations Review (Thodey Review) – 2020⁸

The Thodey Review found that insurance taxes are *inefficient*, as they raise insurance premiums and disincentivise consumers from insuring adequately. It also found they are *inequitable*, as there seems to be no link between insurance purchase and distribution of benefit from government expenditure on emergency services, creating a 'free-rider' problem.

The Emergency Services Levy in NSW was cited as having the most acute price and policy impacts relating to insurance taxes. These taxes increase the cost of insurance and therefore increase the likelihood that households and businesses choose not to insure or to underinsure. Thus, taxes on insurance increase the risk and exposure of less fortunate members of the community.

A broad-based property levy is much more efficient and equitable, the Thodey Review found. It would make insurance more affordable and ensure that all property owners pay to fund emergency services.

Australia's Future Tax System Review (Henry Review) – 2010⁹

The Henry Review found taxes on insurance add to the cost of insurance premiums and can lead to underinsurance or non-insurance. Low-income households are more likely to abandon insurance in response to higher premiums than high-income households. This can lead lower income households to bear more risk, despite being less well-placed to do so than people with higher incomes.

The Henry Review explicitly stated that fire services levies should be abolished. The review also noted the efficiency of land as a tax base.

⁷ New South Wales Parliament, Legislative Council, Portfolio Committee No. 4 – Legal Affairs, *Fire and Emergency Services Levy*, Sydney, 2018.

⁸ NSW Treasury, *NSW Review of Federal Financial Relations – Supporting the road to recovery – Final Report* (David Thodey, chairman), Sydney, 2020.

⁹ Henry, K, Harmer, J, Piggott, J, Ridout, H, and Smith, G, *Australia's Future Tax System, Report to the Treasurer*, Australian Treasury, Canberra, 2010.

4 Four revenue base models for emergency services funding

Principles for designing a replacement levy

The NSW Government seeks to design a replacement levy that is right for NSW with its development informed by industry and interested stakeholders in the wider community.

The proposed design principles to guide the reformed levy are:

- **Cost recovery:** Any levy will be set at a level sufficient to fund the cost of emergency services, and only collect the revenue required to replace current funding sources for emergency services.
- **Equity:** A replacement levy would fairly distribute the funding of emergency services across all property owners. A replacement levy can also be considered equitable if property owners in similar circumstances pay the same levy liability (horizontal equity) and property owners with a higher capacity to pay contribute more towards the funding of emergency services than those with a lower capacity to pay (vertical equity).
- **Efficiency:** An efficient levy minimises the unwanted impacts on levy-payers' economic decisions while still raising the required revenue.
- **Simplicity:** A simple and transparent levy is easy to understand, with low compliance costs. A simple levy is also easy to calculate, easy to pay and minimises the time and effort levy-payers need to dedicate to ensure they met their obligations.
- **Sustainability:** There is an ongoing need for the provision of emergency services by the State Government. Given this, any mechanism put in place to fund the emergency services agencies should have the capacity to reliably provide sufficient funds over the long term.

Question 1

Do you agree with the design principles of cost recovery, equity, efficiency, simplicity and sustainability for the replacement levy?

Four revenue base models

The revenue base is what the levy is applied to. This section considers four options: capital improved values, unimproved land values, gross rental values or a fixed charges model. The choice of revenue base model will affect how the burden of the replacement levy is distributed.

Although emergency services respond to motor vehicle call-outs, motor vehicles have not been included as an element of the proposed reform given the relative inefficiency of vehicle taxes as a revenue base. Moreover, as property owners generally own motor vehicles, a levy on property owners can also be considered as indirectly sourced from motor vehicle ownership.

Question 2

Which of the four revenue base models – capital improved values, unimproved land values, gross rental values and a fixed charges model – should be used to design the replacement levy?

4.1 Capital improved values

Capital improved values reflect the market value of the property and include the value of the land and buildings and other improvements. NSW uses capital improved values for transfer duties. But NSW does not keep a database of current capital improved values for any ongoing annual taxes. Developing such a database would require time and involve significant up-front costs. Valuation NSW has estimated that it could take five years to implement a capital improved values revenue base for over 3.5 million properties.

Both Victoria¹⁰ and South Australia¹¹ fund emergency services through a property levy based on capital improved values with both a fixed and variable component.

4.2 Unimproved land values

Unimproved land values reflect the value of land excluding the value of buildings or other structures and improvements. Land values are estimated regularly by the NSW Valuer General and are based on factors such as:

- the highest and best permitted use of the land based on zoning and planning restrictions
- land size, shape, features, location and views
- comparable sales.

In NSW, land values are used as the base for land tax and council rates.

The Australian Capital Territory uses a five-year average of unimproved (land) values for their rates, land tax and Police, Fire and Emergency Services Levy.¹²

4.3 Gross rental values

Gross rental value is an estimate of the rental income a property could earn if it was rented out for a year. Gross rental values are similar to using a capital improved revenue base, reflecting the market value of a property including both its location and the characteristics of the dwelling, including number of bedrooms and quality of the construction and finishes.

As with a capital improved revenue base, a gross rental value model would require NSW to develop a database of valuations for all properties in the State, with the associated lead time and cost. Gross

¹⁰ For the Fire Services Property Levy in Victoria, six different variable rates apply to residential, commercial, industrial, primary production, public benefit and non-residential vacant land, and two different fixed charges apply to either residential or non-residential land.

¹¹ For the Emergency Services Levy in South Australia, levy rates are adjusted for seven land-use categories (residential, commercial, industrial, rural, special community use, vacant and other) and four location categories.

¹² For the Police, Fire and Emergency Services Levy in the Australian Capital Territory, a fixed and variable charge is applied to all properties, with different variable charges applying to residential, commercial and rural properties.

rental values would have to be estimated across all properties, even for those which have never been rented out.

Western Australia¹³ and Tasmania¹⁴ use gross rental values as a property levy revenue base to raise revenue to contribute towards part of the cost of their emergency services.

4.4 Fixed charges model

A levy set as a percentage of any of the three revenue bases above could lead to a relatively wide variation in levies across properties. An alternative model that would reduce the variation in levy amounts could be based on a set of fixed charges. A tiered schedule of fixed charges would have properties with the lowest land values paying the smallest fixed charge, and properties with higher land values paying a higher fixed charge.

A revenue base model using only fixed charges could include different charges depending on:

- land use categories, such as residential, commercial, industrial and farmland, and
- the level of emergency services available (for instance, areas where the costs of services per property are higher could pay the highest levies).

All states and the Australian Capital Territory fund their emergency services using an element of fixed charge. Queensland alone uses only fixed charges and does not differentiate based on property values, land values or gross rental values. In Queensland, a fixed charge is applied to all properties based on their land use category (segregated into 16 groups) and level of fire services available (segregated into five classes).¹⁵

¹³ For the Emergency Services Levy in Western Australia, levy rates are adjusted for five location categories (metropolitan, metropolitan fringe, regional cities, country towns and rural areas) with a minimum and maximum levy based on land use categories (single residential, multiple residential, farming, commercial, industrial, vacant land).

¹⁴ The Fires Services Contribution in Tasmania is based on the assessed annual value of a property, which is the estimated yearly rental value of the property.

¹⁵ Each property is categorised into 16 levy groups, with Group 1 including largely vacant land, Group 2 residential property and Groups 3 to 16 different types of commercial and industrial properties by size and risk factor.

5 Other design elements for the reform

5.1 Replacing existing revenue sources

Question 3

Which of the current revenue sources for emergency services agencies should be replaced?

The Government remains committed that reforms to the Emergency Services Levy will be revenue neutral.

A levy that replaces insurance contributions would collect 81 per cent of the current funding cost of the emergency services agencies. The current Emergency Services Levy on insurers collects 73.7 per cent, and the associated insurance stamp duty provides a further 7.3 per cent through State Government general revenue.

The other revenue sources that currently fund the emergency services agencies are the 11.7 per cent from local government contributions and the additional 7.3 per cent from State Government general revenue that is distinct from the Emergency Services Levy associated stamp duty. The State Government contribution totals 14.6 per cent of emergency services funding consisting of the 7.3 per cent from Emergency Services Levy associated insurance stamp duty and 7.3 per cent from other general revenue sources.

For example, the emergency services agencies are estimated to require contributions of \$1.9 billion to fund their operations in 2023-24.

- \$1.4 billion, covering the Emergency Services Levy on the portion of insurance premiums that is attributable to the Emergency Services Levy (73.7 per cent)
- \$220 million, from council contributions (11.7 per cent)
- \$280 million, the State Government contribution (14.6 per cent).

Council contributions to emergency services funding further complicate the current funding system. Transitioning these contributions into the replacement levy could make the system much simpler.

According to analysis by the Actuaries Institute, removing the Emergency Services Levy from insurance policies could reduce insurance costs of a typical fully-insured home by \$387 per year.¹⁶

¹⁶ Actuaries Institute, *Home Insurance Affordability Update*, August 2023. This is a technical estimate of the cost of insurance and can differ from the actual premiums households pay.

5.2 Different levy rates for different property types and locations

Question 4

Should different levy rates be applied to:

- different property types, such as residential, commercial and farmland, or
- properties in different locations?

Residential, commercial and farmland

The replacement levy could be structured such that all properties with a common value (unimproved land value, capital improved value or gross rental value) incur the same levy liability. Alternatively, the replacement levy could apply different levy rates to different classes of property (for example, residential, commercial and farmland).

Currently, the insurance-based Emergency Services Levy results in a higher markup on insurance for commercial properties than for residential properties. These markups reflect insurers' assessment of the capacity of different customer types to absorb different insurance costs, including income tax deductibility of premiums.

Geographic zones

Some states have adopted a funding model in which the burden of the levy depends on the location of the property. Such an approach seeks to align the levy burden more closely with the cost of services provided.

5.3 Protecting certain households

Question 5

What protections are necessary for pensioners and other vulnerable cohorts?

The NSW Government is committed to developing protections that will reduce the impact of the replacement levy on certain groups, such as pensioners and other vulnerable groups. Currently, all states and territories with a levy to fund emergency services provide concessions for certain groups, such as pensioners.

Consideration could be given to providing concessions to asset-rich but income-poor groups such as pensioners. Concessions for these groups could be structured as:

- discounts on levy payments; or
- an ability to defer levy payments, with interest accruing in the deferral period.

More broadly, reform could include a hardship scheme for people who cannot make levy payments after meeting basic living expenses. Such a scheme could support not just households but also small businesses.

5.4 Determining the annual revenue target

Question 6

How should a levy collected each year reflect changing funding needs for emergency services?

A key design principle for the reform is cost recovery: the NSW Government should raise only the revenue needed to fund the State's emergency services.

Levy rates could be set each year to match the funding requirement of the emergency services agencies. Under such an approach, levy rates would be adjusted each year in line with changes in the expenditure of the emergency services agencies.

Alternatively, funding could be tied to historical funding requirements, or an average of the funding requirements over time.

Any misalignment between the revenue collected and the funding required in a given year could be adjusted in subsequent years to ensure that over the medium term, revenue collected aligns with the funding required.

5.5 Collecting the levy

Question 7

Should revenue from a replacement levy be collected by local governments or by the State Government through Revenue NSW?

Local governments collect council rates, which are levied on unimproved land values. Councils have established systems for billing, collecting rates, and collecting debts. Local governments could include a notice of a replacement levy assessment as part of their council rates assessment notices.

The 128 councils in NSW use a range of different software and platforms. Changing these systems to deal with a replacement levy – and then training staff on the changes – may add cost and complexity first to the transition, and then to the levy's ongoing administration.

Revenue NSW is the State's primary revenue collection and debt recovery agency. It could collect a levy using one integrated system to issue levy bills and refer to debt recovery when required. The implementation and ongoing operations may be simpler without the need to coordinate and conduct assurance activities with 128 councils.

5.6 Transitional arrangements and monitoring of insurance prices

Question 8

What arrangements should be put in place to ensure that the removal of the current Emergency Services Levy is passed on in lower insurance premiums? How long should the transition take? What other transitional arrangements should be considered for the reform?

Smooth transition

Removing the current Emergency Services Levy on insurance should reduce property insurance premiums significantly. Given this, it is important that the reduction in insurance premiums does not happen in a way that encourages policy holders to delay renewals of their insurance and risk being uninsured until the Emergency Services Levy is removed.

In addition, there is a risk that some insured property owners could face paying the Emergency Services Levy on their insurance policy and then a replacement levy shortly thereafter.

Insurance companies and the NSW Government should work to design a transition away from the current system to avoid creating incentives to delay the purchase of insurance and to ensure the equitable treatment of individual property owners without passing the cost on.

Monitoring the insurance market

To address concerns that insurance companies would not fully pass on the benefit of removing the Emergency Services Levy to consumers, the NSW Government will establish an insurance monitor. The NSW Government will provide an avenue for seeking further information about the removal of the Emergency Services Levy and the savings that should be passed on and will help deal with individual complaints on specific insurance policies.

While the removal of the Emergency Services Levy is a significant aspect of this reform, the NSW Government also wants to hear feedback on other transitional arrangements that should be considered as part of the reform. These could include the period of transition, and any arrangements that may need consideration if council contributions are to be replaced by the levy.

Appendix A: Current funding arrangements

Funding for Fire and Rescue NSW, the NSW Rural Fire Service and the NSW State Emergency Service is determined each year by the Minister for Emergency Services in consultation with the Treasurer for the following financial year. The funding target is adjusted to compensate for deficits and surpluses in the previous financial years.

Under legislation, insurers contribute 73.7 per cent of the required revenue, local government contributes 11.7 per cent, and the State Government contributes the remainder. In 2023-24, the total funding target for the three agencies was \$1.9 billion, with insurers contributing \$1.4 billion through the Emergency Services Levy, councils contributing \$220 million and the State Government contributing the remaining \$280 million.

Insurance contributions

The *Emergency Services Levy Act 2017* requires insurers to pay a contribution – the Emergency Services Levy – in respect of premiums for relevant classes of insurance. The Act also sets out the methods of assessment and calculation for these contributions.

The Emergency Services Levy on individual insurance companies is calculated based on their market shares of particular types of insurance.

Insurance companies generally recover their contributions by imposing a surcharge on policy holders’ premiums. The surcharge is usually described as Emergency Services Levy on insurance policies. Both GST and stamp duty are then charged on the sum of the base premium and the Emergency Services Levy.

The Emergency Services Levy not only directly increases the price of insurance by adding to the base premium, but also increases the amount payable in GST and stamp duty. Table 4 below shows the impact of the Emergency Services Levy on the cost of residential and commercial property insurance over recent years.

Table 4: Impact of Emergency Services Levy on insurance premiums

Type of insurance	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	Average
Commercial property insurance	33%	37%	35%	38%	31%	31%	34%
Residential property insurance	21%	17%	18%	21%	15%	17%	18%

Source: NSW Treasury calculations of the percentage increase in premium based on aggregated data on insurance premiums and Emergency Services Levy contributions by class of insurance. Estimates include the direct impact of the Emergency Services Levy on insurance premiums and the flow-on impact of the Emergency Services Levy as it increases the GST and stamp duty payable on insurance policies.

Local government contributions

Local council contributions provide 11.7 per cent of the Funding Target for the three emergency services agencies. For each of the three emergency service agencies, a different methodology is used to determine the amount to be contributed by individual local governments, according with provisions in each respective Act.

For Fire and Rescue NSW, the basic principle is that each local government area makes a contribution based on the cost of the fire and rescue service provided within its area:

- Fire and Rescue NSW estimates its spending in each local government area (LGA).
- Spending for the Greater Sydney area is allocated to local councils based on the previous five-year average land values.
- Spending for regional areas is allocated to local councils based on the previous year’s portion.

- Each year, adjustments are made to reflect changes such as new fire stations, changes in fire station permanent staffing, and boundary changes between councils.

In some areas, multiple LGAs are grouped into a single fire district. These include the Sydney, Lower Hunter and Newcastle Fire Districts. In these fire districts, each individual council's contribution to the fire district estimated expenditure is based on the value of rateable land in the respective LGA. The apportionment of contributions is determined by the five-year rolling average of aggregate land values in each LGA, as advised by the NSW Valuer General.

For the NSW Rural Fire Service, each relevant council's contribution is based on their historic 20-year average share of expenditure, which reflects the cost of services provided within each council's area. The NSW Rural Fire Service does not operate in the urban core of Sydney but covers large parts of the Greater Sydney area.

In the case of the NSW State Emergency Service, each local government's contribution is based on its population.

Appendix B: Previous reviews relating to emergency services funding

NSW Parliamentary Inquiry into Fire and Emergency Services Levy – 2018

The Parliamentary Inquiry into the Fire and Emergency Services Levy (FESL) produced the following findings and recommendations.

Finding 1

That the failed implementation of the FESL was a poor public policy decision, undertaken without adequate understanding of the complexities of the issue or the impacts of the proposed reforms.

Finding 2

The failed implementation and late deferral of the FESL has caused significant and avoidable costs to local government and the insurance industry.

Recommendation 1

That the NSW Government provide greater oversight and accountability to ensure that the budgets for fire and emergency services agencies are appropriate.

Recommendation 2

That NSW Treasury continue to work to minimise the number of 'known unknowns' and conduct a full, and transparent re-modelling of any new emergency services funding levy.

Recommendation 3

That the NSW Government consider making Revenue NSW responsible for administering any new emergency services funding levy.

Recommendation 4

That no future NSW Government should move to implement a new emergency services funding levy unless it considers:

- use of capital improved value of land for calculation of levy
- differential levy rates, fixed charges, discounts and caps
- better aligned land classifications between council and the levy
- inclusion of motor vehicles
- the removal of the 11.7 per cent contribution by councils
- addressing the impact of the levy on lower socio-economic households which are currently unable to afford building and contents insurance.

Recommendation 5

That the NSW Government ensure appropriate consultation with key stakeholders during the development or re-modelling of any new levy.

Recommendation 6

That the NSW Government revisit the role and funding arrangements for the Emergency Services Levy Insurance Monitor to ensure that, if the FESL is re-introduced, the Monitor's role continues past June 2020.

NSW Federal Financial Relations Review (Thodey Review) – 2020

The Thodey Review made the following recommendations.

Recommendation 10: “All specific taxes on insurance products, including the Emergency Services Levy in New South Wales, should be abolished and replaced by more efficient and broad tax bases, to improve the affordability and uptake of insurance.”

Recommendation 11: “To reduce the cost of insurance and enable fairer ways to fund the fire and emergency services, the Government should reconsider applying a levy on property owners and should also consider combining this with any future broad-based land tax. The reform should follow a detailed consultation and modelling process to carefully consider the impacts on different taxpayers.”

Australia’s Future Tax System Review (Henry Review) – 2010

The Henry Review conducted for the Australian Government made the following findings on insurance taxes:

“Australia has high taxes on insurance, both in comparison to other countries and to the way that other products and industries are taxed. Specific taxes on insurance add to the cost of insurance premiums and can lead to underinsurance or non-insurance.”

