

## CONFIRMATION OF COUNCIL'S ORDINARY MEETING MINUTES

At the Council Meeting held 1 July 2014 the following Council minutes were adopted:

There being no further business at the meeting of **3 June 2014**, the meeting closed at 10.26pm.

Confirmed by Chairperson:



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There being no further business at the meeting of **10 June 2014**, the meeting closed at 7.55pm.

Confirmed by Chairperson:



## Minutes of the Ordinary Meeting of the Campbelltown City Council held on 3 June 2014

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**Present** His Worship the Mayor, Councillor C Mead  
Councillor F Borg  
Councillor G Brticevic  
Councillor S Dobson  
Councillor G Greiss  
Councillor P Hawker  
Councillor R Kolkman  
Councillor P Lake  
Councillor D Lound  
Councillor A Matheson  
Councillor M Oates  
Councillor T Rowell

**Note:** Councillor A Chanthivong has been granted a leave of absence from Council, incorporating all formal Council and Committee meetings until Tuesday 12 August 2014.

### **Acknowledgement of Land**

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

### **1. APOLOGIES**

It was **Moved** Councillor Lound, **Seconded** Councillor Greiss that the **APOLOGIES** from Councillors Glynn and Thompson be received and accepted.

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

### **2. CONFIRMATION OF MINUTES**

#### **2.1 Minutes of the Ordinary Meeting of Council held 6 May 2014**

It was **Moved** Councillor Kolkman, **Seconded** Councillor Lound that the Minutes of the Ordinary Meeting of Council held 6 May 2014, copies of which have been circulated to each Councillor, be taken as read and confirmed.

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

### **3. DECLARATIONS OF INTEREST**

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

#### **Pecuniary Interests**

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

Councillor Hawker - Planning and Environment - Item 2.1 - Maryfields Planning Proposal - Councillor Hawker advised that he is a member of the Joint Regional Planning Panel, where this proposal may be submitted in the future and that he will leave the chamber and not take part in debate nor vote on the matter.

Councillor Hawker - Planning and Environment - Item 3.5 - Public Exhibition of Planning Agreement for Airs Bradbury Renewal Project - Councillor Hawker advised that he is a member of the Joint Regional Planning Panel, where this proposal may be submitted in the future and that he will leave the chamber and not take part in debate nor vote on the matter.

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

Councillor Brticevic advised that he is an employee of the NSW Police Force and if he considers there may be a perceived conflict necessitating him to declare an interest, he will do so and if appropriate, leave the Chamber.

Councillor Lake - Planning and Environment - Item 2.1 - Maryfields Planning Proposal - Councillor Lake advised that he is a member of the Joint Regional Planning Panel (JRPP) and that this proposal is currently going through the gateway process and as it may or may not proceed to the JRPP he will remain in the Chamber and vote on the matter.

Councillor Lake - Planning and Environment - Item 3.5 - Public Exhibition of Planning Agreement for Airs Bradbury Renewal Project - Councillor Lake advised that he is a member of the Joint Regional Planning Panel (JRPP) and that he is unaware of any proposal for the matter to be presented to the JRPP, and as such will remain in the Chamber and vote on the matter.

Councillor Greiss - Item 15.1 - Freeze on Federal Assistance Grants - Councillor Greiss advised that he is a Board member of Local Government NSW.

Councillor Greiss - Item 15.3 - Cost Shifting - Councillor Greiss advised that he is a Board member of Local Government NSW.

Councillor Hawker - Item 15.1 - Freeze on Federal Assistance Grants - Councillor Hawker advised that he is a Director of Local Government NSW.

Councillor Hawker - Item 15.3 - Cost Shifting - Councillor Hawker advised that he is a Director of Local Government NSW.

Councillor Mead - Planning and Environment - Item 3.4 - Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction of a studio above an existing garage - Councillor Mead advised that a resident of Parc Guell Drive, Campbelltown is known to him.

#### **4. MAYORAL MINUTE**

**No mayoral minute this round**

#### **5. PETITIONS**

**No Petitions this round**

#### **6. CORRESPONDENCE**

##### **6.1 Andrew McDonald MP Member for Macquarie Fields**

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#### **Attachments**

Copy of letter from Andrew McDonald MP Member for Macquarie Fields

Forwarding a letter in support of the constituents of the electorate of Macquarie Fields expressing concern that Council has issued infringement notices on a number of residents who in his opinion are exercising their democratic right of protest by erecting 'No Highway' banners on their properties.

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

That the letter be received.

#### **Council Meeting 3 June 2014 (Kolkman/Lound)**

That the Officer's Recommendation be adopted.

#### **Council Resolution Minute Number 80**

That the Officer's Recommendation be adopted.

# ATTACHMENT 1



## Andrew McDonald MP

YOUR LOCAL MEMBER OF STATE PARLIAMENT

Electorate Office: Shop 18, Camer Hill Marketplace, Cowpasture & Kurrajong Rds, Homingsea Park NSW 2171  
Phone: (02) 9608 8991 Fax: (02) 9608 0606 Email: macquariefields@parliament.nsw.gov.au



Re:CCC/Painter/nc/23.4.14

23 April 2014

Clr Clinton Mead  
Mayor  
Campbelltown City Council  
PO Box 57  
CAMPBELLTOWN NSW 2560

APR24'14 07:53:15 RCVD

Dear Clr Mead,

I write in support of the constituents of the electorate of Macquarie fields who have erected the "No highway" banner on their properties. I have seen the correspondence from Campbelltown City Council that indicates that they infringe environmental protection zoning that prohibits "advertisements".

These are not "advertisements". They sell no product, nor seek any financial donation. They do not obstruct traffic flow. They are simply evidence of the democratic right to protest of every citizen of New South Wales.

The councils should withdraw the letters which are clearly in error. They appear designed to intimidate residents from exercising their democratic right of protest.

Yours sincerely,

**Andrew McDonald MP**  
**Member for Macquarie Fields**

cc: L Painter 2 Blomfield Road, Campbelltown

## **6.2 Australian Mayoral Aviation Council**

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### **Attachments**

Copy of letter from the Australian Mayoral Aviation Council (contained within this report)

Inviting the Mayor to become a member Australian Mayoral Aviation Council.

### **Officer's Recommendation**

That the letter be received and the information be noted.

### **Council Meeting 3 June 2014 (Lake/Borg)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 81**

That the Officer's Recommendation be adopted.

# ATTACHMENT 1



**AMAC** Australian Mayoral Aviation Council

PO BOX 331, MASCOT, NSW 1460

Ref: M202875  
AMACMailOutLOA.doc

President  
Mayor Ben Keneally  
City of Botany Bay NSW

6 May 2014

Vice President  
TAS Representative  
Deputy Mayor  
Jock Campbell  
City of Clarence

Mayor Clinton Mead  
Campbelltown City Council  
PO Box 57  
Campbelltown NSW 2560

Dear Mayor Mead

WA Representative  
Mayor Phil Marks  
City of Belmont

I refer to a letter of 10 March 2014 from Mr John Patterson Executive Director of the Australian Mayoral Aviation Council (AMAC) regarding potential membership of AMAC.

VIC Representative  
Clr Adem Atmaca  
City of Hume

AMAC was established to represent the interests of communities impacted by airport and aircraft operations. During its 32 years of operation, AMAC has established a national profile and influenced aviation policy and infrastructure development.

SA Representative  
Mayor John Trainer  
City of West Torrens

The Federal Government, with the support of the NSW Government, has confirmed that Badgerys Creek will be the site for the second Sydney Airport. As such, I invite you to consider joining AMAC. AMAC can aid you in representing your community's interests. It will also provide access to a national network of elected representatives with airport adjacent communities.

QLD Representative  
Clr Paul Tully  
Ipswich City Council

Executive Director  
Mr John Patterson

Please contact me directly if I can be of any further assistance to you or if you would like to discuss AMAC or any other matter.

Yours faithfully

**BEN KENEALLY**  
**MAYOR**

# Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 27 May 2014.

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## APOLOGIES

## ACKNOWLEDGEMENT OF LAND

## DECLARATIONS OF INTEREST

### Pecuniary Interests

### Non Pecuniary – Significant Interests

### Non Pecuniary – Less than Significant Interests

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**Minutes of the Planning and Environment Committee held on 27 May 2014**

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**Present** His Worship the Mayor, Councillor C Mead  
Councillor R Kolkman  
Councillor D Lound  
Councillor A Matheson  
Councillor T Rowell  
Councillor R Thompson  
General Manager - Mr P Tosi  
Director Planning and Environment - Mr J Lawrence  
Acting Director Planning and Environment - Mr J Baldwin  
Manager Community Resources and Development - Mr B McCausland  
Manager Executive Services - Mr N Smolonogov  
Manager Waste and Recycling Services - Mr P Macdonald  
Acting Manager Development Services - Mr S Barnes  
Acting Manager Sustainable City and Environment - Mrs R Winsor  
Corporate Support Coordinator - Mr T Rouen  
Executive Assistant - Mrs D Taylor

**Apologies (Thompson/Lound)**

That the apologies from Councillors Greiss and Oates be received and accepted.

**CARRIED**

**Chairperson**

In the absence of the Chairperson, Councillor Greiss, His Worship the Mayor, Councillor Mead chaired the meeting.

**Acknowledgement of Land**

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

**DECLARATIONS OF INTEREST**

There were no Declarations of Interest at this meeting.

**Pecuniary Interests**

Nil

**Non Pecuniary – Significant Interests**

Nil

**Non Pecuniary – Less than Significant Interests**

Nil

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## **1. WASTE AND RECYCLING SERVICES**

### **1.1 Grant Allocation for a Regional Coordination Support Project**

#### **Reporting Officer**

Manager Waste and Recycling Services

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#### **Attachments**

Nil

#### **Purpose**

To provide Council with information regarding the awarding of grant funding to the MACROC Councils for a 'Regional Coordination Support' project.

#### **History**

In 2012 the NSW Government commissioned an independent review of the waste levy system and its objectives, with a view to reducing waste generation and disposal to landfill, and encouraging increased recycling. One key outcome of the review was the introduction of the 'Waste Less Recycle More' initiative, a \$465.7m package over five years, managed by the NSW Environmental Protection Authority (EPA). A significant portion of this funding is to be distributed by way of both contestable and non-contestable grants to Councils. One such grant was for the 'Regional Coordination Support' project. This grant is made available to regions of Councils for the development of Regional Waste Strategies and implementation of the actions identified in the Strategies.

#### **Report**

Councillors would be aware that the Councils of Campbelltown, Camden and Wollondilly already work closely together in relation to the management of a joint domestic waste processing and disposal contract. The three Councils, through MACROC, recently applied for grant funding for the Regional Coordination Support project. The application was successful, and funding was awarded in the sum of \$600,000, to be paid in instalments as follows:

- \$200,000 in early 2014
  - \$120,000 in July 2014
  - \$120,000 in July 2015
  - \$160,000 in July 2016.
-

The first instalment of \$200,000 has been received. The funds are held and administered through MACROC on behalf of the three partner Councils. In the first stage of the funding, a consultant has been engaged to develop a Regional Waste Strategy which must be submitted to the EPA by 30 June 2014. Once the Regional Waste Strategy is complete, the remaining grant funds will be used over the next three years to either engage a consultant or an employee under a fixed-term contract to implement the specific actions identified in the Regional Waste Strategy, to apply for further grants under the Waste Less Recycle More initiative, and to implement the actions required under those grants.

Council will be provided with updated information as significant milestones are met during the period covered under the Waste Less Recycle More initiative.

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Rowell/Matheson)**

That the Officer's Recommendation be adopted.

**CARRIED**

### **Council Meeting 3 June 2014 (Mead/Rowell)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 82**

That the Officer's Recommendation be adopted.

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## **2. SUSTAINABLE CITY AND ENVIRONMENT**

### **2.1 Maryfields Planning Proposal**

#### **Reporting Officer**

Manager Sustainable City and Environment

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#### **Attachments**

1. Location map (contained within this report)
2. Concept Masterplan (contained within this report)
3. Site Constraints Map (contained within this report)
4. Main View of Site – Narellan Road (contained within this report)
5. Draft Planning proposal for referral to the Department of Planning and Environment (contained within this report)

#### **Purpose**

To advise Council of a request to prepare for a planning proposal for the rezoning of the "Maryfields" site, Narellan Road Campbelltown, to permit a mix of residential, private open space, and business park uses.

To seek Council's approval to forward the Planning Proposal to NSW Planning and Infrastructure for determination by the Gateway Panel.

#### **Report**

##### **Property Description / Ownership:**

Lot 1 in DP 1136995	Trustees Assoc Franciscan Order
Lot 1 in DP 247902	Trustees Assoc Franciscan Order
Lot 2 in DP 569795	Trustees Assoc Franciscan Order
Lot 1 DP 575729	Trustees Assoc Franciscan Order
Lot 12 in DP 829093	Trustees Poor Clare Colletines
Lot 13 in DP 1034409	Trustees of the Franciscan Fathers.

**Applicant:** Capital Syndications

#### **Introduction**

Council has received a request for a Planning Proposal relating to the site known as "Maryfields", located at the intersection of Narellan Road and the Hume Motorway currently used for religious activities by the Franciscan Friars and Poor Clare Nuns.

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The subject property is an irregular shaped parcel of land comprising six adjoining allotments with a total area of approximately 44 hectares. The majority of the land is zoned 5(a) - 'Special Uses – Monastery' under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002). There is a residual 6(a) Local Open Space zone on one lot (Lot 2 DP 569795) adjoining the Hume Motorway boundary.

A series of terracotta religious statues known as the 'Stations of the Cross' are located towards the front of the property and are listed under CLEP 2002 as a heritage item of local significance.

The request for Council to prepare a Planning Proposal for the land has been lodged by Capital Syndications Consultants acting on behalf of the land owners. The request seeks the rezoning of the site to allow for a mix of land uses over the site including a business park, residential development, seniors living precinct and private open space areas.

The proposal includes a conceptual Masterplan that illustrates the intended future development layout of the site, however it is noted that this plan is indicative only. Should the proposed rezoning of the land occur, then development under the Masterplan would be subject to future development applications being lodged for detail assessment and determination.

This report reviews the information submitted by the applicant and recommends that Council support the submission of a Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination.

## **Background**

At its meeting on 13 November 2012, Council resolved to nominate the subject site as part of an Urban Activation Precinct (UAP) under the program established by the (then) NSW Department Planning and Infrastructure (the Department). The UAP nomination included adjacent land comprising part of the University of Western Sydney site and part of the Blaxland Road industrial area. The report outlined the common synergies and potential of this centrally located precinct to facilitate housing, employment and business growth for the Campbelltown LGA. The nomination also recognises the potential for the area to contribute towards the consolidation of Campbelltown / Macarthur as a regional city centre.

To date, no decision on the UAP application has been made by the Department. It is also noted that the landowner separately nominated the Maryfields site under a standalone UAP application, however Council understands that this also remains undetermined.

Given the delay in a decision by the Department to proceed with the UAP application(s), the landowners of the Maryfields site have submitted the subject planning proposal to provide for housing and employment growth outcomes on the site consistent with the objectives of the UAP program.

On Tuesday 17 September 2013, consultants acting on behalf of the property owners of the Maryfields site provided a briefing session to Councillors explaining the details of the subject planning proposal and an accompanying conceptual masterplan. On 31 January 2014, the formal request was lodged with Council to consider a planning proposal for the rezoning of the Maryfields site.

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## **The Site**

The subject land comprises six adjoining allotments located on the north-eastern junction of Narellan Road and the Hume Motorway. The land is irregular in shape with a total area of approximately 44 hectares, and main frontage to Narellan Road of approximately 800 metres in length.

The property is bounded by the Hume Motorway to the north-west, Maryfields Drive and the residential suburb of Blair Athol to the north-east, Narellan Road to the south and public open space (John Kidd Reserve) to the south-east. Vehicular access to the site is currently restricted to two separate driveway entrances to Narellan Road. (attachment 1).

The land is under the ownership of the Trustees Association of the Franciscan Order of Friars (Friars) and the Trustees Poor Clare Collentines (Poor Clare Nuns).

The site is gently undulating and largely undeveloped, generally comprising a rural landscape of open grasslands with scattered vegetation. There are two ridgelines running west-east across the property, with two intermediate watercourses running west-east from the Hume Motorway boundary and converging to a main dam in the south eastern corner of the site. A series of earth dams have been constructed along the watercourse which meanders adjacent to the Narellan Road property frontage.

The main ridgeline at the rear of the site generally runs for the width of the site, with the front ridgeline or knoll generally limited to the western half. There is an approximate 30 metre height difference across the site, from highpoints of the ridgelines near the western boundary (Hume Motorway) down to the main dam in the south eastern corner. Above ground high voltage electrical lines occupy a 9 metre wide electricity easement crossing the northern corner of the site.

Remnant trees are scattered across the site, with vegetation generally concentrated along the gully lines, internal roads, and near to the perimeter of the property adjacent to Narellan Road and the Hume Motorway.

Existing development on the site is limited, with the two main buildings being the Poor Clare Nuns Bethlehem Monastery located at the central rear, and Friars Residence building sited near the eastern boundary. There is also a guest residence, an asphalt parking area and small cemetery near to the Monastery building, and a caretakers cottage and meeting hall located in the south-western portion of the site. Vehicular access is provided to the existing buildings from an internal driveway which loops around the site from two separate access points to Narellan Road.

A series of terracotta religious statues known as the 'Stations of the Cross' are also located towards the front of the property on Lot 1 DP 247902, and are listed as a heritage item of local significance in the Campbelltown (Urban Area) Local Environmental Plan, 2002.

## **Concept Masterplan**

The subject planning proposal is supported by a concept masterplan that illustrates the intended future subdivision design and land use layout for the site (Attachment 2). The proponent has advised that the development of the site is intended to take place in a staged manner over 8 or more years, so as to allow the resident order of Poor Clare Nuns to remain on the land during the initial stages of development.

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The range of land uses proposed under the Masterplan is listed as follows:

- A campus-style business office park
- Residential development comprising of low and medium density residential dwellings
- Seniors living and aged care precinct
- Private recreation zone including creek lines and dams, heritage and park areas
- Neighbourhood Shopping Centre
- A community facility to be operated by the Friars as an interpretative centre.

The Concept Masterplan generally divides the site into four broad areas of land use, with the residential component located in the north and east (adjacent to the suburb of Blair Athol); seniors living and aged care in the west (adjacent to the Hume Motorway); business park and neighbourhood centre in the central part of the site; and the private open space / heritage areas across the front portion of the site adjacent to Narellan Road.

Employment and housing generation outcomes proposed under the Masterplan are summarised as follows:

- Residential Precinct – A total of 620 residential dwellings over 16.5 hectares, comprising 183 low density and 437 medium density residential dwellings. Building heights limited to two storeys near the main ridgeline adjacent to Blair Athol and a maximum height of 3-storeys elsewhere
- Seniors Living / Aged Care Precinct – Approximate area of 8.5 hectares, 260 dwellings and aged care facility that could accommodate up to 100 beds and employ 40 people. Maximum building height is likely to be up to 4-storeys, with building footprints up to 50% of the respective site areas
- Business Precinct – Approximately 12.7ha in area, with an anticipated Gross Floor Area of 52,000m<sup>2</sup> and 1000 employees. Typically office buildings at 4-storey maximum heights facilitating medical and health based enterprises with a neighbourhood shopping centre. Building footprints to be in the order of 30% of the site area, with the business precinct divided into two main areas (northern and southern) by a riparian corridor of green space
- Neighbourhood Centre - Provision for a centrally located neighbourhood shopping centre near the junction of the three precincts, that is intended to serve the needs of the local catchment. The proponent has identified that this centre could accommodate up to three separate spaces of up to 500m<sup>2</sup> in aggregate, and that these uses might include a convenience store, café/restaurant and local newsagent.

The indicative road layout shown under the Masterplan restricts the through movement of traffic through the site between Narellan Road and Blair Athol. In this respect, the proposed residential areas would be accessed from the north via the two existing roundabouts on Maryfields Drive through the existing local road network of Blair Athol. The business office park, seniors living /aged care and private recreation areas of the development would be accessed from a single access point at the signalised intersection of Narellan Road and the UWS Access Road.

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The proposal also includes a revised layout for the heritage listed Station of the Cross statues for consideration, which would ultimately require the mapping of the current heritage listing to be adjusted. However, it is noted that repositioning and repair works proposed for these statues would require separate development approval.

It is also noted that the Masterplan includes minor boundary adjustments along the Narellan Road frontage proposed by Roads and Maritime Services, associated with the proposed construction of a new slip lane from the Hume Motorway across the south western corner of the site and intersection works with Narellan Road and the adjacent UWS site.

### **Preferred Rezoning – Draft CLEP 2014**

To date, Council has endorsed the preliminary draft CLEP 2014 for the Campbelltown LGA for public exhibition which will occur for 40 business days during June/July/August 2014.

Under the draft CLEP 2014, the subject land is proposed to be included as “Deferred Matters”, meaning that the current zoning under Campbelltown (Urban Area) Local Environmental Plan 2002 would prevail. As noted, the site is presently zoned 5(a) – Special Uses A Zone (Monastery) and one residual parcel of 6(a) - Local Open Space Zone under CLEP 2002.

Given the imminent exhibition of draft CLEP 2014, it is recommended that Council consider the subject proposal as an amendment to this Plan. This approach is preferred to ensure that any rezoning of the land is consistent with the direction that Council is taking on the draft LEP, and also allows for appropriate planning controls under the standard planning instrument with respect to building heights, floor space ratio and lot sizes for the future development of the land envisaged under the Masterplan.

### **Key planning and strategic issues**

The opportunities and constraints affecting the site are illustrated in attachment 3 and the key planning issues relevant to the site are summarised in this section of the report.

The subject proposal has the potential to provide sustainable housing and employment growth outcomes for the Local Government Area within a centrally located site, consistent with the strategic direction of Campbelltown as an emerging regional city.

The following strategic points are presented to Council in support of the planning proposal:

- The proposal is consistent with Council’s endorsement of the site under the Urban Activation Precinct Program to facilitate sustainable housing and employment growth for the City of Campbelltown
  - The site presents a unique opportunity to create a high quality medicine/health based business park for the Campbelltown/Macarthur region that builds upon the synergies of the site with the UWS Faculty of Medicine, Campbelltown Public Hospital and Campbelltown Private Hospital
-



- The proposed land use precincts respond to the neighbourhood context of the site, having regard to assimilation of low density housing with the Blair Athol residential suburb to the north, the compatibility of higher density business park and urban housing outcomes with the University of Western Sydney site to the south, and the extension of open space areas adjoining John Kidd Reserve to the east
- The proposal relates to a strategically located and significantly sized landholding that is not frustrated by fragmented ownership patterns
- Promotion of housing diversity and choice for Campbelltown residents within a strategically located site, including the provision of a purpose built living environment for seniors
- Provide opportunities for the improved long term conservation and enhancement of the heritage listed Stations of the Cross religious statues
- Opportunities for the conservation and management of riparian and remnant vegetation areas.

### **Ecological Constraints**

The applicant has provided an ecological constraints assessment conducted by specialist consultants.

Council has considered the information provided by the proponent, and a summary of the assessment and recommendations is provided as follows:

- The majority of the study area comprising cleared land, paddocks, buildings and associated plantings, driveways and tracks was considered to have minimal ecological value
- The main ecological constraint identified comprises the critically endangered ecological community Cumberland Plain Woodland generally located along the gullies and riparian areas of the site
- There is potential habitat for a number of threatened and migratory fauna species
- The site exhibits a number of hollow bearing trees, which if removed would need to be considered as part of the Assessment of Significance process under the *Threatened Species Conservation Act*.

Additional fauna and flora studies are therefore considered necessary to make a sufficiently detailed assessment of significance in accordance with Section 5A of the *EPA Act 1979*, *Threatened Species Assessment Act* and EPBC Act.

It is recommended that consultation occur with the Office of Environment and Heritage (OEH) to ascertain the level of environmental investigations/studies that may be needed and any mitigation or compensation strategies that may be required at the detailed planning proposal stage which would need to occur should a Gateway approval be issued.

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### **Traffic, transport and access**

The proponent has submitted a Traffic and Transport Assessment for the planning proposal prepared by specialist engineering consultants. This assessment has considered a range of private and public transport issues for the development of the site generally in accordance with the masterplan, however it is noted that the information has been provided as 'Stage 1' and 'Stage 2' studies which assess different internal road layouts.

In this respect it is noted that the 'Stage 2' Traffic Study fundamentally supersedes the 'Stage 1' Study given significant amendments made to the masterplan layout, namely the reduction of the Business Park from 3000 to 1000 employees, and the separation of vehicular traffic between Narellan Road and Maryfields Drive. These amendments made to the masterplan in the 'Stage 2' study would appear to address some of the traffic concerns raised in early consultation meetings between the proponent and Council.

The traffic analysis is therefore founded upon the division of vehicular access from the north and south with no road connection through the site. As such, the traffic modelling analysis separately examines vehicular generation from the northern and southern precincts within the site, and the respective impacts upon the Blair Athol and Narellan Road systems.

Additionally, the modelling assumes completion of the planned upgrade of Narellan Road by RMS to three lanes and the upgrade of the UWS/Narellan Road intersection which would connect the southern component of the Maryfields site. Upgrades to the two roundabout intersections along Maryfields Drive would also be required to provide suitable connections to the northern residential component of the Maryfields masterplan.

Whilst Council's assessment indicates that the applicant's examination of traffic generation and assignment is generally reasonable, further refinement is considered necessary to accurately reflect the final masterplan road layout.

Other issues identified for further assessment include the impacts of road construction over existing dams and provision of access during times of flood, and provision of bus services throughout the site, particularly to the seniors living area and western part of the proposed business park area.

### **Visual Impacts**

In its present state, the land is largely undeveloped and forms a prominent rural gateway site to the Campbelltown Local Government Area at the junction of the Hume Motorway and Narellan Road. It is therefore considered that any future development on the site needs to be carefully managed to address the potential impacts on the visual character of the area.

A visual analysis study has been prepared by the applicant to examine this matter and has been assessed by Council. This analysis identifies that the visual impacts of the masterplan development would generally be constrained when viewed from surrounding areas due to the topography of the land and location of densely vegetated areas along the perimeter of the site.

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With the exception of a small pocket of land located in the north-western corner of the property, views are completely restricted along the Hume Motorway due to the increased elevation of the land between the roadside and western property boundary, and the dense vegetation along this edge which continues at the Narellan Road corner and a substantial portion of the Narellan Road frontage.

Views from the rear (Blair Athol) are generally restricted to the adjoining areas along Maryfields Drive, and are limited to the northern face of the rear ridgeline.

The prominent vista into the site occurs along an approximate 200 metre section of cleared frontage to Narellan Road located opposite the Campus Access Road entry to the University of Western Sydney (UWS) and Campbelltown TAFE entry. This forms the prominent vista into the site as illustrated in Attachment 4, and comprises the main dam in the foreground and the Bethlehem Monastery and Franciscan Friary buildings on elevated land in the distance.

It is important to note however that the characteristics of this vista from Narellan Road will be altered by RMS road works to be undertaken at the existing Narellan Road intersection with the UWS access road. The upgraded intersection at this point is shown on the masterplan as the new consolidated access point from Narellan Road.

It is considered that the visual assessment undertaken by the applicant provides sufficient information for Council to understand the main issues that would need to be addressed should development on the land proceed under the masterplan. In this respect, it is considered that a more detailed visual assessment to determine building heights and footprints on the land would be required to properly manage the visual impact of any future development on the site, with particular emphasis on the prominent vista from Narellan Road at the south-eastern frontage to the main ridge line across the main dam.

### **Economic Impact Assessment**

The proposed business park precinct occupies a substantial area of the site, anticipated to have a gross floor area of 52,000m<sup>2</sup> and approximately 1000 employees. The business precinct is also proposed to incorporate a neighbourhood retail centre intended to service the local catchment.

In order to assist the finalisation of the planning proposal, it is considered that a detailed economic assessment should be undertaken to confirm the viability of the proposed business park and the positive contribution that the proposal would make to the future of the Campbelltown Regional City Centre as a hub of future economic investment and job creation. This assessment should also inform controls on the scale and mix of retail uses on the site to ensure the development takes into account the retail centre hierarchy and is focused on the serving the needs of the immediate precinct.

### **European Heritage**

The Stations of Cross Statues are collectively listed as an item of local heritage significance under LEP 2002 given their historic, aesthetic and social significance and association with religious worship practices. The Stations of the Cross have particular historical significance to Catholics in Sydney, as the site of regular, well attended Way of the Cross ceremonies from 1936 to 1988, and occasional ceremonies since.

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The applicant has provided a Statement of Heritage Impact prepared by Specialist Heritage Consultants, to assess the potential heritage impacts of the Planning Proposal. It is currently proposed to retain and reposition most of the Station of the Cross statues within a reduced curtilage identified in consultation with the Religious Order on the land.

The heritage assessment included specific consideration for repositioning and repair works proposed to the Station of the Cross statues as part of the rezoning of the Maryfields site. Key findings of this are summarised as follows:

- the statues will be repaired and remain on the site as visual cues and as a reminder of the significant event that occurred here. The reduced curtilage and repositioning has been carefully considered so that a sense of the “pilgrimage” and experience of rising to the 12th Station is retained and can continue to be interpreted
- the Statues will continue to occupy an open grassed field with ornamental lakes and ponds, trees and plantings as their backdrop
- improved pathways and vehicular access to the site will provide better use and interpretation of these items on the site.

The repair and reinstatement of the statues within a reconfigured layout under the masterplan is considered to be generally beneficial from a heritage point of view. The proposed integration of the heritage listed statues within an open space area adjacent to seniors living housing would support the improved interpretation and accessibility for these items, and would be consistent with the long term conservation and management of the heritage listed Stations of the Cross Statues.

Details of the proposal have been forwarded to Council’s Heritage Protection Sub Committee for comment and consideration as part of the planning proposal process. In this respect, it is noted that a Conservation Management Plan for the Stations of the Cross Statues would be required for detailed consideration as a requirement of the planning proposal proceeding.

### **Indigenous Heritage**

The applicant has submitted an Aboriginal Heritage and Due Diligence Assessment conducted by Specialist Environment and Heritage Consultants.

The due diligence assessment involved a consideration of background and contextual information and a visual inspection of the subject area with representatives from Cubbitch Barta Native Title Claimants Aboriginal Corporation.

The findings of the assessment identified that the land adjacent to the unnamed creekline has high potential to contain Aboriginal sites and/or objects. This land is less disturbed and in proximity to a water source.

An inspection of the subject area located one Aboriginal heritage site, Maryfields AS1, which contained a broken ground-edge axe. The site inspection also located an area of potential archaeological deposits (PAD), Maryfields PAD1, adjacent to Maryfields AS1.