“Low-income earners are more likely than high-income earners to abandon insurance in response to higher premiums. The result is that they bear more risk themselves, although they are less well-placed to do so than people with higher incomes.”

Recommendation 79 of the Henry Review stated that:

“All specific taxes on insurance products, including the fire services levy, should be abolished. Insurance products should be treated like most other services consumed within Australia and be subject to only one broad-based tax on consumption.”

The Henry Review also noted the efficiency of land as a tax base:

“Land has the potential to be an efficient tax base for the States capable of delivering significant and sustainable revenues. Land is an efficient tax base because it is immobile; unlike labour or capital, it cannot move to escape tax. This means that economic growth would be higher if governments raised more revenue from land and less revenue from other tax bases. However, this efficiency is harmed if there are significant exemptions from land tax that encourage people to change how they use land.”

52 Martin Place
Sydney NSW 2000

Office hours:
Monday to Friday
9.00am to 5.00pm

E: ESFReform@treasury.nsw.gov.au
W: www.nsw.gov.au/have-your-say





xx April 2024

NSW Government
McKell Building
2-4 Rawson Place
HAYMARKET NSW 2000

Dear Sir or Madam

Submission: Reforming the emergency services funding system

Thank you for the opportunity to make this submission on behalf of Campbelltown City Council.

Overall, we are pleased that the NSW Government is conducting this reform and considering collecting the Emergency Services Levy (ESL) through Revenue NSW together with absorbing the 11.7 per cent council contribution into a holistic property-based levy.

We have proposed an alternative for the 11.7 per cent contribution that would allow councils to retain their current contribution for local expenditure on risk mitigation works that should over time reduce the need for emergency service call outs.

Based on the availability of unimproved land values we recommend that these values form the basis of the replacement levy. Unimproved land values are currently used to calculate land tax and land rates.

We have suggested the use of a base amount split with an ad-valorem rate that allows the biller to split their fixed costs evenly across the contribution base, the ad-valorem component aligns with the taxation principle of equity as the higher the land value the greater the capacity to pay.

Where there are differences in property types it would make the most sense to the community to use them as the basis for any levies, it is easy to visualise and harder to argue against. A levy based on risk or location is in our view too subjective.

We could not find any information in the consultation paper on exemptions for public spaces or government land. Given the references are aligned with residential, commercial or farmland it is unclear whether the levy is to apply to schools, churches or public infrastructure such as that provided by local councils.

It is essential that the replacement levy include protection for vulnerable people in our community and this should be an essential element to any taxation reforms. Inclusion of a rebate scheme for pensioners and avenues to deal with financial hardship should be considered.

We are firm on our belief that this state responsibility should be fully managed end to end by the government which would include the levy, collection and expenditure. This includes the resumption of all control and management of the 'red fleet' assets vested in local councils.

Dealing with accountability of Rural Fire Services (RFS) assets or the ‘red fleet’ in terms of the ESL is another matter that needs to be considered. We are aware of the current Public Accounts Committee Parliamentary Inquiry into the assets, premises and funding of the NSW Rural Fire Service that closes for submissions on 10 May 2024. We have noted that ‘the sustainability of local government contributions to emergency service provision’ is included in the Parliamentary Inquiry’s terms of reference.

Our view is that vesting of the red fleet assets with councils does not mean the councils have control and therefore any costs associated with these assets should be part of the state governments ESL funding arrangements. Councils do not control these assets, nor does it control the economic benefits embodied in these assets. Accordingly, there is not a sufficient basis on which to determine the accounting for the red fleet equipment and premises.

Full transparency of the transitional arrangements should be under the auspice of an insurance monitor to ensure the governments desired outcome to reduce the cost-of-living pressures are not simply redirected or absorbed.

In this submission we have responded to each of the 8 items for feedback, the responses are provided on the following pages.

Submission

Do you agree with the design principles of cost recovery, equity, efficiency, simplicity and sustainability for the replacement levy?

This levy is essentially a tax and the principles outlined align with accepted taxation principles.

The contribution made by councils must be absorbed into the replacement levy for full visibility and transparency. It is inappropriate to hide contributions that are made by local councils in this reform. There have not been arguments put forward in the consultation paper for the council’s 11.7 per cent contribution to remain in place and as such it should be removed.

As an alternative, the government may consider allowing councils to keep the amount of ESL they collect from council so that each council can allocate the funds for emergency mitigation purposes. To be clear a council that currently collects \$2 million could levy a special rate and restrict the income for expenditure on works, services or activities designed to mitigate the need for future emergency service costs. By way of example this could be the repayment of infrastructure loans to address flood mitigation, reconstruction of local fire trails etc.

Simple amendments to the *Local Government Act 1993* could be made to allow for the levy and to provide guidance on expenditure outcomes. Over time the levy could improve areas that are presently vulnerable to natural disasters and would be a sustainable approach.

This suggested approach does not take into account that the ESL was originally a direct cost shift to local councils and aside from the revenue (from land rates) being spent in the council area it will not remedy the cost shift situation.

The consultation paper estimates the revenue required to fund emergency services in 2023-24 to be \$1.9 billion, \$220 million¹ of which is sourced from local councils. Potentially this \$220 million could be injected into local infrastructure works to either reduce the risk or help access areas of risk more quickly.

¹ Reforming the emergency services funding system – 10 April 2024 pg 16

Which of the four revenue base models – capital improved values, unimproved land values, gross rental values and a fixed charges model – should be used to design the replacement levy?

The most efficient model would be to use the currently available unimproved land values.

Using a base amount split with an ad-valorem rate gives the biller the opportunity to split their fixed costs evenly across the contribution base, the ad-valorem component aligns with the taxation principle of equity as the higher the land value the greater the capacity the owner has to pay. Fixed charges do not align with the taxation principles and may result in complex bracket creep outcomes.

Which of the current revenue sources for emergency services agencies should be replaced?

The whole \$1.9 billion should be levied and collected by the NSW Government.

The hidden contribution by local councils must be rolled back into a holistic levy that is clear and transparent to the community. A levy that is partly collected by the state and partly collected by local councils as a hidden tax needs to discontinue. There have not been suggestions why local council contributions need to continue in the consultation paper.

Should different levy rates be applied to:

- **different property types, such as residential, commercial or farmland, or**
- **properties in different locations?.**

There are arguments for and against this proposal. It is a matter for the government to determine rationale for different levies to apply to different property types.

Where there are differences in property types it would make the most sense to the community to use them as the basis for any levies, it is easy to visualise and harder to argue against. A levy based on risk or location is in our view too subjective.

Considerations for residential is the spread of the burden across a greater base, we believe there are approximately 20 times more properties categorised or zoned for residential purposes than the combined commercial + farmland uses. Residential properties are most likely more at risk of damage from natural disasters.

Considerations for businesses is the regulatory requirements for risk mitigation that is not placed on residential properties, such as fire safety regulations, building code requirements, work health safety and abatement. However, a fire in a commercial premise is likely to require a greater number of resources to contain than that of a residential property.

We could not find any information in the consultation paper on exemptions for public infrastructure or government land. Given the references are aligned with residential, commercial or farmland it is unclear whether the levy is to apply to schools, churches or public infrastructure such as that provided by local councils.

What protections are necessary for pensioners and other vulnerable cohorts?

It is essential that the replacement levy include protection for vulnerable people in our community and this should be an essential element to any taxation reforms.

Pensioners, generally defined as those in receipt of a Pensioner Concession Card who are the owner and occupier of the property should have a rebate or discount made available to them. The amount of reduction will need to be a matter for government once a levy model has been determined.

Campbelltown City Council – Reforming Emergency Services Funding System

Consideration to a scaled amount capped at a fixed value is recommended, for example 50 per cent capped at \$150.

We have noted the statement that the 'reform could include a hardship scheme for people who cannot make levy payments', and believe the word 'could' should be changed to must. Although hardship can be subjective and change for individuals from time to time it is an essential part of any taxation reform that may affect vulnerable people in our community. Further, provision to extend the concession for eligible pensioners to deal with cases of hardship should also be considered.

How should a levy collected each year reflect changing funding needs for emergency services?

We have noted in the consultation paper that this proposed replacement levy is to be full cost recovery and agree with this principle as we have mentioned previously.

The replacement levy needs to reflect full cost recovery to the citizens of NSW, inclusive of the council 11.7 per cent contribution.

Any reservations or anecdote that the levy collected by local councils could result in extraneous costs can be mitigated by Revenue NSW levying and collecting the state tax. Cost abatement will be a matter for the government as there will be full oversight of any runaway costs in service delivery.

We could not see any discussion around how the levy may be payable, for example in full by a certain date or in part payments. In this regard we recommend that levy payers be given the opportunity to choose to pay in full or by instalments. Encouragement to pay in full may be incentivised by way of a discount and late payment subject to penalty interest charges.

A true up in the 'misalignment between the revenue collected and the funding required in a given year could be adjusted in subsequent years', is an appropriate funding model.

Should revenue from a replacement levy be collected by local governments or by the State Government through Revenue NSW?

This replacement levy is collected to fund state-controlled emergency services and therefore should be levied and collected by the NSW Government through Revenue NSW.

The process should be end to end, inclusive of all costs including the 11.7 per cent currently funded by council ratepayers. As we have outlined previously there have not been any reasons given in the consultation paper validating the need to keep the council contributions in place, and they should be discontinued.

The NSW government would have full control and visibility in setting revenue targets and cost abatement to deliver a better outcome for our community.

What arrangements should be put in place to ensure that the removal of the current Emergency Services Levy is passed on in lower insurance premiums? How long should the transition take? What other transitional arrangements should be considered for the reform?

We agree with the proposed position in regard to Insurance companies and the government working on a transition away from the current system.

We support the proposal for a 'period of transition, and any arrangements that may need consideration if council contributions are to be replaced by the levy.' to be transparent and equitable.

The ESL has been included in the IPART rate peg calculation since the Minister delegated their responsibility in September 2010. For the first time the 2024-25 IPART rate peg will have a separate

Campbelltown City Council – Reforming Emergency Services Funding System

ESL factor 'to reflect annual changes in council ESL'², changes were previously captured in the peg based on the average increase in ESL contributions across all councils and not councils' individual ESL contributions.

Accordingly, since 2011-12 the IPART has been including a factor for changes in the ESL, however, the government has never allowed for a one-off uplift in council revenue as part of the rate peg calculation. Therefore, funding of the ESL had been a direct cost shift when contributions started and only the annual shift has been recognised. This will be an important matter for the IPART to consider in the event that local councils are no longer required to make their current 11.7 per cent funding contribution.

Thank you for the opportunity to comment on the consultation paper, if you have any questions in regard to our submission please do not hesitate to be in touch.

Yours faithfully

Jai Rowell
Deputy General Manager | Director City Governance

² IPART Information paper 21 November 2023

8.17 Code of Meeting Practice - Councillor Briefing amendment

Reporting Officer

Manager Governance and Risk
City Governance

Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.2.1 Provide proactive and collaborative leadership on issues that are important to Campbelltown now and into the future

Delivery Program

Principal Activity
5.2.2.1 Conduct Council business in an open, transparent and accountable manner

Officer's Recommendation

1. That the Draft Code of Meeting Practice be placed on public exhibition for a period of not less than 28 days, with an additional 14 days to receive submissions.
2. That following the public exhibition, where no submissions are received during the exhibition and submission period, the amended Code of Meeting Practice including the Councillor Briefing amendments exhibited be adopted.

Purpose

The purpose of this report is to present draft amendments to the Code of Meeting Practice in accordance with the resolution of Council to enhance transparency and accountability with respect to Councillor Briefings for public exhibition.

History

At the Council meeting on 26 March 2024, Council resolved:

- That Council update the Code of Meeting Practice to enable all Briefings to be webcast and recorded for publishing on Council's website, except for matters determined to be confidential as guided by the principles described in the *Local Government Act 1993* or otherwise determined.

- That Briefings should occur on the first Tuesday of each month in line with the publication of Council's business paper and should run in accordance with Council's Code of Meeting Practice.

Report

The Draft Code of Meeting Practice proposes amendments to Section 4 – Councillor Briefings consistent with the resolution of the Council meeting on 26 March 2024. The proposed new provisions included below for exhibition are in **red text**, and the proposed deletions are ~~struckthrough~~.

4. COUNCILLOR BRIEFINGS

- 4.1 Councillor briefings are conducted to fully inform Councillors of matters of significance or complexity that are to be the subject of a staff report at a future meeting of Council or are of particular current interest to Council.
- 4.2 **Councillor briefings will be held on the first Tuesday of each month except for January when the Council is in recess. Councillor Briefings start at 6:30pm, unless otherwise determined by the Mayor and General Manager.**
- 4.3 **The Councillor briefing agenda will be determined by the General Manager and sent to Councillors 3 days prior to the briefing and published on Council's website by 4pm on the day.**
- 4.4 **Councillor briefings will be held in accordance with the Councillor Briefing Procedure.**
- 4.5 **Councillor briefings will be livestreamed on Council's website except where an item has been determined confidential.**
- 4.6 Councillor briefing sessions are to be held ~~in the absence of the public~~ **in person**. **Whilst the public are not able to attend the Councillor briefing in person, members of the public are encouraged to observe briefing proceedings on the livestream on Council's website.**
- 4.7 Councillor briefing sessions may be held by audio-visual link **at the discretion of the Mayor and General Manager.**
- 4.8 **A Councillor may request to attend an in-person Councillor Briefing by audio visual link in writing to the General Manager in accordance with the Councillor Briefing Procedure.**
- 4.9 The Mayor presides at Councillor briefing sessions.
- 4.10 Councillors must not use Councillor briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Council meeting at which the item of business is to be considered.
- 4.11 Councillors must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a Councillor briefing session, in the same way that they are required to do so at a Council meeting. The Council is to maintain a written record of all conflict of interest declarations made at Councillor briefing sessions and how the conflict of interest was managed by the Councillor who made the declaration.

- 4.12 On occasion, confidential matters will be presented at Councillor Briefings and this will be noted in the presentation and accompanying documentation. **The Mayor and General Manager may determine confidentiality of items as guided by the principles in section 10A (2) of the *Local Government Act 1993* or other relevant considerations.** Councillors and staff must maintain the integrity and security of confidential documents or information distributed or discussed at Councillor Briefings, in accordance with the Code of Meeting Practice, Codes of Conduct and supporting policies.
- 4.13 **External (non-staff) subject matter experts may be engaged to present at a Councillor briefing at the discretion of the General Manager. The briefing presentation by an external subject matter expert will only be webcast with their consent.**

It is proposed that a Councillor Briefing procedure that further details procedures for Councillor Briefings be developed to support the Code of Meeting Practice provisions and be presented to Council for adoption.

It is recommended that Council endorse the revised Draft Code of Meeting Practice, and that in accordance with the *Local Government Act 1993* the Draft Code of Meeting Practice be placed on public exhibition for a period of 28 days, during which submissions may be made up until 42 days after the date on which the revised code is placed on public exhibition.

A further report will be provided to Council at the conclusion of the exhibition period for adoption of the Code of Meeting Practice by Council along with the Councillor Briefing procedure.

Attachments

- 8.17.1 Code of Meeting Practice - Councillor Briefing Amendment 2024 - Draft for Exhibition (contained within this report) [↓](#)



CODE OF MEETING PRACTICE

DATA AND DOCUMENT CONTROL		
Division: City Governance Section: Governance and Risk Record No: CDO-23/20	Adopted Date: 14/03/2006 Revised Date: 13/12/2022 Minute Number: 290 Review Date: 30/03/2025	Page: 1 of 48

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1. INTRODUCTION

Campbelltown City Council's Code of Meeting Practice is based on the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) and is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation). Campbelltown City Council's Code of Meeting practice incorporates the mandatory provisions of the Model Meeting Code.

The Code of Meeting Practice applies to all meetings of Council and Committees of the Council of which all the members are Councillors. Council committees whose members include persons other than Councillors may adopt their own rules for meetings unless Council determines otherwise.

Council's adopted Code of Meeting Practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions in so far that any supplementary provisions are not inconsistent with the mandatory provisions of the Model Meeting Code.

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Campbelltown City Council

2. MEETING PRINCIPLES

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Trusted: The community has confidence that Councillors and staff act ethically and make decisions in the interests of the whole community.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

Effective: Meetings are well organised, effectively run and skillfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

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3. BEFORE THE MEETING

Timing of ordinary Council meetings

3.1 Ordinary meetings of the Council will be held on the second Tuesday of each month except for January when the Council is in recess. Ordinary meetings of Council start at 6.30pm and are held in the Council Chamber, Level 3, at the Council Civic Centre, 91 Queen Street, Campbelltown, unless otherwise advertised.

The Council is required to meet at least ten times each year, each time in a different month.

(section 365)

Extraordinary meetings

3.2 If the Mayor receives a request in writing, signed by at least two (2) Councillors, the Mayor must call an Extraordinary Meeting of the Council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The Mayor can be one of the two Councillors requesting the meeting.

(section 366)

3.3 The General Manager, in consultation with the Mayor, may call an Extraordinary Meeting of Council for any specific purpose.

(Council protocol)

Notice to the public of Council Meetings

3.4 The Council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of Committees of the Council.

(section 9(1))

3.5 For the purposes of clause 3.4, notice of a meeting of Council and of a Committee of Council is to be published before the meeting takes place. The notice must be published on the Council's website, and in such other manner that the Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to Councillors of Ordinary Council Meetings

3.7 The General Manager must send to each Councillor, at least three (3) days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

(section 367(1))

3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the notice, agenda and business papers in that form.

(section 367(3))

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Notice to Councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to Councillors of an extraordinary meeting of the Council in cases of emergency.
- (section 367(2))*

Giving notice of business to be considered at Council meetings

- 3.10 A Councillor may give notice of any business they wish to be considered by the Council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted by 9am, seven days before the meeting is to be held.
- 3.11 A Councillor may, in writing to the General Manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered. Such a request must be made by 9am, seven days before the meeting is to be held.
- 3.12 If the General Manager considers that a Notice of Motion submitted by a Councillor for consideration at an ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may prepare a report in relation to the Notice of Motion for inclusion with the business papers for the meeting at which the Notice of Motion is to be considered by the Council.
- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in Council's current adopted operational plan should identify the funding source, or should seek the preparation of a further report on the availability of funds and to identify a funding source.

Questions with notice

- 3.14 A Councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the General Manager about the performance or operations of the Council. Questions must be in writing and must be submitted by 9am, seven days before the meeting is to be held.
- 3.15 A Councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the General Manager or a member of staff of the Council, or a question that implies wrongdoing by the General Manager or a member of staff of the Council.
- 3.16 The General Manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.17 The General Manager must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting.
- 3.18 The General Manager must ensure that the agenda for an ordinary meeting of the Council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the Council, and

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- (b) if the Mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the Mayor to put a Mayoral Minute to a meeting under clause 9.6.
- 3.20 The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public, the General Manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.
- (section 9(2A)(a))*
- 3.22 The General Manager must ensure that the details of any item of business which, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.

Statement of Ethical obligations

- 3.23 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding Councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under Council’s Code of Conduct to disclose and appropriately manage conflicts of interest.

Availability of the agenda and business papers to the public

- 3.24 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Council and committees of Council, are to be published on the Council’s website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the Council, at the relevant meeting and at such other venues determined by the Council.
- (section 9(2) and (4))*
- 3.25 Clause 3.24 does not apply to the business papers for items of business that the General Manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.
- (section 9(2A)(b))*

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- 3.26 For the purposes of clause 3.24, copies of agendas and business papers must be published on the Council’s website and made available to the public at a time that is as close as possible to the time they are available to Councillors.
(section 9(3))
- 3.27 A copy of an agenda, or of an associated business paper made available under clause 3.24, may in addition be given or made available in electronic form.
(section 9(5))

Agenda and business papers for extraordinary meetings

- 3.28 The General Manager must ensure that the agenda for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.
- 3.29 Despite clause 3.28, business may be considered at an extraordinary meeting of the Council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 3.30 A motion moved under clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.31 Despite clauses 10.20-10.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.
- 3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29(b) on whether a matter is of great urgency.

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4. COUNCILLOR BRIEFINGS

- 4.1 Councillor briefings are conducted to fully inform Councillors of matters of significance or complexity that are to be the subject of a staff report at a future meeting of Council or are of particular current interest to Council.
- 4.2 Councillor briefings will be held on the first Tuesday of each month except for January when the Council is in recess. Councillor Briefings start at 6:30pm, unless otherwise determined by the Mayor and General Manager.
- 4.3 The Councillor briefing agenda will be determined by the General Manager and sent to Councillors 3 days prior to the briefing and published on Councils website by 4pm on the day.
- 4.4 Councillor briefings will be held in accordance with the Councillor Briefing Procedure.
- 4.5 Councillor briefings will be livestreamed on Council's website except where an item has been determined confidential.
- 4.6 Councillor briefing sessions are to be held ~~in the absence of the public~~ in person. Whilst the public are not able to attend the Councillor briefing in person, members of the public are encouraged to observe briefing proceedings on the livestream on Council's website.
- 4.7 Councillor briefing sessions may be held by audio-visual link at the discretion of the Mayor and General Manager.
- 4.8 A Councillor may request to attend an in-person Councillor Briefing by audio visual link in writing to the General Manager in accordance with the Councillor Briefing Procedure.
- 4.9 The Mayor presides at Councillor briefing sessions.
- 4.10 Councillors must not use Councillor briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Council meeting at which the item of business is to be considered.
- 4.11 Councillors must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a Councillor briefing session, in the same way that they are required to do so at a Council meeting. The Council is to maintain a written record of all conflict of interest declarations made at Councillor briefing sessions and how the conflict of interest was managed by the Councillor who made the declaration.
- 4.12 On occasion, confidential matters will be presented at Councillor Briefings and this will be noted in the presentation and accompanying documentation. The Mayor and General Manager may determine confidentiality of items as guided by the principles in section 10A (2) of the Local Government Act 1993 or other relevant considerations. Councillors and staff must maintain the integrity and security of confidential documents or information distributed or discussed at Councillor Briefings, in accordance with the Code of Meeting Practice, Codes of Conduct and supporting policies.
- 4.13 External (non-staff) subject matter experts may be engaged to present at a Councillor briefing at the discretion of the General Manager. The briefing presentation by an external subject matter expert will only be webcast with their consent.

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5. COMING TOGETHER

Attendance by Councillors at meetings

- 5.1 All Councillors must make reasonable efforts to attend meetings of the Council and of committees of the Council of which they are members.
 Note: A Councillor may not attend a meeting as a Councillor (other than the first meeting of the Council after the Councillor is elected or a meeting at which the Councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.
- 5.2 A Councillor cannot participate in a meeting of the Council or of a committee of the Council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.
- 5.3 Where a Councillor is unable to attend one or more ordinary meetings of the Council, the Councillor should request that the Council grant them a leave of absence from those meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.4 A Councillor’s request for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 The Council must act reasonably when considering whether to grant a Councillor’s request for a leave of absence.
- 5.6 A Councillor’s civic office will become vacant if the Councillor is absent from three (3) consecutive ordinary meetings of the Council without prior leave of the Council, or leave granted by the Council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.
(section 234(1)(d))
- 5.7 A Councillor who intends to attend a meeting of the Council despite having been granted a leave of absence should, if practicable, give the General Manager at least two (2) days’ notice of their intention to attend.

The quorum for a meeting

- 5.8 The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office at that time and are not suspended from office.
(section 368(1))
- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Council.
(section 368(2))

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- 5.10 A meeting of the Council must be adjourned if a quorum is not present:
 - (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date, and place fixed:
 - (a) by the chairperson, or
 - (b) in the chairperson’s absence, by the majority of the Councillors present, or
 - (c) failing that, by the General Manager.
- 5.12 The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of Councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the Mayor may, in consultation with the General Manager and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council’s website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the Council or at an extraordinary meeting called under clause 3.3.

Meetings held by audio-visual link

- 5.15 A meeting of the council or a committee of the council may be held by audio-visual link where the Mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The Mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of Councillors and staff at risk. The Mayor must make a determination under this clause in consultation with the General Manager and, as far as is practicable, with each Councillor.
- 5.16 Where the Mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the General Manager must:
 - (a) give written notice to all Councillors that the meeting is to be held by audio-visual link, and
 - (b) take all reasonable steps to ensure that all Councillors can participate in the meeting by audio-visual link, and
 - (c) cause a notice to be published on the council’s website and in such other manner the General Manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.17 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

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Attendance by councillors at meetings by audio-visual link

- 5.18 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.19 A request by a Councillor for approval to attend a meeting by audio-visual link must be made in writing to the General Manager prior to the meeting in question and must provide reasons why the Councillor will be prevented from attending the meeting in person.
- 5.20 Councillors may request approval to attend more than one meeting by audio-visual link. Where a Councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.19.
- 5.21 Council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a Councillor to attend a meeting by audio-visual link.
- 5.22 A Councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The Councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.23 A decision whether to approve a request by a Councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
 - (a) the meetings the resolution applies to, and
 - (b) the reason why the Councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.24 If the Council or Committee refuses a Councillor’s request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.25 A decision whether to approve a Councillor’s request to attend a meeting by audio-visual link is at the council’s or the relevant committee’s discretion. The council and committees of the council must act reasonably when considering requests by Councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a Councillor’s request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the Councillor to attend the meeting by these means.
- 5.26 The council and committees of the council may refuse a Councillor’s request to attend a meeting by audio-visual link where the council or committee is satisfied that the Councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.27 This code applies to a Councillor attending a meeting by audio-visual link in the same way it would if the Councillor was attending the meeting in person. Where a Councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.

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- 5.28 A Councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The Councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.29 A Councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring Council or the Committee into disrepute.

Attendance of the General Manager and other staff at meetings

- 5.30 The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a committee of the Council of which all of the members are Councillors.
(section 376(1))
- 5.31 The General Manager is entitled to attend a meeting of any other committee of the Council and may, if a member of the committee, exercise a vote.
(section 376(2))
- 5.32 The General Manager may be excluded from a meeting of the Council or a committee while the Council or committee deals with a matter relating to the standard of performance of the General Manager or the terms of employment of the General Manager.
(section 376(3))
- 5.33 The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the General Manager.
- 5.34 The General Manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the General Manager.

Entitlement of the public to attend Council meetings

- 5.35 Everyone is entitled to attend a meeting of the Council and committees of the Council. The Council must ensure that all meetings of the Council and committees of the Council are open to the public.
(section 10(1))
- 5.36 Clause 5.35 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.37 A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or a committee of the Council if expelled from the meeting:
 - (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the Council has, by resolution, authorised
 - (c) the person presiding to exercise the power of expulsion.*(section 10(2))*

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Webcasting of meetings

- 5.38 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.39 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
 - (a) the meeting is being recorded and made publicly available on the council’s website, and
 - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.40 The recording of a meeting is to be made publicly available on the council’s website:
 - (a) at the same time as the meeting is taking place, or
 - (b) as soon as practicable after the meeting.
- 5.41 The recording of a meeting is to be made publicly available on the council’s website for at least 12 months after the meeting.
- 5.42 Clauses 5.40 and 5.41 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

(Regulation, section 236)
- 5.43 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

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6. PUBLIC ADDRESS

- 6.1 The Council shall permit oral submissions from residents, ratepayers and other eligible representatives on items of business listed on the Council Meeting agenda.
- 6.2 To speak at a Council or Committee of Council meeting, a person must first make an application to the Council in the approved form. Applications to speak at Council must be received by 12pm on the day the Council meeting is to be held. Each speaker requesting to address the Council must provide the following details:
 - (a) Name
 - (b) The organisation or group representing (if applicable)
 - (c) Agenda item number and title
 - (d) Indication of whether 'For' or 'Against' the Officers recommendation in the Council meeting agenda report
 - (e) The interest of the speaker (for example, affected person, neighbour, applicant, applicants representative)
- 6.3 The application must relate to a matter which is an item of business listed on the Council Meeting agenda with the exclusion of the following:
 - (a) Notice of Rescission
 - (b) Questions with Notice
 - (c) All personnel related matters
- 6.4 Applicants seeking to address Council or a Committee of Council must meet one of the following eligibility criteria:
 - (a) a resident or owner of land within the City of Campbelltown Local Government Area
 - (b) a person or entity entitled to vote in the City of Campbelltown under the Local Government Act 1993
 - (c) the representative of an entity owning land, conducting a business or providing a service in the Campbelltown Local Government Area
 - (d) a duly appointed person including the legal, financial or town planning representative of any person or entity listed above with a matter before Council
 - (e) a local community organisation representative
 - (f) any representative of a State or Federal Government Agency with a matter before Council.
- 6.5 A person may apply to speak on no more than three items of business on the agenda of the Council meeting.
- 6.6 The General Manager or their delegate may refuse an application to speak at a Council meeting. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.
- 6.7 No more than three speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting.
- 6.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the General Manager or their delegate will select speakers based on the order of receipt.
- 6.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of

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- business, the General Manager or their delegate may, in consultation with the Mayor or the Mayor’s nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a fuller range of views on the relevant item of business.
- 6.10 The General Manager or their delegate may consider and determine a request for special provisions such as attendance by audio visual link by an applicant requesting to address the Council.
 - 6.11 Approved speakers are to register with the Council any written, material to be presented in support of their address to the Council.
 - 6.12 Each speaker will be allowed five minutes to address the Council. This time is to be strictly enforced by the Chairperson.
 - 6.13 Speakers must not digress from the item on the agenda of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
 - 6.14 A Councillor may, through the chairperson, ask questions of a speaker following their address at a Council meeting. Questions put to a speaker must be direct, succinct and without argument.
 - 6.15 Speakers are under no obligation to answer a question put under clause 6.13. Answers by the speaker, to each question are to be limited to two minutes.
 - 6.16 Speakers cannot ask questions of the Council, Councillors or Council staff.
 - 6.17 The General Manager or their nominee may, with the concurrence of the chairperson, address the Council for up to five minutes in response to an address to the Council after the address and any subsequent questions and answers have been finalised.
 - 6.18 When addressing the Council, speakers must comply with this code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council’s code of conduct or making other potentially defamatory statements.
 - 6.19 If the chairperson considers that a speaker has engaged in conduct of the type referred to in clause 6.17, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson’s request, the chairperson may immediately require the person to stop speaking.
 - 6.20 Clause 6.18 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at Council meetings in accordance with the provisions of Part 15 of this code.
 - 6.21 Where a speaker engages in conduct of the type referred to in clause 6.18, the General Manager or their delegate may refuse further applications from that person to speak at a Council meeting for such a period as the General Manager or their delegate considers appropriate. A decision to refuse an application to speak at a Council meeting on the basis of disorderly conduct must be reviewed within three months of the refusal.

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7. THE CHAIRPERSON AND MODES OF ADDRESS

The chairperson at meetings

- 7.1 The Mayor, or at the request of or in the absence of the Mayor, the deputy Mayor presides at meetings of the Council.
(section 369(1))
- 7.2 If the Mayor and the deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.
(section 369(2))

Election of the chairperson in the absence of the Mayor and deputy Mayor

- 7.3 If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 7.4 The election of a chairperson must be conducted:
- (a) by the General Manager or, in their absence, an employee of the Council designated by the General Manager to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the General Manager nor a designated employee is present at the meeting, or if there is no General Manager or designated employee.
- 7.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 7.6 For the purposes of clause 7.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 7.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 7.8 Any election conducted under clause 7.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 7.9 When the chairperson rises or speaks during a meeting of the Council:
- (a) any Councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every Councillor present must be silent to enable the chairperson to be heard without interruption.

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- 7.10 If the chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.11 Where the chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.12 A Councillor is to be addressed as 'Councillor [surname]'.
- 7.13 A Council officer is to be addressed by their official designation or as Mr/Ms [surname].

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8. ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

8.1 The general order of business for an ordinary meeting of the Council shall be:

- Opening meeting and Notification of Audio-visual recording and livestream
- 01 National Anthem
- 02 Acknowledgement of Land
- 03 Apologies and applications for a leave of absence or attendance by audio visual link by Councillors
- 04 Confirmation of minutes
- 05 Statement of ethical obligations and Declarations of interests
- 06 Mayoral minute(s)
- 07 Petitions
- 08 Correspondence
- 09 Reports from Officers
- 10 Questions with notice
- 10 Rescission Motion
- 11 Notice of Motion
- 12 Urgent General Business (without notice)
- 13 Presentations by Councillors
- 14 Confidential Report from Officers
- Conclusion of Meeting

8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

8.3 Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

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9. CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a Council meeting

- 9.1 The Council must not consider business at a meeting of the Council:
 - (a) unless a Councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the Councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
 - (a) is already before, or directly relates to, a matter that is already before the Council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a Mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the Council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the Council even though due notice of the business has not been given to the Councillors if:
 - (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

- 9.6 Subject to clause 9.9, if the Mayor is the chairperson at a meeting of the Council, the Mayor may, by minute signed by the Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.
- 9.7 A Mayoral minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of a Mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a Mayoral minute put by the Mayor is, so far as it is adopted by the Council, a resolution of the Council.
- 9.9 A Mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

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- 9.10 Where a Mayoral Minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in Council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the Mayoral Minute does not identify a funding source, the General Manager may prepare supplementary information on the availability of funds for implementing the recommendation if adopted.

Staff reports

- 9.11 A recommendation made in a staff report is, so far as it is adopted by the Council, a resolution of the Council.

Reports of committees of Council

- 9.12 The recommendations of a committee of the Council are, so far as they are adopted by the Council, resolutions of the Council.
- 9.13 If in a report of a committee of the Council distinct recommendations are made, the Council may make separate decisions on each recommendation.

Questions

- 9.14 A question must not be asked at a meeting of the Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A Councillor may, through the chairperson, put a question to another Councillor about a matter on the agenda.
- 9.16 A Councillor may, through the General Manager, put a question to a Council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the General Manager at the direction of the General Manager.
- 9.17 A Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

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10. RULES OF DEBATE

Motions to be seconded

10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

10.2 A Councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.

10.3 If a Councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.

10.4 In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the Council:

- (a) any other Councillor may, with the leave of the chairperson, move the motion at the meeting, or
- (b) the chairperson may defer consideration of the motion until the next meeting of the Council.

Chairperson’s duties with respect to motions

10.5 It is the duty of the chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.

10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

10.8 Any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the Council’s current adopted operational plan should identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the Council may defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the motion if adopted.

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Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the Council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one motion and one proposed amendment can be before Council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the Councillor who moved the original motion.

Foreshadowed motions

- 10.17 A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

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Limitations on the number and duration of speeches

- 10.20 A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a Councillor may move that a motion or an amendment be now put:
 - (a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
 - (b) if at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this code, remain silent while another Councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

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11. VOTING

Voting entitlements of Councillors

- 11.1 Each Councillor is entitled to one vote. *(section 370(1))*
- 11.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote. *(section 370(2))*
- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at Council meetings

- 11.4 A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.
- 11.6 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two Councillors rise and call for a division.
- 11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Council's minutes for the meeting.
- 11.8 When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.4 of this code.
- 11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

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Voting on planning decisions

- 11.10 The General Manager must keep a register containing, for each planning decision made at a meeting of the Council or a Council committee (including, but not limited to a committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.
- 11.11 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council committee.
- 11.12 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.13 Clauses 11.10–11.12 apply also to meetings that are closed to the public.

(section 375A)

Note: The requirements of clause 11.11 may be satisfied by maintaining a register of the minutes of each planning decision.

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12. COMMITTEE OF THE WHOLE

12.1 The Council may resolve itself into a committee to consider any matter before the Council.
(section 373)

12.2 All the provisions of this code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

12.3 The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager, is responsible for reporting to the Council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.

12.4 The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

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13. DEALING WITH ITEMS BY EXCEPTION

- 13.1 The Council or a committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the Council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask Councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

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13. CLOSURE OF COUNCIL MEETINGS TO THE PUBLICGrounds on which meetings can be closed to the public

- 14.1 The Council or a committee of the Council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than Councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the Council, Councillors, Council staff or Council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of the Council's code of conduct.
- (section 10A(1) and (2))*
- 14.2 The Council or a committee of the Council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (section 10A(3))*

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
- (section 10B(1))*
- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the Council or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.
- (section 10B(2))*

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14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

(section 10B(3))

14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council, or
 - (ii) cause a loss of confidence in the Council or committee.

(section 10B(4))

14.7 In deciding whether part of a meeting is to be closed to the public, the Council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

(section 10B(5))

Notice of likelihood of closure not required in urgent cases

14.8 Part of a meeting of the Council, or of a committee of the Council, may be closed to the public while the Council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the Council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

(section 10C)

Representations by members of the public

14.9 The Council, or a committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

(section 10A(4))

14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.

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- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the Council in the approved form. Applications must be received by 12pm on the day of the meeting at which the matter is to be considered.
- 14.12 The General Manager (or their delegate) may refuse an application made under clause 14.11. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than three speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the General Manager or their delegate is to determine who will make representations to the Council.
- 14.15 The General Manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the Council or a committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than three speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed five minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-Councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the Council or a committee of the Council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a Councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first- mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

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Obligations of Councillors attending meetings by audio-visual link

14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

14.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:

- (a) the relevant provision of section 10A(2) of the Act,
- (b) the matter that is to be discussed during the closed part of the meeting,
- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(section 10D)

Resolutions passed at closed meetings to be made public

14.22 If the Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

14.23 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.