Maryfields PAD1 has been identified in an area earmarked as a future business precinct.

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If future ground disturbance to either Maryfields PAD or AS1 cannot be avoided, further investigations and an Aboriginal Heritage Impact Permit would be required. These issues could be effectively managed in consultation with OEH and would not preclude the rezoning process proceeding at this stage.

### **Bushfire**

The applicant has provided a Bushfire Constraints Assessment Report for the proposed rezoning of the land, prepared by *Australian Bushfire Protection Planners Pty Limited*.

A section of the eastern portion of the land within the proposed residential precinct of the site is identified as containing the buffer zone to bushfire prone vegetation located within the adjoining John Kidd Reserve.

This Bushfire Constraints Assessment undertakes an assessment of the bushfire protection measures required to address the bushfire risk to the proposed residential precinct, seniors living precinct and business park precinct, consistent with the deemed-to satisfy provisions of *Planning for Bushfire Protection 2006*.

The report considers the characteristics of the site, together with the fire protection measures recommended, and concludes that the rezoning and subsequent subdivision of the land for residential, seniors living and commercial development is suitable in terms of bushfire risk. It is considered therefore that the issue of bushfire risk could be effectively managed through the rezoning process and subsequent development assessment.

### **Acoustic Issues**

The applicant has provided a preliminary noise assessment for the proposal, prepared by *Specialist Acoustic Consultants*, to consider potential noise impacts from the adjacent Narellan Road and Hume Highway upon the proposed future land uses. This assessment included consideration of the RMS proposal to extend and modify the Hume Highway southbound off ramp to Narellan Road requiring acquisition of part of the western corner of the subject land.

The preliminary assessment has determined that the northern residential precinct would be impacted by road noise from the Hume Highway and would require noise mitigation measures to be implemented. Whilst the analysis identified that noise criteria could potentially be achieved by incorporating building facade treatments or acoustic shielding from higher density buildings, the preference was to install a noise barrier along the Hume Highway boundary at an estimated height of 4 – 5 metres.

It is therefore considered that further assessment of proposed acoustic measures for future development on the land would be required should a Gateway approval be issued. This would need to include where relevant, the visual impacts of any required acoustic walls.

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### **Stormwater/Drainage**

Stormwater runoff from future development is proposed to be discharged to the existing watercourses via appropriate pollution control measures. However, the applicant has only provided a preliminary assessment of drainage and stormwater management required to service future development under the concept masterplan. Further investigation and stormwater modelling is therefore considered necessary to determine the sizing and location of stormwater infrastructure required, and any associated service corridors and easements.

### **Servicing**

Reports provided by the applicant indicate that there are no servicing issues that would preclude the rezoning of the site, and are summarised as follows:

**Sewerage - Gravity Drainage** of all 'Ground Floor Areas' can be achieved by utilizing the 3 existing Sewer Drainage connections. A meeting was held 4 December 2013 with Sydney Water's Growth Strategy Team. It was concluded that the proposed systems work from a gravity/logical' point of view. Additional studies would need to be carried out to assess the impact on the existing Infrastructure beyond the property boundaries and confirm servicing capability.

**Water Supply** - it was concluded that Water can be supplied to the proposed site. However, additional studies would need to be carried out to assess the impact on the existing Infrastructure beyond the Property Boundaries.

**Natural Gas** - gas can be supplied to the proposed site. Additional studies would need to be carried out to assess the impact on the existing Infrastructure beyond the property boundaries and confirm service capability.

### **Contamination**

A preliminary Environmental Site Investigation has been prepared by a Specialist Engineer to assess the potential for contamination from past and present activities, and identify possible constraints on future development. Analysis included a desk top review of past land uses, and limited site analysis and ground soil testing.

The issues examined included potential contamination from past agricultural uses (chemicals, fuel storage), introduced fill, past demolition works, septic tank and effluent disposal, and cemetery use.

The report concludes that there is a low potential for some contamination of portions of the site to have occurred as a result of past and present activities. However, the potential contamination is unlikely to be of such a scale or occurrence that common remediation or management techniques could not render the site suitable for the proposed use.

It is therefore considered that the rezoning process could proceed subject to consultation with the OEH to determine any site specific remediation requirements in order to accommodate the proposed uses.

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### **Geotechnical Considerations**

A preliminary geotechnical report has been provided by the applicant, prepared by Geo-Environmental Engineering, to assess the constraints for development on the site as a result of past filling and earthworks over the land.

The report gave consideration to areas of potential instability, namely the existing dams, embankments associated with existing buildings, and earthworks associated with the internal roadway. The assessment also included an assessment of sub-surface conditions, mines subsidence records, geological features, slope gradients, and visual analysis to determine areas of potential instability.

The report concludes that the proposed rezoning and subsequent development is considered feasible subject to engineering design and further assessment of risks being undertaken for future subdivision and earthworks. This would require detailed geotechnical investigations being undertaken as part of specific development proposals, and provisions included in the relevant planning instruments to require these investigations to be carried out.

### **Open Space and Recreation**

A broad review of the open space and recreation opportunities for the Maryfields site has been undertaken by Specialist Planners on behalf of the applicant. The analysis has been based upon the masterplan, and examines the potential demand for open space and recreation facility supply to meet the future needs of the potential demographic character of the area.

The main outcome of the assessment is that the provision of any playing fields or outdoor courts for organised sports within the Maryfields site is not justified based upon the relatively small population and good provision of sportsgrounds in the surrounding area.

However, neighbourhood and local open space would be required to cater for local needs, with an emphasis on walkways, bike paths and recreation areas. The analysis determines that an overall provision of 8.28 hectares of open space would be required to adequately meet the needs of the projected population.

Whilst the masterplan layout provides a sufficient volume of open space throughout the site, it is considered that further details would be required to ensure the design and proposed management of these spaces is appropriate. This would include the proposed manner in which these spaces are to be embellished and managed in perpetuity. Other specific issues which would need to be addressed include the following:

- Proposed embellishment of the water bodies adjacent to the Narellan Road frontage, given their potential to provide an important recreation and natural area resource for the community
  - Connection and treatment of recreation and open space areas to the Stations of the Cross heritage items, so as to reinforce the heritage values of the site
  - Conservation of existing treed areas within parks and streetscapes
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- Inclusion and management of the existing nun's cemetery within open space
- Opportunities to create public realm spaces within the business park precinct and connection of these spaces with existing clusters of trees
- Other parks and streetscapes could be connected to trees to provide appealing settings.

It is therefore considered that further assessment of proposed open space and recreation issues would be required prior to any public exhibition of the proposal.

### **Conclusion**

The subject planning proposal presents a unique opportunity to promote housing and employment growth on a strategically important site within the Campbelltown LGA. The site has strong connections to road and rail infrastructure, and is in close proximity to the Campbelltown/Macarthur central business areas, and would contribute towards the centre's status and viability as Regional City Centre.

The business park concept reflects the synergies of the site with existing surrounding development and infrastructure, namely the regionally significant public and private hospitals and tertiary educational facilities.

The proposed rezoning of the land is consistent with Council's recent endorsement of the site for inclusion under the Urban Activation Precinct Program, which endorsed the site for housing and employment growth in conjunction with the adjacent UWS site and underutilised industrial land in Blaxland Road.

The site is prominently located at the junction of Narellan Road and the Hume Motorway, and forms a key gateway site to the Campbelltown LGA. Furthermore, the site also exhibits significant heritage and ecological values. Further assessment would be required to determine how these site attributes should be appropriately managed as part of the rezoning process. If Council decides to support this planning proposal request, then it would be necessary for further technical documentation to be prepared and assessed prior to any public exhibition of the proposal.

Staff have prepared a draft planning proposal based on the information provided by the applicant for Council's consideration for endorsement and subsequent lodgement with the Department for determination by the Gateway Panel – refer attachment 5.

At this stage it is recommended that the draft Planning Proposal be considered as a Standard Planning Instrument LEP with the aim of being merged into Council's draft CLEP 2014. This option would allow a greater suite of planning controls to be considered in accordance with the Standard Instrument LEP template.

It is anticipated that this issue would be clarified by the Department's Gateway Panel in their response/determination should Council support the draft Planning Proposal for further consideration.

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Upon receipt of a draft planning proposal that has been endorsed by Council, the Department of Planning and Infrastructure's Gateway Panel would issue a determination which will specify whether the proposal should proceed, and if so under what circumstances. Generally, if the proposal is supported by the Panel then the determination would advise what further studies would be required, which State or Commonwealth Public Authorities would need to be consulted, and the times within which the various stages of the procedure for the making of the proposed LEP amendment are to be completed.

As such if the draft planning proposal is supported by both the Council and the Gateway Panel, then a further report would be prepared for Council's consideration, prior to the public exhibition of any planning documentation for this proposed LEP amendment.

### **Officer's Recommendation**

1. That Council endorse the draft planning proposal for the rezoning of Maryfields to generally enable land use outcomes as presented by this report and lodge the draft Planning Proposal with the Department of Planning and Infrastructure for determination by the Gateway Panel.
2. That Council advise the applicant of Council's decision.

**Committee Note:** The applicant, Mr Camenzuli addressed the Committee regarding the proposal.

### **Committee's Recommendation: (Kolkman/Mead)**

That the Officer's Recommendation be adopted.

### **CARRIED**

Voting for the Committee's Recommendation were Councillors: Kolkman, Lound, Matheson, Mead, Rowell and Thompson.

Voting against the Committee's Recommendation: Nil.

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**Council Meeting 3 June 2014 (Mead/Rowell)**

Having declared an interest in regard to Item 2.1, Councillor Hawker left the Chamber and did not take part in debate nor vote on this item.

**Council Meeting 3 June 2014 (Mead/Rowell)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 83**

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Brticevic, Borg, Dobson, Greiss, Kolkman, Lake, Lound, Matheson, Mead, Oates and Rowell.

Voting against the Council Resolution: Nil.

At the conclusion of the discussion regarding Item 2.1, Councillor Hawker returned to the Chamber.

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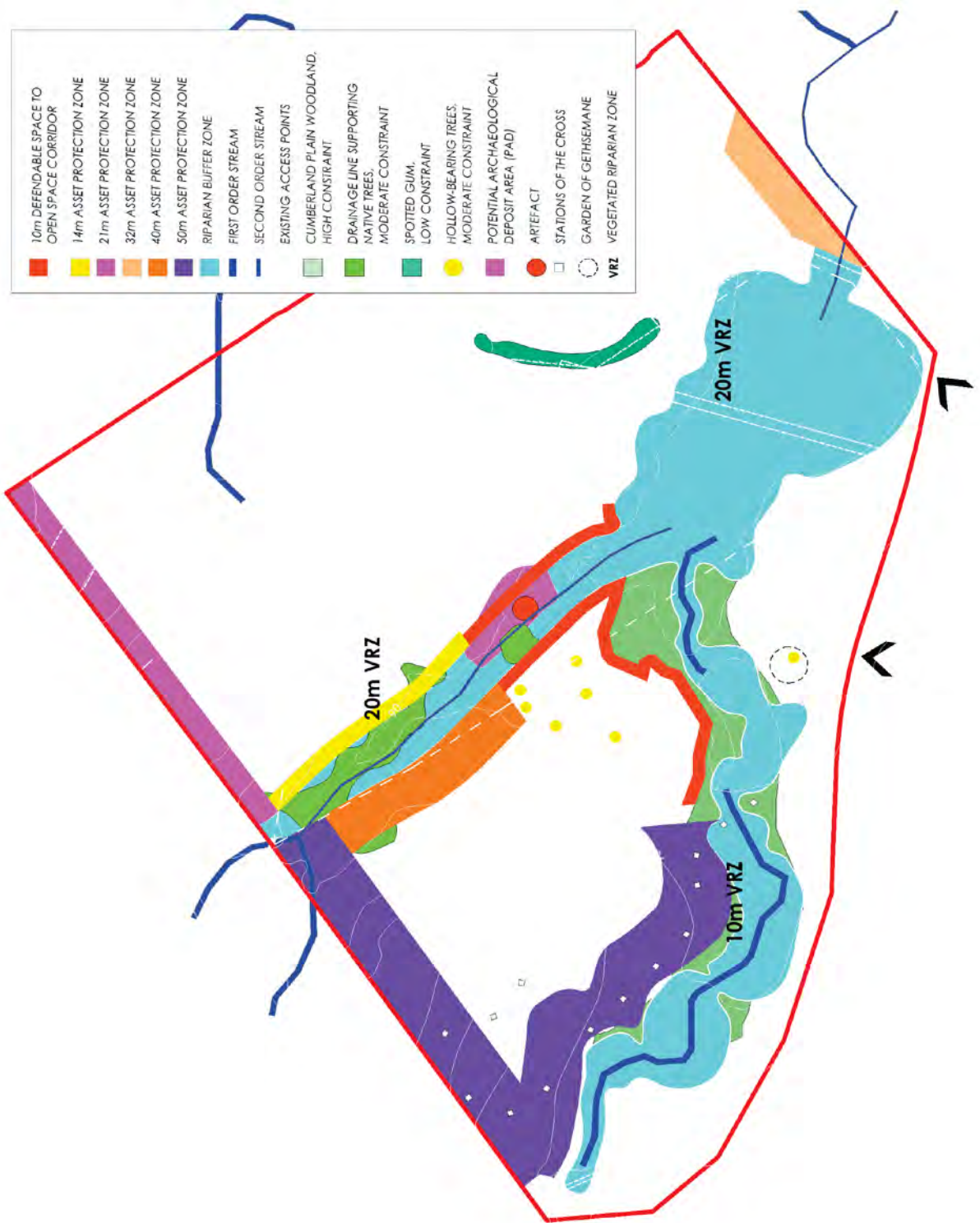
# ATTACHMENT 1



## ATTACHMENT 2



### ATTACHMENT 3



# ATTACHMENT 4



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## ATTACHMENT 5

### Campbelltown City Council – Planning Proposal for Maryfields

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#### Name of Proposal

Amendment of Draft Campbelltown Local Environmental Plan 2014 – Proposed Rezoning of Maryfields, Narellan Road, Campbelltown.

#### Introduction

The subject planning proposal relates to land of approximately 44 hectares in area located at the junction of Narellan Road and the Hume Motorway, Campbelltown. The site is shown in Figure 1 and comprises the following lots:

- Lot 1 in DP 1136995
- Lot 1 in DP 247902
- Lot 2 in DP 569795
- Lot 1 DP 575729
- Lot 12 in DP 829093
- Lot 13 in DP 1034409

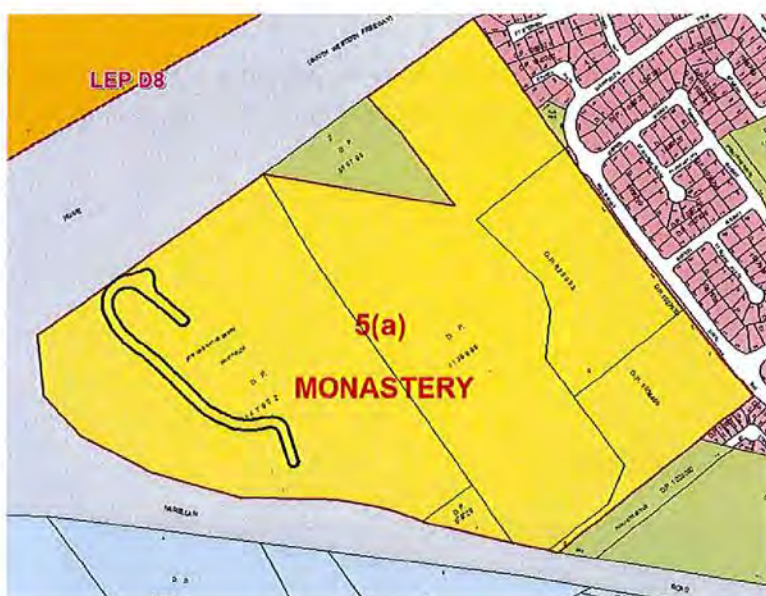
Figure 1: Area subject to the Planning Proposal



The majority of the subject site is currently zoned 5(a) Special Uses – Monastery under Campbelltown Local Environmental Plan 2002 (LEP 2002). A minor portion of the site (Lot 2 in DP 569795) adjoining the Hume Motorway boundary is zoned 6 (a) Local Open Zone under the same Plan.

The land is also partly affected by a local heritage listing under the provisions of LEP 2002. A copy of the LEP 2002 zoning map is shown below.

Figure 2: Campbelltown (Urban Area) Local Environmental Plan 2002 – Zoning Map Extract



## Part 1 – Objectives or Intended Outcomes

The objectives for this planning proposal are as follows:

- (i) promote a balanced mix of sustainable housing and economic growth outcomes;
- (ii) provide the opportunity for the master planned development of the land comprising a mix of housing lots, aged care and seniors housing, and establishment of a health and technology based business park;
- (iii) protect and enhance the heritage and ecological values of the site.

Council is currently in the process of exhibiting draft Campbelltown Local Environmental Plan 2014 (*draft CLEP 2014*) following the preliminary endorsement of the Plan by the Department of Planning and Infrastructure (the Department).



Given the imminent progress of *draft CLEP 2014* to public exhibition, Council supports the option of incorporating this Planning Proposal within the draft CLEP 2014 rather than seeking an amendment to the soon to be superseded LEP 2002. This option would also provide greater certainty for development outcomes on the land relating to height, floor space ratio, and lot sizes which can be included in the *draft CLEP 2014* in accordance with the Standard Instrument LEP template provisions, rather than relying upon separate DCP guidelines to accompany LEP 2002.

It is anticipated that as the subject Planning Proposal progresses, Council will be guided by further advice from the Department on the best mechanism to achieve the intended outcomes for the site.

## Part 2: Explanation of provisions

### Concept Masterplan

The subject planning proposal is supported by a concept masterplan that indicates the intended future subdivision design and land use layout for the site (Figure 3).

Figure 3: Conceptual Masterplan



The range of land uses proposed under the Masterplan is listed as follows:

- A campus-style business office park;
- Residential dwellings comprising of low and medium density residential dwellings;
- Seniors living and aged care precinct;
- Private recreation zone including creek lines and dams, heritage and park areas;
- Neighbourhood Shopping Centre;
- A community facility to be operated by the Friars as an interpretative centre.

The Concept Masterplan generally divides the site into four broad areas of land use, with the residential component located in the north and east (adjacent Blair Athol), seniors living and aged care in the west (adjacent Hume Motorway), business park and neighbourhood centre in the central part of the site, and the open space / heritage areas across the front portion of the site adjacent to Narellan Road.

Employment and housing generation outcomes envisaged under the Masterplan are summarised as follows:

- Residential Precinct – A total of 620 residential dwellings over 16.5 hectares, comprising 183 low density and 437 medium density residential dwellings. Building heights limited to two storeys on the Blair Athol side of the main ridgeline and a maximum height of three storeys elsewhere.
- Seniors Living / Aged Care Precinct – Approximate area of 8.5 hectares, 260 senior living dwellings, and aged care facility that could accommodate up to 100 beds and employ 40 people. Maximum building height is likely to be up to four storeys, with up to 50% of site area as building footprint.
- Business Precinct – Approximately 12.7 hectares in area, with an anticipated GFA of 52,000m<sup>2</sup> and 1000 employees. Typically office buildings at four storey maximum heights facilitating medical and health research based enterprises. A neighbourhood shopping centre. Building footprints to be in the order of 30% of the site areas, with the business precinct divided into two main areas (northern and southern) by a riparian corridor of green space.
- Neighbourhood Centre - Provision for a centrally located neighbourhood shopping centre near the junction of the three precincts, that is intended to serve the needs of the local catchment. The proponent has identified that this centre could accommodate up to three separate spaces of up to 500m<sup>2</sup> in aggregate, and that these uses might include a convenience store, café/restaurant and local newsagent.

The indicative road layout shown under the Masterplan restricts the through movement of traffic through the site between Narellan Road and Blair Athol. In this respect, the proposed residential areas would be accessed from the north via the two existing roundabouts on Maryfields Drive through the existing local road network of Blair Athol. The business office park, seniors living /aged care and private recreation sites of the development would be accessed from a single access point at a reconfigured signalised intersection with Narellan Road and the UWS Access Road.

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The proposal also includes a revised layout of the heritage listed Station of the Cross statues for consideration, which would ultimately require spatial adjustment of the physical statues.

It is also noted that the Masterplan includes minor boundary adjustments along the Narellan Road frontage proposed by RMS, associated with the proposed construction of a new slip lane from the Hume Motorway across the south western corner of the site and intersection works with Narellan Road and the adjacent UWS site.

### **Environmental Studies**

The subject planning proposal is supported by a number of environmental and technical studies that provide a preliminary assessment of the likely impacts of development occurring in accordance with the conceptual masterplan. There are no issues identified in these studies that would preclude the planning proposal proceeding.

Should the planning proposal proceed, further assessment would be required to refine the preliminary assessments already undertaken and provide additional information to support the final planning proposal. These would include the following matters:

- Traffic impact assessment and management
- Public transport assessment
- Ecological impacts and conservation recommendations
- Stormwater management and flood risk assessment
- Management and ownership of open space areas
- Indigenous heritage
- Non-indigenous heritage
- Noise Impacts and acoustic controls
- Bushfire risk assessment
- Contamination
- Geotechnical assessment, including salinity and dam stability
- Visual impacts
- Economic impact justification and assessment
- Service infrastructure and capacity

The traffic impact assessment would need to include further investigation of road design and infrastructure improvements required to adequately service future development, including connectivity with Narellan Road and Blair Athol and consideration of traffic infrastructure upgrades required in conjunction with the adjacent UWS Masterplan development.

All dams on site are proposed to remain in private ownership. The owners will be required to seek Dam Safety Committee requirements for these water bodies.

The preliminary ecological assessment has identified that the site includes remnant Cumberland Plain Woodland which is a critically endangered ecological community. There is also considered to be potential habitat for a number of threatened and migratory fauna species. Consequently,

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additional ecological assessment would be required to include targeted surveys for these species, and consideration given to the protecting sensitive areas within an appropriate environmental protection zone. Consideration will also need to be made of bushfire risk management requirements that may impact upon ecological conservation areas.

The site represents an iconic gateway site to Campbelltown, and particular attention will be required to examine in detail the management of future development on the site so as to not adversely impact the main focal point from Narellan Road across the main water body at the south-west corner of the property.

The outcome of these studies would be used to accurately define the proposed zone boundaries, land use parameters, and associated planning controls under the Standard Instrument LEP template. The final planning proposal would therefore need to consider the proposed amendments to *draft CLEP 2014* that would be required to accommodate these changes.

### **Part 3 – Justification**

#### **Section A – Need for the planning proposal**

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

The planning proposal is consistent with State, draft Sub-regional and local planning strategies relating to housing and employment.

The Metropolitan Plan for Sydney 2036 identifies Campbelltown-Macarthur as a major centre, with potential to emerge as a regional city. Under this Plan 11,000 additional jobs are forecast for the 2006 – 2031 period, with a specific action of employment growth in health and education services.

The draft South West Sub-regional Strategy establishes a housing target for the Campbelltown-Macarthur of approximately 25,000 additional dwellings, with almost 20,000 in the form of infill development, and a target of 26,000 jobs for the Campbelltown LGA by 2031, with at least 8,000 jobs within this Centre.

The Campbelltown Employment Lands Review, prepared for Council by specialist consultants Strategic Economics and Cox Richardson in 2010-2011, reinforces the importance of the Centre for job creation and the potential of land within the precinct to accommodate a future business park linked to the area's established education and medical facilities.

On 20 November 2012, Council considered a report discussing the importance of identifying strategic sites within the Campbelltown Local Government Area (LGA) for future employment purposes. The subject land was included in a broader precinct identified as having significant potential for a business park to compliment the growth of the Campbelltown Centre as a major employment hub. Council subsequently nominated the subject land within the 'North Side' Urban Activation Precinct application which has been submitted to the Department for consideration.

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As noted in Part 2, further technical studies will be prepared to ensure that the subject site is capable of being developed as envisaged under the Concept Masterplan.

**2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The existing zoning of the Maryfields site prohibits the intended land use outcomes envisaged under the conceptual masterplan accompanying the subject planning proposal.

Council is currently in the process of exhibiting the draft comprehensive local environmental plan to cover the entire Campbelltown Local Government Area, however the zoning of the subject land is not proposed to change under the draft Plan. Accordingly, it is considered that the best means of achieving the objectives of the planning proposal would be to prepare an amendment to *draft CLEP 2014*.

**3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?**

The Planning Proposal will likely provide a net community benefit in that:

- The intended future development of the site is consistent with State, regional and local strategic directions for development in the area.
- The rezoning of the land will logically extend the urban footprint of residential development to the north (Blair Athol).
- The proposed business park will promote employment growth and be complementary to existing health and educational facilities nearby.
- The proposal will increase housing choice and supply in the Campbelltown LGA supporting existing social and transport infrastructure surrounding the site.
- The proposal will contribute to the sustainable management of important heritage and ecological assets on the site.

**Section B – Relationship to strategic planning framework**

**4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies).**

*Metropolitan Plan for Sydney 2036*

The proposal is consistent with the Metropolitan Strategy in that it contributes to achievement of a housing target of 155,000 homes by 2036 for the South West, and employment growth of 11,000 additional jobs for the Campbelltown-Macarthur area.

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The proposal is also consistent with Action E2.5 of the Metropolitan Plan, which identifies the potential for specialised centres to cluster together health, aged care, education and R&D facilities to improve efficiencies and foster innovation.

*Draft South West Subregional Strategy*

The draft South West Subregional Strategy aims to provide 24,653 new dwellings in the Campbelltown LGA by 2031, with 4,700 of these dwellings in Campbelltown greenfield release areas. An employment target of 26,000 additional jobs is also proposed for the Campbelltown LGA.

Campbelltown–Macarthur is classified as a Major Centre servicing the South West subregion, requiring housing and employment growth. The planning proposal is therefore considered to be consistent with the aims of both the Metropolitan Plan and the Draft South West Subregional Strategy given the significant employment, aged care and housing outcomes proposed.

**5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

*Campbelltown 2025 – Looking Forward* is Council's Strategic Vision which provides a platform for the LGA's sustainable future. It is underpinned by six Strategic Directions which are summarised as follows:

- Protection and enhancement of the City's Key Environmental Assets
- Growth as a Regional City
- Creation of a Distinctive Campbelltown Sense of Place
- An Accessible City
- Provision and maintenance of quality Infrastructure
- Creation of Educational, Employment and Entrepreneurial Opportunities

Campbelltown's Community Strategic Plan 2013 – 2023 is built on the foundation goals and aspirations of the 2025 Strategic Vision, and is based on the following overarching objectives:

- A sustainable environment
- A strong local economy
- An accessible City
- Responsible leadership
- A safe healthy and connected community.

The subject planning proposal is considered to be consistent with the abovementioned Strategies of Council, given that the proposal would provide a more efficient and sustainable urban land use outcome on an underutilised site that is strategically located near the Campbelltown-Macarthur Centre, significant transport systems and infrastructure investment.

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**6. Is the planning proposal consistent with applicable state environmental planning policies?**

It is considered that the planning proposal is consistent with all applicable state environmental planning policies (SEPPs) being:

- SEPP No 1 – Development Standards
- SEPP No 19 – Bushland in Urban Areas
- SEPP No 44 – Koala Habitat Protection
- SEPP No 55 – Remediation of Land
- SEPP Affordable Rental Housing 2009
- SEPP Building Sustainability Index – BASIX 2004
- SEPP Housing for Seniors or People with a Disability 2004
- SEPP Infrastructure 2007

However, it is noted that some additional technical studies would be required to inform the final planning proposal for public exhibition purposes, and would therefore be subject to further evaluation to determine consistency with all relevant SEPPs.

**7. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?**

Yes. Details of the planning proposal and consistency with applicable s117 directions are summarised as follows:

1.1 Business and industrial zones	The Maryfields planning proposal is considered consistent with this direction as it proposes employment land in a suitable location. Further economic assessment is required to ensure that the proposal is consistent with the retail hierarchy of existing commercial centres.
2.3 Heritage conservation	The Maryfields planning proposal is considered consistent with this direction as it incorporates the conservation of listed heritage items and would be subject to the preparation of a Conservation Management Plan.
3.1 Residential zones	The Maryfields planning proposal is considered consistent with this direction as it would facilitate a variety and choice of housing types to provide for existing and future housing needs, and make more efficient use of existing infrastructure and services without adverse environmental impacts.
3.3 Home occupations	The Maryfields planning proposal is not inconsistent with this direction.
3.4 Integrating land use and transport	The Maryfields planning proposal is considered consistent with this direction as it would provide

	housing and employment opportunities within an area that is readily accessible to transport infrastructure, including public transport services.
4.1 Acid sulfate soils	The Maryfields planning proposal is considered consistent with this direction as the site does not contain acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	The Maryfields planning proposal is considered consistent with this direction as the site is not identified as being subject to mine subsidence or identified as unstable land.
4.3 Flood prone land	The Maryfields planning proposal is considered consistent with this direction as it will seek to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. Road construction would be required within a potential flood prone area, however the future design of that road would be required to comply with the Flood Policy and Manual as appropriate.
4.4 Planning for bushfire protection	The Maryfields planning proposal is considered consistent with this direction as it allows for appropriate defendable spaces and asset protection zones in accordance with the Planning for Bushfire Protection 2006 Guidelines.
5.1 Implementation of regional strategies	The Maryfields planning proposal is considered consistent with this direction as it seeks to meet the regional strategy vision, land use strategy, policies, outcomes and actions.
6.2 Reserving land for public purposes	The Maryfields planning proposal is not considered to be inconsistent with this direction subject to Departmental approval to alter the existing Local Open Space Zone for Lot 2 DP 569795. Further consideration with respect to the provision of land for public purposes will occur during the rezoning process.
6.3 Site Specific Provisions	The Maryfields planning proposal is to be consistent with this direction.
7.1 Implementation of the Metropolitan Plan for Sydney 2036	The Maryfields planning proposal is considered consistent with this direction as it generally complies with the vision, transport and land use strategy, policies, outcomes and actions



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	contained in the Metropolitan Plan for Sydney 2036.
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**Section C – Environmental, social and economic impact.**

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

A preliminary ecological assessment has been undertaken for the proposal and has identified that the site includes remnant Cumberland Plain Woodland which is a critically endangered ecological community. There is also considered to be potential habitat for a number of threatened and migratory fauna species.

The conceptual layout of future development on the land generally conserves the most sensitive ecological areas within undeveloped open space and riparian areas. It is therefore considered unlikely that the proposal would have an adverse impact on the remnant Cumberland Plain Woodland or any potential habitat for threatened species.

However it is noted that some additional assessment of potential ecological impacts on possible threatened species would need to be undertaken, and measures identified in the detailed planning proposal for their management.

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

The planning proposal provides a conceptual masterplan for future development on the site, which is supported by a number of preliminary environmental and technical studies. It is considered that this information provides a sufficient understanding of the likely environmental effects of the proposal for the purposes of commencing the planning proposal process. In this respect, some additional detailed environmental, heritage and technical studies would be required for the final planning proposal.

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

The planning proposal has provided a broad assessment of the social and economic effects of development proceeding on the site generally in accordance with the accompanying masterplan. These potential impacts are considered to be generally beneficial having regard to the following matters:

- Provision of a range of housing types and living situations, including aged care and seniors living, that respond to the needs of the changing population.
  - Provision of a development outcome that protects and enhances social and local cultural amenity and identity through the integration and management of listed heritage items;
-

- Broadening and stimulating economic growth with the development of a business park that capitalises on existing higher order education and medical precincts in Campbelltown / Macarthur;
- Provision of new recreation places and spaces, and improved connections for pedestrians and cyclists, particularly with Blair Athol and John Kidd Reserve.

In order to properly inform the final planning proposal, it is considered that a detailed economic impact assessment would need to be undertaken to provide appropriate justification and analysis of the proposed business park precinct. This should include consideration of the market viability of proposed extent of commercial floor space, and where necessary, appropriate site and land use controls to ensure that the business park can operate sustainably as intended.

In addition, it is considered that the economic impact assessment should also examine the form and function of the proposed neighbourhood retail centre to ensure that it only serves the needs of the immediate area, and does not conflict with the hierarchy of higher order business and retail centres in the Campbelltown / Macarthur area.

#### **Section D – State and Commonwealth interests.**

##### **11. Is there adequate public infrastructure for the planning proposal?**

Initial investigations have noted that the subject site can be serviced with water, sewer, stormwater drainage, electricity, gas and telecommunication facilities. However, the relevant technical studies required for the final planning proposal would address availability of adequate public infrastructure to service the proposed future development of this site.

##### **12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

This issue should be addressed when Council receives the gateway determination.

#### **Part 4 – Community Consultation**

It is expected that the preparation of a Planning Proposal for the site to generally enable the land uses identified in the masterplan would be subject to the normal statutory period of a minimum 28 days for public exhibition.

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### **3. DEVELOPMENT SERVICES**

#### **3.1 Development Services Section Statistics April 2014**

##### **Reporting Officer**

Manager Development Services

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##### **Attachments**

Development Services application statistics for April 2014 (contained within this report)

##### **Purpose**

To advise Council of the status of development and other applications within the Development Services section.

##### **Report**

In accordance with Council's resolution of 23 August 2005, that Councillors be provided with regular information regarding the status of development applications, the attachment to this report provides details of key statistics for April 2014 as they affect the Development Services section.

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

That the information be noted.

##### **Committee's Recommendation: (Lound/Thompson)**

That the Officer's Recommendation be adopted.

##### **CARRIED**

##### **Council Meeting 3 June 2014 (Mead/Rowell)**

That the Officer's Recommendation be adopted.

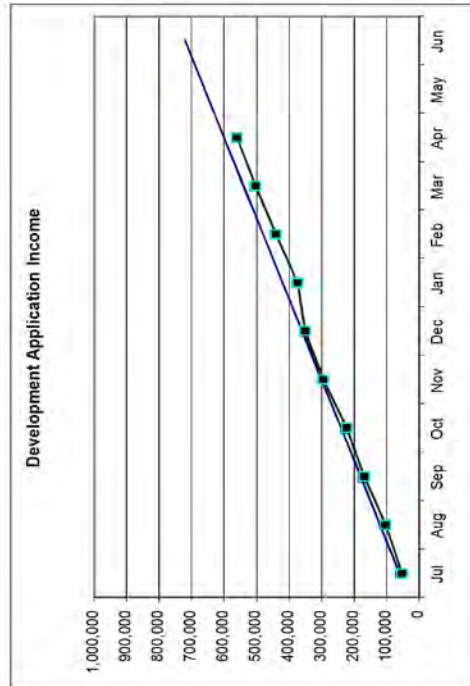
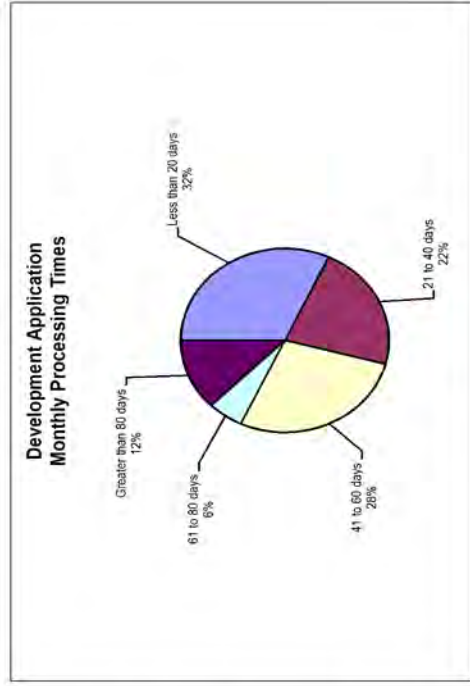
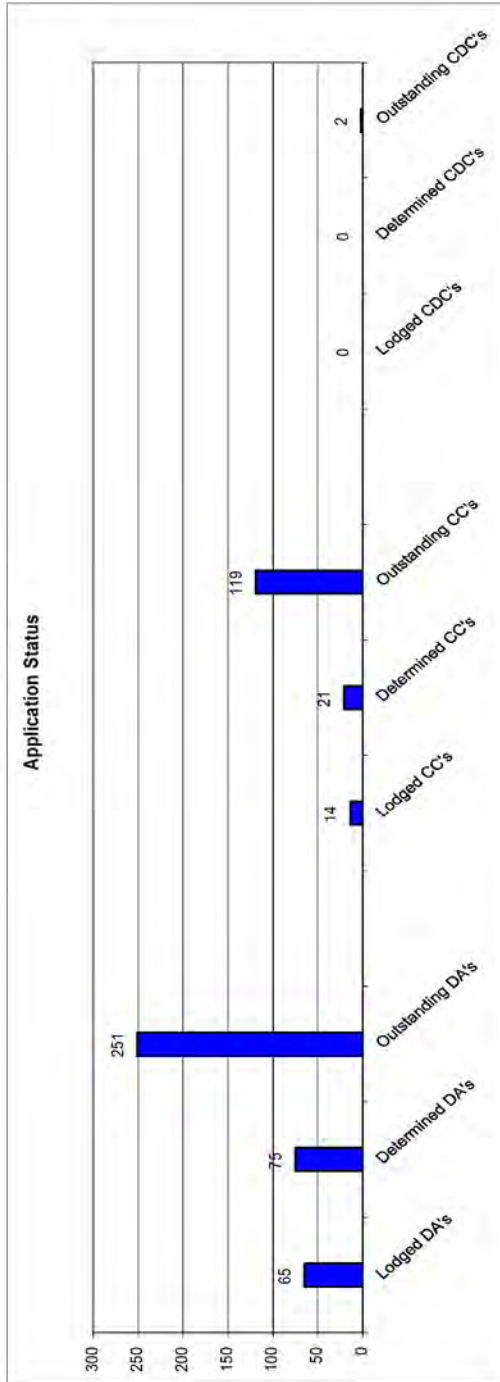
##### **Council Resolution Minute Number 82**

That the Officer's Recommendation be adopted.

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**ATTACHMENT 1**

**DEVELOPMENT SERVICES SECTION  
 MONTH AT A GLANCE – April 2014**



### 3.2 No. 16 Kerr Road, Ingleburn - Use of an existing industrial building as a waste processing and storage facility

#### Reporting Officer

Manager Development Services

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#### Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality Plan (contained within this report)
3. Floor Plan (contained within this report)

#### Purpose

To assist Council in its determination of the subject development application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

<b>Property Description</b>	Lot 16 DP 717203, No. 16 Kerr Road, Ingleburn
<b>Application No</b>	1113/2013/DA-DE
<b>Applicant</b>	Benbow Environmental
<b>Owner</b>	J.W., S.L., C.M. and T.J. Baillie
<b>Statutory Provisions</b>	Environmental Planning and Assessment Regulation 2000 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development State Environmental Planning Policy No. 55 – Remediation of Land Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan
<b>Other Provisions</b>	Campbelltown 2025 – ‘Looking Forward’
<b>Date Received</b>	27 May 2013

#### History

Council considered a report on the development proposal at its Ordinary Meeting held on 29 April 2014. At that meeting, it was resolved to defer determination of the application until such time that Councillors had been able to undertake an inspection of the site and its surrounds.

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### 3.2 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

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An inspection was undertaken on 20 May 2014 to which both applicant and objectors were invited to attend.

Subsequent to the inspection and in accordance with Council's previous resolution, the application is again presented to Council for its consideration.

The report and the recommendations are unchanged from the report tabled at Council on 29 April 2014.

A number of development applications have been granted development consent at the subject site over several years, either by Council or the Land and Environment Court. Briefly, the following relevant development consents are considered to be 'active' at the site and relate to the current proposal:

- Development Consent F/491/2002 – Erection of a truck workshop and office

This development consent relates to the construction of a building containing truck workshop bays, offices and amenities. The proposal also included the construction and use of several parts of the land for truck parking and other storage. The building was constructed following issue of a construction certificate by a private certifier in 2003 and was issued with an interim occupation certificate by a private certifier in March 2005. The building is located in the eastern portion of the site, where it is closest to the Main Southern Railway and is currently in use for truck repairs and other ancillary activities.

- Development Consent 336/2006/DA-DE – Construction of a concrete batching and masonry products manufacturing plant

Council resolved to refuse the subject application at its Ordinary Meeting held in June 2006. The application was refused for several reasons which predominantly related to the site's physical appearance, its potential to impact on the amenity of neighbours and the development's failure to demonstrate acceptable capture and disposal of stormwater.

Following the lodgement of an appeal against Council's refusal determination, the Land and Environment Court subsequently approved the application in March 2007. The approval was issued with several conditions which related to the operation of the proposed batching and masonry products manufacturing plant, the construction of the building in which it would be located and landscaping and finishing of the site in general.

The construction of the building was commenced following issue of a construction certificate by a private certifier in February 2008. Council has not been provided with any supplementary compliance certificates nor an occupation certificate to suggest that the building has been completed.

Officers are not aware that concrete batching or masonry products manufacturing has commenced at the site.

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### 3.2 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

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In addition to the abovementioned consents and their subsequent development of the site, Council, in conjunction with the NSW Environmental Protection Authority (EPA) and NSW WorkCover, have attended the site during June 2013 as part of a joint inspection. The inspection was undertaken following reports that use of the site as a waste transfer and resource recovery facility had commenced without development consent and that dust was leaving the site and affecting nearby properties.

During the inspection, officers from the three agencies noted that a significant amount of demolition and organic waste was being stored and sorted at the site, including what appeared to be materials that had the potential to contain asbestos.

Subsequent to this discovery, Council issued an Emergency Order to cease use of the site. In addition, the EPA issued a 'Notice of Clean-Up Action', which contained several requirements including (but not limited to) that all asbestos containing material be removed from the site and a clearance certificate be issued by the EPA to verify that such material had been removed and lawfully disposed of.

The clean-up action was followed up by the EPA and the last correspondence received by Council in January 2014 confirmed that the waste had been removed and the site had been 'cleared' from contamination, although subject to receiving further advice from its internal legal section, the EPA had not yet issued the clearance certificate.

On 11 March 2014, Council received written advice from an independent professional engaged by the tenant of the property that the site has been cleared of all asbestos containing material, which has been verified by a NATA accredited laboratory that tested soil samples taken from the site during a targeted survey.

Council has advised the tenant to forward the information to the EPA so it can continue its role as the agency in charge of pursuing the clean-up of the site.

## **Report**

A development application has been received to use the subject site as a waste transfer, processing and resource recovery facility. The waste transfer, processing and resource recovery facility would be operated within the confines of an existing building at the subject site, known as No. 16 Kerr Road, Ingleburn.

The application was made following Council's inspection of the property which revealed that it was being used for the subject purpose without development consent. Following issue of an emergency order to cease use of the premises, the site has not been used for the purpose of the waste transfer and sorting facility, aside from the 'clean-up' of the waste that was unlawfully transported there prior to Council's Order.

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### 3.2 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

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#### **The Site**

The site is located in the north eastern corner of Kerr Road, at the end of a cul-de-sac. The site is accessed directly from Kerr Road and is bounded to the south east by the Main Southern Railway and Southern Sydney Freight Line and by Henderson Road to the north, which is raised in this location due to the Main Southern Railway overbridge adjoining the site. The building in which the use would be undertaken is within approximately 110 metres of the nearest residence, being No. 2 Gordon Street, Ingleburn located on the opposite side of the Main Southern Railway.

The site contains two buildings, which are joined along one wall. The buildings are those approved by Council and the Land and Environment Court as detailed earlier in the report. Further, the site has been finished in concrete and asphalt in some parts where vehicle manoeuvring and car parking are supposed to be undertaken. Other parts of the site are disturbed and used to store various equipment and what appear to be derelict pieces of machinery. A noise attenuation wall has been constructed along most of the site's frontage to the two railway lines.

The site is burdened by relatively large easements to drain water, which at this point in time have been affected by unauthorised works to alter their levels and store equipment.

#### **The Proposal**

The application proposes use of the existing building to undertake demolition waste and scrap metal sorting and processing for reuse.

Equipment involved in the waste processing and storage use as proposed includes:

- 20 tonne excavator
- Skid-steer loader
- Wheeled loader
- Trommel screen
- Crushing machine and screen
- Mulching machine
- Weighbridge.

As mentioned, it is intended to operate this business entirely within the confines of the existing building, approved by the Land and Environment Court pursuant to development consent 336/2006/DA-DE. A small number of metal skip bins may be stored outside under the existing awning from time to time, however, these would be empty.

Demolition and scrap metal waste would arrive at the site by truck, where it would be weighed and then transported into the building for sorting into basic categories, such as metals, masonry, timber and other products (such as plastic linings and glass). After this basic sorting, the materials would be placed in the trommel screen, which consists of a large cylindrical drum rotating at a slow speed with varying sized grates therein to sort out material of different sizes. Sorted products would then be placed in stock piles for further processing (in the case of masonry products) or storage for distribution to other waste processing facilities within Sydney.

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Masonry products such as bricks and concrete would be placed into the mobile crusher proposed to be used at the site within the building and crushed to a pre-determined aggregate size, depending on the proposed end use of the product, which could be as a road base or as an ingredient for concrete manufacture for example. This would also be transported off site for reuse.

Green waste and timber would be mulched for reuse off-site.

Asbestos, asbestos-containing materials and putrescible waste would not be accepted at the site under this proposal.

The applicant's environmental impact statement (EIS) notes that up to 15,000 tonnes of waste would be received, sorted and redistributed at the site per annum.

The business would employ approximately five staff and would create up to 16 truck movements within Kerr Road per day. The proposed hours of operation are 7.00am to 6.00pm on weekdays and 7.00am to 4.00pm on Saturday. These hours are consistent with those approved by the Land and Environment Court for the concrete batching plant.

Up to 820 litres of diesel fuel for the machinery proposed to be used inside the building would be stored in drums within a bunded area inside the building.

## **Assessment**

The development has been assessed in accordance with the matters for consideration under Section 79C(1) of the *Environmental Planning and Assessment Act 1979* (the EPA Act) and having regard to those matters, the following issues have been identified for further consideration.

### **1. Vision**

#### **Campbelltown 2025 – 'Looking Forward'**

Campbelltown 2025 – 'Looking Forward' is a statement of broad town planning intent for the longer term future of the City of Campbelltown that:

- Responds to what Council understands people want the City of Campbelltown to look, feel and function like
- Recognises likely future government policies and social and economic trends
- Sets down the foundations for a new town plan that will help achieve that future.

The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are broad in nature and form a prelude to a new statutory town plan for the City.

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The strategic direction relevant to this application is:

- Creating education, employment and entrepreneurial opportunities.

The application is consistent with the above strategic direction as the proposal would provide employment opportunities within the construction industry, and would permit the construction of an industrial development that would support the creation of employment opportunities as part of the operation of business that will operate from the site.

The relevant desired outcome of the strategic directions included in Campbelltown 2025 is:

- Development and land use that matches environmental capacity and capability.

The application is not inconsistent with the above desired outcome as the proposal's intention to use the internal space of an existing building responds to the site's context and constraints, and the proposed development would not result in any greater aesthetic impacts upon the public domain.

## **2. Planning Provisions**

Section 79C(1)(a) of the *EPA Act* requires Council to consider environmental planning instruments and development control plans that apply to the site.

### **2.1 Environmental Planning and Assessment Regulation 2000**

Schedule 3 of the Environmental Planning and Assessment Regulation 2000 provides details regarding what is 'designated development'. Specifically, Clause 32 of the Schedule details the factors upon which the consent authority may consider a waste management facility as 'designated development'. The relevant parts of the Clause are reproduced below:

Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and:

(d) that are located:

- (vi) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

In this instance, a number of residential dwellings are located within 250 metres of the subject site, primarily on the eastern side of the railway lines in Gordon Avenue and Redfern Street, Ingleburn.

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Importantly, the Clause prompts the consent authority to consider whether or not the development is likely to “significantly affect the amenity of the neighbourhood.” If the consent authority is of the opinion that the development would “significantly affect the amenity of the neighbourhood”, the consent authority is obliged to consider the proposal as a ‘designated development’. If the application is considered ‘designated development’, the Sydney West Joint Regional Planning Panel would be the consent authority.

Conversely, it can therefore be construed that if the consent authority is not of the opinion that the development is likely to significantly affect the neighbourhood, the development does not have to be considered as ‘designated development’ under the Schedule.

It is the case that this development is not considered likely to significantly affect the amenity of the neighbourhood, noting its location within an existing building, its scale and the proposed imposition of strict conditions relating to noise, dust, the quantity and type of materials accepted at the site and ongoing monitoring. These environmental and amenity issues are discussed later in the report.

It is therefore considered that the proposal is not ‘designated development’ and Council is the consent authority in this instance.

## **2.2 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development**

Pursuant to Clause 3 of State Environmental Planning Policy No. 33 - Hazardous and Offensive Development (SEPP 33) ‘potentially hazardous industry’ is defined as follows:

‘potentially hazardous industry’ means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality.

- (a) to human health, life or property
- (b) to the biophysical environment.

and includes a hazardous industry and a hazardous storage establishment.

Hazardous storage establishment is defined at Clause 4 of SEPP 33 as follows:

‘hazardous storage establishment’ means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on the other land in the locality), would pose a significant risk in relation to the locality.

- (a) to human health, life or property
  - (b) to the biophysical environment.
-

### 3.2 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

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Under this proposal, the materials stored on site would predominantly consist of recycled building materials as well as sand, aggregate, cement and concrete masonry units. None of these materials are considered hazardous. As mentioned earlier, the applicant has stated several times in the submitted environmental impact statement that asbestos will not be accepted, stored and processed at the site.

Potential emissions from the proposed operations include dust and noise. However, due to the use being undertaken within the confines of a masonry building, the presence of an existing acoustic wall and the installation of an internal dust suppression system, it is considered that the impact of operations would not have a significant impact on local amenity and are therefore not considered 'offensive'.

#### **2.3 State Environmental Planning Policy No. 55— Remediation of Land**

Pursuant to Clause 7 of State Environmental Planning Policy No. 55 — Remediation of Land (SEPP 55), the consent authority shall not provide consent to the carrying out of development unless it has considered contamination and remediation.

Relevant portions of Clause 7 state the following:

- (1) A consent authority must not consent to the carrying out of any development on land unless:
  - (a) it has considered whether the land is contaminated
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Council was made aware that use of the site as a waste sorting and storage facility was undertaken prior to consent being granted. As such (and with the assistance of the EPA), an Order was issued to cease use of the premises. Further, the EPA also issued a 'Notice of Clean-Up Action' that required all potential contamination to be removed from the site.

On 11 March 2014, Council received written advice from an independent professional engaged by the tenant of the property that the site has been cleared of all asbestos containing material, which has been verified by a NATA accredited laboratory that tested soil samples taken from the site during a targeted survey.

The site is not considered to be contaminated and therefore, is not subject to further assessment via the requirements of SEPP 55.

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## **2.4 Greater Metropolitan Regional Environmental Plan No. 2 — Georges River Catchment**

Clause 9 of the Plan contains specific planning principles for various factors of urban development, which are considered briefly below:

### **Acid Sulphate Soils**

The subject site does not contain acid sulphate soils.

### **Bank Disturbance**

The proposed development will not result in any disturbance to the bank of the natural watercourse that flows to nearby Redfern Creek or Bunbury Curran Creek.

### **Flooding**

The site is subject to inundation by flood waters. The pollution hazard of the industrial site being flooded must be considered by Council. The changes to ground levels across the site which may interfere with over land water flows is discussed later in this report.

### **Industrial Discharges**

The proposed development is unlikely to result in any industrial discharges to land.

### **On-Site Sewage Management**

The subject site has access to Sydney Water's reticulated sewerage system. No on-site sewage disposal is proposed.

### **River-Related Uses**

The site does not extend to the foreshore of the Redfern Creek or Bunbury Curran Creek and accordingly, this issue is not relevant to the subject site.

### **Sewer Overflows**

The proposed development is unlikely to result in significant sewerage discharge.

### **Urban/Stormwater runoff**

The application is considered satisfactory with regard to this issue as the addition to the site's operation would be carried out inside a building.

### **Urban Development Areas**

Not relevant to the proposal.

### **Vegetated Buffer Areas**

The proposed development provides for the maintenance of an 8m buffer to the natural vegetation separating the site from Henderson Road as well as the Main Southern Railway. This treatment is consistent with other similar localities/developments and is considered to be satisfactory. Further conditioning of the consent to ensure compliance with existing approvals on the site will also create additional landscaped vegetation buffer areas.

### **Water quality and River Flows**

Subject to conditioning of the development consent with specific regard to storage or stockpiles, bunding of the factory building and a general 'clean-up' of the outdoor parts of the site, the proposal is not considered likely to have a significant impact on water quality.

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**Wetlands**

Not relevant to the proposal.

Item 22 in Clause 11 of GMREP 2 provides specific planning controls for waste management facilities as follows:

A system is to be required to manage leachate surface controls on the land on which the waste management facility or works is or are proposed.

A site management plan is to be required for the land on which the waste management facility or works is or are proposed.

The likelihood of groundwater contamination.

The adequacy of the proposed leachate management system and surface water controls.

The long-term stability of the final landform and the adequacy of the site management plan.

In relation to the above matters it is noted that:

- All storage of raw material will take place within the factory building and recycling activities are to occur on hardstand areas also all located within the existing building. Accordingly, there is considered to be minimal to negligible risk of leaching of materials into the subsoil
- The proposed development is unlikely to result in any ground and water contamination
- Upon completion of the development, there are no operational characteristics which would give rise to land instability
- The proposed development does not involve extraction of material; hence, there are no likely adverse impacts on the Georges River or its tributaries
- Soil and sediment controls already approved (yet not necessarily installed) would be adequate for this proposed additional development. No additional controls would be considered necessary. The storage area for empty bins would need to be drained to the existing sediment control system.

The proposal is therefore considered to be compliant with the GMREP, subject to conditions relating to the operation of the facility being implemented.

**2.5 Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP)**

The subject site is zoned 4(a) - General Industry Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed development is defined as "industry" and is permissible with Council's development consent within the zone.

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### 3.2 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

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Under the CLEP, "industry" means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or articles for commercial purposes.

In this instance, the site would be used for the processing of goods for commercial purposes.

The proposal is consistent with several zone objectives, particularly:

- (a) to encourage activities that will contribute to the economic and employment growth of the City of Campbelltown
- (b) to allow a range of industrial, storage and allied activities, together with ancillary uses, the opportunity to locate within the City of Campbelltown
- (c) to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development
- (d) to protect the viability of the commercial centres in the City of Campbelltown by limiting commercial activities to those associated with permitted industrial, storage and allied development
- (e) to ensure development will not be carried out unless the consent authority is satisfied that the processes to be carried on, the transportation to be involved, or the plant, machinery or materials to be used, do not interfere unreasonably with the amenity of the area.

Accordingly, the proposal is permissible at the site, with Council's consent and Council is able to approve the subject application should it deem appropriate to do so.

## **2.6 Campbelltown (Sustainable City) Development Control Plan (SCDCP)**

Council's SCDCP applies to the site and the relevant controls are discussed below:

### **Part 7.4 – Car Parking and Access**

This Part of the SCDCP contains Council's controls for car parking and vehicular access at industrial sites.

The SCDCP requires that one car space be provided for every 100 square metres of floor area up to 2,000 square metres, and one space 250 square metres thereafter. The building proposed to be used for this development has an area of approximately 3,000 square metres, meaning that 14 spaces would be required.

Pursuant to the conditions and plans for Court-approved consent 336/2006/DA-DE (for the concrete batching plant), 73 car parking spaces are required to be constructed and made available for staff and visitors. Not all of the required spaces have yet been constructed, although it is considered that enough space would be provided across the site to enable parking for staff involved in both the batching plant and the waste reprocessing facility following completion of the car parking areas construction pursuant to the court approved consent.

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The proposal provides for adequate space for trucks to manoeuvre within the building and around it so as to ensure that all vehicles can enter and leave the property in a forward direction.

### **Part 7.5 – Landscaping**

This Part of the SCDCP contains Council's controls for landscaping of industrial sites. The site has not been landscaped in accordance with the conditions of the consent mentioned above. Further discussion on the means proposed to ensure compliance with relevant existing conditions of consent is undertaken later in this report.

### **Part 7.8 – Environmental Management**

This Part of the SCDCP contains Council's controls for landscaping of industrial sites. Relevant portions of the Part detail Council's controls relating to noise, stormwater and drainage as well as air quality impacts. These matters are discussed in more detail later in the report, however, the proposal is considered to be complementary to the SCDCP's requirements.

## **3. Planning Assessment**

### **Impacts on the Natural and Built Environment**

Section 79C(1)(b) of the *EPA Act* requires Council to assess the development's potential impacts on the natural and built environment.

The primary areas in which the development may have some impacts on its environment are detailed as follows:

#### **3.1 Noise**

The machinery within the building that would be used to separate and crush the demolition materials will emit noise. As such, the applicant undertook a detailed noise assessment using the latest computer modelling software available.

The noise model considered noise from the following sources:

- Trommel screens
- Bobcat
- Crusher and screen
- Excavator
- Wheeled loader.

The building currently has 11 metre high exterior concrete walls that would be likely to attenuate the noise. The boundary acoustic wall of five metres in height will further attenuate the noise emissions from the site in the direction of nearby residences.

The noise levels of the equipment proposed as part of the application have been sourced from previous similar operations assessed by the applicant.

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### 3.2 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

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Two scenarios were modelled:

- Doors of the building open
- Doors of the building closed.

Importantly, the noise predictions were made on the basis of a worst case scenario, with all equipment operating simultaneously (which is considered unlikely in practice). The noise predictions assumed that the activities of the approved concrete batching plant and concrete block manufacturing facility were also occurring at the same time.

The assessment was undertaken by adopting the noise contribution for these approved activities from the environmental impact statement submitted to Council with the previous application for the concrete batching plant and concrete products manufacture. As the approved activities have already been assessed and the noise limits agreed, there was no need to recalculate the noise levels of the concrete batching plant and concrete block manufacture. The noise limits from the batching and manufacturing plant have been set by a condition of consent in the Court's approval from 2006.

The EPA's 'Industrial Noise Policy' was also used to determine the acceptable levels of noise that could be generated at the site, noting the proposed hours of operation and the proximity of residential receivers.

The model detailed that the use of the site as proposed by the current application would not add a significant amount of noise to existing background levels, as well as those approved by the Court for the batching plant's operation. This result is largely attributable to three factors:

- The processes are undertaken inside of a concrete building
- There are no doors or other openings that directly face nearby residential receivers to the east
- An acoustic abatement wall has already been constructed along the site's eastern boundary adjacent to the railway corridor.

According to the applicant, noise directly attributable to the waste transfer facility would not be noticeable to a resident. Further, the applicant also notes that noises associated with the proposed use are likely to be masked by other noises from the industrial estate and the general "hum" of traffic noise in the community.

As mentioned, the noise generated by the development falls within the limits set by the previous Court-issued approval at the site. Therefore, the proposal is not considered likely to have a significant and detrimental impact on the local environment in respect to noise created during the proposed operations. Recommended conditions of consent in Attachment 1 have been formulated to ensure that noise generated by the development is within the accepted limits.

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### 3.2 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

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#### 3.2 Air quality

The applicant has undertaken detailed modelling of the proposal in accordance with the requirements of the EPA document "Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales" (DECC NSW 2005). This study identified all potential air emission sources on site, quantified the associated impacts by utilising an air dispersion model, and assessed the impacts and outcomes by comparing them with relevant legislation, standards and guidelines.

The following activities proposed for the site that may generate dust from site operations and activities include:

- Stockpiling demolition wastes
- Transferring materials for processing
- Crushing the waste into aggregates
- Screening the aggregates according to the particle size
- Blending aggregates to form materials that can be used in the concrete production.

No odour emission impacts are expected to occur, given that no green waste (other than timber) will be entering, generated, processed, or exiting the site. Treated pine would need to be removed from deposited demolition waste and disposed of at an appropriately licensed facility.

The main sources of dust emission include:

- Loading/unloading of materials
- Crushing and screening of demolition material
- Wind coming through the building
- Wheel movement along ground surfaces.

Dust mitigation controls for these processes were considered in the air dispersion modelling.

The applicant's report concluded that the fact that the processes involved in the proposed use would be undertaken internally, would significantly reduce the potential for the proposal to impact on air quality. Incremental increases in the amount of deposited dust and suspended particulates in the nearby area resulting from the development would be negligible, provided certain operational controls are implemented. These are that doors to/from the building remain closed during operations (which would also assist with noise transmission) and that demolition waste and sorted masonry stockpiles are sprayed with water mist to form a crust that reduces the creation of dust during movement.

The assessment states:

The incremental results associated with the proposed waste transfer and recycling facility were very low and the significance in cumulative impacts was due the high level of PM<sub>10</sub> (fine particulates) in the existing environment. The proposed activity itself does not produced high level of air pollutants emission, when compared with the background air quality.

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### 3.2 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

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It is to be noted that the predicted results are derived based on Level 1 air impact assessment that takes into account worst-case meteorological conditions. The predicted results are therefore conservative.

The assessment made several recommendations to ensure that dust emanating from the proposed use would not create a significant impact. These are listed below and have been incorporated into recommended conditions of consent in attachment 1.