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15. KEEPING ORDER AT MEETINGS

Points of order

- 15.1 A Councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the Councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A Councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

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Acts of disorder

- 15.11 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:
- (a) contravenes the Act or the Regulation in force or this code, or
 - (b) assaults or threatens to assault another Councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the committee, or addresses or attempts to address the Council or the committee on such a motion, amendment or matter, or
 - (d) insults, makes unfavourable personal remarks about or imputes improper motives to any other Council official, or alleges a breach of the Council's code of conduct, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the committee into disrepute.
- (section 182, Regulation)*
- 15.12 The chairperson may require a Councillor:
- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a), (b) or (e), or
 - (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

How disorder at a meeting may be dealt with

- 15.13 If disorder occurs at a meeting of the Council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The Council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

Expulsion from meetings

- 15.14 All chairpersons of meetings of the Council and Committees of the Council are authorised under this Code to expel any person other than a Councillor, from a Council or Committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Council or the Committee of the Council.
- 15.15 Clause 15.14, does not limit the ability of the Council or a committee of the Council to resolve to expel a person, including a Councillor, from a Council or committee meeting, under section 10(2)(a) of the Act.
- 15.16 A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under clause 17.12. The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

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- 15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.
(section 233(2), Regulation)
- 15.18 Where a Councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that place for the remainder of the meeting.

How disorder by Councillors attending meetings by audio-visual link may be dealt with

- 15.20 Where a Councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the Councillor’s audio link to the meeting for the purposes of enforcing compliance with this code.
- 15.21 If a Councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the Councillor’s audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.22 Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and committees of the Council.
- 15.23 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a committee of the Council without the prior authorisation of the Council or the committee.
- 15.24 Without limiting clause 15.17, a contravention of clause 15.23 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.17. Any person who contravenes or attempts to contravene clause 15.23, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.25 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first- mentioned person from that place and, if necessary, restrain that person from re- entering that place for the remainder of the meeting.

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Campbelltown City Council

16. CONFLICTS OF INTEREST

- 16.1 All Councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Council and committees of the Council in accordance with the Council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a Councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the Councillor's audio-visual link to the meeting must be suspended or terminated and the Councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

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17. DECISIONS OF THE COUNCIL

Council decisions

17.1 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

(section 371)

17.2 Decisions made by the Council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering Council decisions

17.3 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

(section 372(1))

17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

(section 372(2))

17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

(section 372(3))

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

(section 372(4))

17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

(section 372(5))

17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

(section 372(7))

17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

17.10 A motion to alter or rescind a resolution of the Council may be moved on the report of a committee of the Council and any such report must be recorded in the minutes of the meeting of the Council.

(section 372(6))

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- 17.11 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, where:
 - (a) a notice of motion signed by three Councillors is submitted to the chairperson, and
 - (b) a motion to have the motion considered at the meeting is passed, and
 - (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 17.12 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.
- 17.13 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting resolutions to correct an error

- 17.14 Despite the provisions of this Part, a Councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
 - (a) to correct any error, ambiguity or imprecision in the Council’s resolution, or
 - (b) to confirm the voting on the resolution.
- 17.15 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.14(a), the Councillor is to propose alternative wording for the resolution.
- 17.16 The chairperson must not grant leave to recommit a resolution for the purposes of clause 19.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.17 A motion moved under clause 17.14 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.14 can speak to the motion before it is put.
- 17.18 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.14.
- 17.19 A motion moved under clause 17.14 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

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18. TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the Council and committees of the Council are to conclude no later than **10.30pm**.
- 18.2 If the business of the meeting is unfinished at 10.30pm, the Council or the committee may, by resolution, extend the time of the meeting by 30 minutes.
- 18.3 If the business of the meeting is unfinished at 10.30pm, and the Council does not resolve to extend the meeting, the chairperson must either:
 - (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the Council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the Council or a committee of the Council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the General Manager must:
 - (a) individually notify each Councillor of the time, date and place at which the meeting will reconvene, and
 - (b) publish the time, date and place at which the meeting will reconvene on the Council's website and in such other manner that the General Manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

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19. AFTER THE MEETING

Minutes of meetings

- 19.1 The Council is to keep full and accurate minutes of the proceedings of meetings of the Council. *(section 375(1))*
- 19.2 At a minimum, the General Manager must ensure that the following matters are recorded in the Council's minutes:
 - (a) the names of Councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
 - (b) details of each motion moved at a Council meeting and of any amendments moved to it,
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and
 - (e) such other matters specifically required under this code.
- 19.3 The minutes of a Council meeting must be confirmed at a subsequent meeting of the Council. *(section 375(2))*
- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting. *(section 375(2))*
- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.7 The confirmed minutes of a Council meeting must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The Council and committees of the Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting. *(section 11(1))*
- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public. *(section 11(2))*
- 19.10 Clause 19.8 does not apply if the Council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be

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treated as confidential because they relate to a matter specified in section 10A(2) of the Act.
(section 11(3))

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the Council

- 19.12 The General Manager is to implement, without undue delay, lawful decisions of the Council.
(section 335(b))

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20. COUNCIL COMMITTEES

Application of this Part

20.1 This Part only applies to committees of the Council whose members are all Councillors.

Council committees whose members are all Councillors

20.2 The Council may, by resolution, establish such committees as it considers necessary.

20.3 A committee of the Council is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.

20.4 The quorum for a meeting of a committee of the Council is to be:

- (a) such number of members as the Council decides, or
- (b) if the Council has not decided a number – a majority of the members of the committee.

Functions of committees

20.5 The Council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Notice of committee meetings

20.6 The General Manager must send to each Councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

- (a) the time, date and place of the meeting, and
- (b) the business proposed to be considered at the meeting.

20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

20.8 A committee member (other than the Mayor) ceases to be a member of a committee if the committee member:

- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

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20.9 Clause 20.8 does not apply if all of the members of the Council are members of the committee.

Non-members entitled to attend committee meetings

20.10 A Councillor who is not a member of a committee of the Council is entitled to attend, and to speak at a meeting of the committee. However, the Councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

Chairperson and deputy chairperson of Council committees

20.11 The chairperson of each committee of the Council must be:

- (a) the Mayor, or
- (b) if the Mayor does not wish to be the chairperson of a committee, a member of the committee elected by the Council, or
- (c) if the Council does not elect such a member, a member of the committee elected by the committee.

20.12 The Council may elect a member of a committee of the Council as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

20.13 If neither the chairperson nor the deputy chairperson of a committee of the Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

20.14 The chairperson is to preside at a meeting of a committee of the Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

20.15 Subject to any specific requirements of this code, each committee of the Council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the Council unless the Council or the committee determines otherwise in accordance with this clause.

20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the Council or the committee determines otherwise in accordance with clause 20.15.

20.17 Voting at a Council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

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Closure of committee meetings to the public

- 20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.
- 20.19 If a committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is webcast.

Disorder in committee meetings

- 20.21 The provisions of the Act and this code relating to the maintenance of order in Council meetings apply to meetings of committees of the Council in the same way as they apply to meetings of the Council.

Minutes of Council committee meetings

- 20.22 Each committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee’s minutes:
 - (a) the names of Councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
 - (b) details of each motion moved at a meeting and of any amendments moved to it,
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and
 - (e) such other matters specifically required under this code.
- 20.23 The minutes of meetings of each committee of the Council must be confirmed at a subsequent meeting of the committee.
- 20.24 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.25 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.26 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.27 The confirmed minutes of a meeting of a committee of the Council must be published on the Council’s website. This clause does not prevent the Council from also publishing unconfirmed minutes of meetings of committees of the Council on its website prior to their confirmation.

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21. IRREGULARITIES

21.1 Proceedings at a meeting of a Council or a Council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any Councillor or committee member, or
- (c) any defect in the election or appointment of a Councillor or committee member, or
- (d) a failure of a Councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or committee meeting in accordance with the Council's code of conduct, or
- (e) a failure to comply with this code.

(section 374)

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22. DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the Council - means the person presiding at the meeting as provided by section 369 of the Act and clauses 7.1 and 7.2 of this code, and in relation to a meeting of a committee - means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the Council's adopted code of meeting practice
committee of the Council	means a committee established by the Council in accordance with clause 20.2 of this code (being a committee consisting only of Councillors) or the Council when it has resolved itself into committee of the whole under clause 14.1
Council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two Councillors under clause 11.7 of this code requiring the recording of the names of the Councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a Councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a Councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means

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planning decision	means a decision made in the exercise of a function of a Council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of Councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

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8.18 Quarterly Business Review Statement as at 31 March 2024

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 adjustments recommended in the Quarterly Business Review be adopted.

Purpose

To advise Council that the quarterly financial review has been conducted on the original income and expenditure estimates presented in the 2023-24 budget. The adjustments relating to the review of the original budget allocations are presented for Council's consideration.

Introduction

The current planning and reporting framework for NSW Local Government has a greater focus on financial sustainability. To achieve consistency in reporting between councils, the Office of Local Government introduced a set of minimum requirements and predefined templates to assist councils in meeting their legislative obligations. Collectively, these documents are known as the quarterly budget review statement (QBRS). The latest QBRS under the reporting framework is attached.

Report

In accordance with Clause 203 of the *Local Government (General) Regulations 2005*, the Responsible Accounting Officer is required to prepare a quarterly budget review of income and expenditure estimates and submit a report to Council. The QBRS must also include an opinion of

the Responsible Accounting Officer concerning the financial position of Council. This report provides an overview of the results of the financial review for the quarter ended 31 March 2024.

The original budget was set with operations returning to normal noting the reduced effects of the COVID-19 pandemic. There are several adjustments to both income and expenditure items across many section budgets. While there will be reduced revenue in some operations and increased costs in others, the measures that Council has implemented forecasts a balanced budget at year end.

In June 2023, Council adopted a balanced budget for 2023-24. There is no proposed change to the budget result in this review.

The recommended movements relating to income and expenditure are summarised in the attachment and details of significant are listed in the body of this report for Council's consideration.

The following items are detailed with corresponding adjustments recommended following the completion of the quarterly financial review:

Adjustments to salaries across the following functions:

City Standards and Compliance - \$235,000 decrease in expenditure

Planning and Development - \$250,000 decrease in expenditure

Community Business - \$171,600 decrease in expenditure

City Services Directorate - \$25,000 increase in expenditure

Facilities Asset Management - \$60,600 decrease in expenditure

Infrastructure - \$60,000 decrease in expenditure

Open Space - \$50,000 decrease in expenditure

City Governance Directorate - \$30,000 decrease in expenditure

People and Performance - \$89,000 decrease in expenditure

Project Management Office - \$130,000 decrease in expenditure

City Strategy and Outcomes - \$145,000 decrease in expenditure

The major adjustments are listed above, the total salary adjustment is approximately a \$1.54 million reduction. As part of the budget preparation process, the organisational salary structure is fully funded. These salary savings have resulted from general staff vacancy and turnover. These savings have been utilised to fund expenditure in other programs and any loss of revenue.

City Standards and Compliance – \$160,000 increase in expenditure

This increase relates to the additional cost of defending development and environment decisions in the Supreme Court. Expenditure is partially offset by increased legal cost recovery income.

Companion Animals - \$55,000 decrease in income

Income from Impounding Fees and Sale of Companion Animals has been reduced in line with decreased demand and increased abandoned animals. This loss has been partially offset by increases in animal related fine income.

Community Response - \$250,000 decrease in income

Income from Fines (Penalty Notice) has been reduced in line with current projections.

Contributions Planning - \$785,200 increase in expenditure

Council has budgeted to return a cash contribution previously made to it by Landcom (held in restricted reserve), for the delivery of approved community infrastructure as part of the Macarthur Heights development. The contribution amount to be returned includes indexation with an additional Council contribution of \$500,000 being 50% of the final \$1m which will be used by Landcom to deliver the final elements of community / sporting infrastructure at Macarthur Heights.

Planning & Development - \$200,000 decrease in income

Income from Engineering Inspection Fees, Construction Certificates and Damage Inspection Fees has been reduced in line with current projections. This loss has been partially offset by increased Development Application Fee income, Rezoning Application Fee income and salary savings.

Waste and Recycling Services - \$30,900 increase in expenditure

This increase relates to additional funds required to complete the Mobile Interaction Display Centre project.

Campbelltown Sports Ground- \$24,000 increase in expenditure and \$95,000 decrease in income

Increases are attributable to contractor works for further tree maintenance, gate and fence works. Income relating to Facility Hire has decreased in line with current projections. Budgeted sponsorship income of \$75,000 is expected to be realised next financial year.

Education and Care Services - \$111,400 increase in income

Income related to Start Strong Long Day Care Funding and Inclusion Disability Funding has increased in line with current projections. While income has increased, the overall position on the programs bottom line has increased the deficit by \$353,000 due to a review of job evaluations and salary matrix composition strengthening Councils employee value proposition and competitiveness in the market.

Sporting Grounds - \$45,400 increase in expenditure and \$95,400 increase in income

Increases in expenditure relate to increases in waste removal charges. Income for Facility Hire for sporting grounds has increased in line with current projections. Increases are attributable to favourable weather conditions expected for the winter season.

Community Halls and Facilities - \$111,100 increase in income

Income for Facility Hire has increased across numerous community halls and neighbourhood centres in line with improved utilisation.

Development Reserve Movements – various adjustments

There have been various changes to expenditure, rental income and proposed land sales within the Development Reserve budget. Movements to or from the reserve offset all adjustments. They include the following items:

- Land Divestment projection revised to \$2.2 million income in the current financial year.

Open Spaces – \$70,000 increase in expenditure

Allocation to fund a new Grey Headed Flying Fox Sprinkler System project. Funding is partially offset by salary savings.

Communications and Marketing – \$50,000 increase in expenditure

This increase relates to additional funds required for Legal Fees, as well as allocated project funding for a Social Media Audit.

Finance and Tax – \$50,000 increase in expenditure

Funds have been allocated for a required licencing upgrade to Council's optical character recognition software for supplier invoice payments. Project funds have also been allocated for the implementation of a Supplier Portal through Council's Financial Management System to enhance customer experience.

Interest on Investments- \$917,900 increase in income

Due to the continuing high interest rates, the return on investments will be higher than proposed in the original budget. This additional income will be used to offset expenditures in other areas as outlined in this report. It is proposed to utilise this increase to part fund the repayment of the Billabong restriction as per the 2020-21 Council commitment, a total of \$245,200 is proposed to be repaid in this review.

Rates Income – \$138,000 increase in income

This increase is attributable to additional rates levied due to various subdivisions within the city.

People and Performance – \$187,800 increase in expenditure

Additional funds have been allocated to meet increased expenditure in Education, Training and Seminar budgets utilised across Council. In addition to this, project funding of \$60K has been allocated to upgrade the Internal TV Screens system.

Corporate Support & Systems – \$230,000 increase in expenditure

Minor savings have been identified though primarily funds have been allocated for a number of projects including:

- Upgrade of Council's Document Management System (\$80,000)
- Upgrade to Council's Financial Management System (\$50,000)

- Upgrades to Council's Contact Centre solution for an improved customer experience (\$142,000).

In addition, the Civic Centre Audio Visual Upgrades (\$380,000) has been fully funded from the equipment reserve.

Funding Update

In 2020-21 Council resolved to vote Billabong Parklands an additional \$13 million from unrestricted reserves with a commitment to repayment from savings achieved throughout the year over a 5-year period at circa \$2.6 million per annum. Council is on track with this repayment commitment with repayments to date including:

- FY22 - \$3,100,000
- FY23 - \$2,600,000
- FY24 - \$2,162,300 - funded in Q1, Q2 and Q3 reviews

Total repayments to date amount to \$7,862,300. It is further anticipated to achieve \$437 k surplus in the final quarter of the financial year and place Council ahead of schedule.

Summary

As reported to Council in previous years, the financial objective has been to budget a surplus to improve Council's liquidity ratio. The liquidity ratio has improved to a satisfactory level and as such, a balanced budget is projected for the 2023-24 financial year.

As per the Responsible Accounting Officer's statement, the 2023-24 results continue to support Council's sound financial position in the short to medium term. During 2023-24, Council will further refine its financial strategy in line with the development of the 10-year Long Term Financial Plan required by the Integrated Planning and Reporting Framework and determine the most appropriate and financially responsible action for future periods.

Attachments

8.18.1 Quarterly Business Review Statement as at 31 March 2024 (contained within this report) [↓](#)

Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/01/24 to 31/03/24

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

31 March 2024

It is my opinion that the Quarterly Budget Review Statement for Campbelltown City Council for the quarter ended 31/03/24 indicates that Council's projected financial position at 30/6/24 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: _____

date:

Corinne Mears
Responsible Accounting Officer

Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/01/24 to 31/03/24

Income & Expenses Budget Review Statement

Budget review for the quarter ended 31 March 2024

Income & Expenses - Council Consolidated

(\$000's)	Original Budget 2023/24	Approved Changes				Revised Budget 2023/24	Variations for this Mar Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRs	Sep QBRs	Dec QBRs					
Income										
Rates and Annual Charges	135,615	-	-	373	881	136,868	162	1	137,030	137,568
User Charges and Fees	16,906	-	(37)	337	(236)	16,970	(203)	2	16,767	13,782
Interest and Investment Revenues	5,107	-	-	-	1,925	7,032	968	3	8,000	5,632
Other Revenues	8,081	-	(40)	197	10	8,248	(49)	4	8,199	6,714
Grants & Contributions - Operating	33,001	227	(8,800)	(90)	1,110	25,448	658	5	26,106	16,104
Grants & Contributions - Capital	30,625	2,896	16,748	-	331	50,600	(100)	6	50,500	30,165
Rental Income	9,369	95	100	189	-	9,753	(122)	7	9,631	8,634
Total Income from Continuing Operations	238,703	3,123	7,966	917	4,210	254,919	1,314		256,233	218,599
Expenses										
Employee Costs	91,670	1,450	589	(20)	(1,183)	92,505	(1,389)	8	91,116	71,100
Borrowing Costs	75	-	-	-	-	75	-		75	48
Materials & Contracts	75,613	9,157	(2,956)	2,589	277	84,681	1,298	9	85,979	55,577
Depreciation	31,808	-	-	-	-	31,808	-		31,808	25,187
Legal Costs	1,133	-	150	69	(5)	1,347	14	10	1,361	986
Consultants	5,423	3,712	2,851	799	1,273	14,058	526	11	14,584	4,633
Other Expenses	3,311	7	103	82	(26)	3,476	2,605	12	6,081	4,861
Total Expenses from Continuing Operations	209,033	14,326	736	3,519	337	227,949	3,054		231,004	162,391
Net Operating Result from Continuing Operatic	29,670	(11,203)	7,230	(2,602)	3,873	26,969	(1,740)		25,229	56,208
Discontinued Operations - Surplus/(Deficit)						-			-	
Net Operating Result from All Operations	29,670	(11,203)	7,230	(2,602)	3,873	26,969	(1,740)		25,229	56,208
Net Operating Result before Capital Items	(955)	(14,099)	(9,518)	(2,602)	3,542	(23,631)	(1,640)		(25,271)	26,043

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/24 and should be read in conjunction with the total QBRs report

Campbelltown City Council

Quarterly Budget Review Statement

for the period 01/01/24 to 31/03/24

**Income & Expenses Budget Review Statement
Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

Notes	Details
1	Additional rate income generated from supplementary levies.
2	Additional fee income received including; development application fee, rezoning application fee, leisure centre programs. Reduced income including; planning and Billabong.
3	Income from investments increase due to higher interest rates and funds held.
4	Various movements in income from fines and penalties, impounding fees, cost recovery and rebate income.
5	Increase in child care grants, environmental contribution and donations.
6	Expected contribution payment towards renewal of car park equipment.
7	Reduction in rental income as a result of delayed settlement.
8	Variations in employee costs due to staff vacancies which in some case have been transferred to fund contract staff, or used to offset costs incurred in other sections.
9	Various movements in program costs including; saving in Billabong expenses, security expenses and IT expenses.
10	Minor adjustments to legal costs budget.
11	Additional consultancy services utilised for planning court costs, social media audit and various IT projects.
12	Various increases and decreases across a number of areas, including contributions to other authorities.