- All activities need to be conducted within the enclosed building with access doorways closed at all times excepting when used for entering or exiting the plant
- Water sprays would be needed to dampen the surface of the materials as these are processed. The surface of stock piles would also need to be kept damp even though these are located within the building
- Operational procedures need to be established to ensure appropriate storage of raw materials and correct operation of equipment within the capacity recommended by the manufacturers.

Having regard to the applicant's detailed assessment and the recommended conditions relating to air quality, the proposal is considered unlikely to have a significant and detrimental impact on the local environment.

### 3.3 Contamination

As mentioned earlier in the report, Council's officers, the EPA and WorkCover have previously attended the site following receipt of complaints relating to its unauthorised use. During these inspections, a significant quantity of asbestos containing material was discovered.

The presence of asbestos-containing material at the site could be considered to be inconsistent with several declarations made throughout the applicant's environmental impact statement, which explains many times that no asbestos would be accepted and processed at the site. It is the case that the asbestos was accepted at the site, prior to this subject application being lodged for Council's consideration.

Various recommended conditions of consent in attachment 1 require that no asbestos, asbestos-containing material of any kind be accepted at the site at any time. The operators of the facility will be responsible for ensuring that this material does not arrive on-site. Random checks of the material at the site would also need to be undertaken by Council and/or a suitably qualified and independent industrial hygienist with regular reporting to ensure that receipt of this material does not occur.

Further, a recommended condition of consent also requires that a management plan be developed that deals with unexpected arrivals of asbestos (and other potential contaminants) so that staff at the facility are able to appropriately identify and secure potentially contaminating material.

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### 3.4 Suitability of the Site

Section 79C(1)(c) of the Act requires Council to consider the suitability of the site for the development.

The site is considered to be suitable, having regard to its location within an existing building and the industrial nature of nearby land uses. Transport access to the site is considered to be acceptable and existing noise control features would serve to reduce any impacts on residential areas.

One particular area of issue is the relationship of this current proposal with existing approved uses at the site. As mentioned at the commencement of this report, there are two existing consents that are considered 'active' at the site and it would be critical to ensure that those activities can operate from the same site, at the same time.

The approved uses are:

- Development Consent F/491/2002 – Erection of a truck workshop and office

This development consent relates to the construction of a building containing truck workshop bays, offices and amenities. The proposal also included the construction and use of several parts of the land for truck parking and other storage.

- Development Consent 336/2006/DA-DE – Construction of a concrete batching and masonry products manufacturing plant

This development relates to the construction of a large industrial building, construction and operation of a concrete batching plant and concrete products manufacturing facility within the approved building.

The subject proposal would be located inside the building approved pursuant to consent 336/2006/DA-DE. Use of the site for the truck repairs has commenced and the building associated with the concrete batching plant and masonry manufacturing operation has been constructed, although Council's officers have been unable to ascertain whether or not the batching plant has commenced operation. It is noted that should the concrete batching activities commence, a portion of the recycled masonry aggregate created in the reprocessing of demolition waste may be reused in that complementary operation.

Two conflicts between the current proposal and the previous consents have been identified and are discussed below:

#### i. Use of a designated truck parking area for bin storage.

The subject application proposes use of an area external to the building to store empty skip bins. However, the same area is nominated as truck parking pursuant to the approved plans associated with Land and Environment Court-approved 336/2006/DA-DE.

**Comment:** A recommended condition of consent requires that all bins related to the waste processing facility be stored within the confines of the building so that the nominated spaces outside are made available for truck parking as per the requirements of the previously-issued consent.

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**ii. Use of the building for the waste transfer facility and masonry products manufacturing**

The building presently located on the site and proposed for the subject use is also the site of the proposed concrete products manufacturing facility approved pursuant to consent 336/2006/DA-DE. As the areas nominated for each use are the same, it is not possible to co-locate each industry within the site.

**Comment:** A recommended condition of consent requires that development consent 336/2006/DA-DE be modified, so that the portion that relates to the concrete products manufacturing facility be rescinded, should the applicant wish to operate the subject waste transfer facility from the same building. The use would need to be rescinded pursuant to the requirements of Sections 80A(1)(b) and 80A(5) of the *Environmental Planning and Assessment Act 1979* and Clauses 97(1) and 97(2) of the Environmental Planning and Assessment Regulation 2000.

Further to these conflicts, the development site exhibits a relatively poor rate of compliance with other pertinent conditions of consent relating to the two previous approvals. This is considered an important issue because the physical relationship between the proposed development and existing development/activities on the land are inextricably linked. The non-compliances detected by Council include (but are not limited to) the following:

- Landscaping provision and maintenance
- Car parking and truck parking provision
- Outdoor storage of equipment
- Noise and dust impacts
- Appropriate treatment and finishing of easements to drain water that affect the site
- Completion of building certification
- Completion of building construction
- Stormwater capture and disposal.

It is prudent to consider the site as a whole to ensure that the subject development can operate within the limits specified in the submitted documentation and so as to minimise any impacts on the nearby community and environment.

To this end, it is considered appropriate that should Council grant development consent, that it be issued with a 'deferred commencement' notation, so that use of the building is not possible until such time that certain conditions are met.

The conditions, detailed in attachment 1 of this report relate to rectifying the issues detailed above and would serve to provide Council with added surety that the use would operate in a responsible, compliant manner. The applicant would be provided with six months in which to complete the required amendments to the site to Council's satisfaction, failing which, the use of the site as a waste processing facility would not be permitted to commence and the consent would lapse.

Having regard to the above discussion, the site is considered to be suitable for the development, provided that certain conditions are imposed on its operation and ongoing management.

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#### **4. Public Participation**

Section 79C(1)(d) of the *EPA Act* requires Council to consider submissions made in regard to the proposal.

Council publicly exhibited and notified the application directly to 176 land owners between 21 June 2013 and 26 July 2013. In addition, Council's officers consulted with the EPA regarding the proposal, although officers of the EPA advised Council verbally that the Authority did not have any comments as the volume of waste proposed to be processed did not reach the threshold at which it issues a licence to operate.

During the exhibition and notification period, two submissions in objection to the proposal were received. Both submissions were from residents of Gordon Avenue, Ingleburn.

The objections detailed the following concerns:

- the use of the site appears to have already commenced for waste sorting and processing
- the use may create noise
- the use may increase the number of trucks entering and leaving the area
- the use may create dust, which can impact on nearby residents' health
- the site may be used to handle asbestos.

In response, the following comments are provided:

It is acknowledged that the use of the site commenced without Council's consent. The use has since ceased upon Council's direction and the site has been substantially cleaned of waste that was previously received.

The applicant's submission is that no asbestos would be accepted at the site. Council must take this on 'face value', however, conditions have been recommended that impose strict monitoring of incoming waste and ongoing monitoring of the site so as to ensure that asbestos containing materials are not processed.

The use would be contained inside the building, with water and doors used to minimise dust creation and noise would be controlled by the building and existing acoustic walls.

Truck traffic associated with the development is not considered likely to detrimentally impact on the local industrial road network or local residential amenity.

#### **5. Conclusion**

The development application to operate a waste processing and storage facility at No. 16 Kerr Road, Ingleburn has been assessed against the relevant matters for consideration within environmental planning legislation and Council's development controls.

The development's impacts on the natural and built environment are considered to be relatively minimal, subject to the management of potential issues such as noise, dust control, incoming material detection and compliance with existing consents in operation at the site.

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The site is considered to be suitable for the development, having regard to its proximity and complementary nature to the existing businesses operating at the site.

Objections to the proposal have been considered and responded to as part of this assessment.

With due reference to the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* and the issues raised throughout the report, it is considered that the proposed development is satisfactory and should be approved subject to the recommended conditions contained in attachment 1.

### **Officer's Recommendation**

1. That development application 1113/2013/DA-DE for the use of an existing building as a waste processing and storage facility at No. 16 Kerr Road, Ingleburn be approved, subject to the conditions detailed in attachment 1 of this report.
2. That those who made a submission on the proposal be advised of Council's decision.

**Committee Note:** The applicant, Mr Benbow, addressed the Committee regarding the development application.

### **Committee's Recommendation: (Kolkman/Lound)**

That the Officer's Recommendation be adopted.

### **CARRIED**

Voting for the Committee's Recommendation were Councillors: Kolkman, Lound, Matheson, Mead and Rowell.

Voting against the Committee's Recommendation was Councillor: Thompson.

### **Council Meeting 3 June 2014 (Mead/Rowell)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 85**

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Dobson, Greiss, Hawker, Kolkman, Lake, Lound, Matheson, Mead, Oates and Rowell.

Voting against the Council Resolution was Councillor: Brticevic.

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## **ATTACHMENT 1**

### **Recommended Conditions of Consent**

#### **DEFERRED COMMENCEMENT**

You are advised that the subject application has been granted a "Deferred Commencement" consent pursuant to Section 80(3) of the *Environmental Planning and Assessment Act 1979*.

The applicant has been given a period of six months in which to provide the required information to satisfy the matters as listed in Schedule "A". Upon the submission of such evidence and the applicant receiving written notification that Council is satisfied, then the consent shall become operative subject to compliance with conditions outlined in Schedule "B".

Should the required information not be provided in the time period nominated above, the deferred commencement consent shall lapse.

#### **SCHEDULE A**

The conditions of Schedule 'A' are set out as follows:

- i. The applicant shall undertake the following works pursuant to consent 336/2006/DA-DE:
    - complete building works, including the concrete floor within the building erected pursuant to that consent
    - construct the concrete vehicle parking and manoeuvring areas required in accordance with the approved plans and condition pursuant to that consent
    - prepare and establish landscape tree plantings that are required pursuant to that consent
    - provide the engineering detail and certification required in Condition 26A
    - remove all items of equipment and storage of other products outdoors of any building that is not permitted by way of development consent condition or approved plan
    - provide all required acoustic abatement structures
    - re-form and finish the easements to drain water that burden the property in accordance with the restrictions on the land registered pursuant to Section 88B of the *Conveyancing Act 1919*
    - remove graffiti from the acoustic wall constructed along the site's eastern boundary
-



### 3.2 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

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- receive certification to occupy the subject building, pursuant to Part 4A, Division 1 of the *Environmental Planning and Assessment Act 1979* and relevant clauses of the Environmental Planning and Assessment Regulation 2000 or Sections 149A - 149E of the *Environmental Planning and Assessment Act 1979* and relevant clauses of the Environmental Planning and Assessment Regulation 2000.

The required works shall be completed to Council's written satisfaction.

Further, the applicant shall:

- receive written clearance certification from the NSW EPA that the 'Clean-Up Action Notice' issued in 2013 has been completed to the Authority's satisfaction.

## SCHEDULE B

### GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

#### 1. Approved Development

The development shall be carried out in accordance with the approved plans listed below, and all associated documentation supporting this consent, including the Environmental Impact Statement prepared by Benbow Environmental (ref. 110072\_EIS-Final\_rev2, released on 16 May 2013) except as modified in red ink by Council and any conditions within.

Drawing/Document No.	Prepared By	Date
110072_site_layout	Benbow Environmental	15 May 2013

#### 2. Modification of Existing Consent

Prior to **any** operations commencing in relation to the subject development, development consent 336/2006/DA-DE shall be modified.

The modification shall be made in accordance with the requirements of Sections 80A(1)(b) and 80A(5) of the *Environmental Planning and Assessment Act 1979* and Clause 97(1) of the Environmental Planning and Environment Regulation 2000.

The modification shall be made:

- to amend the development description to remove reference to a 'masonry plant'
-

### 3.2 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

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- to amend approved plan references to a 'masonry plant' or 'concrete factory'
- to amend references to a 'masonry plant' or 'concrete factory' in other conditions of consent.

The masonry production plant approved pursuant to consent 336/2006/DA-DE shall not proceed.

Should the applicant wish to pursue that activity on the site in the future, further development consent in relation to that specific use must be received prior to commencement of that undertaking.

### 3. Landscaping

Landscaping across the site shall be maintained in good order, regularly watered and fertilised in accordance with best practice guidelines for maintaining the health and vigour of the vegetation.

Dead or dying trees and shrubs shall be replaced.

The landscaping must be installed so as not to interfere with the drainage easements that burden the property.

### 4. Acceptable Waste

The materials acceptable to be received and processed at the site are as follows:

- demolition waste (including masonry products, metals, timber, glass and fibrous cement, associated plastics and remnant amounts of soil)
- scrap metals for sorting, storage and redistribution.

The waste transfer, reprocessing and storage facility shall at no time accept more than 15,000 tonnes of waste per calendar year, as determined from the date of operations commencing at the site.

Records of the mass of waste accepted at the site for processing shall be kept and made available to Council and the NSW EPA for inspection upon request.

**This consent does not permit the acceptance, processing and storage of friable and non-friable asbestos-containing materials on the site at any time.**

### 5. Inspection and Recording of Waste

The applicant shall establish and operate a management procedure for the inspection of waste to be delivered at the site prior to its dumping within the building for sorting. The inspection shall record the waste to be received and shall also be undertaken to determine if any contamination (such as friable or non-friable asbestos) is contained within the load. The mass of waste accepted shall also be recorded and a cumulative total be made available for inspection at Council's request at any time.

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### 3.2 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

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The management plan shall detail an 'unexpected finds protocol' should asbestos-containing material or other chemical contaminants be detected during the recorded inspection or after dumping within the building.

The protocol shall be developed to ensure the safety of workers and to ensure that the contaminants are appropriately gathered and removed as soon as possible from the reprocessing facility and dumped lawfully at an appropriately licensed facility.

Council may undertake inspections of the site and where appropriate, require the spot check of loads by an independent and suitably qualified industrial hygienist at the applicant's expense to ensure that no asbestos-containing material is being kept at the site.

## 6. Operational Environmental Management Plan

An Operation Environment Management Plan must be prepared to Council's written satisfaction and implemented prior to commencement of operation of the facility.

The Plan shall include, but not necessarily be limited to:

- identification of all statutory and other obligations that the Applicant is required to fulfil in relation to operation of the facility, including all consents, licences, approvals and consultations
- a description of the roles and responsibilities for all relevant employees involved in the operation of the facility
- overall environmental policies and principles to be applied to the operation of the facility
- standards and performance measures to be applied to the facility, and a means by which environmental performance can be periodically reviewed and improved
- management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent, including for example, door opening, waste checking, vehicle and bin storage.

## 7. Outdoor Storage and Operation

This consent does not permit or provide for the operation or storage of any goods or materials associated with the waste transfer and storage facility (including empty bins) outside of the building. All operations and storage must at all times be undertaken within the confines of the building.

## 8. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. all vehicular entries and exits shall be made in a forward direction
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### 3.2 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

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- b. all vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads
- c. all deliveries to the premises shall be made inside the building
- d. all trucks entering and leaving the premises that are carrying loads must be sealed or covered at all times.

A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising drivers of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

#### **9. Advertising Signs**

This consent does not permit the erection or placement of any advertising signage at the site. A separate application must be made and consent granted by Council (where applicable) prior to any signs being placed on the land in relation to the waste transfer and storage facility.

#### **10. Security Fencing**

The front security fencing shall be established at a setback of 3 metres into the site and not on the road alignments. No barbed wire style fencing is to be erected in a location that can be seen from a public place.

#### **11. Bund Wall**

All liquid storage areas shall be bunded to prevent any spillage entering into the stormwater system. The bunded area shall provide a volume equal to a minimum of 110% of the largest container stored and graded to a blind sump so as to facilitate emptying and cleansing.

#### **12. Storage of Flammable and Combustible Liquids**

Flammable and combustible liquids shall be stored in accordance with Australian Standard 1940-(as amended) – The Storage and Handling of Flammable and Combustible Liquids.

#### **13. Graffiti Removal**

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

#### **14. Operating Hours**

The use of the premises shall be limited to:

Monday to Friday	7.00am - 6.00pm
Saturday	7.00am - 4.00pm
Sunday	Closed

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**15. Noise**

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise, dust or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

Noise generated at the premises during the permitted operating hours must not exceed the noise limits presented in the table below. The noise limits represent the sound pressure level (noise) contribution at the nominated receiver locations in the table and include the concrete batching activities.

Receiver Identification	Predicted $L_{Aeq15minute}$ Noise Level	Combined Noise Level
2 Gordon Avenue	29	46
1 Redfern Street	27	40

To determine compliance with this condition, noise from the premises is to be measured at the most affected point on or within the residential boundary or at the most affected point within 30 metres of the dwellings where the dwelling is more than 30 metres from the boundary to determine compliance with the  $L_{Aeq(15\text{ minute})}$  noise limits. The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise level where applicable.

The noise emission limits apply under meteorological conditions of:

- a) wind speeds up to 3m/s at 10m above ground level; or
- b) temperature inversion conditions of up to 3°C/100m and wind speeds up to 2m/s at 10m above ground level.

In the event of a noise related issue arising, the person in charge of the premises shall when instructed by Council, cause to be carried out an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to its satisfaction.

**16. Air Quality**

The development, including operation of vehicles, shall be conducted so as to avoid the generation of dust and cause no interference to adjoining or nearby occupants.

The applicant shall fit and operate high speed roller doors, with rapid opening and closing to each of the openings of the building in which the waste processing facility would be located. The doors shall be closed at all times during which the processing facility is being operated, except to allow for vehicle entry and exit.

In addition to the above, the applicant shall ensure that all reasonable means are undertaken to minimise the transference of dust from the site during operations.

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The measures include but are not limited to the following:

- a) operate so that there is adequate water supply for dust suppression
- b) install and operate a water misting system that sprays water at a minimum rate of 0.5 litres per square meter of stockpile within the building during periods in which the stockpiles are being disturbed
- c) operate with an aim of preventing windblown dust from all sealed surfaces intended to carry vehicular traffic
- d) operate to suppress dust at transfer points and discharge to the material stockpiles
- e) operate to suppress dust during processing activities
- f) operate to suppress dust during front end loader activities at stockpiles or during loading operations.

#### **17. WorkCover**

At all times throughout the waste reprocessing and storage facility's operation, the applicant shall ensure that required work health and safety requirements as required by WorkCover and other agency standards are met. This may include hearing protection and the provision of personal protective equipment for staff and visitors.

#### **18. Vehicle Washing**

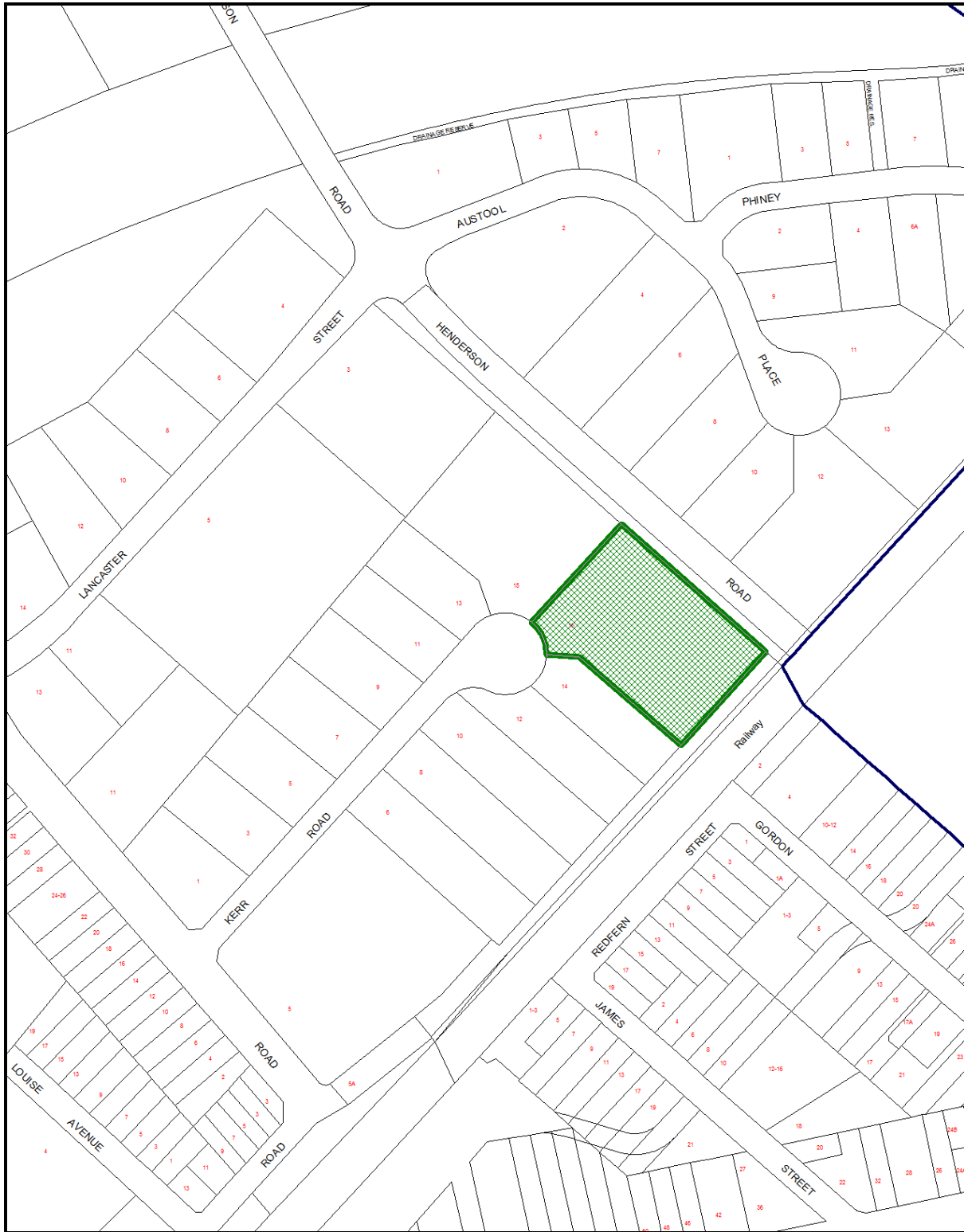
All vehicles leaving the site after delivering/dispatching materials must be subject to equipment or facilities to provide a cleaning process for the removal of materials from wheels and underneath the bodies of vehicles. The facilities must be designed and installed to:

- a. prevent materials being carried from the premises to external surfaces
- b. collect, treat and manage polluted water from any vehicle maintenance and truck wash areas in such a way that does not cause pollution of surface and ground waters
- c. be connected to Sydney Water's sewer in accordance with its requirements.

**END OF CONDITIONS**

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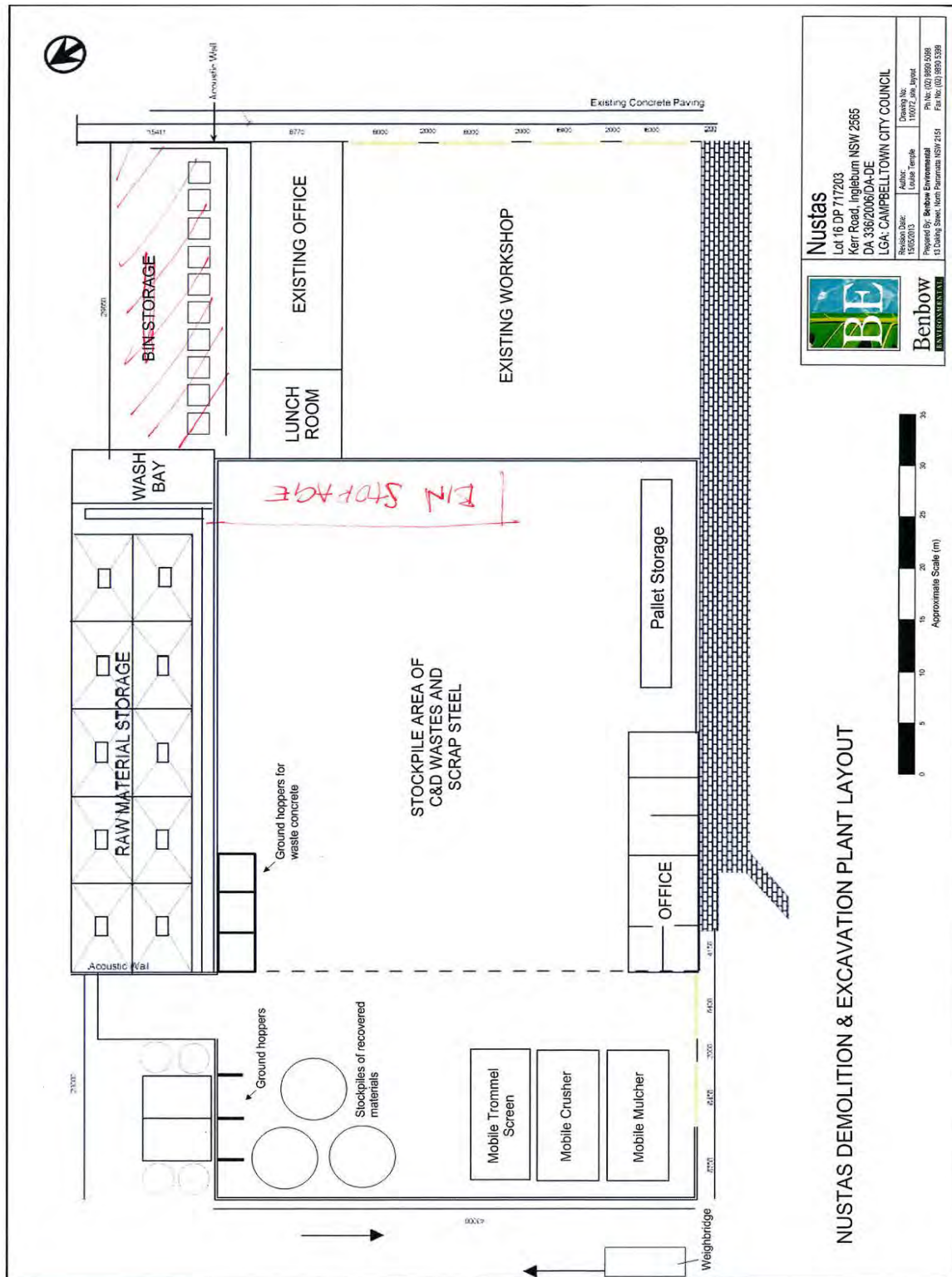
## ATTACHMENT 2



**Locality Plan**

3.2 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

**ATTACHMENT 3**



**Floor Plan**



- 3.3 Lots 6 And 7, DP 31977 Nos. 64 And 66 Kent Street, Minto - Demolition Of Existing Structures, Tree Removal And Construction Of A 12 Unit Seniors Living Development With Front Fencing
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### **3.3 Lots 6 and 7, DP 31977 Nos. 64 and 66 Kent Street, Minto - Demolition of existing structures, tree removal and construction of a 12 unit Seniors Living development with front fencing**

#### **Reporting Officer**

Manager Development Services

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#### **Attachments**

1. Recommended Conditions (contained with this report)
2. Locality Plan (contained within this report)
3. Proposed Site and Floor Plan (confidential - for privacy reasons these are not available to the public)
4. Elevation Plan (contained within this report)
5. Access to Services Map (contained within this report)
6. Landscape Plan (confidential - for privacy reasons these are not available to the public)
7. Seven Part Test of Significance (contained within this report)

#### **Purpose**

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

<b>Property Description</b>	Lots 6 & 7, DP 31977 – Nos.64 & 66 Kent Street, Minto
<b>Application No.</b>	935/2013/DA-SL
<b>Applicant</b>	Kundari Homes Pty. Ltd.
<b>Owner</b>	Anthony Neville, Andrzej Kaczmarek and Malgorzata Kaczmarek
<b>Provisions</b>	State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 State Environmental Planning Policy (Building Sustainability Index) State Environmental Planning Policy No. 44 – Koala Habitat Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2009 Campbelltown City Council Section 94A Development Contributions Plan

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3.3 Lots 6 And 7, DP 31977 Nos. 64 And 66 Kent Street, Minto - Demolition Of Existing Structures, Tree Removal And Construction Of A 12 Unit Seniors Living Development With Front Fencing

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Development Control Plan No. 87 – Public Notification and Public Exhibition Policy

**Date Received** 1 May 2013

## History

The following is a chronology of events in respect to the site and more specifically the subject Development Application:

- 1 May 2013 – Subject application lodged with Council
- 1 July 2013 – Letter issued by Council to applicant, advising of various non-compliances and issues requiring further attention
- 28 November 2013 – Part response provided to Council's letter dated 1 July 2013, including amended plans
- 9 January 2014 – Part response provided to Council's letter dated 1 July 2013, including amended plans
- 21 January 2014 – Part response provided to Council's letter dated 1 July 2013, including amended plans
- 4 April 2014 – Letter issued by Council to applicant, advising of further and outstanding, non-compliances and issues with the application
- 9 April 2014 – Response provided to Council's letter dated 4 April 2014, including amended plans.

Council considered a report on the development proposal at its Ordinary Meeting held on 29 April 2014. At that meeting, it was resolved to defer determination of the application until such time that Councillors had been able to undertake an inspection of the site and its surrounds.

An inspection was undertaken on 13 May 2014 to which both applicant and objectors were invited to attend.

Subsequent to the inspection and in accordance with Council's previous resolution, the application is again presented to Council for its consideration.

The report and the recommendations are unchanged from the report tabled at Council on 29 April 2014.

## Report

### Introduction

Council is in receipt of a Development Application, for the demolition of existing structures and construction of a 12 unit Seniors Living development, pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

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### 3.3 Lots 6 And 7, DP 31977 Nos. 64 And 66 Kent Street, Minto - Demolition Of Existing Structures, Tree Removal And Construction Of A 12 Unit Seniors Living Development With Front Fencing

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#### **The Site**

The subject site is located within the suburb of Minto, on the eastern side of Kent Street, between Durham and Warwick Streets. The site consists of two allotments, with a total area of 3,280m<sup>2</sup>. Existing improvements to the site include a dual occupancy development (No. 64 Kent Street) and a single dwelling house (No. 66 Kent Street).

There are 41 trees on the subject land, including remnant Cumberland Plain Woodland. Cumberland Plain Woodland is listed as a Critically Endangered Ecological Community under the *Threatened Species Conservation Act 1995* and as an Endangered Ecological Community under the Commonwealth's *Environmental Protection and Biodiversity Conservation Act 1999*.

Development within the surrounding locality is characterised predominantly by low and medium density single storey housing, although there is also a nursing home located on an adjacent allotment.

#### **The Proposal**

The proposal seeks development consent for the demolition of existing structures and construction of a 12 unit Seniors Living development. The proposal contains the following elements:

- Demolition of the existing structures
- Removal of 36 trees
- Construction of a 12 unit, single storey 'in-fill self-care housing' – Seniors Living development consisting of 10 x two bedroom dwellings and 2 x three bedroom dwellings. Each with attached single car garages. Two of the dwellings are accessed directly from the street, while the other 10 units are accessed via a central common driveway
- Front fencing
- External parking for four cars
- Site earth works
- Associated site landscaping works, including paving
- Stormwater management works.

#### **Campbelltown 2025 Looking Forward**

'Campbelltown 2025 Looking Forward' is a vision statement of broad town planning intent for the longer term future of the City of Campbelltown that:

- Responds to what Council understands people want the City of Campbelltown to look, feel and function like
  - Recognises likely future government policies and social and economic trends
  - Sets down the foundations for a new town plan that will help achieve that future.
-

3.3 Lots 6 And 7, DP 31977 Nos. 64 And 66 Kent Street, Minto - Demolition Of Existing Structures, Tree Removal And Construction Of A 12 Unit Seniors Living Development With Front Fencing

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The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are broad in nature and form a prelude to a new statutory town plan for the City.

The strategic directions relevant to this application are:

- Growing the Regional City
- Building a distinctive Campbelltown sense of place
- Creating employment and entrepreneurial opportunities.

The proposed development is generally consistent with these directions.

Some of the relevant desired outcomes of the vision included in Campbelltown 2025 include:

- Urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable
- An impression of architecture that engages its environmental context in a sustainable way
- Development and land use that matches environmental capacity and capability.

The proposed development has been assessed giving regard to Campbelltown 2025 *Looking Forward*. It is considered that the Development Application is generally consistent with the Vision's desired outcomes when giving regard to the design as well as the nature and level of impact on adjoining development and the locality.

### **Assessment**

The development has been assessed having regard to the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration.

#### **1. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

Clause 2 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP), outlines that the Policy aims to:

- (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability
- (b) make efficient use of existing infrastructure and services
- (c) be of good design.

These aims are to be achieved by:

- (a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy
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- (b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form
- (c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily or urban purposes.”

Clause 4 of the Seniors Housing SEPP, outlines that the Policy applies to land that is zoned primarily for urban purposes or that adjoins land zoned primarily for urban purposes, and on which development of any of the following is permitted:-

- dwelling houses
- residential flat buildings
- hospitals
- development of a kind identified in respect of land zoned for special uses, including (but not limited to) churches, convents, educational establishments, schools
- seminaries
- the land is being used for the purposes of a registered club.

The site is zoned ‘2(b) – Residential’, pursuant to Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002) and dwelling houses are permissible. Hence the Seniors Housing SEPP applies to the subject land.

The proposed development is defined by Clause 13 of the Seniors Housing SEPP, as an ‘in-fill, self-care housing’ development (see below).

**(1) General term: “self-contained dwelling**

In this Policy, a self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

**(2) Example: “in-fill self-care housing”**

In this Policy, in-fill self-care housing is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.

Clause 15 of the Seniors Housing SEPP, allows seniors housing, despite the provisions of any other Environmental Planning Instrument (including a Council's local environmental plan), if the development is carried out in accordance with the Policy:

It is considered that the proposal is permissible with Council's consent pursuant to Clause 15 of the Seniors Housing SEPP.

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Clause 18 of the Seniors Housing SEPP outlines that a Consent Authority (Council) must not grant Development Consent to seniors housing, unless:

- (1) Development allowed by this Chapter may be carried out for the accommodation of the following only:
  - (a) seniors or people who have a disability
  - (b) people who live within the same household with seniors or people who have a disability
  - (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.
  
- (2) A consent authority must not consent to a development application made pursuant to this Chapter unless:
  - (a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates
  
  - (b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).

Accordingly, should Council decide to support the proposed development, it is recommended that conditions be imposed in accordance with the above requirements.

Part 2 of the Seniors Housing SEPP outlines various site related requirements. These matters have been considered and the following table details how the proposal responds to each of the relevant requirements of the Seniors Housing SEPP.

Criteria	Proposed	Comment
<p>Clause 26 – Location and Access to Facilities</p> <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</p> <ul style="list-style-type: none"> <li>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</li> <li>(b) community services and recreation facilities, and</li> <li>(c) the practice of a general medical practitioner.</li> </ul> <p>(2) Access complies with this clause if:</p> <ul style="list-style-type: none"> <li>(b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:</li> </ul>	<p>The site is located approximately 210m from a bus stop (suitably serviced public transport), providing access to Minto, Ingleburn and Campbelltown business centres.</p>	<p>The proposal satisfies the SEPP requirements concerning "access to facilities".</p>

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<p>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</p> <p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),</p> <p>and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).</p> <p>(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15m at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5m at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5m at a time.</p> <p>(4) For the purposes of subclause (2): (a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and (b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.</p>	<p>Given the local area is relatively flat, it is considered that the path of travel satisfies the gradient and surface requirements.</p>	
<p>Clause 28 – Water and Sewer</p> <p>A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.</p>	<p>The site is served by a reticulated water system and is sewerred.</p>	<p>The proposal satisfies the SEPP requirement. Moreover, a condition has been included within the recommendation requiring the provision of a Section 73 Certificate from Sydney Water.</p>
<p>Clause 30 – Site analysis</p>	<p>A detailed site analysis accompanied the application.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>

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<p>Clause 31 – Design of in-fill self-care housing</p>	<p>The overall design has been reviewed against the relevant SEPP requirements and it considered that the proposal satisfies various design principles.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 32 – Design of residential development</p> <p>A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.</p>	<p>Discussed below (i.e. Clauses 33 to 39)</p>	<p>As detailed the proposal satisfies the principles of Division 2.</p>
<p>Clause 33 (a) – Neighbourhood amenity and streetscape</p> <p>The proposed development should recognise the desirable elements of the location’s current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and</p>	<p>The proposal is consistent with the existing and desired future likely character of the area.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 33 (c) – Neighbourhood amenity and streetscape</p> <p>The proposed development should maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <ul style="list-style-type: none"> <li>(i) providing building setbacks to reduce bulk and overshadowing, and</li> <li>(ii) using building form and siting that relates to the site’s land form, and</li> <li>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development.</li> </ul>	<p>The proposal has provided building setbacks consistent with the residential development provisions of the Sustainable City DCP, which applies to other relevantly similar residential type developments.</p> <p>The overall design and layout has given regard to the existing levels of the site.</p> <p>The single storey development is of a scale which is compatible with existing development in the area.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 33 (d) – Neighbourhood amenity and streetscape</p> <p>The proposed development should be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line.</p>	<p>The proposed front setback of 5.5m, is consistent with the provisions of the Sustainable City DCP, and existing and future likely setbacks in the area.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 33 (e) – Neighbourhood amenity and streetscape</p> <p>The proposed development should embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.</p>	<p>The application has been accompanied by a detailed landscape plan, which provides for landscaping in scale with existing development in the area.</p>	<p>The proposal is considered to be satisfactory in this regard. (As discussed in further detail elsewhere in the report)</p>
<p>Clause 33 (f) – Neighbourhood amenity and streetscape</p> <p>The proposed development should retain, wherever reasonable, major existing trees.</p>	<p>While the proposal involves the removal of 36 trees the proposed layout enables the retention of five (5) large trees on the site.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>



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Clause 34 – Visual and Acoustic Privacy	The proposal maintains privacy levels within the locality and achieves satisfactory levels of privacy performance for future occupants.	The proposal is considered to be satisfactory in this regard.
Clause 35 – Solar access and design for climate	Overshadowing by the proposal of adjacent properties is minimal.  Furthermore the northerly orientation of the site has been utilised where possible to maximise amenity levels for future occupants.	The proposal is considered to be satisfactory in this regard.
Clause 36 – Stormwater	The application has been accompanied by a stormwater concept plan outlining the proposed methods of stormwater disposal.	The proposal is considered to be satisfactory in this regard. Moreover, a condition has been included within the recommendation requiring compliance with the stormwater and engineering requirements of the Sustainable City DCP.
Clause 37 – Crime Prevention	The overall layout provides surveillance opportunities, minimises possible entrapment areas and provides a clear differentiation between private and public spaces.	The proposal is considered to be satisfactory in this regard.
Clause 38 – Accessibility	The local area is relatively flat, and the site is located approximately 210m from a bus stop and approximately 850m from Minto Railway Station.	The proposal is considered to be satisfactory in this regard.
Clause 39 – Waste Management  The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The proposed layout provides appropriate bin storage areas.	The proposal is considered to be satisfactory in this regard. Moreover, a condition has been included within the recommendation requiring bins to be stored within the private courtyard areas.
Clause 40 (2) – The size of the site must be at least 1,000m <sup>2</sup> .	3,280m <sup>2</sup>	Complies
Clause 40 (3) – The site frontage must be at least 20m wide, measured at the building line.	40.23m	Complies

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Clause 40(4) (a) – The height of all buildings in the proposed development must be 8m or less.	The proposed buildings are single storey and have a maximum overall height of approximately 5m.	Complies
Clause 40 (4) (c) – a building located in the rear 25% area of the site must not exceed one (1) storey in height.  Equating to a rear setback of 12m for the second storey component.	The proposed buildings are single storey and do not exceed a height of 5m.	Complies
Division 3 – Clause 41 – Standards for hostels and self-contained dwellings  A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwellings unless the proposed development complies with the standards specified in Schedule 3 for such development.	Consideration of the proposal indicates that the development can satisfy the standards of Schedule 3.	The proposal is considered to be satisfactory in this regard. Moreover, a condition is to be imposed requiring compliance with the construction standards.
Clause 50 (a) – Building Height  All proposed buildings are to be 8m or less in height.	The proposed buildings have a maximum overall height of approximately 5m.	Complies
Clause 50 (b) – Density and Scale  The density and scale of the buildings when expressed as a floor space ratio (FSR) are to be 0.5:1 or less.	Approximately 0.31:1	Complies
Clause 50 (c) (ii) – Landscaped Area  A minimum of 30% of the site is to be landscaped.	Approximately 38%	Complies
Clause 50 (d) – Deep Soil Zones  An area of not less than 15% of the area of the site is to be a deep soil zone, of which two-thirds of the deep soil zone should preferably be located at the rear of the site.	Approximately 34% of the site constitutes a deep soil zone, of which approximately 70% is in the rear portion of the site.	Complies
Clause 50 (e) – Solar Access  Living rooms and private open spaces for a minimum of 70% of the dwellings are to receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	The living and private open space areas of each dwelling receive a minimum of three (3) hours of solar access at the winter solstice.	Complies
Clause 50 (f) (i) – Private Open Space  No less than 15m <sup>2</sup> of private open space per dwelling is to be provided, and of this open space, one area is not to be less than 3m long and is accessible from a living area.	Each dwelling is serviced by a private open space area, with a minimum size of 38m <sup>2</sup> and a minimum depth of 4m directly accessible from the respective main living rooms.	Complies
Clause 50 (h) – Parking  0.5 car parking spaces are to be provided for each bedroom.  The overall development includes 26 bedrooms, thereby constituting the need for 13 car parking spaces.	16 car parking spaces are provided.	Complies

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Schedule 3 of the Seniors Housing SEPP, outlines the construction standards for self-contained dwellings, in relation to the following elements:

- Siting Standards
- Security
- Letterboxes
- Private car accommodation
- Accessible entry
- Interior
- Bedroom
- Bathroom
- Toilet
- Surface finishes
- Door hardware
- Ancillary items
- Living room and dining room
- Kitchen
- Laundry
- Storage for linen
- Garbage.

It is considered that the development can satisfy these standards. Moreover, a condition is to be imposed requiring compliance with such.

## **2. State Environmental Planning Policy (Building Sustainability Index)**

A BASIX Certificate has been provided for the proposal and relevant commitments made on the architectural / development plans. Therefore it is considered that the proposal is acceptable in this regard.

## **3. State Environmental Planning Policy No. 44 – Koala Habitat**

The subject site is identified by the draft Campbelltown Comprehensive Koala Plan of Management as containing 'Marginal Habitat'. Notwithstanding this, given that the site consists of an area less than 1 hectare and is not co-located together with any adjoining land in the same ownership of an area of more than 1 hectare, Part 2 of State Environmental Planning Policy No. 44 does not apply to the proposal.

Accordingly, it is considered that the proposal does not conflict with the requirements of State Environmental Planning Policy No. 44.

## **4. Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment**

The proposal does not conflict with any of the relevant provisions of Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, and is therefore considered acceptable in this regard.

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**5. Campbelltown (Urban Area) Local Environmental Plan 2002**

The subject site is zoned '2(b) – Residential' under the provisions of LEP 2002. The proposed 'multi dwelling housing' development is permissible, within the '2(b) – Residential' zone, as well as being consistent with the following objectives for the zone:

- (b) to permit the development of a range of housing types
- (c) to encourage a variety of forms of housing that are higher in density than traditional dwelling houses, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities.

Consequently the proposal satisfies the provisions of Clause 9 of LEP 2002 and Council may grant consent to the application should it deem appropriate to do so.

**6. Campbelltown (Sustainable City) Development Control Plan 2009 (SCDCP 2009)**

Council is advised that SCDCP 2009 is the relevant Development Control Plan for the purposes of assessing this development application.

Although the current version of the Campbelltown (Sustainable City) DCP is the 2012 version (SCDCP 2012), the subject development application has been assessed under the provisions of SCDCP 2009 as the development application was made prior to 3 July 2013 (effective date of SCDCP 2012).

Notwithstanding the above, a brief assessment of the proposal against SCDCP 2012 was undertaken and found there to be no provisions under SCDCP 2012 that would result in a significantly different outcome to that recommended in this report.

The following compliance table, details the assessment of the proposed development pursuant to the relevant requirements of the SCDCP 2009.

Section	Control	Requirement	Proposed	Compliance
2.4.1	Rain Water Tanks	A 3,000L rain water tank shall be provided for all new buildings containing a roof area of between 101m <sup>2</sup> to 200m <sup>2</sup> .	Each dwelling is serviced by a 3,000L above ground rain water tank.	Yes
2.5	Landscaping	Provision of a detailed landscape plan, which shall enhance the visual character of the development and complement the site, and enhance the existing indigenous flora and fauna characteristics of a site wherever possible.	The application has been accompanied by a detailed landscaped plan, which includes various indigenous trees and shrubs.	Yes
2.8.1 (a)	Cut and Fill	A Cut and Fill Management Plan shall be provided, where the development incorporates cut and / or fill operations.	The proposed design follows the existing ground levels and involves minimal earthworks.	NA

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Section	Control	Requirement	Proposed	Compliance
2.9	Demolition		A detailed demolition work plan accompanied the application.	Yes. Moreover, a condition has been included within the recommendation requiring compliance with AS 2601 – 2001 – The Demolition of Structures.
2.12.1 (d)	Fencing	Front residential fencing shall be a maximum of 1.2m in height and complement the design of the development.	The proposed front fencing is 1.2m in height and is complementary in design to the overall development.	Yes
2.15.1	Waste Management	A detailed Waste Management Plan shall accompany multi dwelling applications.	A detailed Waste Management Plan accompanied the application and is satisfactory.	Yes
3.3.1 (a)	Streetscape	Building design (including facade treatment, massing, roof design and entrance features), setbacks and landscaping shall complement the scale of development, character and qualities of the desired streetscape.	The overall building design is in keeping with the existing and future likely character of the area and is considered satisfactory.	Yes
3.3.1 (c)	Streetscape	The built form shall relate to the natural landform and setting.	The proposed design relates to the existing ground levels of the site.	Yes
3.3.1 (d)	Streetscape	On-site parking areas shall be designed and sited to reduce the visual prominence of garage doors and external parking spaces as viewed from the street or other public place.	The siting of the car parking areas are integrated into the overall design, as to not dominate the visual appearance of the development.	Yes
3.3.1 (e)	Streetscape	Garage doors facing a public street shall be no wider than 50% of the width of the building (at its street fronting facade).	No garage is located within the main street frontage of the development.	Yes
3.3.2 (a) (i)	Building Height	Residential development shall not exceed two (2) storeys.	The proposed development is single storey.	Yes
3.3.2 (a) (ii)	Building Height	Residential development shall have a height not exceeding 7.2m at the upper most ceiling measured vertically from ground level (existing).	The proposed buildings have a maximum ceiling height of approximately 3m.	Yes
3.3.2 (a) (iii)	Building Height	Residential development shall have a height not exceeding 9.5m at the upper most roof height measured vertically from ground level (existing).	Approximately 5m	Yes

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Section	Control	Requirement	Proposed	Compliance
3.3.2 (b)	Building Height	The height of development shall not result in any significant loss of amenity (including loss of solar access and visual and acoustic privacy) to adjacent properties and public places.	The overall height of the development is single storey and in keeping with the height of surrounding development and given the siting of the proposed development, amenity impacts to adjacent dwellings have been minimised.	Yes
3.4 (a)	Car Parking and Access	The minimum external dimensions of any required parking space shall be 2.5m x 5.5m.	The external parking spaces have dimensions of 2.5m x 5.5m.	Yes
3.4 (b)	Car Parking and Access	The minimum internal dimension of an enclosed garage shall be 3m x 6m.	Each garage has dimensions of 3.2m x 6m.	Yes
3.4 (c)	Car Parking and Access	Transitional grades shall comply with AS 2890.1 (as amended) Parking Facilities - Off-Street Car Parking.	Transitional grades to the garages comply with the relevant standard.	Yes. Furthermore, a condition has been included within the recommendation requiring compliance with such.
3.4 (e)	Car Parking and Access	Driveways greater than 30m in length as viewed from the street shall be avoided.	Approximately 75m	No. However, the proposal has integrated significant landscaping adjacent to and within the driveway area and a condition has been included within the recommendation requiring the driveway being finished with a recessive colour, so as to minimise the visual prominence of the driveway area and the visual impact on the streetscape.
3.4 (g) (ii)	Car Parking and Access	The minimum width of the driveway at the street kerb shall be 5m where the driveway provides access for three (3) or more dwellings.	The driveway is 5m wide at the street boundary.	Yes
3.4 (i)	Car Parking and Access	Driveways shall be designed perpendicular to the road.	The driveway is perpendicular to the road.	Yes
3.4 (j)	Car Parking and Access	Plain concrete driveways shall not be permitted.	The driveway is of a patterned coloured concrete finish.	Yes
3.5.2 (a)	Visual Privacy	No window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private open space of another dwelling located within 6m of the proposed window or balcony unless appropriately screened.	Side facing living room windows are setback a minimum of 3.4m from the property boundary. The overall layout does not involve habitable rooms facing other habitable rooms.	Yes

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Section	Control	Requirement	Proposed	Compliance
3.6 (a)	Solar Access	Living areas shall have a northerly orientation.	Each dwellings includes a living area with a north facing window.	Yes
3.6 (b)	Solar Access	A minimum of 20m <sup>2</sup> of the required private open space area shall receive three (3) hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level.	In excess of 20m <sup>2</sup> of the private open space area of each dwelling shall receive more than three (3) hours of solar access at the winter solstice.	Yes
3.6 (c)	Solar Access	Development shall have appropriate regard to the impact on solar access to useable private open space, solar collectors and clothes drying areas of adjoining residential development.	The layout and design of the development results in amenity impacts to adjacent dwellings being minimised.	Yes
3.9.1 (a)	Site and Density Requirements for Multi Dwellings	Multi dwelling developments shall not be erected on land with an area of less than 700m <sup>2</sup> .	3,280m <sup>2</sup>	Yes
3.9.1 (c)	Site and Density Requirements for Multi Dwellings	The number of dwellings permitted within a multi dwelling development shall not exceed two (2) dwellings for the first 700m <sup>2</sup> of land area and 1 dwelling for each 300m <sup>2</sup> of land area thereafter.  Equates to 3,700m <sup>2</sup> , for 12 dwellings.	3,280m <sup>2</sup>	No. Although the proposal satisfies the density requirements of Clause 40 (2) and Clause 50 (b) of the Seniors Housing SEPP, pursuant to Clause 50 of the SEPP. Council cannot refuse a development application on the grounds of not satisfying this control.
3.9.1 (f) (i)	Site and Density Requirements for Multi Dwellings	Multi dwelling developments incorporating three (3) or more dwellings shall only be permitted on an allotment having a minimum width of 22.5m measured along the side boundaries at a distance of 5.5m from the primary street boundary.	40.23m	Yes
3.9.1 (f) (ii)	Site and Density Requirements for Multi Dwellings	Multi dwelling developments incorporating 3 or more dwellings shall only be permitted on an allotment having a minimum width of 10m measured between the extended property side boundaries.	40.23m	Yes

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Section	Control	Requirement	Proposed	Compliance
3.9.1 (f) (iii)	Site and Density Requirements for Multi Dwellings	Multi dwellings development incorporating 3 or more dwellings shall only be permitted on an allotment where no part of the allotment is within 50m of the commencement of the head of a cul-de-sac to which vehicular access to the site is obtained.	The site is not within 50m of a cul-de-sac.	Yes
3.9.1 (g)	Site and Density Requirements for Multi Dwellings	The total FSR shall not exceed 0.45:1.	Approximately 0.31:1	Yes
3.9.1 (h) (i)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 5.5m from the primary street boundary.	The development has a minimum front setback of 5.5m.	Yes
3.9.1 (h) (iii)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 900mm from any side boundary for the ground level.	The development has a minimum setback of 3.5m from the northern side boundary and a minimum setback of 3.43m from the southern side boundary.	Yes
3.9.1 (h) (v)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 5m from the rear boundary for the ground level.	The development has a minimum rear setback of 6m.	Yes
3.9.2 (b)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with a minimum of one (1) single garage.	Each dwelling includes an attached single garage.	Yes
3.9.2 (c)	General Requirements for Multi Dwellings	One (1) external additional visitor car parking space shall be provided for every two (2) units (or part thereof), unless all dwellings within the development have direct frontage to a public street.	The overall development is serviced by three (3) visitor car parking spaces.	No. Although the proposal satisfies the car parking requirements of Clause 50 (h) (i) of the Seniors Housing SEPP, pursuant to Clause 50 of the SEPP. Council cannot refuse a development application on the grounds of not satisfying this control.
3.9.2 (d)	General Requirements for Multi Dwellings	No visitor car parking space shall be located forward of the primary or secondary street boundary.	The visitor car parking spaces are recessed beyond the front facade.	Yes
3.9.2 (e)	General Requirements for Multi Dwellings	No visitor car parking space shall be in a 'stacked' configuration.	None of the proposed car parking spaces are of a 'stacked' configuration.	Yes



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Section	Control	Requirement	Proposed	Compliance
3.9.2 (g)	General Requirements for Multi Dwellings	The total floor area occupied by all bedrooms (and / or rooms capable of being used as a bedroom) within each dwelling shall not exceed 35% of the total floor space of that dwelling.	Approximately 26% for the two (2) bedroom dwellings and approximately 31% for the three (3) bedroom dwellings.	Yes
3.9.2 (h) (i)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that are not located within the primary street setback.	The private open space areas for each dwelling are located beyond the two (2) street facing dwellings.	Yes
3.9.2 (h) (ii)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that have a minimum area of 60m <sup>2</sup> .	Each dwelling is serviced by a private open space area, with a minimum size of 38m <sup>2</sup> .	No. Although the proposal satisfies the private open space requirements of Clause 50 (f) (i) of the Seniors Housing SEPP, pursuant to Clause 50 of the SEPP. Council cannot refuse a development application on the grounds of not satisfying this control.
3.9.2 (h) (iii)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that have a minimum width of 3m.	Each private open space area has a minimum width of 3.4m.	Yes
3.9.2 (h) (iv)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that include a minimum levelled area of 5m x 5m.	Each private open space area has minimum dimensions of 3.4m x 10.3m.	No. Although given that the proposal satisfies the private open space requirements of Clause 50 (f) (i) of the SD SEPP being to provide a minimum private open space area of 3m x3m, pursuant to Clause 50 of the SEPP. Council cannot refuse a development application on the grounds of not satisfying this DCP control.
3.9.2 (h) (v)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that have an internal living room directly accessible to outdoor private open space areas.	Each private open space area is directly accessible from the respective main living areas.	Yes
3.9.2 (h) (vi)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area of private open space that satisfies the solar access requirements contained in Section 3.6.	In excess of 20m <sup>2</sup> of the private open space area of each dwelling receives more than three (3) hours of solar access at the winter solstice.	Yes

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Section	Control	Requirement	Proposed	Compliance
3.9.2 (i)	General Requirements for Multi Dwellings	No part of an outdoor living area is permitted to be located within the primary or secondary street setback area.	The private open space areas for each dwelling are located beyond the two (2) street facing dwellings.	Yes
3.9.2 (k)	General Requirements for Multi Dwellings	Multi dwellings shall satisfy the following additional provisions relating to streetscape: <ul style="list-style-type: none"> <li>• architectural features (such as balconies, openings, columns, porches, colours, materials etc.) and articulation in walls are to be incorporated into the front facade of each dwelling;</li> <li>• no more than 30% of the area forward of any building alignment shall be surfaced with impervious materials.</li> </ul>	The front facade of each dwelling is articulated and consists of architectural features that are of a similar form to adjoining and future like developments.  Approximately 29% of the area forward of the building alignment, is of an impervious finish.	Yes
3.9.2 (l)	General Requirements for Multi Dwellings	Multi dwellings shall satisfy the following requirements relating to landscape: <ul style="list-style-type: none"> <li>• a detailed landscape design plan shall be submitted by a suitably qualified person with the development application; and</li> <li>• a minimum of 20% of the total site area shall be available for deep soil planting.</li> </ul>	The application was accompanied by a detailed landscape design plan.  Approximately 34% of the site has been made available for deep soil planting.	Yes

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Section	Control	Requirement	Proposed	Compliance
3.9.2 (m)	General Requirements for Multi Dwellings	Multi dwellings development shall satisfy the following architectural requirements: <ul style="list-style-type: none"> <li>• a distinctive architectural outcome that unifies the range of building elements and diversity within the development and which also harmonises with surrounding development;</li> <li>• incorporation of variations in roof heights and wall planes to avoid long unbroken ridge lines;</li> <li>• incorporation of facade shifts and articulation, varied materials and colours in order to avoid duplication of the same building elements; and</li> <li>• provision of windows and active spaces in the building ends, to provide additional security and visual interest.</li> </ul>	<p>The overall design of the proposed development is similar in terms of its finish, and bulk and scale, compared to existing and likely future developments in the locality.</p> <p>The front facades and roof forms are articulated, providing depth to the overall design.</p>	Yes
3.9.4 (a)	Multi Dwellings and Waste Management	Multi dwelling development shall make provision for individual waste storage, allocated behind the primary and secondary building alignment out of public view, for the following: <ul style="list-style-type: none"> <li>• a 140 litre bin; and</li> <li>• two (2) 240 litre bins.</li> </ul>	Suitable provision is made within each private open space area for bin storage in positions behind the primary building line and out of public view.	Yes Furthermore, a condition has been included within the recommendation requiring bins to be stored within the private court yard areas.

**7. Campbelltown City Council Section 94A Development Contributions Plan**

Development contributions are applicable pursuant to the provisions of the Campbelltown City Council Section 94A Development Contributions Plan and accordingly a condition has been included within the recommendation, requiring payment of such.

**8. Planning Assessment**

The following is a summary of the areas of consideration regarding the likely environmental impacts and the suitability of the site, in respect to the proposed development:

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### **Built Form**

The overall building design consists of articulated facades and is in keeping with the existing and future likely character of the area. Moreover, it is considered that the overall development is of an acceptable built form, in terms of scale, massing and articulation.

### **Natural Environment**

As previously outlined, the site contains remnant Cumberland Plain Woodland, which is listed as a Critically Endangered Ecological Community under the Threatened Species Conservation Act 1995 and as an Endangered Ecological Community under the Commonwealth's Environmental Protection and Biodiversity Conservation Act 1999. Moreover, the proposal involves removal of 36 trees from the site. Accordingly, the application has been accompanied by a Flora and Fauna Assessment, prepared by a practising Ecological Consultant.

Moreover, a Seven Part Test of Significance (attached) was also undertaken by the same practising Ecological Consultant, pursuant to Section 5A of the *Environmental Planning and Assessment Act 1979*.

The Ecological Consultant's Report outlines that of the 41 trees located on the site, 22 are indigenous to the area and representative of Cumberland Plain (Shale Plain) Woodland, and that the 22 indigenous trees on the site combine with approximately 114 others, on surrounding properties to form a remnant stand of 136 Cumberland Plain Woodland trees. The Seven Part Test of Significance, outlines that as the proposal involves the removal of only 11% of the trees within the stand of 136 (15 trees of 136), it is unlikely to place the local occurrence of the Cumberland Plain (Shale Plain) Woodland at risk.

The Ecological Consultant recommends that 'Tree Protection Zones' be established around the perimeter of the five trees that are to be retained. Accordingly, conditions have been included within the recommendation, requiring the establishment of such.

Furthermore, the Ecological Consultant recommended that specific landscaping be utilised, in close proximity to the five existing trees around the site. The application was accompanied by a landscape plan which adopts the approach.

### **Amenity Impacts**

The overall design of the proposed development has given satisfactory regard to existing adjoining residential premises, in terms of privacy, separation, overshadowing and the protection of trees and other vegetation within adjoining properties. Accordingly it is considered that the proposal is acceptable in this regard.

### **Security and Safety**

The overall design of the proposed development is considered to be consistent with the 'principles for minimising crime risk' (Crime Prevention through Environmental Design) and it is therefore deemed to be satisfactory in this regard.

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### Public Participation

In accordance with the requirements of Campbelltown Development Control Plan No. 87, the proposal was notified to adjoining property owners from 14 May 2013 until 28 May 2013. As a consequence of the notification, Council received 71 submissions, 69 of the submissions objected to the proposal, while the other two submissions raised concerns with the application. Following is a summary and comments relating to such:

Concern was raised suggesting that the design of the buildings are out of character with existing surrounding development.

**Comment** – The general architectural style is considered acceptable for the locality and whilst the redevelopment of the site gives rise to a different built form compared to that of more established residential development, it is considered to be not incompatible with the emerging streetscape and built form in the locality.

Concern was raised regarding the proposed front setback and its incompatibility with adjoining dwellings.

**Comment** – While it is acknowledged that the proposed front setback is less than the setback of the existing dwellings on the site and that of the dwellings to either side of the site, there are a number of more recently completed dwellings that are setback in the vicinity of 5.5m. Furthermore, the proposal is consistent with the setback requirements of the Sustainable City DCP, and is considered to be compatible with the emerging streetscape and built form in the locality.

Concern was raised regarding the density of the proposal being incompatible with that of the locality.

**Comment** – While the proposal includes 12 dwellings on a site that would only provide for 10 under the Sustainable City DCP, the Seniors Housing SEPP permits higher density housing, subject to additional criteria to which the proposal satisfies, as previously outlined.

Concern was raised regarding the location of the proposed driveway.

**Comment** – The central common driveway satisfies the relevant requirements of the Sustainable City DCP, while the application was referred to Council's Senior Development Engineer who was satisfied with the location of such.