Campbelltown City Council

Capital Budget Review Statement

Budget review for the quarter ended 31 March 2024

Capital Budget - Council Consolidated

	Original Budget 2023/24	Approved Changes				Revised Budget 2023/24	Variations for this Mar Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRs	Sep QBRs	Dec QBRs					
Capital Expenditure										
New Assets	-	-	268	-	92	360	(65)	1	295	3,525
- Land & Buildings										
Renewal Assets (Replacement)	4,611	39	(200)	970	920	6,339	12	2	6,351	4,166
- Plant & Equipment	3,772	-	(3,549)	39	1,425	1,687	67	3	1,754	1,826
- Office Equipment/Furniture & Fittings	21,239	14,615	26,674	4,850	(20)	67,358	-	-	67,358	24,854
- Land & Buildings	35,053	3,143	14,586	(300)	61	52,543	-	-	52,543	22,275
- Roads, Bridges, Footpaths	1,366	800	(1,362)	-	-	803	-	-	803	198
- Stormwater/Drainage	363	-	-	-	-	363	-	-	363	350
- Other Assets	1,304	-	-	-	-	1,304	-	-	1,304	809
Loan Repayments (Principal)										
Total Capital Expenditure	67,707	18,597	36,416	5,559	2,478	130,758	14		130,772	58,004
Capital Funding										
Rates & Other United Funding	19,738	4,738	(1,403)	3,772	(4,928)	21,917	3,324	4	25,241	15,280
Capital Grants & Contributions	30,625	2,896	16,748	-	331	50,600	(100)	5	50,500	30,165
Reserves:										
- External Restrictions/Reserves	(2,835)	5,842	4,793	-	-	7,801	-	-	7,801	6,822
- Internal Restrictions/Reserves	8,857	5,121	16,279	1,767	11,575	43,598	-	-	43,598	2,972
New Loans										
Receipts from Sale of Assets										
- Plant & Equipment	1,319	-	-	20	-	1,339	-	-	1,339	1,251
- Land & Buildings	10,000	-	-	-	(4,500)	5,500	(3,210)	6	2,290	1,511
- Other Assets	4	-	-	-	-	4	-	-	4	3
Total Capital Funding	67,707	18,597	36,416	5,559	2,478	130,758	14		130,772	58,004
Net Capital Funding - Surplus/(Deficit)	-	-	-	-	-	-	-		-	-

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/24 and should be read in conjunction with the total QBRs report

Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/01/24 to 31/03/24

Capital Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details
1	Expenditure on renewal of building assets.
2	Funding for Creative Capital AV Project at the Arts Centre and savings in the Billabong project.
3	Funding allocation for renewal of Internal TV screen equipment and furniture and fittings equipment.
4	Reconciliation of untied funds as a result of capital movements utilised to fund capital works.
5	Expected contribution payment towards renewal of car park equipment at Carberry Lane.
6	Reduction in capital sales budget due to replotisation of land site.

Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/01/24 to 31/03/24

Cash & Investments Budget Review Statement

Budget review for the quarter ended 31 March 2024
Cash & Investments - Council Consolidated

	Original Budget 2023/24	Movement in Reserves		Current Balance 2023/24	Projected Movement 2023/24	Notes	Projected Year End Balance	Actual YTD figures
		Income/ Expenses	Transfers to/from					
(Externally Restricted)								
Stormwater Management	1,338	-	(656)	682	200		882	682
Specific Purpose Grants	42,681	-	(18,237)	24,444	(7,660)		16,784	24,444
Specific Purpose Contributions	5,359	-	(303)	5,056	(1,700)		3,356	5,056
Developer Contributions - S7.11	41,022	4,238	(536)	44,725	-		44,725	44,725
Developer Contributions - Other	1,583	-	-	1,583	-		1,583	1,583
Domestic Waste Management	20,233	-	-	20,233	-		20,233	20,233
Self Insurance Workers Compensation Claims	5,144	-	(59)	5,085	-		5,085	6,173
Total Externally Restricted	117,361	4,238	(19,790)	101,809	(9,160)		92,649	102,898
(1) Funds that must be spent for a specific purpose								
(Internally Restricted)								
Property Development	16,047	-	-	16,047	(4,000)		12,047	16,047
Committed Works	16,556	-	(1,581)	14,975	(1,000)		13,975	15,012
Self Insurance Workers Compensation Claims	1,088	-	(59)	1,029	-		1,029	6,173
Replacement of Plant and Vehicles	8,247	-	25	8,272	-		8,272	8,272
Committed Works funded by Loans	3,088	-	-	3,088	(500)		2,588	3,088
Employee Leave Entitlements	8,972	-	-	8,972	-		8,972	8,972
Environmental Sustainability	1,954	748	425	3,127	-		3,127	3,097
Asset Replacement	7,493	-	646	8,139	-		8,139	8,139
Infrastructure Replacement Fund	50,762	-	(91)	50,670	(16,000)		34,670	50,633
Olympic Ambassador	135	-	-	135	-		135	135
Event Attraction	1,794	-	(61)	1,733	-		1,733	1,733
Insurance Claims - Excess	5,457	-	233	5,690	-		5,690	5,690
Local Government Elections	684	-	300	984	-		984	984
Other	69	-	-	69	-		69	99
Total Internally Restricted	122,345	748	(164)	122,929	(21,500)		101,429	128,073
(2) Funds that Council has earmarked for a specific purpose								
Unrestricted (i.e. available after the above Restricti	4,240			(3,367)	-		(3,367)	(9,599)
Total Cash & Investments	243,946			221,372	(30,660)		190,712	221,372

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/24 and should be read in conjunction with the total QBRs report

Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/01/24 to 31/03/24

Cash & Investments Budget Review Statement

Comment on Cash & Investments Position

Not Applicable

Investments

Investments have been invested in accordance with Council's Investment Policy.

Cash

The Cash at Bank figure included in the Cash & Investment Statement totals \$221,371,526.

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.
The date of completion of this bank reconciliation is 31/03/24

Reconciliation Status

The YTD Cash & Investment figure reconciles to the actual balances held as follows:

\$ 000's

Cash at Bank (as per bank statements)		5,450,722
Investments on Hand		218,845,157
less: Unpresented Cheques	(Timing Difference)	-
add: Undeposited Funds	(Timing Difference)	39,758
less: Identified Deposits (not yet accounted in Ledger)	(Require Actioning)	(2,964,809)
add: Identified Outflows (not yet accounted in Ledger)	(Require Actioning)	698
less: Unidentified Deposits (not yet actioned)	(Require Investigation)	-
add: Unidentified Outflows (not yet actioned)	(Require Investigation)	-
Reconciled Cash at Bank & Investments		221,371,526
Balance as per Review Statement:		221,371,526
Difference:		(0)

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details



Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/01/24 to 31/03/24

Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)

Budget review for the quarter ended 31 March 2024

(\$000's)	Current Projection		Original Budget	Actuals	
	Amounts	Indicator		Prior Periods	21/22
	23/24	23/24	23/24	22/23	21/22

NSW Local Government Industry Key Performance Indicators (OLG):

1. Operating Performance	Current Projection	Original Budget	Actuals
Operating Revenue (excl. Capital) - Operating Expenses	-25,271	-0.5 %	8.9 %
Operating Revenue (excl. Capital Grants & Contributions)	205,733	-12.3 %	6.1 %

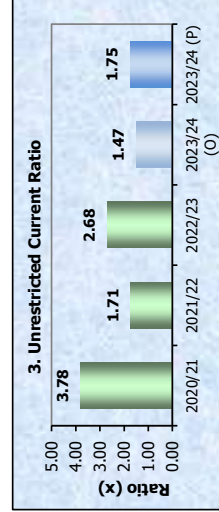
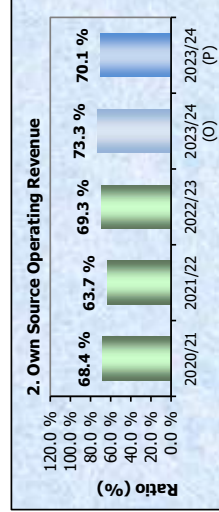
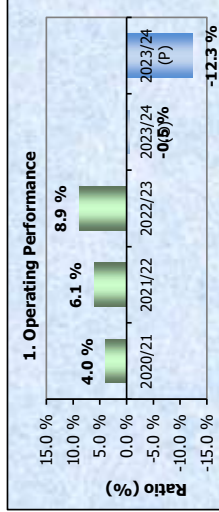
This ratio measures Council's achievement of containing operating expenditure within operating revenue.

2. Own Source Operating Revenue	Current Projection	Original Budget	Actuals
Operating Revenue (excl. ALL Grants & Contributions)	179,627	70.1 %	69.3 %
Total Operating Revenue (incl. Capital Grants & Cont)	256,233	73.3 %	63.7 %

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.

3. Unrestricted Current Ratio	Current Projection	Original Budget	Actuals
Current Assets less all External Restrictions	99,237	1.47	2.68
Current Liabilities less Specific Purpose Liabilities	56,757	1.75	1.71

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.



Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/01/24 to 31/03/24

Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)

Budget review for the quarter ended 31 March 2024

(\$'000's)	Current Projection		Original Budget	Actuals	
	Amounts	Indicator		Prior Periods	Prior Periods
	23/24	23/24	23/24	22/23	21/22

NSW Local Government Industry Key Performance Indicators (OLG):

4. Debt Service Cover Ratio					
Operating Result before Interest & Dep. exp (EBITDA)	49,112	35.61	22.19	20.13	15.32
Principal Repayments + Borrowing Interest Costs	1,379				

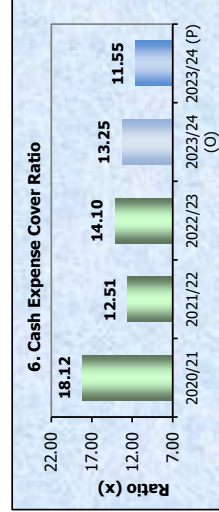
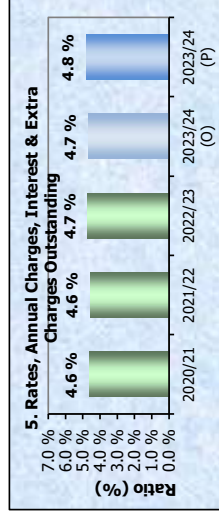
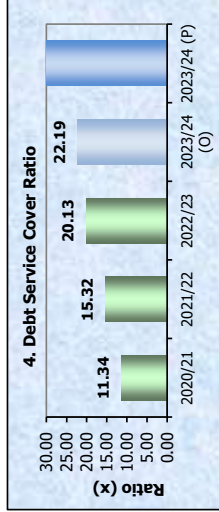
This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.

5. Rates, Annual Charges, Interest & Extra					
Rates, Annual & Extra Charges Outstanding	6,450	4.8 %	4.7 %	4.7 %	4.6 %
Rates, Annual & Extra Charges Collectible	133,959				

To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.

6. Cash Expense Cover Ratio					
Current Year's Cash & Cash Equivalents (incl.Term Deposits)	221,372	11.55	13.25	14.10	12.51
Operating & financing activities Cash Flow payments	230,000				

This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.



Campbelltown City Council

Quarterly Budget Review Statement

for the period 01/01/24 to 31/03/24

Contracts Budget Review Statement

Comments & Explanations relating to Contractors Listing

Notes	Details
1	Price is distributed amongst the panel on an as required basis, therefore Contract Value is an estimation only
2	Price is for programmed maintenance as well as reactive maintenance and minor installs as required, therefore price is an estimation only.
3	Price depends on number of employees, therefore price is estimation only.

Campbelltown City Council

Quarterly Budget Review Statement

for the period 01/01/24 to 31/03/24

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	4,632,614	Y
Legal Fees	985,571	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

Expenditure included in the above YTD figure but not budgeted includes:

Details

8.19 Submission - Parliamentary Inquiry into the ability of local governments to fund infrastructure and services

Reporting Officer

Executive Manager Corporate Services and Governance
City Governance

Community Strategic Plan

Objective	Strategy
4 Economic Prosperity	4.2.1 Support the growth, productivity and diversity of the local economy
5 Strong Leadership	5.2.2 Ensure that public funds and assets are managed strategically, transparently and efficiently

Delivery Program

Principal Activity
2.2.1.2 Maintain and enhance roads and road-related infrastructure

Officer's Recommendation

That the information be noted.

Purpose

To advise Council on the NSW Government Parliamentary Inquiry seeking submissions regarding local governments ability to fund infrastructure and services.

On 18 March 2024, the NSW Government announced an Upper House Inquiry to report on the following terms of reference:

- the level of income councils require to adequately meet the needs of their communities.
- examine if past rate pegs have matched increases in costs borne by local governments.
- current levels of service delivery and financial sustainability in local government, including;
 - the impact of cost shifting on service delivery and financial sustainability, and whether this has changed over time.
- assess the social and economic impacts of the rate peg in New South Wales for ratepayers, councils, and council staff over the last 20 years and compare with other jurisdictions.

- compare the rate peg as it currently exists to alternative approaches with regards to the outcomes for ratepayers, councils, and council staff.
- review the operation of the special rate variation process and its effectiveness in providing the level of income Councils require to adequately meet the needs of their communities.
- any other related matters.

All 7 of the items in the Terms of Reference have been responded to in the attached submission.

Report

The NSW Government established an Upper House Inquiry to inquire into the ability of local governments to fund infrastructure and services.

The Hon Emily Suvaal MLC, Chair of the Standing Committee on State Development, said:

'Councils are experiencing significant financial challenges which are threatening the long-term sustainability of the sector. As the level of government closest to the people of this state, we owe it to councils to ensure they can continue to deliver the important services communities expect and deserve.'

'This inquiry will examine the level of income councils require to adequately meet the needs of their communities and give consideration to the current levels of service delivery and financial sustainability in local government.'

The Chair went on to say that 'The committee will also assess the social and economic impacts of the rate peg in New South Wales and compare the rate peg, as it currently exists, with other jurisdictions and alternative approaches with regards to the outcomes for ratepayers, councils and council staff.'

Further considerations of the committee will be to review the operation of the special variation process for land rates and its effectiveness in providing the level of income required to adequately meet the community's needs.

With the submissions closing on 26 April 2024 there was not an ability to align a draft position to the Council meeting cycle. As such staff have lodged an internal submission, see attachment 2. Should Council resolve otherwise there is an ability to lodge an amended submission. Below is a summary of the response prepared and submitted to the inquiry.

Question	Summary
The level of income councils require to adequately meet the needs of their communities	<p>It is a legislative requirement that councils are to be responsible and sustainable by aligning revenue with expenditure. To achieve the Integrated Planning and Reporting (IP&R) framework councils are limited to income from fees and charges or land rates.</p> <p>The IP&R framework provides the community greater access to decision making and visibility of their priorities and aspirations. The operational Plan and Resourcing Strategy inform how expectations will be funded.</p>

<p>Examine if past rate pegs have matched increases in costs borne by local governments</p>	<p>In October 2021 and August 2023 the Independent Pricing and Regulatory Tribunal (IPART) implemented changes to the rate peg, these changes have not yet been fully realised.</p> <p>in order to balance annual budgets, councils are limited in the investment into infrastructure to meet community needs, opting instead to treat the reactive and programmed maintenance requirements with little left to invest in significant renewals and upgrades to ageing infrastructure.</p>
<p>Current levels of service delivery and financial sustainability in local government, including;</p> <ul style="list-style-type: none"> o the impact of cost shifting on service delivery and financial sustainability, and whether this o has changed over time 	<p>The LGNSW 2021-22 Cost Shifting Survey has revealed that cost shifting totalled \$1.36 billion.</p> <p>The survey has identified the additional cost to each ratepayer in the council classifications as between \$420.90 and \$590.80 per ratepayer per annum.</p>
<p>Assess the social and economic impacts of the rate peg in New South Wales for ratepayers, councils, and council staff over the last 20 years and compare with other jurisdictions</p>	<p>Previous inquiries have noted the heavy demands placed on local councils to fund infrastructure and financial sustainability. The NSW Treasury Corporation (TCorp) report Financial Sustainability of the New South Wales Local Government Sector reported a number of key findings that included the following.</p> <p>Operating deficits are unsustainable.</p> <p>The total infrastructure backlog of NSW councils had reached \$7.2 billion by 2012.</p> <p>Financial sustainability is deteriorating with nearly 50 per cent of council's outlook likely to be rated weak or lower by 2016-17.</p> <p>A large asset maintenance gap exists.</p> <p>Councils need to start consulting their communities about ways to either increase revenue, lower existing service levels and or standards, and pursue efficiency savings.</p>
<p>Compare the rate peg as it currently exists to alternative approaches with regards to the outcomes for ratepayers, councils, and council staff</p>	<p>There have been two reviews undertaken by the IPART and the impact of these has not yet been fully realised:</p> <p>Review of the rate peg to include population growth - October 2021</p> <p>The rate peg has included a population growth factor since 2022-23 made on a council-by-council basis. The population factor is calculated as the change in residential population less any increase in general revenue from</p>

	<p>supplementary valuations.</p> <p>Review of the rate peg methodology - August 2023 The review of the rate peg methodology undertaken by the IPART has resulted in further changes from 2024-25. The new methodology will better account for diversity and help ensure ratepayers contribute only to costs relevant to their local government area. The new peg is forward facing and now accounts for any changes in contributions for the Emergency Services Levy (ESL) from one year to the next.</p>
<p>Review the operation of the special rate variation process and its effectiveness in providing the level of income Councils require to adequately meet the needs of their communities</p>	<p>It is recommended that processes to facilitate smaller more regular rate increases outside of the peg are put in place to build a stronger alignment with the IP&R framework and the sustainability ratios. Alerts or recommendations to individual councils by the IPART should be enabled to allow for any shortfall in the infrastructure backlog ratio to be addressed.</p>
<p>Any other related matters.</p>	<p>Exemptions: A number of entities receive an exemption from land rates, these services commonly are for residential and commercial purposes with access to works, services, facilities and activities provided through revenue from land rates and should be discontinued.</p> <p>Pension Rebate Concession: The rebate scheme should be reviewed to be fully funded by the state government and indexed annually.</p> <p>Emergency Services Levy: The ESL should be collected in full by the state government, including the 11.7% contribution made by councils.</p>

Attachments

- 8.19.1 Terms of Reference - Inquiry into the ability of local governments to fund infrastructure and services (contained within this report) [↓](#)
- 8.19.2 Submission - Inquiry into the ability of local governments to fund infrastructure and services (contained within this report) [↓](#)



LEGISLATIVE COUNCIL

STANDING COMMITTEE ON STATE DEVELOPMENT

Inquiry into the ability of local governments to fund infrastructure and services

TERMS OF REFERENCE

That the Standing Committee on State Development inquire into and report on the ability of local governments to fund infrastructure and services, and in particular:

- (a) the level of income councils require to adequately meet the needs of their communities
- (b) examine if past rate pegs have matched increases in costs borne by local governments
- (c) current levels of service delivery and financial sustainability in local government, including the impact of cost shifting on service delivery and financial sustainability, and whether this has changed over time
- (d) assess the social and economic impacts of the rate peg in New South Wales for ratepayers, councils, and council staff over the last 20 years and compare with other jurisdictions
- (e) compare the rate peg as it currently exists to alternative approaches with regards to the outcomes for ratepayers, councils, and council staff
- (f) review the operation of the special rate variation process and its effectiveness in providing the level of income Councils require to adequately meet the needs of their communities
- (g) any other related matters.