Concern was raised regarding the removal of structures containing asbestos.

**Comment** – Conditions have been included within the recommendation requiring demolition works being undertaken in accordance with the relevant Australian Standards and that any asbestos be removed by an appropriately licensed contractor.

Concern was raised regarding the proliferation of 'Seniors Living' type developments in the locality.

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**Comment** – Whilst it is acknowledged that there is an existing Seniors Living type development in close proximity to the site, there are no such controls restricting the number of facilities in a given area.

Concern was raised regarding the management of the facility and the potential occupancy of the development by 'non-seniors'.

**Comment** – As previously outlined, in accordance with the Seniors Housing SEPP a condition is to be imposed upon any such development, requiring the registration of a restriction as to user on the title of the property, limiting the use and occupancy of the facility.

Concern was raised regarding the removal of Cumberland Plain Woodland and other existing trees.

**Comment** – As previously outlined, the application was accompanied by an Ecological Consultant's Report (containing a Flora and Fauna Assessment, and a Seven Part Test of Significance) which concludes that the proposal satisfies the relevant provisions, subject to the inclusion of conditions which have been included within the recommendation. Council's Environmental Planning staff have not raised an objection to the proposed development.

Concern was raised regarding the loss of animal habitat.

**Comment** – As previously outlined, the application was accompanied by an Ecological Consultant's Report (containing a Flora and Fauna Assessment, and a Seven Part Test of Significance) which concludes that the proposal satisfies the relevant provisions, subject to the inclusion of conditions which have been included within the recommendation.

Concern was raised regarding the proposal being inconsistent with publications of the NSW Office of Environment and Heritage.

**Comment** – As previously outlined, the application was accompanied by an Ecological Consultant's Report (containing a Flora and Fauna Assessment, and a Seven Part Test of Significance) which concludes that the proposal satisfies the relevant provisions, subject to the inclusion of conditions which have been included within the recommendation.

Concern was raised regarding potential amenity impacts during demolition and construction works.

**Comment** – Conditions have been included within the recommendation limiting the hours of works, in relation to dust management and requiring demolition works being undertaken in accordance with the relevant Australian Standards. Furthermore, any works are subject to the requirements of the Protection of the Environment and Operations Act, which has limitations on noise emissions.

Concern was raised regarding potential privacy issues.

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**Comment** – Whilst it is acknowledged that the proposal seeks to provide for nine additional dwellings over the site, it is limited to single storey dwellings and apart from highlight windows within one of the dwellings, all other side windows are located in excess of 3m from any property boundary. Furthermore, the overall design generally follows the existing ground levels. Accordingly, it is considered that the proposal is acceptable in his regard.

Concern was raised regarding potential overshadowing of adjoining properties.

**Comment** – The proposal is limited to single storey buildings. The layout includes six dwellings along the southern portion of the site, which apart from one of the dwellings are setback in excess of 3m. Given this, it is unlikely that the proposal would generate any overshadowing beyond that of a 1.8m high dividing fence and it is considered that the proposal is acceptable in this regard.

Concern was raised regarding potential additional noise generated by additional residents.

**Comment** – Whilst it is acknowledged that the proposal seeks to provide for nine additional dwellings and that common noise levels are likely to increase in the vicinity of the site, the Seniors Housing SEPP permits higher density housing and it is considered that the proposal is acceptable in his regard. Furthermore, it is noted that the provisions of the *Protection of the Environment Operations Act 1997*, limit noise emissions from sources such as air conditioning systems and the like.

Concern was raised regarding potential impacts from additional lighting.

**Comment** – Whilst it is acknowledged that the proposal seeks to provide for nine additional dwellings and that overall light levels are likely to increase in the vicinity of the site, the Seniors Housing SEPP permits higher density housing and it is considered that the proposal is acceptable in his regard. A condition has been included within the recommendation requiring that any lighting satisfies the relevant Australian Standards.

Concern was raised regarding the lack of car parking provided on site.

**Comment** – While the proposal does not provide visitor car parking to the standard required by the Sustainable City DCP, the Seniors Housing SEPP allows for such developments with a lower number of spaces.

Concern was raised regarding pedestrian safety and traffic issues in the vicinity of the site, of a result of nine additional dwellings.

**Comment** – Whilst it is acknowledged that the proposal would generate additional traffic movements, it is considered that local road network is capable of meeting the associated demand. Furthermore, the application was referred to Council's Development Engineer for consideration, who has not objected to the proposal.

Concern was raised suggesting that the site has poor drainage and that the proposal will further impact upon such.

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**Comment** – The application was accompanied by a stormwater concept plan and a Stormwater Assessment Study, which was prepared by a Consultant Chartered Engineer. The application was referred to Council's Development Engineer and Council's Technical Services Section for consideration, who found the proposal to be acceptable. Furthermore, conditions have been included within the recommendation requiring the implementation of various drainage measures in accordance with the requirements of the Sustainable City DCP.

Concern was raised suggesting that the proposal will be detrimental to Sydney Water and telecommunication facilities in the locality.

**Comment** – Any such development requires the developer to liaise with the appropriate service authority prior to the commencement of works, to ascertain if any associated upgrade will be required to service the needs of the proposed development.

Concern was raised regarding the development not being built in accordance with the approved plan.

**Comment** – A condition has been included within the recommendation requiring the completion of the development in accordance with the approved plans.

Concern was raised regarding the potential detrimental impact of a seniors living type development upon property values in the area.

**Comment** – No evidence has been provided in support of this claim. Furthermore, the relevant provisions provide for seniors living type development within the '2(b) – Residential' zone.

Concern was raised regarding the history and character of the applicant.

**Comment** – This is not a matter for consideration pursuant to the *EP&A Act*. Notwithstanding this, as previously outlined, conditions have been included within the recommendation, requiring the completion of the development in accordance with the approved plans, limiting the hours of works, implementation of dust management measures and requiring demolition works being undertaken in accordance with the relevant Australian Standards.

Concern was raised that one of the property owners does not wish to proceed with the development.

**Comment** – The application was made in accordance with the relevant provisions of the *EP&A Act* and included the consent of all property owners. Accordingly, Council is required to assess and ultimately make a determination based upon the application at hand.

Concern was raised regarding the offensive nature of comments made within the accompanying Statement of Environmental Effects, in relation to the appearance of surrounding dwellings.

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**Comment** – Noted, however this is not a matter for consideration pursuant to the provisions of the *EP&A Act*.

Concern was raised regarding the general concept of seniors living type housing, and the health and social effects of residing in such type housing.

**Comment** – No justification has been provided in support of this claim. Furthermore, this type of housing provides an additional and popular housing option.

Concern was raised regarding the quality of documentation accompanying the application and inconsistencies within.

**Comment** – It is noted that the documentation accompanying the application (as originally made) included out dated and inconsistent details, however following such concerns being raised with the applicant by Council revised details have been provided which generally address such concerns. Furthermore, various conditions have been included within the recommendation requiring the implementation of the development in the intended sequence and manner.

Concern was raised regarding the suitability of the site to accommodate seniors living type housing given the access available to various services.

**Comment** – As previously outlined the site satisfies the relevant provisions of the Seniors Housing SEPP in relation to access to services.

Concern was raised regarding potential fire safety issues.

**Comment** – Building works are subject to the requirements of the Building Code of Australia and accordingly conditions have been included within the recommendation requiring compliance with such.

Concern was raised regarding the additional community stress associated with additional building works being undertaken in the locality.

**Comment** – Whilst it is acknowledged that several other developments have been undertaken over the past decade in close proximity to the site, there are no such controls restricting the number of sites able to be developed in a given area. Conditions have been included within the recommendation limiting the hours of building works and in relation to dust management. Furthermore, any such building works are subject to the requirements of the Building Code of Australia and the *Protection of the Environment and Operations Act*.

Concern was raised regarding the stress associated with Development Applications continuously being made for the subject site and other properties in the area.

**Comment** – Whilst it is acknowledged that two other like applications have previously been made for the subject site and that a variety of applications have been made for other properties in the locality, this is not a matter for consideration pursuant to the *EP&A Act* and can be quite common in an area that is in transition.

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Concern was raised regarding the notification of the application, in relation to the extent of notification and lack of information being available on the internet.

**Comment** – The application was notified in accordance with the requirements of the Campbelltown Development Control Plan No. 87 – Public Notification and Public Exhibition Policy.

### **Conclusion**

The proposal has been assessed pursuant to the relevant provisions of the Seniors Housing SEPP, LEP 2002 and the Sustainable City DCP. In this regard, while it is noted that the proposal does not comply with several of the requirements within Council's Sustainable City DCP, that pursuant to Clause 50 of the Seniors Housing SEPP, Council cannot refuse a development application which satisfies the associated requirements of the SEPP. The proposed development is permissible and assessment of such has not identified any significant environmental impacts. It is also considered that the site is suitable for the development. Accordingly, it is recommended that Council approve the application subject to appropriate conditions.

### **Officer's Recommendation**

That Development Application No. 935/2013, for the demolition of existing structures, tree removal and construction of a 12 unit Seniors Living development, with front fencing at Nos. 64 & 66 Kent Street, Minto, be approved, subject to the attached conditions.

**Committee Note:** Ms Porter, Ms Barfield and Ms Cootes addressed the Committee in opposition to the development.

The applicant, Mr Misra, addressed the Committee regarding the development application.

### **Committee's Recommendation: (Mead/Lound)**

That a decision in this matter be deferred to the Ordinary Meeting of Council to be held 3 June 2014, pending the receipt of further legal advice regarding the location of animals on the adjoining property.

### **CARRIED**

Voting for the Committee's Recommendation were Councillors: Lound, Matheson, Mead, Rowell and Thompson.

Voting against the Committee's Recommendation was Councillor: Kolkman.

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**Council Meeting 3 June 2014 (Kolkman/Greiss)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 86**

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Dobson, Greiss, Hawker, Kolkman, Lake, Matheson, Mead and Oates.

Voting against the Council Resolution were Councillors: Borg, Brticevic, Lound and Rowell.

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## ATTACHMENT 1

### 935/2013/DA-SL

#### Recommended Conditions of Consent GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

#### 1. Approved Development

The development shall be carried out in accordance with the approved plans, listed below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

Drawing Number	Date Received by Council
DA01 (Revision: D)	9 April 2014
DA03 (Revision: D)	9 April 2014
DA04 (Revision: A)	9 April 2014
DA05 (Revision: D)	9 April 2014
DA06 (Revision: B)	9 April 2014
DA07 (Revision: D)	9 April 2014
DA/08 (Sheet 1 of 1)	9 April 2014

#### 2. Construction Certificate

Prior to the commencement of any works that require a construction certificate:

- a. The applicant shall obtain a construction certificate for the particular works;
- b. The applicant shall appoint a principal certifying authority; and
- c. The private certifying authority shall notify Council of their appointment no less than two days prior to the commencement of any works

#### 3. Building Code of Australia

All building work must be carried out in accordance with the provisions of the *Building Code of Australia*. In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

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#### **4. Contract of Insurance (residential building work)**

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This clause does not apply:

- a. To the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of that regulation, or
- b. To the erection of a temporary building.

#### **5. Notification of Home Building Act 1989 Requirements**

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
  - i. The name and licence number of the principal contractor, and
  - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
  - i. The name of the owner-builder, and
  - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notification of the updated information.

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## 6. Shoring and Adequacy of Adjoining Property

If the development referred to in this development consent involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must at the person's own expense:

- a. Protect and support the adjoining premises from possible damage from the excavation, and
- b. Where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

## 7. External Finishes

- a. The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted with this application. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.
- b. The driveway is to be finished either 'French Grey', 'Gunmetal' 'Bluestone', 'Charcoal', or another similar colour.

## 8. Driveway

The gradients of driveways, manoeuvring areas and car park layout shall be designed in accordance with *Australian Standard AS 2890.1 and AS 2890.2 (as amended)*.

The driveway is to be bounded with a 150mm high kerb / dwarf wall.

## 9. Car Parking Spaces

Car parking shall be provided in accordance with the approved plans and Australian Standards 2890.1 and 2, and made available to all users of the site at all times.

## 10. Landscaping

- (1) The provision and maintenance of landscaping shall be in accordance with the approved landscape plan, prepared by Ray Fuggle & Associates, submitted to Council on 21 January 2014, including the engagement of a suitably qualified landscape consultant / contractor for landscaping works.
  - (2) All plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage.
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- (3) All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
- (4) Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
- (5) Minimum 75mm depth of organic mulch shall be placed within an area 500mm radius from the base of trees. Mulch shall be free from deleterious and extraneous matter, including soil, weeds, rocks, twigs and the like and shall be placed so that it is not in contact with the stem of the plant.

#### **11. Ground Levels**

The existing ground levels shall only be altered in accordance with the levels shown on the approved plans. Under no circumstances shall levels elsewhere on the site (i.e. within the side or rear setback areas) be altered in any way.

#### **12. Fencing**

- a. 1.8m high fencing is to be erected to cordon off the private open areas, in accordance with the approved plans, prior to the issuing of an Occupation Certificate.
- b. Attention is directed to the provisions of the Dividing Fences Act 1991, in relation to the fencing of the boundaries of the overall site.

#### **13. Lighting**

Illumination of the site is to be arranged to provide an appropriate level of lighting and in accordance with the requirements of *Australian Standard 4282 (as amended)* so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises or traffic.

#### **14. Switchboards/Utilities**

Switchboards, garbage storage areas and storage for other utilities shall not be attached to the front elevations of the building or side elevations that can be seen from a public place.

#### **15. Engineering Design Works**

The design of all engineering works shall be carried out in accordance with the requirements set out in the *Campbelltown (Sustainable City) DCP - Volumes 1 and 3*.

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## 16. Flood Level Controls

This site is located within an area that has been identified as at the risk of being affected by the 100 year ARI flood. The fill and floor level control, which affects this land shall be in accordance with the recommendations of the flood study report approved by Council and the requirements set out in the *Campbelltown (Sustainable City) DCP Volume 3*.

## 17. Rain Water Tanks

Rain water tanks shall be installed on site for the collection and storage of stormwater for irrigation and reuse purposes (eg the flushing of toilets), in accordance with the approved plans.

## 18. Rubbish / Recycling Bin Storage

Rubbish and recycling bins shall be stored within the private courtyard areas, not within vehicle parking, vehicle manoeuvring areas or landscaped areas.

## PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate by either Campbelltown City Council or an accredited certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

### 19. Compliance Certificate – Compliance with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The development shall comply with the relevant standards, objectives and controls contained within the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant shall obtain a Compliance Certificate from the Principal Certifying Authority in relation to the provision of satisfactory detailing of the following items, pursuant to Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

- a. Siting Standards,
  - b. Security,
  - c. Letterboxes,
  - d. Private car accommodation,
  - e. Accessible entry,
  - f. Interior,
  - g. Bedroom,
  - h. Bathroom,
  - i. Toilet,
  - j. Surface finishes,
-



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- k. Door hardware,
- l. Ancillary items,
- m. Living room and dining room,
- n. Kitchen,
- o. Laundry,
- p. Storage for linen, and
- q. Garbage

Prior to Council or an accredited certifier issuing any Construction Certificate under this consent, the applicant shall provide written evidence and architectural plans demonstrating how every development standard listed above shall be achieved.

Prior to the principal certifying authority issuing an occupation certificate or an interim occupation certificate, the applicant shall demonstrate to the principal certifying authority's satisfaction that each development standard listed above has been achieved.

## 20. Utility Servicing Provisions

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain a letter from both the relevant electricity authority and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.

*Note: The applicant should also contact the relevant water servicing authority to determine whether the development will affect the authorities water or sewer infrastructure.*

## 21. Sydney Water Stamped Plans

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating

or telephone 13 20 92.

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## **22. Telecommunications Infrastructure**

- a. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and
- b. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

## **23. Waste Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, the relevant provisions of Council's *Waste Management Plan* is to be completed to the satisfaction of Council.

## **24. Geotechnical Report**

Prior to Council or an accredited certifier issuing a construction certificate, a geotechnical report prepared by a NATA registered lab shall be submitted which indicates that the land will not be subject to subsidence, slip, slope failure or erosion where excavation and/or filling exceeds 900mm in depth or identified as filled land.

## **25. Soil and Water Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, a detailed soil and water management plan shall be submitted for approval.

## **26. Stormwater Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to a piped drainage system under Council's control. In this regard the applicant shall construct a Council's standard kerb inlet pit in Kent Street and connect the site drainage to the pit.

The applicant shall obtain written approval from Council for the drainage works in public land prior to the accredited certifier issuing a construction certificate.

All proposals shall comply with the *Campbelltown (Sustainable City) DCP - Volumes 1 and 3*.

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## 27. Inundation by Flood Waters

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans addressing recommendations of the flood study report No: 12066CB Revision B, prepared by G J McDonald and approved by Council. In this regard the design levels including finished ground and floor levels shall be in accordance with the above mentioned flood study report.

- ii. Any filling required shall be undertaken in accordance with Council's 'Specification for *Construction of Subdivision Road and Drainage Works*' (as amended), AS3789 'guidelines for Earthworks for Commercial and Residential Development (as amended)', and the approved construction drawings.
- iii. Where finished floor and surface levels related to flooding are specified as above, a 'work as executed' plan certified by a registered surveyor shall be submitted to Council for approval prior to release of the occupation certificate.

## 28. Work on Public Land

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written approval from Council for any proposed work on public land. Inspection of this work shall be undertaken by Council at the applicants expense and a compliance certificate, approving the works, shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

## 29. Design for Access and Mobility

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant shall demonstrate by way of detailed design, compliance with the relevant access requirements of the BCA and AS 1428 – Design for Access and Mobility.

## 30. Section 94A Developer Contribution - Community Facilities and Services

Prior to Council or an accredited certifier issuing a Complying Development Certificate or a Construction Certificate (or where a Construction Certificate is not required, a Subdivision Certificate), the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the *Campbelltown City Council Section 94A Development Contributions Plan*.

For the purposes of calculating the required S94A contribution, where the value of the total development cost exceeds \$100,000, the applicant is required to include with the application for the respective certificate, a report setting out a cost estimate of the proposed development in accordance with the following:

- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the *Consumer Price Index - All Groups* (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or
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- where the value of the proposed development is \$500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the *Consumer Price Index All Group Index Number for Sydney* have been incorporated in the updated QS Report.

Copies of the Cost Summary Report - Template 1 and the Quantity Surveyors Estimate Report - Template 2 are located under "Developer Contributions" on Council's web site ([www.campbelltown.nsw.gov.au](http://www.campbelltown.nsw.gov.au)) or can be collected from Council's Planning and Environment Division during normal business hours.

On calculation of the applicable contributions, all amounts payable will be confirmed by Council in writing.

Payment of Section 94A Developer Contributions will only be accepted by way of Cash, Credit Card or Bank Cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

**Note: This condition is only applicable where the total development value exceeds \$100,000.**

### **PRIOR TO THE COMMENCEMENT OF ANY WORKS**

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any works on site.

#### **31. Erosion and Sediment Control**

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

#### **32. Erection of Construction Sign**

Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours;
  - b. Stating that unauthorised entry to the work site is prohibited; and
  - c. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent);
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- d. Stating the approved construction hours in which all works can occur.
- e. Showing the name, address and telephone number of the principal certifying authority for the work.

Any such sign/s is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

**33. Toilet on Construction Site**

Prior to the commencement of any works on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part thereof. Each toilet provided must be a standard flushing toilet and be connected to:

- a. A public sewer, or
- b. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or
- c. If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.

**34. Trade Waste**

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

**35. Vehicular Access during Construction**

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto any public road system. Single sized aggregate, 40mm or larger placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

**36. Public Property**

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including kerbs, gutters, footpaths, and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

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### **37. Footpath and Vehicular Crossing Levels**

Prior to the commencement of any work, footpath and vehicular crossing levels are to be obtained from Council by lodging an application on the prescribed form.

### **38. Demolition Works**

Demolition works shall be carried out in accordance with the following:

- a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
- c. The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.
- d. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works
- e. Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works.

### **39. Fencing**

An appropriate fence preventing public access to the site shall be erected for the duration of construction works.

### **40. Geotechnical Reference**

Prior to the commencement of any works, a certificate prepared by the designing structural engineer certifying that the design is in accordance with the geotechnical investigation of the site shall be submitted to the PCA. The designing structural engineer shall also nominate a site classification in accordance with AS2870 – *Residential Slabs and Footings*.

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#### 41. Structural Engineer Details

Prior to the commencement of any works, the submission to the principal certifying authority of all details prepared by a practicing structural engineer.

### DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

#### 42. Construction Work Hours

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No Work.

#### 43. Erosion and Sediment Control

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*, the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

**Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.**

#### 44. Waste Management Plan

The applicant shall undertake all works in accordance with the Waste Management Plan submitted to Council and the relevant provisions of Council's Waste Management Plan.

#### 45. Work Zones

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic / pedestrian control measures, including relevant fees, shall be borne by the applicant.

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#### **46. Protection of Existing Trees**

- a. Compliance at all times with the requirements and recommendations contained within the Ecological Consultant's Report, prepared by Accord Tree, submitted to Council on 9 January 2014.
- b. All trees that are to be retained are to be protected by fencing, firmly staked within the drip line / canopy of the tree and maintained during the duration of the works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.

All useable trees and shrubs shall be salvaged for re-use, either in log form, or as woodchip mulch for erosion control or garden beds or site rehabilitation. Non-salvable materials such as roots and stumps shall be disposed of to a waste management centre or other approved form.

#### **47. Dust Nuisance**

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*. Construction areas shall be treated/ regularly watered to the satisfaction of the principal certifying authority.

#### **48. Termite Control**

The building shall be protected from subterranean termites in accordance with *Australian Standard 3660.1*. Certification of the treatment shall be submitted to the principal certifying authority prior to the issue of an occupation certificate.

#### **49. Public Safety**

Any works undertaken in a public place are to be maintained in a safe condition at all times in accordance with *AS 1742.3*. Council may at any time and without prior notification make safe any such works Council considers to be unsafe, and recover all reasonable costs incurred from the applicant.

#### **50. Compliance with Council Specification**

All design and construction work, shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
  - b. *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*,
  - c. *Soils and Construction (2004) (Bluebook)*; and
  - d. Relevant Australian standards and State Government publications.
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**51. Footpath**

The unpaved area of the footpath verge adjoining the subject land shall be regraded, topsoiled and turfed in accordance with levels to be obtained from Council. The footpath formation may need to be extended beyond the site boundaries, to provide an acceptable transition to existing footpath levels.

**52. Medium Density Driveway and Layback Crossing**

The applicant shall provide a reinforced concrete driveway and layback crossing/s to Council's *Medium Density Vehicle Crossing Specification*.

A separate application for this work, which will be subject to a crossing inspection fee, fixing of levels and inspections by Council, must be lodged with Council. Conduits must be provided to service authority requirements.

**53. Associated Works**

The applicant shall undertake any works external to the development, that are made necessary by the development, including additional road and drainage works or any civil works directed by Council, to make a smooth junction with existing work.

**54. Redundant Laybacks and Kerb outlets**

All redundant kerb outlet/s and layback/s shall be removed and the kerb shall be reinstated to conventional kerb and gutter to Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP - Volumes 1 and 3*.

**55. Completion of Construction Works**

Unless otherwise specified in this consent, all construction works associated with the approved development shall be completed within 12 months of the date of the notice of the intention to commence construction works under Section 81A of the Act.

In the event that construction works are not continually ongoing, the applicant shall appropriately screen the construction site from public view with architectural devices and landscaping to Council's written satisfaction.

**PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

The following conditions of consent must be complied with prior to the issue of an occupation certificate by either Campbelltown City Council or an accredited principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

Note: For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

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#### **56. Section 73 Certificate**

Prior to the principal certifying authority issuing an occupation certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator.

For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.

#### **57. Structural Engineering Certificate**

Prior to the principal certifying authority issuing an occupation certificate, the submission of a certificate from a practising structural engineer certifying that the building has been erected in compliance with the approved structural drawings and relevant SAA Codes and is structurally adequate.

#### **58. Completion of External Works Onsite**

Prior to the principal certifying authority issuing an occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the principal certifying authority.

#### **59. Restoration of Public Roads**

Prior to the principal certifying authority issuing an Occupation Certificate, the restoration of public road and associated works required as a result of the development shall be carried out by Council and all costs shall be paid by the applicant.

#### **60. Works as Executed Plans**

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council the following documents:

- a. Two complete sets of fully marked up and certified work as executed plans in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 3*.
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#### **61. Registration of Levels**

Prior to the principal certifying authority issuing an occupation certificate, a qualified practicing surveyor shall certify that the finished floor and finished surface levels of the development comply with the relevant condition in the development consent. An electronic copy of this work as executed information shall also be submitted to Council, complying with the following provisions:

1. MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System.
2. DXF and/or MID/MIF file format(s), and
3. Datum to be AHD (Australian Height Datum)

#### **62. Public Utilities**

Prior to the principal certifying authority issuing an occupation certificate, any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

#### **63. Service Authorities**

Prior to the principal certifying authority issuing a subdivision certificate, two copies of all servicing plans shall be forwarded to Council in accordance with the following:

Written advice from *Sydney Water*, *Integral Energy* and where applicable the relevant gas company, shall be submitted, stating that satisfactory arrangements have been made for the installation of either service conduits or street mains in road crossings, prior to the construction of the road pavement. All construction work shall conform to the relevant authorities specification/s.

The final seal shall be deferred pending installation of all services. In this regard the applicant shall provide a temporary seal and lodge with Council as security, the amount to be determined by Council, to cover the cost of trench restoration by Council and the placement of the final asphaltic concrete seal.

#### **64. BASIX**

Prior to the principal certifying authority issuing an occupation certificate, completion of all requirements listed in the relevant BASIX certificate for the subject development shall be completed/installed.

#### **65. Restriction On The Use Of Land**

Prior to the principal certifying authority issuing an Occupation Certificate, the applicant shall create a restriction as to user, registered against the title of the property of land under Section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to, either.

- a. seniors or people who have a disability,
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- b. people who live within the same household with seniors or people who have a disability, or
- c. staff employed to assist in the administration of and provision of services to housing provided under this Policy.

The applicant shall liaise with Council regarding the required wording. The authority empowered to release, vary or modify these restrictions on the use of land shall be the Council of the City of Campbelltown. The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

## 66. Council Fees and Charges

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall obtain written confirmation from Council that all applicable Council fees and charges associated with the development have been paid in full. Written confirmation will be provided to the applicant following Council's final inspection and satisfactory clearance of the public area adjacent the site.

### ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

#### Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000.
  - b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
  - c. Give Council at least two days notice prior to the commencement of any works.
  - d. Have mandatory inspections of nominated stages of the construction inspected.
  - e. Obtain an occupation certificate before occupying any building or commencing the use of the land.
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**Advice 2. Tree Preservation Order**

To ensure the maintenance and protection of the existing natural environment, you are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside three metres of the building envelope unless you have obtained prior written consent from Council. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

A tree is defined as a perennial plant with self supporting stems that are more than three metres or has a trunk diameter more than 150mm measured one metre above ground level, and excludes any tree declared under the Noxious Weeds Act (NSW).

**Advice 3. Provision of Equitable Access**

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992) or *Disability (Access to Premises – Buildings) Standards 2010* (Premises Standards).

Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the *Building Code of Australia* (BCA) & the Premises Standards. In this regard it is the sole responsibility of the certifier, building developer and building manager to ensure compliance with the Premises Standards.

Where no building works are proposed and a Construction Certificate is not required, it is the sole responsibility of the applicant and building owner to ensure compliance with the DDA1992.

**Advice 4. Smoke Alarms**

From 1 May 2006 all NSW residents must have at least one working smoke alarm installed on each level of their home. This includes owner occupier, rental properties, relocatable homes and any other residential building where people sleep.

The installation of smoke alarms is required to be carried out in accordance with AS 3786. The licensed electrical contractor is required to submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786.

**Advice 5. Covenants**

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

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**Advice 6. Inspections – Civil Works**

Where Council is nominated as the principal certifying authority for civil works, the following stages of construction shall be inspected by Council.

- a. EROSION AND SEDIMENT CONTROL –
  - i. Direction/confirmation of required measures.
  - ii. After installation and prior to commencement of earthworks.
  - iii. As necessary until completion of work.
- b. STORMWATER PIPES – Laid, jointed and prior to backfill.
- c. VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.
- d. FINAL INSPECTION – All outstanding work.

**Advice 7. Inspection Within Public Areas**

All works within public areas are required to be inspected at all stages of construction and approved by Council prior to the principal certifying authority releasing the Occupation Certificate.

**Advice 8. Adjustment to Public Utilities**

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

**Advice 9. Salinity**

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

**Advice 10. Asbestos Warning**

Should asbestos or asbestos products be encountered during construction or demolition works you are advised to seek advice and information prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by Work Cover NSW), be engaged to manage the proper disposal and handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)  
[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)  
[www.adfa.org.au](http://www.adfa.org.au)  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

Alternatively, call Work Cover Asbestos and Demolition Team on 8260 5885.

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**Advice 11. Rain Water Tank**

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. NSW Health recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

**Advice 12. Dial before you Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

**Advice 13. Telecommunications Act 1997 (Commonwealth)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

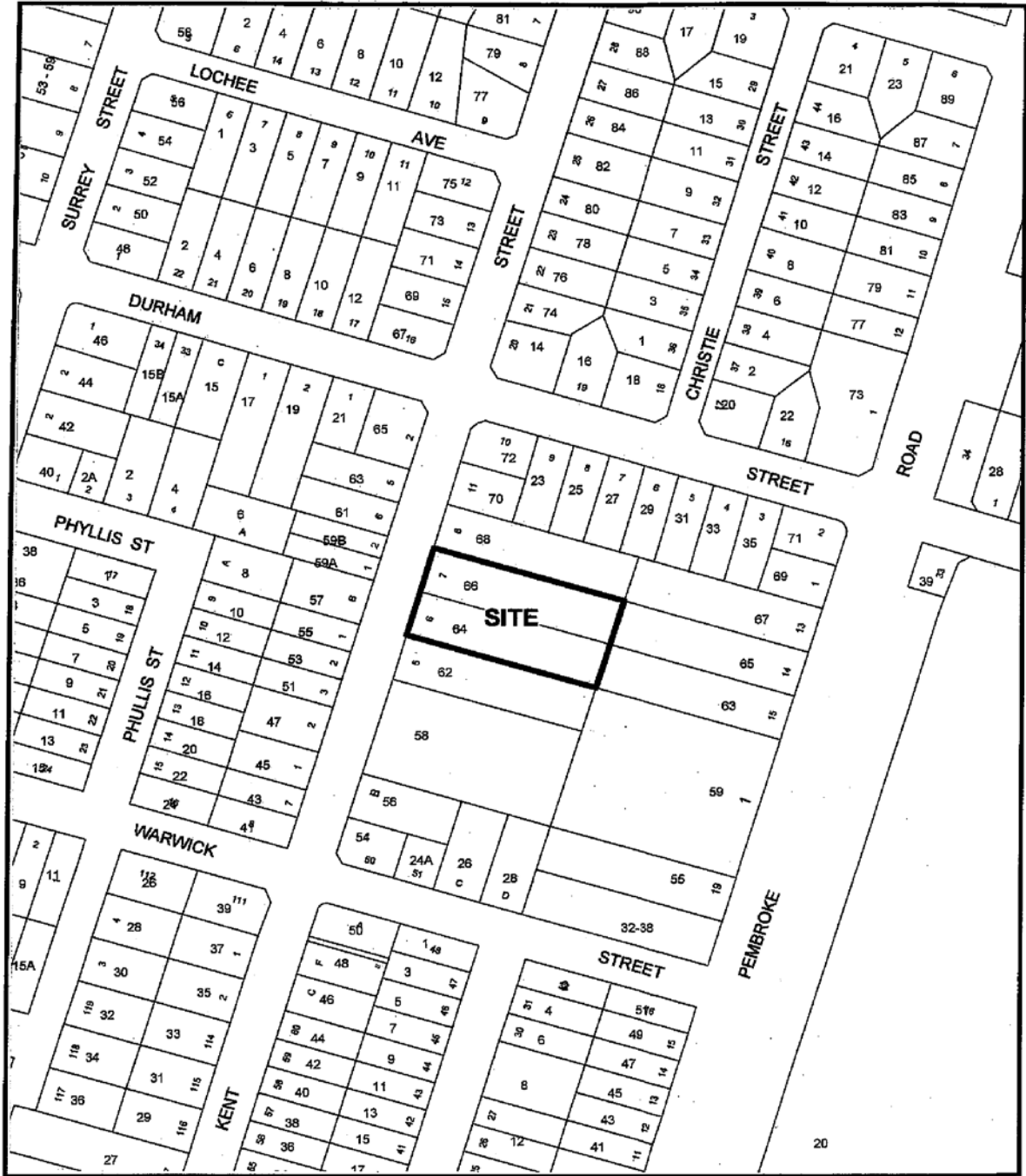
Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

**END OF CONDITIONS**

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**ATTACHMENT 2**



**LOCALITY PLAN**



**SUBJECT:**

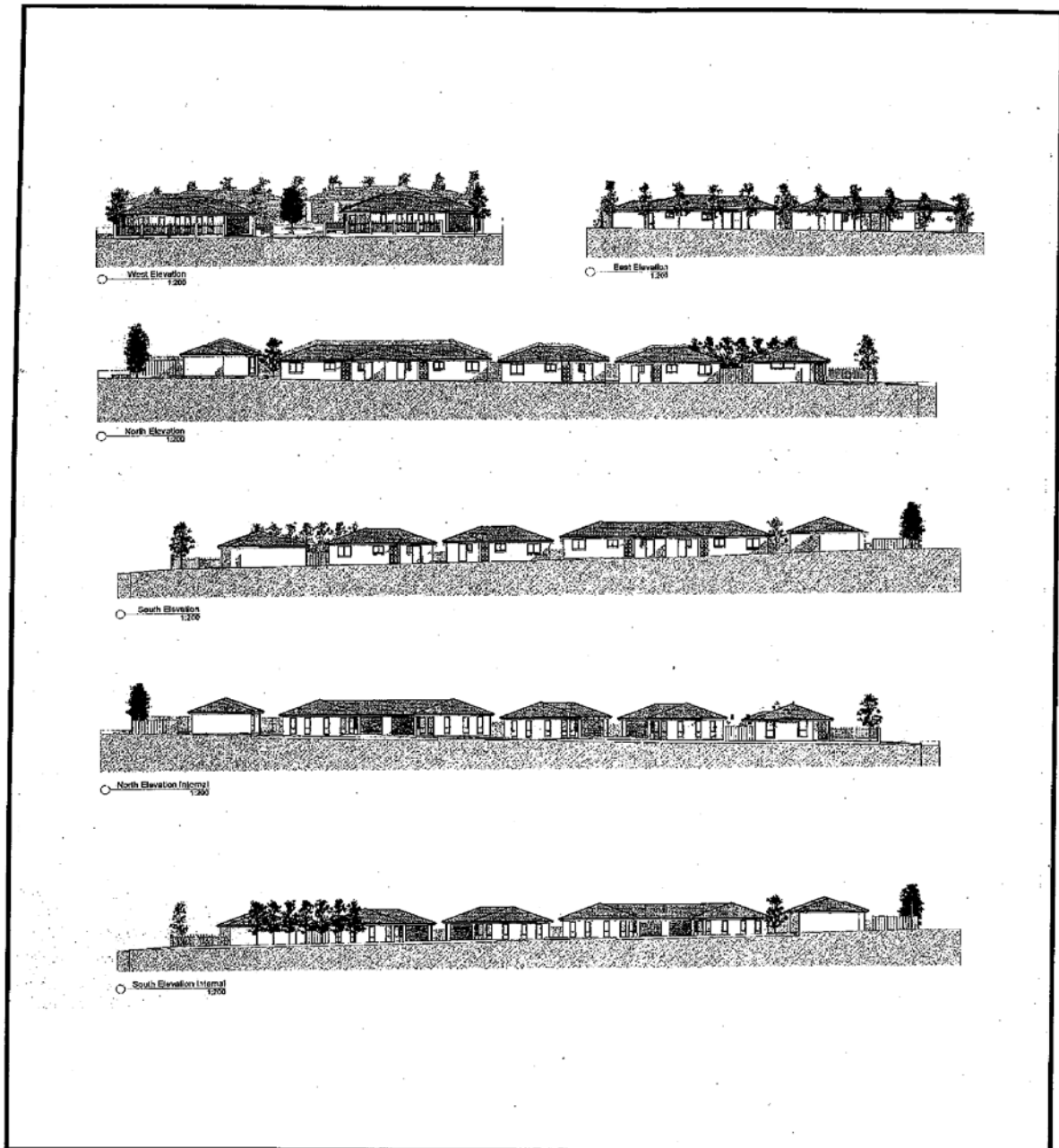
SENIOR LIVING DEVELOPMENT.

LOTS 6 & 7 DP 31977 - Nos. 64 & 66 KENT STREET, MINTO.



3.3 Lots 6 And 7, DP 31977 Nos. 64 And 66 Kent Street, Minto - Demolition Of Existing Structures, Tree Removal And Construction Of A 12 Unit Seniors Living Development With Front Fencing

**ATTACHMENT 4**



**ELEVATIONS**

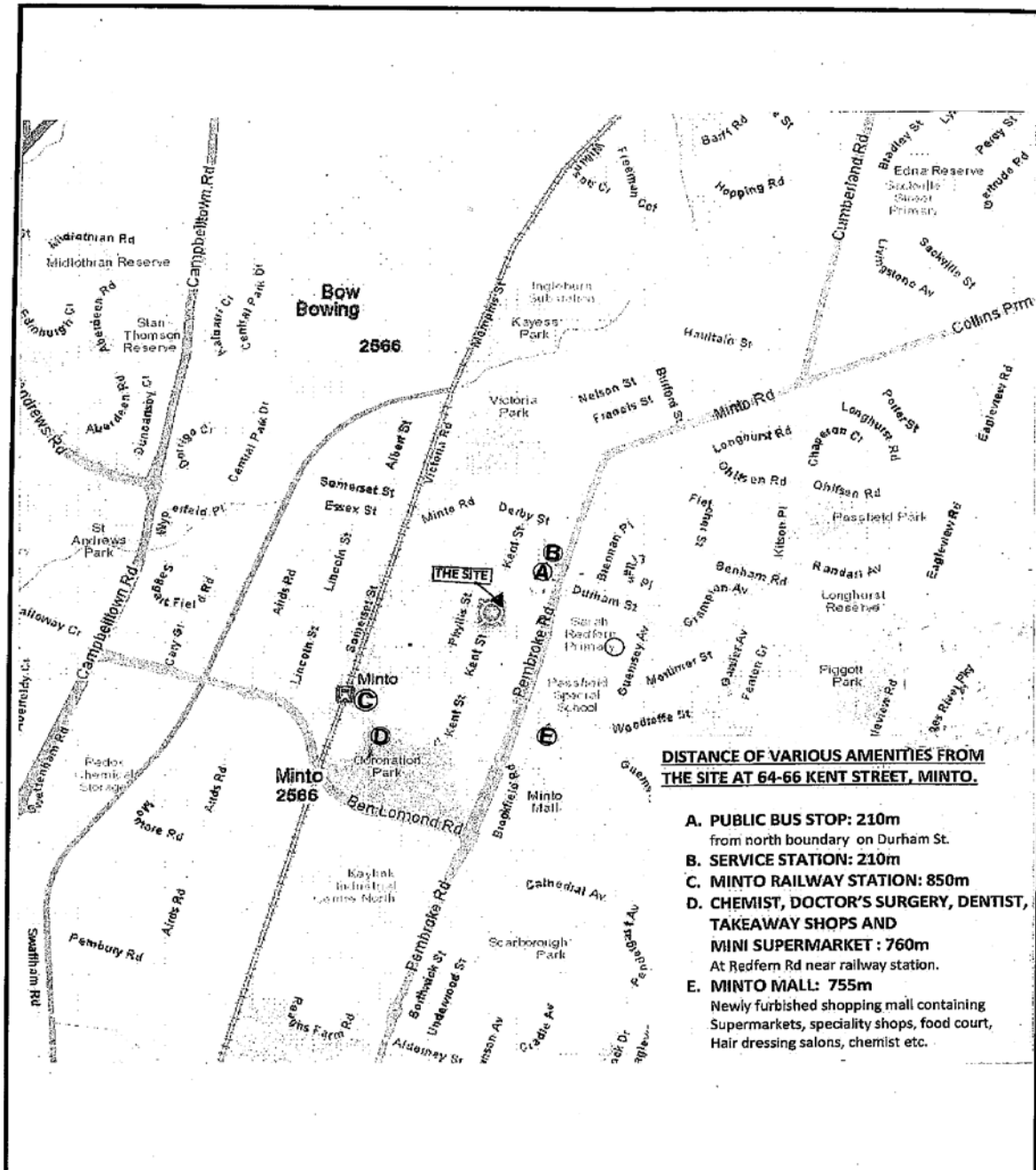
**SUBJECT:**

SENIOR LIVING DEVELOPMENT.

LOTS 6 & 7 DP 31977 - Nos. 64 & 66 KENT STREET, MINTO.

3.3 Lots 6 And 7, DP 31977 Nos. 64 And 66 Kent Street, Minto - Demolition Of Existing Structures, Tree Removal And Construction Of A 12 Unit Seniors Living Development With Front Fencing

**ATTACHMENT 5**



**ACCESS TO SERVICES**

**SUBJECT:**

SENIOR LIVING DEVELOPMENT.

LOTS 6 & 7 DP 31977 - Nos. 64 & 66 KENT STREET, MINTO.

3.3 Lots 6 And 7, DP 31977 Nos. 64 And 66 Kent Street, Minto - Demolition Of Existing Structures, Tree Removal And Construction Of A 12 Unit Seniors Living Development With Front Fencing

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## ATTACHMENT 7

Flora & Fauna Assessment & Seven Part Test @ 64 – 66 Kent Street, Minto

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### 5.1.2 Seven Part Test on the Shale Plains Woodland Ecological Community

- a. **In the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population is likely to be placed at risk of extinction.**

Response – This question is not relevant to a threatened Ecological Community

- b. **In the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population is likely to be placed at risk of extinction.**

Response – This question is not relevant to a threatened Ecological Community

- c. **In the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:**

- (i) **Is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk**

Response – The study area has been mapped by NPWS (2002) as containing Shale Plains Woodland with a conservation significance of Other Remnant Vegetation, as it consists of remnant trees over urban residential development. It was previously cleared and subdivided in 1950 for residential development. Since that time approximately 136 trees have become established from seedling recruitment. These have developed into an equal aged stand of trees which are competing heavily for light and nutrients. The shrub and ground stratum are dominated by introduced species.

The subject site contains 41 trees; 22 indigenous and 21 introduced. While the proposed activity will require the removal of 75% of the indigenous trees on the site, this represents only 11% of the stand in the study area. This is unlikely to place the local occurrence of the SPW at risk.

- (ii) **Is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.**

Response – The removal 15 trees out of a stand of 136 is unlikely to substantially modify the community (represented by remnant trees over urban development) and is unlikely to place the local occurrence of the community at risk of extinction.

- d. **In relation to the habitat of a threatened species, population or ecological community:**

- (i) **The extent to which habitat is likely to be modified as a result of the action proposed**

Response – Fifteen of 136 trees in the remnant stand of SPW are proposed for removal in order to create the footprint of the proposed building. The action proposed will remove 11% of the stand. No significant habitat is provided by the shrub and ground stratum

Quality of the Site Habitat: The quality of the habitat in the study area is very poor and is represented by remnant trees over existing urban development. The surrounding areas have also been cleared for urban development.

- (ii) **Whether an area of is to become fragmented or isolated from other areas of habitat as a result of the proposed action**

Response – No, the study area is already isolated from other areas of habitat by residential development and associated infrastructure. The activity will not further fragment the study area

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3.3 Lots 6 And 7, DP 31977 Nos. 64 And 66 Kent Street, Minto - Demolition Of Existing Structures, Tree Removal And Construction Of A 12 Unit Seniors Living Development With Front Fencing

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**(iii) The importance of the habitat to be removed, modified, fragmented or isolated to the long term survival of the species, population or ecological community in the locality.**

Response – The conservation significance of the site has been assessed as Other Remnant Vegetation and does not provide important habitat for SPW.

Ecological Integrity: Its structure has been significantly altered by land clearing associated with the existing residential development. The stand of trees could be retained in the medium to long term (15 - >40 years) assuming reasonable maintenance. The shrub and ground stratum are dominated by introduced species and do not provide important habitat features for threatened species. It is highly unlikely that this EEC will become re-established under the current land tenure.

**e. Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly)**

Response – No areas of critical habitat have been declared for Shale Plains Woodland.

**f. Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.**

Response – A number of objectives and strategies for this community have been detailed in DEC (2006) 'Introducing the threatened species priority action statement'. Of relevance to this proposal are the following objectives.

1. Surveying and mapping
2. Habitat protection

The 1<sup>st</sup> objective is served by undertaking the survey for this assessment and the provision of data to the relevant authorities.

The 2<sup>nd</sup> objective is served by this assessment process with the survey conducted of the ecological community to identify the presence of any important habitat features.

**g. Whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.**

Response – The proposed action relates to 'Clearing on Native Vegetation' which is listed as a key threatening process on Schedule 3 of NSW TSC Act (1995). However, it is unlikely to increase the impacts of this threatening process at a local, regional or national level.

**Conclusion**

This Seven Part Test indicates that the proposed development is unlikely to have a significant impact upon the remnant Shale Plains Woodland ecological community in the study area, and it is unlikely to place its local occurrence at risk

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3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

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**3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction of a studio above an existing garage**

**Reporting Officer**

Manager Development Services

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**Attachments**

1. Recommended Conditions of Consent (contained within this report)
2. Locality Plan (contained within this report)
3. Precinct Plan for Link Site DCP (contained within this report)
4. Floor Plans (confidential - for privacy reasons these are not available to the public)
5. Section Plan (contained within this report)
6. Elevation Plans (contained within this report)
7. Shadow Diagrams (contained within this report)
8. External finishes schedule (contained within this report)

**Purpose**

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

<b>Property Description</b>	Lot 407 DP 1107378 No. 5 Parc Guell Drive, Campbelltown
<b>Application No</b>	2097/2013/DA-M
<b>Applicant</b>	Accurate Design and Drafting
<b>Owner</b>	Mr Frank Herman Binder and Mrs Glynis Anne Binder
<b>Provisions</b>	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Campbelltown (Urban Area) Local Environmental Plan 2022 Campbelltown (Sustainable City) Development Control Plan 2012 Campbelltown Development Control Plan No. 104 Campbelltown 2025 – Looking Forward Studio Housing – Second Occupancy Dwellings in Master Planned Estates 2007 Section 94A Development Contributions Plan
<b>Date Received</b>	10 October 2013

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## History

Council considered a report on the development proposal at its Ordinary Meeting held on 29 April 2014. At that meeting, it was resolved to defer determination of the application until such time that Councillors had been able to undertake an inspection of the site and its surrounds.

An inspection was undertaken on 20 May 2014 to which both applicant and objectors were invited to attend.

Subsequent to the inspection and in accordance with Council's previous resolution, the application is again presented to Council for its consideration.

The report and the recommendations are unchanged from the report tabled at Council on 29 April 2014.

## Report

### Introduction

Council is in receipt of a development application proposing the construction of a studio over an existing rear double garage at No. 5 Parc Guell Drive, Campbelltown.

The land is zoned 10(a) Regional Comprehensive Centre Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002). An assessment of the proposed development against CLEP 2002 is contained later within this report.

### The Site

The subject site, legally described as Lot 407 DP 1107378, is an irregular shaped allotment with a total area of approximately 521.5 square metres. The site has a primary frontage to the southern side of Parc Guell Drive of approximately 15.49 metres. The site is unique as it also has access to a rear double garage located at the cul-de-sac head on the northern end of Santana Road. The western boundary of the site adjoins a pedestrian access from Santana Road to Parc Guell Drive. The site also shares a rear property boundary with No. 14 and No. 16 Rizal Street, Campbelltown.

Development surrounding the subject site is predominately two storey and single storey detached dwellings. Parc Guell Drive is characterised by two storey dwelling and Santana Road is predominately single storey detached dwellings. Rizal Street is predominately two storey detached dwellings. Immediately to the west of the site is a two and three storey residential flat building.

### The Proposal

The development application proposes the construction of a studio over an existing rear double garage.

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### 3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

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A description of the proposed building and works proposed is as follows:

- 35 square metre studio comprising of a kitchenette and bathroom facilities
- Access provided by stairs located on the southern side of the existing garage from Santana Road
- Privacy screen 1,600mm high along the access stairs and landing
- East facing kitchen window located 1,705mm above floor level
- North facing bathroom window constructed using obscure glass
- Two west facing windows 1,600mm x 1,900mm.

Materials and finishes would match the existing garage structure.

Vehicular access to the existing garage would be maintained.

#### **Assessment**

The development has been assessed in accordance with the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* (the EPA Act) and having regard to those matters, the following issues have been identified for further consideration.

#### **1. Vision**

##### **Campbelltown 2025 – Looking Forward**

'Campbelltown 2025 - Looking Forward' is a statement of broad town planning intent for the longer term future of the City of Campbelltown that:

- Responds to what Council understands people want the City of Campbelltown to look, feel and function like
- Recognises likely future government policies and social and economic trends
- Sets down the foundations for a new town plan that will help achieve that future.

The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are broad in nature and form a prelude to a new statutory town plan for the City.

The proposed development is most consistent with the following strategic direction:

- Growing the Regional City.

The strategic direction aims to encourage ongoing investment by the private and public sectors to assure the longer term sustainability of high order retail, commercial, community education and cultural amenities, and job growth within the Campbelltown Regional City Centre.

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### 3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

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The development is considered to contribute to the growth of the regional population by way of providing housing opportunities located at key points within the Region. The provision of a variety of housing types within the Region allows for variation in the appearance of and density of development within residential areas to cater for family units of various sizes, and living arrangements.

Relevant desired outcomes of the strategic directions include:

- Urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable
- An impression of architecture that engages its environmental context in a sustainable way
- Development and land use that matches environmental capacity and capability.

The proposed studio above the existing garage is consistent with desired outcomes within Campbelltown 2025 specifically in relation to supporting the growth of the regional population. It is considered to contribute positively to the long term sustainability of the Region, and as such is to be considered favourably, subject to the result of assessment under Section 79C of the *Environmental Planning and Assessment Act 1979*.

## 2. Planning Provisions

Section 79C(1)(a) of the *EPA Act* requires Council to consider environmental planning instruments and development control plans that apply to the site.

### 2.1 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

An application for development consent in relation to residential development must be accompanied by a list of commitments set out in a BASIX certificate with regard to the proposed development. Accordingly, the applicant has submitted the required BASIX Certificate (Certificate No. 538338S) and has shown the appropriate measures on the architectural plans.

### 2.2 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 10(a) – Regional Comprehensive Centre under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed development is defined as ‘dual occupancy’ and is permissible with Council’s development consent. A dual occupancy is defined as per the following:

‘Dual occupancy means two dwellings on the same lot.’

It is considered the proposed studio falls within the definition of a ‘dual occupancy’ as stated in CLEP 2002.

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3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

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The objective of the 10(a) – Regional Comprehensive Centre, of relevance to the proposed development are:

- (f) to encourage a variety of forms of higher density housing, including accommodation for older people and people with disabilities in locations which are accessible to public transport, employment, retail, commercial and service facilities.

Except as otherwise provided by CLEP 2002, Council as the consent authority, must grant consent for development on land within this zone unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone.

The proposed studio construction would contribute towards a variety of higher density housing in a location that is accessible to public transport, employment, retail, commercial and service facilities. In this regard, the application is for a permissible studio construction in a higher density living area.

Accordingly, it is considered that the development is consistent with the relevant zone objective and Council can grant consent to the proposed development should it deem appropriate to do so.

### **2.3 Campbelltown (Sustainable City) Development Control Plan 2012**

Campbelltown (Sustainable City) Development Control Plan (SCDCP) does not apply to the site as there is a site specific development control plan for Park Central, however it is considered relevant to assess the proposed development against the aims of the SCDCP as follows:

- Ensure that the aims and objectives of any relevant EPI including Campbelltown's LEPs and IDOs are complemented by the Plan
  - Ensure that the principles of ecological sustainability are incorporated into the design, construction and ongoing operation of development
  - Facilitate innovative development of high quality design and construction in the City of Campbelltown
  - Ensure that new development maintains or enhances the character and quantity of the nature and built environment
  - Ensure that new development takes place on land that is capable of supporting development
  - Encourage the creation of safe, secure and liveable environments
  - Ensure that new development minimises the consumption of energy and other finite resources, to conserve environmental assets and to reduce greenhouse gas emissions
  - Provide for a variety of housing choices within the City of Campbelltown.
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It is considered that the development is generally consistent with several of the relevant aims of the SCDCP, particularly providing for a variety of housing choices within the City of Campbelltown.

#### **2.4 Campbelltown Development Control Plan (DCP) No. 104**

Development Control Plan No. 104 – Campbelltown Link Site (DCP 104) came into force on 9 January 2002 and applies to the whole of the Link Site. The objectives of the DCP are:

- a) To allow for a variety of land uses and building types including open space, residential, mixed uses, commercial and aged persons housing within appropriate identified precincts
- b) To ensure a minimum neighbourhood dwelling density of 30 dwellings per hectare of total residential precincts is achieved through the provision of a mixture of dwelling types and building configurations
- c) To ensure building design demonstrates architectural merit and comprises high quality materials and finishes
- d) To create a place that serves and inspires present generations without compromising future generations through the utilisation of ecologically sustainable design practices
- e) To provide opportunities to a range of transport nodes
- f) To provide for increased housing densities in close proximity to transport nodes and civic precincts, in accordance with State Government Policies and Council's Housing Strategy
- g) To capitalise on the Link Site's location and distinctive features to create a high quality urban environment which offers a range of housing, employment and recreational opportunities.

The proposed development complies with a number of the objectives of DCP 104, in particular by allowing for a variety of building types and allowing for increased housing densities in close proximity to transport nodes. It is considered that the proposed development would not compromise the overall objectives of DCP 104.

The subject site falls within the Entry Avenue Precinct, which is designed to create a unique sense of arrival to the Link site through building form and streetscape pattern. The objectives of this precinct are:

- To promote hard edge building design which complements the street layout and landscape characteristics to create functional and aesthetic gateways to the site
  - To provide a variety of medium density housing to meet the changing demand for housing in the Campbelltown Area and the requirements of Council's Housing Strategy
-

3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

- To provide opportunities for residential-mixed use development in close proximity to the special commercial and business commercial precincts.

The proposed development complies with these precinct objectives as it maintains the existing streetscape of Parc Guell Drive.

Overall, it is considered that the proposed development would not compromise the overall objectives of DCP 104.

**Design Guidelines**

Specific controls in relation to design, massing and setbacks have been provided for proposed developments within the Entry Avenue Precinct by DCP 104. The proposed development has been assessed against these guidelines and the responses are detailed below:

Design Guideline	Assessment
<b>Allotment size</b> Minimum 390 square metres.	The subject site has an area of 521.5 square metres.
<b>Site Frontage</b> Minimum 7.5 metres.	The subject site has a frontage of 15.49 metres to Parc Guell Drive.
<b>Site Coverage</b> Site coverage maximum of 65%.	The proposal would not alter the existing site coverage.
<b>Design and Massing</b> Street elevations to be formal, continuous and uniform in massing with architectural detailing to provide for variety in the design.  Strong building frontage with projecting balconies and clearly defined entries.	The proposed development would be located in the rear of the subject site and would not alter the existing streetscape of Parc Guell Drive.
<b>Private Open Space</b> Minimum 20% of the site area of each allotment with minimum dimension of 4.0 metres x 4.0 metres.	The proposed studio construction would not alter the existing private open space dimensions.
<b>Car Parking</b> Car parking is to be provided at the rear of the dwelling for all lots with rear street access.	The proposed development would not alter the existing car parking facilities of the subject site.
<b>Setbacks</b> Front: 2.5 metres applies to all buildings with 1.5 metres setback for indentations.  Side: Maximum 1.5 metres for all buildings.  Rear: Minimum 3.0 metres.	The proposal would maintain the existing front setback.  The proposal would maintain the existing side setback.  The existing rear setback would be maintained.

The proposed development complies with the Design Guidelines for the Entry Avenue Precinct.

3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

**2.5 Council Report – Studio Housing – Second Dwellings in Master Planned Estates 2007**

‘Studio Housing – Second Dwellings in Master Planned Estates 2007’, was prepared to provide guidance to Council, developers and the community regarding studio housing development in master-planned estates. The report details various forms of studio housing which includes:

1. Type 1 – Studio room(s) above garage (no subdivision)
2. Type 2 – Studio apartments above garage (on separate Strata title)
3. Type 3 – Studio apartment above principal dwelling (on separate Strata title).

The proposal proposes to construct a Type 1 studio. A type 1 studio 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 either a detached part of the dwelling house on the land, or as a separate secondary domicile on the land, which is located above a garage, car port or the like, but is not intended to, or capable of being separately subdivided from the principal dwelling house on the land.’

**Development Standards for Type 1 Studio – Studio room(s) above garage (no subdivision)**

		<b>Studio Housing - Second Dwellings in Master Planned Estates</b>	
<b>Control</b>	<b>Proposed</b>	<b>Requirement</b>	<b>Complies</b>
<b>Floor Area of Studio (excluding balcony, car space and stairs)</b>	35 square metres.	No minimum floor area Maximum floor area = 50m <sup>2</sup>	Yes
<b>On Site Car Parking for Studio</b>	An additional parking space would not be provided.	No additional car parking space required.	Yes
<b>Private Open Space for Studio</b>	The provision of separate private open space would not be provided.	No separate private open space to be provided for studio.	Yes
<b>Location of Studio</b>	The proposed studio would be located above the existing rear garage.	Studio to be located above the garage, carport or like structure for the principal dwelling on the land.	Yes
<b>Subdivision of Studio</b>	Subdivision does not form part of the development application.	No subdivision of studio from principal dwelling on the land.	Yes

3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

		<b>Studio Housing - Second Dwellings in Master Planned Estates</b>	
<b>Control</b>	<b>Proposed</b>	<b>Requirement</b>	<b>Complies</b>
<b>Access to Studio</b>	The proposed studio would have direct access from the secondary street.	The studio shall not have separate direct access to a street or private access way.	No. See below for discussion.
<b>Services and Facilities for Studio</b>	No separate services or provision of separate on-site garbage storage are proposed.	No separate services or facilities required for studio.	Yes
<b>Privacy for Studio</b>	The location of the access stairs and the location of the windows do not impact upon the privacy of any neighbouring dwellings. The proposed windows facing the secondary street frontage promotes casual surveillance of the public domain.	Location of windows, doors and balcony of studio not to impact upon privacy of any dwelling on an adjoining allotment.	Yes

The proposed development generally complies with the Development Standards except as detailed below:

**Access to Studio**

The existing rear garage has direct access from the secondary street. Access to the proposed studio from Santana Road is considered acceptable in this case as the subject site has existing vehicular access from the secondary street. There are also numerous examples of studios facing the street, particularly in Joubert Lane where all studios are directly accessible from the lane. Furthermore, the proposed studio introduces an interesting streetscape element which is visually compatible within the streetscape context and also promotes passive surveillance of the public domain, particularly the pedestrian access from Santana Road to Parc Guell Drive. It is also considered that the proposal provides for increased housing density in close proximity to transport nodes, as well as adding to the offer of a range of housing opportunities in accordance with the objectives of the DCP. In the circumstances of this case, access to the studio via the secondary street is considered acceptable.

**2.6 Section 94A Development Contributions Plan**

The estimated cost of the complete development is \$50,000. As the proposed works are less than \$100,000, Section 94A Development Contributions do not apply to the proposal.

### **3. Planning Assessment**

#### **Built Form and Character**

The proposed studio addition to the existing double garage is similar in form and massing to adjoining development and is considered to integrate into the streetscape.

#### **Privacy**

The location of the access stairs would not impact upon the privacy of neighbouring properties. The proposal includes the construction of a 1,600mm high privacy screen along the access stairs and landing which would minimise any potential overlooking opportunities.

The eastern facing kitchen window would be constructed 1,705mm above the floor level of the studio addition and provide amenity for the resident whilst minimising potential overlooking opportunities.

The north facing bathroom window would face the rear of the principal dwelling and be constructed using obscure glass.

The orientation of the proposed windows facing Santana Road and the pedestrian access way would provide natural surveillance of the public domain. The position of these windows would not significantly increase the potential amount of overlooking that the nearby residential apartment building is currently subject to from the public domain.

#### **Overshadowing**

Shadow diagrams were submitted with the development application. The proposed first floor studio would not have any significant adverse overshadowing implications for the adjoining properties, namely No. 16 Rizal Street, No. 14 Rizal Street and No. 7 Parc Guell Drive, Campbelltown. No. 16 Rizal Street would experience minimal overshadowing of the north eastern corner of the rear yard between 9.00am and 12.00pm. No. 14 Rizal Street would be minimally overshadowed from 12.00pm to 3.00pm. No. 7 Parc Guell Drive would experience minimal overshadowing in the south western portion of the rear yard between 12.00pm and 3.00pm. From the shadow diagrams, there does not appear to be any overshadowing to any of the windows, including north facing windows, of the adjoining properties.