The terms of reference for the inquiry were referred to the committee by the Hon Ron Hoenig MP, Minister for Local Government on 8 March 2024 and adopted by the committee on 14 March 2024.

Committee membership

Hon Emily Suvaal MLC	Australian Labor Party	<i>Chair</i>
Hon Sam Farraway MLC	The Nationals	<i>Deputy Chair</i>
Hon Mark Buttigieg MLC	Australian Labor Party	
Dr Amanda Cohn MLC *	The Greens	
Hon Emma Hurst MLC	Animal Justice Party	
Hon Stephen Lawrence MLC	Australian Labor Party	
Hon Taylor Martin MLC	Liberal Party	
Hon Peter Primrose MLC	Australian Labor Party	

* Dr Amanda Cohn MLC substituted for Ms Cate Faehrmann MLC from 15 March 2024 for the duration of the inquiry.



26 April 2024

Inquiry into the ability of local governments to fund
Infrastructure and services
Standing Committee on State Development
6 Macquarie Street
SYDNEY NSW 2000

Dear Committee members

Submission - Inquiry into the ability of local governments to fund infrastructure and services

Thank you for the opportunity to make this submission on behalf of Campbelltown City Council.

Campbelltown City Centre is identified in the Greater Sydney Region Plan as a Metropolitan Cluster Centre that, together with the centres of Liverpool, Penrith and the emerging Aerotropolis, will support the growth of the Western Parkland City to a region that will be home to in excess of 1.5 million people by 2036.

Campbelltown City Centre is in a unique position as a Metropolitan Cluster Centre at the 'Southern Gateway to Sydney' serving regional and metropolitan communities that often extend outside our rate base.

Submission

1. The level of income councils require to adequately meet the needs of their communities

This will vary from council to council and be significantly impacted by the council's ability to charge user fees and its rate base generally. Other influences such as the ongoing maintenance of regional facilities and natural disasters or significant upswings in operating costs and inflation will result in income being short of the expenditure need.

It is a requirement under Section 8A(1)(c) and 8A(1)(d) that councils;

- should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community
- apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements

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Campbelltown City Council

Furthermore, Section 8A(3) requires each council to, actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures, and that spending should be responsible and sustainable, aligning general revenue and expenses (section 8(B)).

The IP&R framework is mandatory and provides the pathway for each council to reach the level of income required to adequately meet the needs of their community. However, income is restricted to the amount of the rate peg which reduces the flexibility and agile decision making that can only be overcome by a protracted and costly special variation process.

The IP&R framework begins with the community's, not councils, aspirations for a period of at least 10 years. The Office of Local Government (OLG) says the IP&R framework 'includes a suite of integrated plans that set out a vision and goals and strategic actions to achieve them. It involves a reporting structure to communicate progress to council and the community as well as a structured timeline for review to ensure the goals and actions are still relevant.'¹

The IP&R framework is a powerful tool for the community to have greater access to decision making and visibility of the outcomes that they identify as their main priorities and aspirations for the future and for councils to plan strategies to achieve these goals. We would like to see stronger ties to the objectives of the IP&R framework so that sufficient resources, time, money, assets and people are available to actually meet on balance ratepayer expectations.

The Resourcing Strategy for each council provides public visibility of the council spend, the document must include three components;

- Long term financial plan (10years)
- Workforce management plan, and
- Asset management plan.

The Resourcing Strategy is the point where the council explains to its community how it intends to perform all of its functions, including implementing the strategies set out in the Community Strategic Plan.²

For a council to meet the requirements of the *Local Government Act* and align general revenue and expenses decisions will need to be made on how this can be achieved, the following represents those options.

- Apply for a special variation to increase revenue from land rates,
- Find savings in efficiencies or business improvement,
- Cut services,
- Reduce the spend on infrastructure maintenance.

¹ Office of Local Government – website <https://www.olg.nsw.gov.au/councils/integrated-planning-and-reporting/>

² Office of Local Government Integrated Reporting and Planning guidelines September 2021 page 16

Campbelltown City Council

User fees and charges are another avenue to raise revenue, many of which are regulated (planning) and others are often subsidised fees for community facilities or activities.

With BTR developments resulting in a high number of residents concentrated on land with a disproportionately low land value the revenue uplift will result in the remaining community paying higher rates.

In the case for waste collection charges, council may only raise a single domestic waste management charge on each rateable parcel of land and we are concerned with the charging for domestic waste management on sites with 150+ units and potentially >300 people and only one domestic waste management can be raised.

2. Examine if past rate pegs have matched increases in costs borne by local governments

The IPART found in its Review of rate peg methodology that council's costs have aligned with their revenue and concluded that this was because 'It is also possible that councils have referred to the rate peg when setting their budgets and planning their expenditure, which would explain why councils' total expenses per capita and the rate peg have grown at a similar rate.'³ This process aligns with the guiding principles for local government under the *Local Government Act 1993*, that is to align general revenue and expenses.

Further evidence that the rate peg has not kept pace with increased costs borne by local governments based on the number of applications for a special variation. Since the current *Local Government Act* commenced in 1993 there have been 876 applications approved for a special variation out of nearly 1,200 applications made, these numbers indicate that the statutory peg is not fit for purpose and has not matched increases in costs.

Recently there have been two reviews undertaken by the IPART and the impact of these has not yet been fully realised:

- Review of the rate peg to include population growth – October 2021
- Review of the rate peg methodology – August 2023

In reality, in order to balance annual budgets, councils are limited in the investment into infrastructure to meet community needs, opting instead to treat the reactive and programmed maintenance requirements with little left to invest in significant renewals and upgrades to ageing infrastructure. Developer contributions assist with partially funding the future growth infrastructure requirements, but it cannot be used to treat current infrastructure used to service current population. Compounding this funding shortfall is the rising costs of materials and contracts.

³ IPART Review of rate peg methodology, September 2022 page 13

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3. Current levels of service delivery and financial sustainability in local government, including the impact of cost shifting on service delivery and financial sustainability, and whether this has changed over time.

An annual cost shifting survey conducted by Local Government NSW (LGNSW) has identified that 'cost shifting onto local government remains one of the most significant challenges facing NSW councils today. The unrelenting growth of cost shifting to councils is increasingly eroding any possibility of financially sustainable local government and risking the capacity of councils to both deliver tailored, grassroots services to their communities and properly maintain vital local infrastructure.

Alarming, the latest research commissioned by LGNSW shows that the increase in cost shifting has been accelerated by various NSW Government policies.⁴

In the latest cost shifting survey which based on 2021-22 data 'LGNSW Cost Shifting Report - How State Costs Eat Council Rates' has identified the most significant examples of cost shifting as:

1. The waste levy - \$288.2 million.
2. The cost of rate exemptions, that are redistributed and passed onto other ratepayers - \$273.1 million.
3. State and Federal levels of government implementation or increases in regulatory requirements through legislation that is then administered by local government - \$208 million.
4. The Emergency Services Levy - \$165.4 million.
5. Local Libraries, the original commitment from State Government was to fund 50 per cent of libraries cost, it now covers approximately 8 per cent of the total costs - \$156.7 million
6. The NSW Government's, mandatory pensioner rebates - \$55.2 million.

The report goes on to say that 'The 2021-22 Cost Shifting Survey has revealed that cost shifting totalled \$1.36 billion in 2021-22' far exceeding historical records and representing an increase of \$540 million since the Cost Shifting Survey was last carried out in 2017-18.⁵

The survey has identified the additional cost to each ratepayer in the council classifications as between \$420.90 and \$590.80 per annum:

⁴ Local Government NSW Cost Shifting 2023: How State Costs Eat Council Rates Report Summary and Highlights November 2023

⁵ Local Government NSW Cost Shifting 2023: How State Costs Eat Council Rates Report Summary and Highlights November 2023

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Fig 1 LGNSW Cost Shifting 2023: How State Costs Eat Council Rates
Report Summary and Highlights – November 2023

Accordingly cost shifting is reducing the ability of councils to provide services to their communities and to be sustainable in their approach.

Campbelltown City Council ratepayers absorb over \$24m annually, including rate exemptions and waste levy, in costs that should be borne by other levels of government.

4. Assess the social and economic impacts of the rate peg in New South Wales for ratepayers, councils, and council staff over the last 20 years and compare with other jurisdictions.

Previous inquiries have noted the heavy demands placed on local councils to fund infrastructure and financial sustainability. The NSW Treasury Corporation (TCorp) report Financial Sustainability of the New South Wales Local Government Sector⁶ reported a number of key findings from the 152 of the councils surveyed, these included the following.

- Operating deficits are unsustainable – only one third of councils in 2012 reported an operating surplus. Over the period 2009 to 2012, the cumulative operating deficit of NSW councils totalled \$1 billion.
- The total infrastructure backlog of NSW councils had reached \$7.2 billion by 2012.
- Financial sustainability is deteriorating with nearly 50 per cent of councils’ financial outlook likely to be rated ‘weak’ or lower by 2016–17.
- A large asset maintenance gap exists within the sector with a \$389 million deficit in 2012 alone.
- Councils need to start consulting their communities about ways to either increase revenue, lower existing service levels and or standards, and pursue efficiency savings.

Based on the findings from its review into the financial assessment and sustainability of the local government, one of TCorp’s recommendations was for rate increases that meet underlying costs of delivering services. TCorp went on to say ‘Where a decision by Council is made to increase rates and charges at a lower than required factor, the impacts of such actions must be clear in the context of each Council’s sustainability’.

⁶ NSW Treasury Corporation (TCorp) report Financial Sustainability of the New South Wales Local Government Sector April 2013

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NSW councils adhere to strict IP&R frameworks that require extensive community consultation that allows for intervention by the community and mandates numerous consultation steps. It is important to note that the IP&R framework was not in place when rate pegging/capping was introduced in 1977 yet the NSW Government has made no concessions to allow the ratepayers of NSW more choices in how the community can be better funded.

5. Compare the rate peg as it currently exists to alternative approaches with regards to the outcomes for ratepayers, councils, and council staff.

Recently there have been two reviews undertaken by the IPART and the impact of these has not yet been fully realised:

- Review of the rate peg to include population growth – October 2021
- Review of the rate peg methodology – August 2023

The rate peg has included a population growth factor since 2022-23 made on a council by council basis. The population factor is calculated as the change in residential population less any increase in general revenue from supplementary valuations. Not all councils receive a population growth factor, in 2022-23 there were 81 of the 128 NSW councils that received a population growth factor of 0 per cent, in 2023-24 there were 87 and for 2024-25 there are 79.

The review of the rate peg methodology undertaken by the IPART has resulted in further changes that affect the peg from 2024-25. According to the IPART "The new methodology we have applied will better account for the diversity among NSW councils and help ensure ratepayers contribute only to costs relevant to their local government area." "These rate pegs are based on employee cost increases, forecast inflation and council-specific changes in Emergency Services Levy contributions and population growth."⁷ The new peg is forward facing and now accounts for any changes in contributions for the Emergency Services Levy (ESL) from one year to the next.

6. Review the operation of the special rate variation process and its effectiveness in providing the level of income Councils require to adequately meet the needs of their communities.

Historically it is dependent on the rate base the council had when rate pegging was introduced and what that council has implemented since. Following on from the NSW Governments 'Fit for the Future' investigation many councils found it necessary to apply for significant rate increases to remain sustainable. This situation leads to injustices in intergenerational equity as the current and future ratepayers are paying for decisions by preceding councils by not raising the appropriate fair and equitable land rates.

⁷ IPART Media Release Rate peg set for 2024-25 - 21 November 2023

Campbelltown City Council

Smaller and more frequent rate increases that align with the need to fund essential services and infrastructure should be permitted outside of the onerous and often politically sensitive Special Variation process. The Revitalising Local Government review said 'The Panel can find no evidence from experience in other states, or from the pattern and content of submissions for Special Rate Variations, to suggest that councils would subject their ratepayers to grossly excessive or unreasonable imposts if rate-pegging were relaxed.'⁸ The panel went on to recommend that rate pegging transition to a streamlined approach by quoting advice from the IPART for, 'increased flexibility for councils to set rates within a margin of 3 per cent above the rate-pegging limit.'⁹ However, 'the Panel considers that a margin of up to 5 per cent would be more realistic where councils need to make significant short-medium term inroads into infrastructure backlogs and correct operating deficits.'¹⁰

Essentially, differing a required variation to adequately meet the communities needs for future generations to deal with should be discontinued and council infrastructure backlogs greater than 2 per cent should be encouraged. To increase their rate base to bring the ratio back to <2 per cent in a period determined by the IPART. The IPART would need to consider the impact and capacity of the community and any other efficiency savings that might be available to the council.

To put this in perspective the amount of any shortfall in rates levied in a particular year has a compounding effect on future years, this occurs due to the way in which the Permissible Income calculation is determined. By way of an example, if the amount that a council needs to fund its expenditure from rates is short by say \$1 million the starting point for their permissible income in year two will be short \$1 million plus any amount of the peg for that year. Therefore, if the peg was 5 per cent the council would be \$1,050,000 behind in the first year and over a period of ten years this number (assuming 5 per cent pa peg) will exceed \$11.5 million and give rise to the absolute need for a special variation.

7. Any other related matters.

- Exemptions
 - Community Housing Providers – should not be exempt from land rates, the residents are users of council provided works, services, facilities and activities.
 - Aged Care and retirement villages run by Public Benevolent Institutions – should not be exempt from land rates, the residents are users of council provided works, services, facilities and activities.
 - All land used for Residential or Commercial purposes should not be exempt. This concept had been raised in numerous inquiries and reports.

⁸ Revitalising Local Government - Final Report of the NSW Independent Local Government Review Panel October 2013 page 42

⁹ Revitalising Local Government - Final Report of the NSW Independent Local Government Review Panel October 2013 page 44

¹⁰ Revitalising Local Government - Final Report of the NSW Independent Local Government Review Panel October 2013 page 44

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- Affect on funding and budgeting – large exemptions. The legislation allows an exemption to apply pro-rata as a proportion to the period of eligibility. In some cases land valued many millions of dollars could be purchased and become exempt during the current year, without any advanced notice. If exempt, the council will need to abandon the rates levied having a direct impact on the current budget.
- Pension Rebate Concessions - social welfare is the responsibility of state and federal governments and full funding of the rebate scheme should not be a responsibility of local governments. The amount written off by councils should be discontinued and fully funded by the NSW government. Furthermore, indexation should be applied to the current rebate scheme in order to keep pace with the cost of services and not diminish the pensioners capacity to pay.
- Emergency Services Levy - The NSW Government is currently in the process of considering reforms to the ESL. A consultation paper 'Reforming the emergency services funding system' was released on 10 April 2024 with submissions closing 22 May 2024. Local councils are required to contribute 11.7 per cent of the costs to run Fire and Rescue NSW, Rural Fire Services and State Emergency Services each year, collectively contributing \$220 million. It is recommended that the state government remove the council contributions and instead manage collections through Revenue NSW as recommended by the Portfolio Committee No. 4 - Legal Affairs Fire and Emergency Services Levy November 2018. Campbelltown City Council currently contributes over \$2.5 million towards the costs of these three State services.

Thank you for the opportunity to comment on the inquiry, if you have any questions regarding our submission please do not hesitate to be in touch.

Yours faithfully

signature has been removed

Lindy Deitz
General Manager

8.20 Creation of an easement on Council land to support a community battery

Reporting Officer

Director City Futures
City Futures

Community Strategic Plan

Objective	Strategy
3 Enriched Natural Environment	3.2.1 Efficiently manage and conserve our natural resources including energy and water 3.3.1 Prepare for and lessen the impacts of climate change and extreme weather events

Delivery Program

Principal Activity
5.2.1.4 Build a Resilient City and community

Officer's Recommendation

1. That Council endorse the creation of an easement on Council land for the purposes of a community battery.
2. That Council endorse the delegated authority to the General Manager (or her authorised delegate) under Section 377 of the *Local Government Act 1993* to enable the execution of all and any documentation required to create the easement.
3. That revenue sourced from this project be allocated to Council's Corporate Sustainability Fund to support future sustainability initiatives.

Purpose

To provide Council with information on a partnership project which will deliver community batteries at 2 locations within the Campbelltown Local Government Area and to seek authority to create an easement to enable the project to proceed.

History

At its meeting on 10 October 2023, Council endorsed the 'Transitioning our Operations Towards Net Zero Strategy'.

The Strategy recognises that embracing renewable energy and investing in our energy infrastructure is critical to addressing the pressing challenges of climate change and achieving a sustainable future for our community.

Report

About community batteries:

Community batteries provide a shared solution allowing residents and businesses to store excess power generated during the day by their rooftop solar systems for later use in the evening when demand on the electricity network is higher.

Community batteries:

- lower electricity bills
- support more households to install rooftop solar
- allow households who cannot install solar panels access to renewable energy
- reduce pressure on the electricity grid
- improve the reliability of the electricity network.
- absorb excess energy that might cause voltage spikes in the electricity grid
- lower emissions.

Project background:

Endeavour Energy has approached Council with a proposal to install 2 community batteries within the Campbelltown Local Government Area (LGA). The batteries form part of a federally funded program which seeks to install 400 batteries across Australia and provide shared storage for up to 100,000 households.

Endeavour Energy will be responsible for all costs associated with the installation, maintenance and management of the batteries.

Table 1 provides the location, type of battery and what action is required by Council. The sites meet technical and environmental requirements set by the funding program and Endeavour Energy.

Location	Battery type	Action required by Council?
Railway Parade, Macquarie Fields Adjacent to 1 Clarence Street, Macquarie Fields	Pole mounted	Nil
Harvey Brown Reserve, Blair Athol Lot 25 DP865359 – Blair Athol Dr Blair Athol	Ground	Creation of an easement in accordance with the <i>Local Government Act 1993</i>

Railway Parade, Macquarie Fields

The parcel of land that will support the pole mounted community battery is not in Council's ownership. As such, no action is required by Council.

Notwithstanding this, in accordance with the *Electricity Supply Act 1995 – Section 45 Erection & Replacement of Electricity Works*, Endeavour Energy formally notified the surrounding residents in Macquarie Fields and Council on 26 February 2024 of the proposed works. Attachments 1 and 2 provide a copy of the letter and information brochure from Endeavour Energy to Macquarie Fields residents.

As of early April, Endeavour Energy had received feedback from one resident who was concerned about TV and/or phone interference. Endeavour Energy has addressed the concerns with the resident.

Figure 1: Pole mounted community battery at Railway Parade, Macquarie Fields



Harvey Brown Reserve, Blair Athol

The parcel of land that will support the community battery is in Council's ownership. The land is zoned as RE1 – public recreation under the Campbelltown Local Environmental Plan 2015.

Notwithstanding this, the Transport & Infrastructure SEPP (TI SEPP) provides that development for the purpose of an *electricity transmission or distribution network* may be carried out by, or on behalf of, an electricity supply authority or public authority without consent on any land.

Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is the assessment pathway for an authority who seeks to rely on the TI SEPP. As an electricity supply authority, Endeavour Energy has undertaken its own assessment of the proposal under Part 5 of the EP&A Act and has subsequently issued approval for the proposed development.

Following a site inspection with Endeavour Energy, officers from Council’s Sustainability and Resilience Team, Property Services, City Revitalisation section and Open Space Team have assessed the application and determined that there will be minimal impact to:

- Neighbouring properties.
- Pedestrian access.
- Car parking.

Council staff have requested that Endeavour Energy:

- share the results of community engagement activities undertaken and sentiments expressed
- screen the community battery with artwork and landscaping to minimise its impact on the open space setting
- consider opportunities to engage more widely with the Campbelltown community on renewable energy and battery storage.

Figure 2: Ground community battery at Harvey Brown Reserve, Blair Athol



Next steps

Endeavour Energy is seeking to commence works by Monday 3 June 2024. The construction of the battery, including installation of a concrete slab and underground conduits, will take 6 weeks to complete. During this time, Endeavour Energy and their subcontractors will be onsite between 7.00am and 5.00pm.

Following completion of the works, the battery and associated equipment will then be installed and commissioned. A security fence will be on site until the community battery has been commissioned to ensure public safety during construction.

Prior to Monday 3 June 2024, the following activities will be undertaken:

1. Creation of an easement

To enable the installation of a community battery at Harvey Brown Reserve, Blair Athol, Council is required to create an easement. This will legalise the occupation of the land and protect the long-term integrity of the community battery.

The creation of an easement requires a Council resolution in accordance with the *Local Government Act 1993*.

2. Compensation

Endeavour Energy has formally advised that it will pay compensation to Council for the creation of the easement to the value of \$13,000. Council staff from the Property Services Team has assessed and support the basis on which the offer of compensation has been determined. The costs of creation of the easement, including survey costs and registration of easement on title, are factored into the offer.

3. Community engagement

While minimal engagement with neighbouring properties in Blair Athol has been undertaken by Endeavour Energy to date, in accordance with section 55 of the *Electricity Supply Act 1995*, Endeavour Energy will provide notice to adjoining residents.

Endeavour Energy has already provided notice in writing to Council that it seeks to exercise its right of power of entry pursuant to section 45 and 54 of the *Electricity Supply Act 1995* to undertake the construction works. Approval of this notice is pending the outcome of this report.

4. Community art and landscaping

The proposed community battery requires landscape treatment to blend it into the park setting. Council will work with Endeavour Energy to finalise the design, which will include an aluminium screen (or similar) that encloses the community battery on all sides at the height of the battery, artwork embellishments designed by a local artist, as well as a minimum of three locally native trees.

Attachments

8.20.1 Endeavour Energy letter to residents in Macquarie Fields (contained within this report) [↓](#)

8.20.2 Endeavour Energy information brochure provided to residents in Macquarie Fields (contained within this report) [↓](#)

**Endeavour Energy**

ABN 11 247 365 823

T 133 718

Level 40-42, 8 Parramatta Square
10 Darcy Street
Parramatta NSW 2150
PO Box 811, Seven Hills NSW 1730

26 February 2024

Campbelltown City Council
Attn: General Manager
PO Box 57
CAMPBELLTOWN, NSW, 2560

Dear Sir/Madam,

Notification of Proposed Electricity Works – Community Battery***Railway Parade – Macquarie Fields***

Endeavour Energy proposes to install a community battery at the above location, which represents an upgrade to the electricity network.

This proposed battery at Macquarie Fields is part of the federally funded *Community Batteries for Household Solar¹* program to install 400 batteries across Australia, providing shared storage for up to 100,000 households.

Endeavour Energy is proud to partner with the Federal Government in the delivery of community batteries, making renewable energy technologies accessible to more customers and helping to capture and store excess solar.

About community batteries

Community batteries provide a shared battery solution allowing residents and businesses to store excess power generated during the day by their rooftop solar cells for later use in the evening when demand on the electricity network is higher. They also provide people without solar on their home with access to solar energy generated within the neighbourhood, helping everyone to save on energy costs.

Community batteries can lower electricity bills, support more households to install rooftop solar, allow households who cannot install solar panels to enjoy renewable energy, reduce pressure on the electricity grid, absorb excess energy that might cause voltage spikes in the electricity grid and lower emissions. These batteries help improve the reliability of your electricity network.

Should you wish to find out more about Endeavour Energy's community battery initiatives, please email community.battery@endeavourenergy.com.au.

endeavourenergy.com.au

Statutory consultation regarding proposed works at Hobartville

In accordance with the *Electricity Supply Act 1995 – Section 45 Erection & Replacement of Electricity Works*, we are formally notifying surrounding residents and the local Council of the works proposed to be carried out at **Railway Parade, Macquarie Fields**.

These works involve the installation of a pole-mounted battery unit known as a community battery.

The works will involve the installation of the battery unit and associated overhead conductors on a new utility pole adjacent to #1 Clarence Street, Macquarie Fields.

These works have received grant funding from the Australian Government and are being co-funded by Endeavour Energy.

The photomontage below shows the proposed pole-mounted battery.



We invite you to review the enclosed draft drawing. Should you wish to make formal comment on the proposal, please provide a response within 40 days via email to Jim.Pappas@endeavourenergy.com.au

In reply, please quote project NDE-000485-007.

Endeavour Energy will engage further with the local community on how residents can participate in the benefits of this renewable energy technology.

Warm Regards,

for

Edmond Roberts

Project Manager, Endeavour Energy



Endeavour Energy is looking to trial community batteries in local neighbourhoods.

A community battery is a battery connected to the local electricity network that individual customers can use for energy storage.

Our community battery trial aims to help households save on energy costs, providing more people with access to solar and a low-cost storage option.

Community batteries also help to improve the reliability and quality of your electricity supply, particularly in areas with a lot of rooftop solar.

Want to know more?



Phone 133 718 or email community.battery@endeavourenergy.com.au

Community batteries

Community batteries

Community batteries provide a shared battery solution allowing residents to store excess power generated during the day by their rooftop solar cells for later use when demand on the electricity network is higher, or when the sun isn't shining.

They also provide people without rooftop solar with access to solar energy generated within the neighbourhood, helping everyone to save on energy costs.

Participation

In the coming months, Endeavour Energy will open a community battery trial for residents living near the battery.

You don't need solar or to own your home to participate. The trial will be run in partnership with an energy retailer, however, you don't need to change retailers to join the program.

Through our retail partner you rent a portion of the battery, and receive rebates on the energy you use and store in the battery.

How do community batteries work?



Homes with solar: Your excess solar is stored in the community battery and available when you need it.

Homes without solar: Excess solar generated by your neighbours is stored in the community battery – and available for you to use.



Benefits of a community battery

By participating in a community battery trial, you can:

- **Save** on household energy costs
- **Access** battery storage without having to buy a battery
- **Reduce** your household carbon footprint



endeavourenergy.com.au

8.21 Unsolicited Proposal Policy Review

Reporting Officer

Executive Manager City Revitalisation and Renewal
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
5.2.2.5 Ensure assets, infrastructure and property are well managed and incorporate design excellence

Officer's Recommendation

1. That the revised Unsolicited Proposal Policy be adopted.
2. That the Unsolicited Proposal Policy review date be set at 30 June 2028.

Purpose

To seek Council's endorsement of the revised Unsolicited Proposal Policy (attached).

History

The Unsolicited Proposal Policy was adopted by Council on 13 July 2021. The Policy has been reviewed and the findings of this review are presented for Council's consideration and adoption.

Report

Background

The Unsolicited Proposal Policy provides confidence to our community and potential proponents that all unsolicited proposals presented to Council will be considered in a consistent, transparent, and lawful manner to deliver the highest standards of public value.

Council has been presented with unsolicited proposals from the community, businesses, and other government agencies. The purpose of this Policy is to not only stimulate and encourage business investment and innovation in the Campbelltown Local Government Area (CLGA) but also to better assist in appropriately managing governance and probity issues that arise through the provision of a transparent assessment process.

It seeks to ensure that unsolicited proposals that are of benefit to the CLGA are pursued and realised.

This Policy applies to all unsolicited proposals submitted by a proponent to Council.

Proposed Amendments

The Policy has been reviewed and the recommended amendments are provided below, and as track changes within the attachment 1:

- a change in the Responsible Officer has been made to reflect the divisional name changes.
- revision date made to reflect the 30 June 2028.


Conclusion

The Policy is suitable for adoption without change, apart from the change to the Responsible Officer and revision date noted above.

Attachments

8.21.1 Original Unsolicited Proposal Policy with changes (contained within this report) [↓](#)

8.21.2 Revised Unsolicited Proposal Policy (contained within this report) [↓](#)

 CAMPBELLTOWN CITY COUNCIL		POLICY
Policy Title	Unsolicited Proposal Policy	
Related Documentation	Unsolicited Proposal Procedure Schedule of Information Requirements Pre-lodgement checklist	
Relevant Legislation	Local Government Act 1993 Government Information (Public Access) Act 2009 Local Government Amendment (Public Private Partnerships) Act 2004 Local Government (General) Regulation 2005	
Responsible Officer	Director City Growth Futures	

UNCONTROLLED WHEN PRINTED

Objective

The following objectives will guide Council in its consideration of unsolicited proposals:

1. Ensuring consistency and certainty for non-government parties seeking to deal directly with Council;
2. Promoting the development of innovative ideas to support Council’s role, functions and broad objectives as outlined in its Community Strategic Plan and Reimagining Campbelltown City Centre Master Plan;
3. Ensuring an open, transparent and fair process that involves a high standard of probity and public accountability;
4. Providing a framework for assessing such proposals with a view to delivering uniqueness, value for money and strategic fit for Council, consistent with Council’s strategic direction and existing suite of policies;
5. Maximising the benefit from unsolicited proposals for Council and the community; and
6. Ensuring the intellectual property of a party submitting an unsolicited proposal is appropriately protected.

Policy Statement

This Policy provides confidence to our community and potential proponents that all unsolicited proposals presented to Council will be considered in a consistent, transparent and lawful manner to deliver the highest standards of public value.

Scope

It is anticipated that Council may be presented with unsolicited proposals from the community, businesses or other government agencies. The purpose of this Policy is to not only stimulate and encourage business investment and innovation in the Campbelltown Local Government Area (CLGA) but also to better assist in appropriately managing governance and probity issues that arise through the provision of a transparent

DATA AND DOCUMENT CONTROL – GOVERNANCE USE ONLY		
Directorate: City Growth Section: Strategic property Record No.: CDO-21/1175	Adopted Date: 13/07/21 Revised Date: 22/07/21 18/4/24 Minute Number: 130 Review Date: 30/09/24 30/6/28	Page: 1 of 6

Campbelltown City Council

assessment process. It seeks to ensure that unsolicited proposals that are of benefit to the CLGA are pursued and realised.

This Policy applies to all unsolicited proposals submitted by a proponent to Council.

Definitions

Term	Meaning
Assessment Criteria	The criteria upon which unsolicited proposals will be assessed
Detailed Proposal	A submission by a proponent to Council
Executive Group	Council’s Directors and General Manager who provide formal recommendations to Council at its meetings.
Final Binding Offer	A formal proposal submitted by the proponent at the conclusion of Stage 3, which meets the minimum requirements for acceptance by Council.
CLGA	Campbelltown City Council Local Government Area
Council	Campbelltown City Council - this includes the elected Council and the administrative organization.
Initial Submission	A submission by the proponent during Stage 1 which briefly describes the unsolicited proposal (in accordance with the Schedule of Information Requirements).
Initial Schedule of Information Requirements	Information to be prepared by proponent in preparation for pre-lodgment meeting with Council.
Intellectual Property	Inventions, original designs and practical applications of ideas protected by statute law through copyright, patents, registered designs, circuit layout rights and trademarks; also trade secrets, proprietary know-how and other confidential information protected against unlawful disclosure by common law and through additional contractual obligations such as confidentiality agreements.
LG Act	<i>Local Government Act 1993</i>
MOU	A memorandum of understanding (not legally binding) signed by Council and the Proponent at the commencement of Stage 2.
Probity Advisor	An advisor with specialist governance or legal qualifications and experience. This could be an appropriate Council staff member or an appointed external contractor.
Project Director	A Council staff member, specifically appointed for the purpose of ensuring Council’s responsibilities at Stage 2 are met. Where appointed, replaces the Proposal Manager as first contact for the unsolicited proposal.
Proponent	The person or organisation that submits an unsolicited proposal.
Proposal Development Workshop	Interactive meetings held between Council and proponent representatives with the aim of progressing proposal development.
Proposal Manager	The person with responsibility for coordinating Council input for the receipt and assessment of an unsolicited proposal.

DATA AND DOCUMENT CONTROL		
Record No.: CDO-21/1175	Page: 2 of 6	

Campbelltown City Council

Steering Committee	A committee of senior Council representatives with responsibility for oversight and preparation of recommendations to the Executive Group of any specific unsolicited proposal.
Unsolicited Proposal	An approach to Council from a proponent with a proposal to deal directly with Council over a commercial proposition, where Council has not requested the proposal. This may include proposals to build and/or finance infrastructure, provide goods or services, or undertake a major commercial transaction.
Value for Money	The overall value of a proposal to Council as outlined in the section criteria below.

Legislative Context

Council operates consistent with the LG Act. Under the LG Act, it generally procures projects, goods and services via an adopted procurement framework, which includes the statutory tendering process for projects, goods or services above a specified value.

Council's whole approach to procurement (whether via quotation or tendering) is based on competition in order to achieve value for money in a fair and transparent manner.

This form of procurement is not directly covered by this Policy; however, the statutory requirements under the LG Act are still applicable to procurement decisions above a certain value that are captured by this Policy as unsolicited proposals.

Those statutory requirements under the LG Act also extend to public-private partnerships, as further defined in that Act.

The unsolicited proposals process is not a substitute for routine competitive procurement by Council. The focus of unsolicited proposals is on unique and innovative projects or services with clear and tangible benefits for the CLGA. Similarly, the unsolicited proposals process is not designed to replace applicable environmental and planning assessment processes. If Council decides to progress an unsolicited proposal, that should not be interpreted as any form of explicit or tacit support for planning consents or approvals.

While direct negotiation with a proponent in response to an unsolicited proposal may be pursued in justifying circumstances, Council's usual procurement approach is to test the market. This generally results in the demonstrable achievement of value-for-money outcomes and provides fair and equal opportunities.

Accordingly, Council will generally only consider proposals where both the proposal and its proponent have unique attributes such that others could not deliver a similar proposal with the same outcome. Council will consider directly negotiating with an individual or organisation that presents an unsolicited proposal where circumstances justify this approach and at its absolute discretion, consistent with its statutory responsibilities under the LG Act.

This policy has been drafted in line with the NSW Government's 'Unsolicited Proposals: Guide for Submission and Assessment' dated August 2017.

Principles

This Policy represents commitment by Council to the allocation of resources to meet its responsibilities as outlined in this Policy. Through a four step process, proposals will be evaluated against the Assessment Criteria outlined below:

1. Initial Submission and Preliminary Assessment

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2. Detailed Proposal
3. Negotiation of Final Binding Offer
4. Formal Council Resolution on Final Binding Offer

Council recognises that a proponent will be entitled to a fair rate of return for its involvement in a project and that outcomes should be mutually beneficial for the proponent and Council. Further, Council recognises the right of proponents to derive benefit from unique ideas. The approach to the identification, recognition and protection of intellectual property (IP) rights will be addressed and agreed with the proponent, as set out below.

Where Council determines a proposal as not meeting the criteria set out below, it reserves its usual right to go to market. The proponent will be provided with the opportunity to participate in that procurement process should the concept be offered to the market but will have no additional rights beyond those afforded to other market participants. If Council elects to go to market in such circumstances, it will respect any IP owned by the proponent.

The unsolicited proposals assessment process is separate to other Council statutory approvals processes. However, where appropriate, the assessment of unsolicited proposals will give consideration to the potential consistency of the proposal with relevant planning and environmental controls, and approvals processes.

Assessment Criteria

Proposals will be initially assessed against Council's assessment criteria. Assessment will be based on the proposal satisfactorily meeting each of the criteria. Additional criteria relevant to a particular proposal may also be applied at later stages. If so, the proponent will be informed of the criteria in order for these to be addressed in its detailed proposal during Stage 2. The criteria are as follows:

- Uniqueness i.e. what are the unique elements of the proposal that would provide justification for Government entering into direct negotiations with the Proponent? Unique elements may include characteristics such as:
 - Intellectual property or genuinely innovative ideas.
 - Ownership of real property.
 - Ownership of software or technology offering a unique benefit.
 - Unique financial arrangements.
 - Unique ability to deliver strategic outcome.
 - Other demonstrably unique elements.
- Value for money.
- Whole of Council impact – ability to support or deliver on strategic objectives, plans, visions and goals.
- Return on investment.
- Capability and capacity.
- Affordability.
- Risk allocation.

Once an unsolicited proposal has been submitted, proponents must not contact Councillors or Council officers regarding the submitted proposal, outside of the formal assessment process. This includes organisations authorised to act on the proponent's behalf.

Optimise Outcomes

By their nature, unsolicited proposals are unlikely to be the current focus of Council's strategic

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planning. Proposals must therefore be considered in light of the wider benefits and strategic outcomes that may be derived. In order to proceed, proposals must be broadly consistent with Council’s objectives and plans, and offer some unique attributes that justify departing from a competitive tender process. Outcomes must always be in the best interest of the CLGA.

In order to demonstrate that optimal value for money will be achieved, an “open book” approach to negotiations is to be adopted once the proposal has progressed to assessment. Council will also consider whole-of-council impact and cost.

In order to guide the proponent, Council will look to provide an early indication of an acceptable return on investment and other requirements to be achieved by the proponent in the delivery of its proposal.

Consultative Process

Council will manage a consultative process with the proponent at all formal stages of assessment. During the Stage 1 assessment this interaction will be limited to clarification of the proposal by Council to effectively carry out the assessment. It will not be an opportunity to negotiate the details of the proposal. This opportunity will arise in later stages if the proposal proceeds past the Stage 1 assessment.

Probity

Council seeks to conduct its commercial dealings with integrity. The assessment of unsolicited proposals must be fair, open and demonstrate the highest levels of probity, consistent with the public interest. The assessment of unsolicited proposals will be conducted through the application of established probity principles that aim to assure all parties of the integrity of the decision-making processes.

Maintaining impartiality

Fair and impartial treatment will be a feature of each stage of the assessment process. The process will feature a clearly defined separation of duties and personnel between the assessment and approval functions.

Maintaining accountability and transparency

Accountability requires that all participants be held accountable for their actions. The assessment process will identify responsibilities, provide feedback mechanisms and require that all activities and decision making be appropriately documented.

Transparency refers to the preparedness to open a project and its processes to scrutiny, debate and possible criticism. This also involves providing reasons for all decisions taken and the provision of appropriate information to relevant stakeholders.

Managing conflicts of interest

In support of the public interest, transparency and accountability, Council will require the identification, management and monitoring of conflicts of interest.

Participants will be required to disclose any current or past relationships or connections that may unfairly influence or be seen to unfairly influence the integrity of the assessment process.

Maintaining confidentiality

In the assessment of unsolicited proposals there is need for high levels of accountability and transparency. However, there is also a need for some information to be kept confidential, at least for a specified period of time. This is important to provide participants with confidence in the integrity of the process. All proposals submitted will be kept confidential at Stage 1 of the assessment

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process.

Obtaining value for money

Obtaining optimal value for money is a fundamental principle for Council (and the public sector in general). This is achieved by fostering an environment in which proponents can make attractive, innovative proposals with the confidence that they will be assessed on their merits and where Council appropriately considers value.

Resource Commitments

In order for an unsolicited proposal to progress, Council and the proponent will be required to commit resources. The staged approach to assessment seeks to balance resource input at each stage in order to reduce the potential for unnecessary expenditure.

While this Policy sets out information and processes to minimise costs for proponents, Council will not reimburse costs associated with unsolicited proposals.

Governance Arrangements

Council's Executive Group will appoint a steering committee to manage the staged approach to assessment of unsolicited proposals, the membership of which will be based upon the nature of the proposal.

Unsolicited proposals must take into account relevant processes and approval requirements in the LG Act in relation to procurement, and where relevant any other related procurement policy document (E.g. NSW Public Private Partnerships Guidelines).

Memorandum of Understanding

An MOU provides an agreed (but not legally binding) framework for Stage 2, which will be entered into by Council and the proponent in order to ensure the alignment of expectations regarding participation in the process.

The MOU will outline whether the proposal will be subject to an approval process per Council's procurement policy and/or a project assurance mechanism.

Council

Prior to entering into a formal agreement with the proponent, all unsolicited proposals must be reported to Council for resolution, even where it is recommended that due to extenuating circumstances, Council not proceed to tender for the project, goods or services under contemplation as per Section 55A of the LG Act.


It may also be necessary for any proposal, at the conclusion of Stage 3, to be considered under the PPP provisions of the *Local Government Amendment (Public Private Partnerships) Act 2004* and the *Local Government (General) Regulation 2005*.

Effectiveness of this Policy

This Policy will be reviewed every three years.

END OF POLICY STATEMENT

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 CAMPBELLTOWN CITY COUNCIL		POLICY
Policy Title	Unsolicited Proposal Policy	
Related Documentation	Unsolicited Proposal Procedure Schedule of Information Requirements Pre-lodgement checklist	
Relevant Legislation	Local Government Act 1993 Government Information (Public Access) Act 2009 Local Government Amendment (Public Private Partnerships) Act 2004 Local Government (General) Regulation 2005	
Responsible Officer	Director City Futures	

UNCONTROLLED WHEN PRINTED

Objective

The following objectives will guide Council in its consideration of unsolicited proposals:

1. Ensuring consistency and certainty for non-government parties seeking to deal directly with Council;
2. Promoting the development of innovative ideas to support Council’s role, functions and broad objectives as outlined in its Community Strategic Plan and Reimagining Campbelltown City Centre Master Plan;
3. Ensuring an open, transparent and fair process that involves a high standard of probity and public accountability;
4. Providing a framework for assessing such proposals with a view to delivering uniqueness, value for money and strategic fit for Council, consistent with Council’s strategic direction and existing suite of policies;
5. Maximising the benefit from unsolicited proposals for Council and the community; and
6. Ensuring the intellectual property of a party submitting an unsolicited proposal is appropriately protected.

Policy Statement

This Policy provides confidence to our community and potential proponents that all unsolicited proposals presented to Council will be considered in a consistent, transparent and lawful manner to deliver the highest standards of public value.

Scope

It is anticipated that Council may be presented with unsolicited proposals from the community, businesses or other government agencies. The purpose of this Policy is to not only stimulate and encourage business investment and innovation in the Campbelltown Local Government Area (CLGA) but also to better assist in appropriately managing governance and probity issues that arise through the provision of a transparent

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assessment process. It seeks to ensure that unsolicited proposals that are of benefit to the CLGA are pursued and realised.

This Policy applies to all unsolicited proposals submitted by a proponent to Council.

Definitions

Term	Meaning
Assessment Criteria	The criteria upon which unsolicited proposals will be assessed
Detailed Proposal	A submission by a proponent to Council
Executive Group	Council’s Directors and General Manager who provide formal recommendations to Council at its meetings.
Final Binding Offer	A formal proposal submitted by the proponent at the conclusion of Stage 3, which meets the minimum requirements for acceptance by Council.
CLGA	Campbelltown City Council Local Government Area
Council	Campbelltown City Council - this includes the elected Council and the administrative organization.
Initial Submission	A submission by the proponent during Stage 1 which briefly describes the unsolicited proposal (in accordance with the Schedule of Information Requirements).
Initial Schedule of Information Requirements	Information to be prepared by proponent in preparation for pre-lodgment meeting with Council.
Intellectual Property	Inventions, original designs and practical applications of ideas protected by statute law through copyright, patents, registered designs, circuit layout rights and trademarks; also trade secrets, proprietary know-how and other confidential information protected against unlawful disclosure by common law and through additional contractual obligations such as confidentiality agreements.
LG Act	<i>Local Government Act 1993</i>
MOU	A memorandum of understanding (not legally binding) signed by Council and the Proponent at the commencement of Stage 2.
Probity Advisor	An advisor with specialist governance or legal qualifications and experience. This could be an appropriate Council staff member or an appointed external contractor.
Project Director	A Council staff member, specifically appointed for the purpose of ensuring Council’s responsibilities at Stage 2 are met. Where appointed, replaces the Proposal Manager as first contact for the unsolicited proposal.
Proponent	The person or organisation that submits an unsolicited proposal.
Proposal Development Workshop	Interactive meetings held between Council and proponent representatives with the aim of progressing proposal development.
Proposal Manager	The person with responsibility for coordinating Council input for the receipt and assessment of an unsolicited proposal.

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Steering Committee	A committee of senior Council representatives with responsibility for oversight and preparation of recommendations to the Executive Group of any specific unsolicited proposal.
Unsolicited Proposal	An approach to Council from a proponent with a proposal to deal directly with Council over a commercial proposition, where Council has not requested the proposal. This may include proposals to build and/or finance infrastructure, provide goods or services, or undertake a major commercial transaction.
Value for Money	The overall value of a proposal to Council as outlined in the section criteria below.

Legislative Context

Council operates consistent with the LG Act. Under the LG Act, it generally procures projects, goods and services via an adopted procurement framework, which includes the statutory tendering process for projects, goods or services above a specified value.

Council’s whole approach to procurement (whether via quotation or tendering) is based on competition in order to achieve value for money in a fair and transparent manner.

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Maintaining impartiality

Fair and impartial treatment will be a feature of each stage of the assessment process. The process will feature a clearly defined separation of duties and personnel between the assessment and approval functions.

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process.

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Obtaining optimal value for money is a fundamental principle for Council (and the public sector in general). This is achieved by fostering an environment in which proponents can make attractive, innovative proposals with the confidence that they will be assessed on their merits and where Council appropriately considers value.

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In order for an unsolicited proposal to progress, Council and the proponent will be required to commit resources. The staged approach to assessment seeks to balance resource input at each stage in order to reduce the potential for unnecessary expenditure.

While this Policy sets out information and processes to minimise costs for proponents, Council will not reimburse costs associated with unsolicited proposals.

Governance Arrangements

Council’s Executive Group will appoint a steering committee to manage the staged approach to assessment of unsolicited proposals, the membership of which will be based upon the nature of the proposal.

Unsolicited proposals must take into account relevant processes and approval requirements in the LG Act in relation to procurement, and where relevant any other related procurement policy document (E.g. NSW Public Private Partnerships Guidelines).

Memorandum of Understanding

An MOU provides an agreed (but not legally binding) framework for Stage 2, which will be entered into by Council and the proponent in order to ensure the alignment of expectations regarding participation in the process.

The MOU will outline whether the proposal will be subject to an approval process per Council’s procurement policy and/or a project assurance mechanism.

Council

Prior to entering into a formal agreement with the proponent, all unsolicited proposals must be reported to Council for resolution, even where it is recommended that due to extenuating circumstances, Council not proceed to tender for the project, goods or services under contemplation as per Section 55A of the LG Act.

It may also be necessary for any proposal, at the conclusion of Stage 3, to be considered under the PPP provisions of the *Local Government Amendment (Public Private Partnerships) Act 2004* and the *Local Government (General) Regulation 2005*.

Effectiveness of this Policy

This Policy will be reviewed every three years.

END OF POLICY STATEMENT

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8.22 Macarthur Centre for Sustainable Living - Membership contribution

Reporting Officer

Director City Futures
City Futures

Community Strategic Plan

Objective	Strategy
3 Enriched Natural Environment	3.2.2 Improve and embed environmentally sustainable practices in our community

Delivery Program

Principal Activity
3.2.2.1 Actively educate the community in sustainable practices to protect and improve our natural environment

Officer's Recommendation

That Council provide written notice to the Macarthur Centre for Sustainable Living advising that it will be withdrawing its membership contribution, providing a 6 month notice period.

Purpose

To provide Council with information on the Macarthur Centre for Sustainable Living (the Centre) and recommend Council's withdrawal of sponsorship funding.

History

The Centre officially opened in 2007 after receiving \$1.8 million in funding in 2004 from the Federal Government.

The concept for the Centre was first envisaged in 1999 by the Macarthur Waste Board following a site visit to the CERES Community Environment Park in East Brunswick, Victoria. Shortly after the site visit, the Macarthur Waste Board formed an incorporated body known as CERES Macarthur. CERES Macarthur was funded entirely by the Macarthur Waste Board until its disbandment in 2001, where management of CERES Macarthur was transferred to the Macarthur Regional Organisation of Councils (MACROC).

CERES Macarthur was de-registered in June 2009, 5 years after the Macarthur Centre for Sustainable Living Limited was registered. MACROC was dissolved in August 2018.

Report

The Centre is a not-for-profit, community-based Company financially supported by Campbelltown City Council, Camden Council and the Royal Botanic Gardens and Domain Trust.

The Centre “aspires to be a world-class education facility and model for the promotion of sustainable technology and living practices in homes, urban precincts, and businesses.”

In the most current statements submitted to the Australian Charities and Not-for-profits Commission (ACNC), the Centre describes its community objectives as:

- The Centre will encourage the community to adopt sustainable lifestyle choices to make a positive difference to the environmental sustainability of the Macarthur region and beyond.
- The Centre will provide an attractive place of environmental excellence where visitors will see sustainability in action, have access to experts and a range of opportunities to develop their own knowledge, interests and understanding.

Today, the Centre pursues this mission through:

- Community education workshops, school excursions, preschool programs, sustainable barista training, tours, venue hire and a Return and Earn kiosk.
- An array of demonstration sustainable technologies including a solar system and battery storage, wind turbine, Electric Vehicle charging stations, water tanks, root zones systems for processing sewerage onsite and hydropanels to produce safe drinking water from the sun.

Campbelltown Local Government Area (LGA) community impact:

During the 2022-23 financial year, the Centre:

- welcomed 17,500 visitors (venue hire, excursions, tours, casual visits, workshops, EV charging and Return and Earn deposits)
- registered 10,170 volunteer hours
- facilitated 76 workshops and 23 excursions
- delivered 82 sessions of the Little Explorers preschool programs (Little Explorers) – 30 per cent of participants from Campbelltown.

It is estimated that approximately 40-50 per cent of visitors to the Centre reside in the Campbelltown LGA.

Financial status

Since 2008, the Centre has experienced consistent financial challenges.

At present, Campbelltown City Council provides an annual membership contribution of \$150,000, as well as on average, \$36,000 per year for the Centre to deliver sustainability workshops to the community. In contrast, Camden Council provides an annual membership contribution of \$30,000 and Wollondilly Shire Council ceased its membership contribution of

\$20,000 in 2020. At no time has membership contributions from the 3 councils been equal, with Campbelltown City Council consistently being the largest financial contributor.

In total, since 2010, Campbelltown City Council has provided over:

- \$2.5 million in membership contributions
- \$518,000 in venue hire and engagement of the Centre to deliver sustainability workshops to the community.

The contribution made by Campbelltown City Council funds running costs, employment of a Centre Manager and core staffing, as well as assists with site maintenance.

In the latest financial statements submitted to the ACNC, the Centre:

- holds cash assets of \$321,170 (0.78 years of operating expenses), should all funding cease
- reports operating losses across the last 2 years of \$54,185 in the 2022-23 financial year and \$30,827 in 2021-22 financial year
- identifies the buildings as its most substantial assets, valued at approximately \$777,031. (Note that the buildings are located on NSW Government land – under license from the Australian Botanic Gardens).

Council representation on the board:

The Centre is bound by a constitution, which came into effect in 2009. The constitution stipulates that the 'Company' is to have 2 members:

1. The Royal Botanic Gardens Trust.
2. 3 persons appointed by the General Manager of Campbelltown City Council as representatives of the 3 councils.

In 2009, following consultation with the General Managers of Camden and Wollondilly councils, the General Manager of Campbelltown City Council appointed 3 persons to the Board. These 3 persons subsequently became Members and Directors with voting rights. All 3 members are still present on the board 15 years later, although none have any remaining formal ties (e.g. employment) to any of the 3 participating councils.

Value-for-money considerations:

One of the Centre's objectives is that "The Centre will provide value-for-money to funding bodies to maintain the Centre's credibility and their respect."

The following points are provided to assist with considering whether the Centre offers value-for-money to Campbelltown City Council:

- Campbelltown City Council provides 5 times more recurrent funding per year than Camden Council (\$150,000 compared to \$30,000).

- Campbelltown residents make up less than half of total usership.
- Not counting casual visitors, Campbelltown's cost per workshop participant is estimated to be approximately \$560.00
- It is difficult for Campbelltown residents to access the Centre via public transport.
- The Centre is in the Camden LGA.
- Campbelltown City Council currently has no direct Board representation, resulting in the Centre having no accountability to Campbelltown City Council.

Legal advice:

Campbelltown City Council has sought legal advice, which has confirmed that there is no legal obligation for Campbelltown City Council to provide an annual membership.

Campbelltown City Council is committed to ensuring that the community can continue to access educational programs, activities and workshops. As per other suppliers, the MCSL will be encouraged to participate through procurement and routine competitive grant opportunities, noting that the current funding arrangement and the activities of MCSL are not consistent with the funding programs articulated within Council's adopted Grants, Sponsorship and Donations Policy or Program Guidelines.

Conclusion

The Macarthur Centre for Sustainability has been a valuable partner in Campbelltown City Council's sustainability ambitions for 17 years.

Despite its strategic aim that "The Centre will provide value-for-money to funding bodies to maintain the Centre's credibility and their respect", with low Board turnover and low dialogue with Campbelltown City Council, it has ceased to strategically partner. It has also not become commensurably financially independent or sustainable, remaining reliant on Campbelltown City Council for a significant portion of its funding.

Similarly, comparing it to the innovative, vibrant original CERES facility in Melbourne on which it was modelled, it is clear the Centre is not on an equal/equivalent trajectory. The value created for the Campbelltown LGA towards Council's community sustainability and resilience outcomes is considered low, with the cost per participant quite high. In essence, Campbelltown's funding is effectively subsidising value for residents of other LGA's.

Campbelltown City Council is under no obligation to remain in a funding relationship with the Centre. There is no evidence that the outcomes and approach of the Centre will improve. It is therefore the Officer's recommendation that Campbelltown City Council begin the process of ceasing funding.

Attachments

Nil

9. QUESTIONS WITH NOTICE

Nil

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION**11.1 Screen Culture**

Notice of Motion

Councillor Margaret Chivers has given Notice in writing of her intention to move the following Motion at the next meeting of Council on 14 May 2024.

1. That Council note the opportunity to further explore the development of Screen Culture in Campbelltown as highlighted in the recently endorsed Cultural Strategy.
 2. That Campbelltown be promoted as a filming location.
 3. That Council liaise with relevant government departments and screen agencies to discuss partnership and strategic funding opportunities.
-

11.2 Cat enclosure program for the protection of wildlife

Notice of Motion

Councillor Matt Stellino has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 14 May 2024.

1. That Council write to the relevant NSW Government Minister(s) seeking the establishment of a community grant program to support residents to build cat enclosures on residential lands that adjoin, or is in close proximity to wildlife areas & industrial zones.
 2. That Council write to the local Members of Parliament seeking their support for the establishment of this community grant program.
-

11.3 Ramadan Nights

Notice of Motion

Councillor Masud Khalil has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 14 May 2024.

1. That Council receive a report on the outcome of the recent Ramadan On Q event and the potential funding options to include it as an ongoing council event for the coming years.
 2. That Council write to the relevant NSW Government Minister and local Members of Parliament seeking their support for NSW Government funding for this event in future years.
-

12. URGENT GENERAL BUSINESS

13. PRESENTATIONS BY COUNCILLORS

14. CONFIDENTIAL REPORTS FROM OFFICERS

14.1 Lease on Council Premises - Queen Street, Campbelltown

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

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

14.2 Assignment of Licence on Council Premises, Campbelltown

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