The proposed development would not impact the affected properties from receiving three hours of continuous sunlight at winter solstice. As such the minimal overshadowing impacts are considered satisfactory.

### **4. Public Participation**

Section 79C(1)(d) of the *EPA Act* requires Council to consider submissions made with regard to the proposal.

The proposed development was notified to 29 adjoining and nearby land owners in accordance with the provisions of Development Control Plan No. 87 – Public Notification and Public Exhibition Policy for a period of 14 days from 8 October to 22 October 2014.

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3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

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Council received seven written submissions of objection in relation to the proposed development. It is noted that three of the seven written submissions are identical. A petition with 15 signatures was also received. The petition does not state reasons for objection, rather the opposition of the progression of the proposal. It is also noted that three of the signatories also submitted separate written objections to the development.

A discussion of the matters raised in the submissions is provided below:

**a. The proposal is not in keeping with the single storey residences on Santana Avenue**

**Comment:** Under the Campbelltown Link Site DCP 104 the subject site is within the Entry Avenue Precinct. The single storey residences fronting Santana Avenue are within Rolling Green Precinct which subsequently has different objectives and design guidelines. Furthermore, the bulk and scale of the studio addition would be in keeping with the scale of other existing development located within the immediate surrounding development.

**b. The proposal would promote overlooking to adjoining properties**

**Comment:** The proposal includes the construction of a 1,600mm high privacy screen along the access stairs and landing which would minimise any potential overlooking opportunities. The eastern facing kitchen window would be constructed 1,705mm above floor level and provide amenity for the resident and minimise any overlooking opportunities. The north facing bathroom window would face the rear of the principal dwelling and be constructed using obscure glass.

The two west facing windows to the main studio living area would provide natural surveillance of the public domain, particularly the pedestrian access from Santana Road to Parc Guell Drive. The position of these windows would not significantly increase the potential amount of overlooking that the residential apartment is currently subject to from the public domain.

**c. The proposal would result in overshadowing of adjoining properties**

**Comment:** Shadow diagrams were submitted with the development application. From the shadow diagrams there does not appear to be any overshadowing to any of the windows, including north facing windows, of the adjoining properties. Furthermore, the proposed development would not impact the affected properties from receiving three hours of continuous sunlight at winter solstice. As such, the overshadowing impacts are considered satisfactory.

**d. The proposal would be an 'eyesore'**

**Comment:** A schedule of proposed materials, colours and finishes was submitted with the development application. The studio construction would be constructed of materials and finishes to match the existing high quality finish of the garage structure. Also, the studio addition would be similar in form and massing to adjoining development and is considered to integrate into the streetscape.

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3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

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**e. Increased density of people and traffic**

**Comment:** The proposal is for the construction of a small 35 square metre studio. The resultant increase in numbers of residence and traffic generation would be minimal and would not result in a significant adverse impact on the surrounding road network.

**f. The proposal would affectively turn the building(s) into a boarding house**

**Comment:** There is no evidence to suggest the site is being used or intended to be used as a 'boarding house'. The proposal is for a small 35 square metre studio above an existing rear garage which would not result in the site becoming a 'boarding house'. Furthermore, the subject site is zoned 10(a) Regional Comprehensive Centre Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002) and a boarding house is not a prohibited land use with development consent from Council.

**5. Conclusion**

The development application proposing to construct a studio over an existing garage at No. 5 Parc Guell Drive, Campbelltown has been assessed against the relevant matters for consideration within environmental planning legislation and Council's development controls.

The subject site is zoned 10(a) – Regional Comprehensive Centre under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 and satisfies the zoning objectives by providing a variety of higher density housing in a location that is accessible to public transport, employment, retail, commercial and service facilities. In this regard, the application is for a permissible studio construction in a higher density living area.

The site is considered to be suitable for the proposed development as it is consistent with DCP 104 objectives particularly by providing a variety of building types and allowing for increased housing densities in close proximity to transport nodes. The proposal is also considered to be consistent with strategic vision of Campbelltown 2025 – Looking Forward. The development is considered to contribute to the strategic direction of growing the regional city by supporting population growth by way of providing varied housing opportunities.

Privacy and overshadowing considerations have been key planning issues included in the assessment of the proposed studio. It is considered that the privacy of neighbouring properties would be minimally impacted due to the incorporation of a privacy screen along the access stairs and landing and the east facing kitchen window constructed 1705mm above the floor level. It is also considered that the proposed development would not prevent the adjoining properties from receiving three hours of continuous sunlight at winter solstice. As such, the privacy and overshadowing impacts are considered satisfactory.

With due reference to the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, and the issues raised throughout the report, it is considered that the proposed development is satisfactory and should be approved subject to the recommended conditions contained in Attachment 1.

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### **Officer's Recommendation**

1. That development application 2097/2013/DA-M for the construction of a studio over an existing garage at No. 5 Parc Guell Drive, Campbelltown be approved, subject to the conditions detailed in attachment 1 of this report.
2. That those who made a submission on the proposal be advised of Council's decision.

**Committee Note:** Mr Morgan, Mr Ward and Mr Connolly addressed the Committee in opposition to the development.

### **Committee's Recommendation: (Thompson/Lound)**

That development application 2097/2013/DA-M for the construction of a studio over an existing garage at No. 5 Parc Guell Drive, Campbelltown be refused as it is out of character with the area.

### **LOST**

Voting for the above Committee's Recommendation were Councillors: Lound and Thompson.

Voting against the above Committee's Recommendation were Councillors: Kolkman, Matheson, Mead and Rowell.

### **Committee's Recommendation: (Kolkman/Matheson)**

1. That development application 2097/2013/DA-M for the construction of a studio over an existing garage at No. 5 Parc Guell Drive, Campbelltown be approved, subject to the conditions detailed in attachment 1 of this report.
2. That those who made a submission on the proposal be advised of Council's decision.

### **CARRIED**

Voting for the above Committee's Recommendation were Councillors: Kolkman, Matheson, Mead and Rowell.

Voting against the above Committee's Recommendation were Councillors: Lound and Thompson.

---

**Council Meeting 3 June 2014 (Mead/Rowell)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 87**

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Dobson, Greiss, Kolkman, Lake, Matheson, Mead, Oates and Rowell.

Voting against the Council Resolution were Councillors: Brticevic, Hawker and Lound.

---

## ATTACHMENT 1

### Recommended Conditions of Consent

#### GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

#### 1. Approved Development

The development shall be carried out in accordance with the approved plans prepared by Accurate Design and Drafting, listed below, and all associated documentation supporting this consent, except as modified in red by Council and/or any conditions within.

Plans prepared by Accurate Design and Drafting (Job: Proposed Additions & Alterations)

Drawing Name	Sheet No.	Issue	Date
Floor Plan	1	G	25 March 2014
Elevations	2	G	25 March 2014
Section A-A & Site Plan	3	G	25 March 2014
Shadow Diagram	4	G	25 March 2014
Drainage Plan	5	G	25 March 2014
Existing Floor Plan	6	G	25 March 2014

#### 2. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia. In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

#### 3. Contract of Insurance (residential building work)

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This clause does not apply:

- a. To the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of that regulation, or
  - b. To the erection of a temporary building.
-

3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

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#### **4. Notification of *Home Building Act 1989* Requirements**

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
  - i. The name and licence number of the principal contractor, and
  - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
  - i. The name of the owner-builder, and
  - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notification of the updated information.

#### **5. External Finishes**

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted with this application. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

#### **6. Privacy Screen**

A minimum 1,600mm high privacy screen must be erected along the access stairs and landing to the studio to ensure reasonable privacy for the adjoining properties on Rizal Street, Campbelltown. The privacy screen must be permanently fixed and made of durable materials to withstand outdoor exposure.

#### **7. Switchboards/Utilities**

Switchboards, garbage storage areas and storage for other utilities shall not be attached to the front elevations of the building or side elevations that can be seen from a public place.

#### **8. Construction Certificate**

Prior to the commencement of any works that require a construction certificate:

- a. The applicant shall obtain a construction certificate for the particular works
  - b. The applicant shall appoint a principal certifying authority
  - c. The private certifying authority shall notify Council of their appointment no less than two days prior to the commencement of any works.
-

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

The following conditions of consent must be complied with prior to the issue of a construction certificate by either Campbelltown City Council or an accredited certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

### **9. Sydney Water Stamped Plans**

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see Building and Developing then Quick Check
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating

or telephone 13 20 92.

### **10. Telecommunications Infrastructure**

- a. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and
- b. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

## **PRIOR TO THE COMMENCEMENT OF ANY WORKS**

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any works on site.

### **11. Erosion and Sediment Control**

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

---

**12. Erection of Construction Sign**

Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours
- b. Stating that unauthorised entry to the work site is prohibited
- c. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent)
- d. Stating the approved construction hours in which all works can occur
- e. Showing the name, address and telephone number of the principal certifying authority for the work.

Any such sign/s is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

**13. Toilet on Construction Site**

Prior to the commencement of any works on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part thereof. Each toilet provided must be a standard flushing toilet and be connected to:

- a. A public sewer
- b. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council
- c. If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.

**14. Trade Waste**

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

**15. Public Property**

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including kerbs, gutters, footpaths, and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

---

## 16. Demolition Works

Demolition works shall be carried out in accordance with the following:

- a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
- c. The handling or removal of any asbestos product from the building/site must be carried out by a NSW WorkCover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW WorkCover requirements.
- d. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works
- e. Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and WorkCover NSW prior to the commencement of any works.

## 17. Fencing

An appropriate fence preventing public access to the site shall be erected for the duration of construction works.

## DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

## 18. Construction Work Hours

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No Work.

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## **19. Erosion and Sediment Control**

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – Soils and Construction (2004) (Bluebook), the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

**Note:** On the spot penalties up to \$1500 will be issued for any non-compliance with this requirement without any further notification or warning.

## **20. Work Zones**

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic/pedestrian control measures, including relevant fees, shall be borne by the applicant.

## **21. Protection of Existing Trees**

During construction, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of Council unless those trees are within three metres of the footprint of a building that has been approved by Council.

All trees that are to be retained are to be protected by fencing, firmly staked within the drip line/ canopy of the tree and maintained during the duration of the works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.

All useable trees and shrubs shall be salvaged for re-use, either in log form, or as woodchip mulch for erosion control or garden beds or site rehabilitation. Non-salvable materials such as roots and stumps shall be disposed of to a waste management centre or other approved form.

## **22. Dust Nuisance**

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – 'Soils and Construction (2004) (Bluebook). Construction areas shall be treated/ regularly watered to the satisfaction of the principal certifying authority.

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### **23. Completion of Construction Works**

Unless otherwise specified in this consent, all construction works associated with the approved development shall be completed within 12 months of the date of the notice of the intention to commence construction works under Section 81A of the Act.

In the event that construction works are not continually ongoing, the applicant shall appropriately screen the construction site from public view with architectural devices and landscaping to Council's written satisfaction.

#### **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

The following conditions of consent must be complied with prior to the issue of an occupation certificate by either Campbelltown City Council or an accredited principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

**Note:** For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

### **24. Section 73 Certificate**

Prior to the principal certifying authority issuing an occupation certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator.

For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.

### **25. Completion of External Works Onsite**

Prior to the principal certifying authority issuing an occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the principal certifying authority.

### **26. Public Utilities**

Prior to the principal certifying authority issuing an occupation certificate, any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

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## 27. Council Fees and Charges

Prior to the principal certifying authority issuing a occupation certificate, the applicant shall obtain written confirmation from Council that all applicable Council fees and charges associated with the development have been paid in full. Written confirmation will be provided to the applicant following Council's final inspection and satisfactory clearance of the public area adjacent the site.

### ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning and Assessment Act 1979*, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

#### **Advice 1. Environmental Planning and Assessment Act 1979 Requirements**

The *Environmental Planning and Assessment Act 1979* requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

#### **Advice 2. Tree Preservation Order**

To ensure the maintenance and protection of the existing natural environment, you are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside three metres of the building envelope unless you have obtained prior written consent from Council. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

A tree is defined as a perennial plant with self supporting stems that are more than three metres or has a trunk diameter more than 150mm measured one metre above ground level, and excludes any tree declared under the Noxious Weeds Act (NSW).

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**Advice 3. Provision of Equitable Access**

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992) or Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards).

Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the Building Code of Australia (BCA) & the Premises Standards. In this regard it is the sole responsibility of the certifier, building developer and building manager to ensure compliance with the Premises Standards.

Where no building works are proposed and a Construction Certificate is not required, it is the sole responsibility of the applicant and building owner to ensure compliance with the DDA1992.

**Advice 4. Smoke Alarms**

From 1 May 2006 all NSW residents must have at least one working smoke alarm installed on each level of their home. This includes owner occupier, rental properties, relocatable homes and any other residential building where people sleep.

The installation of smoke alarms is required to be carried out in accordance with AS 3786. The licensed electrical contractor is required to submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786.

**Advice 5. Covenants**

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

**Advice 6. Inspection within Public Areas**

All works within public areas are required to be inspected at all stages of construction and approved by Council prior to the principal certifying authority releasing the Occupation Certificate.

**Advice 7. Adjustment to Public Utilities**

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

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**Advice 8. Asbestos Warning**

Should asbestos or asbestos products be encountered during construction or demolition works you are advised to seek advice and information prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by WorkCover NSW), be engaged to manage the proper disposal and handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)

[www.adfa.org.au](http://www.adfa.org.au)

[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

Alternatively, call WorkCover Asbestos and Demolition Team on 8260 5885.

**Advice 9. Dial before you Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

**Advice 10. Telecommunications Act 1997 (Commonwealth)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

**END ON CONDITIONS**

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## ATTACHMENT 2



Locality Plan

## **ATTACHMENT 3**

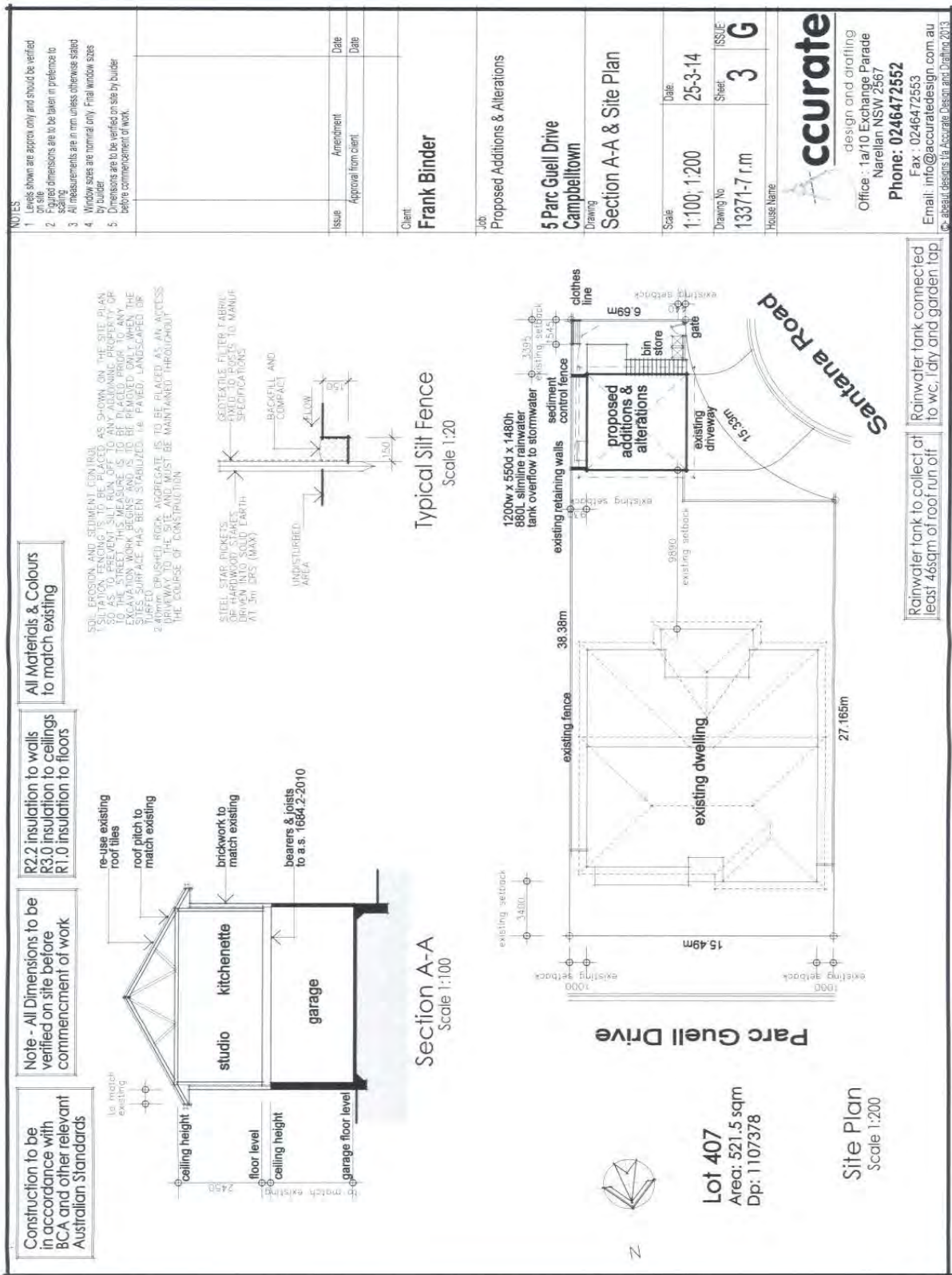


**Precinct Plan for Link Site DCP**

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3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

**ATTACHMENT 5**



**Section plan**

3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

**ATTACHMENT 6**

**NOTES**

- Levels shown are approx only and should be verified on site
- Figured dimensions are to be taken in preference to scaling
- All measurements are in mm unless otherwise stated
- Window sizes are nominal only. Final window sizes by builder
- Dimensions are to be verified on site by builder before commencement of work.

Issue	Amendment	Date	Date

Client: **Frank Binder**

Job: **Proposed Additions & Alterations**

**5 Parc Guell Drive Campbelltown Elevations**

Scale: **1:100** Date: **25-3-14**

Drawing No: **13371-7 r.m** Sheet: **2** ISSUE: **G**

House Name: **ccurate**

design and drafting  
Office: 1a/10 Exchange Parade  
Narellan NSW 2567  
**Phone: 0246472552**  
Fax: 0246472553  
Email: info@accuratedesign.com.au  
©: abeatt, designs via Accurate Design and Drafting 2013

All Materials & Colours to match existing

**Front Elevation**

**Rear Elevation**

**Side Elevation**

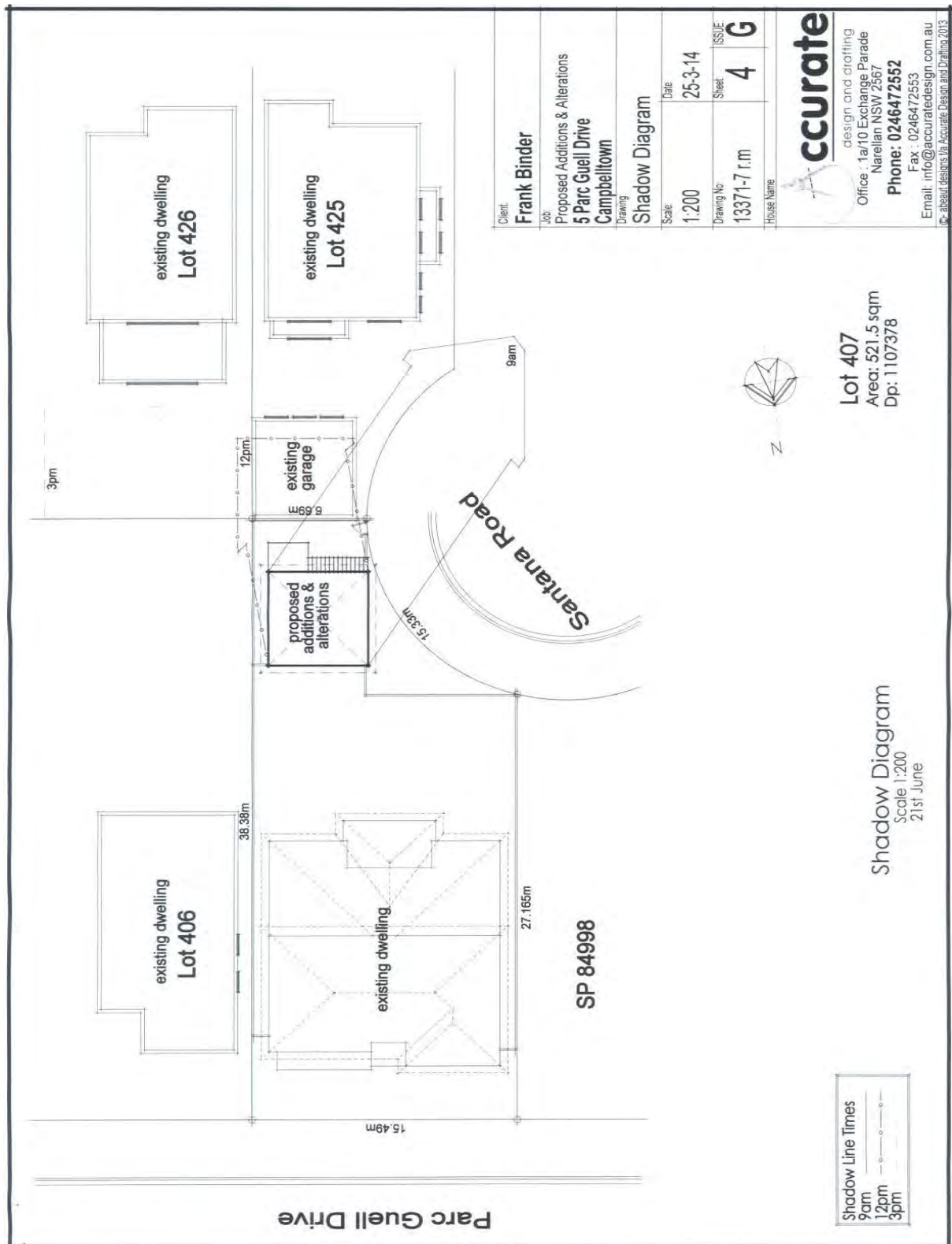
**Side Elevation**

**Elevation plans**



3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

**ATTACHMENT 7**



**Shadow diagrams**

3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

**ATTACHMENT 8**

**NOTES**

1. Levels shown are approximate and should be verified on site.
2. Figured dimensions are to be taken in preference to scaling.
3. All measurements are in mm unless otherwise stated.
4. Window sizes are nominal only. Final window sizes by builder.
5. Dimensions are to be verified on site by builder before commencement of work.

All Materials & Colours to match existing



**Front Elevation**

	Bricks Carisble - to match existing		Garage Door Classic Cream - To be retained		Windows Classic Cream		Fascia Classic Cream Re-Use where possible		Privacy Screen Classic Cream
	Roof Tiles Charcoal Re-use Existing Tiles		Driveway Charcoal Existing		Downpipes Monument		Gutter Monument Re-Use where possible		

External Color Selections

Client: <b>Frank Binder</b>	Job: Proposed Additions & Alterations	Scale: 1:100	Date: 25-3-14
	5 Parc Guell Drive Campbelltown	Drawing No: 13371-7 r.m	Sheet: 7
	External Color Selections	ISSUE: G	



**ccurate**  
design and drafting  
Office: 1a/10 Exchange Parade  
Narellan NSW 2567  
Phone: 0246472552  
Fax: 0246472553  
Email: info@accuratedesign.com.au  
©: accurate designs via Accurate Design and Drafting 2013

**External finishes schedule**

### **3.5 Public Exhibition of Planning Agreement for Airds Bradbury Renewal Project**

#### **Reporting Officer**

Manager Development Services

---

#### **Attachments**

1. Letter of Offer dated 10 October 2013 from NSW Land and Housing Corporation to Campbelltown City Council, to enter into a Planning Agreement (contained within this report)
2. Draft Airds/Bradbury Renewal Project Planning Agreement documentation (as exhibited - contained within this report)
3. Pro forma submission requesting amendments to Concept Plan (contained within this report)

#### **Purpose**

The purpose of this report is to provide Councillors with information in relation to the Airds Bradbury Renewal Project Voluntary Planning Agreement following the process of public notification and to seek Council's support to seek further amendments to the Voluntary Planning Agreement in negotiations with the NSW Land and Housing Corporation.

#### **History**

At its meeting on 13 August 2013 Council resolved as follows:

1. That Council make a submission to the Department of Planning and Infrastructure regarding Urban Growth's modification application no. MP10-0186 MOD 1 advising that:
    - a. no amendment to the Concept Plan Approval should be considered that would have the effect of altering Council's capacity to negotiate and execute a Voluntary Planning Agreement for the Airds Bradbury Renewal Project, in the best interests of the community.
    - b. Council raises no objection to a modification to the Concept Plan Approval that accounts for the requirement for the proponent to put into place Works In Kind Agreements with Council to secure the funding and delivery of infrastructure relevant to Stages 1 and 2 of the Renewal Project, in accordance with the draft Voluntary Planning Agreement as amended and endorsed by Council.
  2. That Council formally acknowledge the letter of offer from the NSW Land and Housing Corporation dated 9 May 2013 and confirm its commitment to enter into a Voluntary Planning Agreement for the delivery of public amenity and infrastructure services associated with the Airds Bradbury Renewal Project.
-

3.5 Public Exhibition Of Planning Agreement For Airds Bradbury Renewal Project

---

3. That Council request UrbanGrowth NSW to make amendments to the draft Voluntary Planning Agreement as submitted and associated documentation so that:
    - a. Council is the responsible management authority for any newly constructed Community Facilities Centre, from the commencement of its operation.
    - b. Any newly constructed Community Facilities Centre has exclusive access to at least 20 on site car parking spaces, secured through an appropriate legal mechanism.
    - c. More detailed specifications for the proposed Community Facilities Centre (Option 2) are provided to satisfy Council that the facility can accommodate local community requirements.
    - d. The proposed amenities buildings at both the proposed new Kevin Wheatley VC Reserve and Riley Park are a minimum of 205sqm GFA plus 110sqm awning.
    - e. A minimum 80 off-street spaces are provided at the proposed new Kevin Wheatley VC Reserve playing fields.
    - f. The minimum establishment/early maintenance period for bushland regeneration areas containing EECs is increased from two years to seven years or alternatively additional funds are made available to Council after the initial two year period, sufficient to enable Council to meet its higher establishment and early maintenance obligations for the management of EECs.
    - g. Structural engineering certification, attesting to the integrity of the walls of the pond at Kevin Wheatley VC Reserve, is provided and referred to in the Voluntary Planning Agreement.
  4. That upon receipt of the requested amendments (Item nos. 3a to 3g inclusive) to Council's satisfaction, the draft Airds Bradbury Renewal Project Voluntary Planning Agreement and Infrastructure Services Delivery Plan be placed on public notification/exhibition with such public notification/exhibition to be carried out in accordance with the Environmental Planning and Assessment Act 1979 and Regulations, as soon as possible.
  5. That the General Manager be delegated authority to execute the Agreement with NSW Land and Housing Corporation following public notification/exhibition and subject to any variations arising from community submissions or ongoing negotiations with NSW Land and Housing Corporation and UrbanGrowth NSW, deemed appropriate by the General Manager.
  6. That the General Manager be delegated authority to provide owner's authorisation to the Airds Bradbury Renewal Project Stage 1 subdivision Development Application subject to a requirement that prior to the issue of the construction certificate for any access or works applicable to land currently owned by Council, the proponent is required to be the owner of that land.
  7. That in negotiating the finer details of the Voluntary Planning Agreement Council officers explore the notion of retaining Baden Powell Reserve.
-

A report to Council's Planning and Environment Committee on 3 December 2013 dealt with a range of matters concerning the draft Voluntary Planning Agreement, including the relevant items raised in Council's resolution of 13 August 2013 (above).

Following consideration of the Planning and Environment' Committee's recommendation, Council at its meeting on 10 December 2013, resolved as follows:

1. That Council endorse the draft Airds Bradbury Renewal Project Voluntary Planning Agreement and Infrastructure Services Delivery Plan for the purpose of public notification/exhibition with such public notification/exhibition to be carried out in accordance with the Environmental Planning and Assessment Act 1979 and Regulations, over a minimum four week period closing no earlier than 24 March 2014, subject to any matters raised by Council's Solicitor being addressed to the satisfaction of the General Manager.
2. That all submissions received during the public notification/exhibition period that do not support the Voluntary Planning Agreement be reported to Council. However, should no non supportive submissions be received then Council's General Manager be authorised to execute the Airds Bradbury Renewal Project Voluntary Planning Agreement, on behalf of Council.

The exhibition process was conducted for a period of 28 days from 4 March to 1 April 2014.

## **Report**

### **Important Elements of the Planning Agreement**

As previously reported to Council, the total estimated value of contributions for the renewal project is \$18,544,017 exclusive of the value of any land dedicated to Council, as part of the renewal project, noting that works within approved Stages 1 and 2 will be secured through a Works in Kind Agreement, while Stages 3 - 9 will be through the Voluntary Planning Agreement (VPA).

Contributions cover the following broad items:

1. Road works, cycleways, bus stops and intersection upgrades – Contribution Value \$5,330,446
  2. Water Cycle and Water Quality management – Contribution Value \$5,197,693
  3. Open space and landscape works including the dedication of these areas to Council as public reserves, recreation facilities and landscaping of public domain - contribution Value \$6,972,571 (excluding land value)
  4. Riparian and bushland regeneration - Contribution Value \$1,043,308
  5. Community facilities – either new or refurbished (see below) Contribution Value varies dependent upon which option Council chooses
-

Key components within those items include:

- Georges River Rd/Riverside Drive intersection – construction of a single lane roundabout (Stage 1)
- Georges River Rd/Bellinger Rd intersection – give way intersection with additional approach from Deans Road (Stage 1)
- St Johns Rd/Campbellfield Extension – construction of single lane roundabout (Stage 3)
- Georges River Rd/Junction Rd (Peppin Rd extension) – construction of single lane roundabout (Stage 5)
- Upgrade of existing wetland/pond area west of (behind) the Riverside Inn (Stage 3)
- New playing fields at new proposed Kevin Wheatley VC Reserve including amenities and car parking(Stage 3)
- Upgraded Riley Park including new amenities and car parking (Stage 9)
- New upgraded Baden Powell reserve as per Council’s original resolution of 3 July 2012 (Stage 9).
- Community facilities, Option 1 involves the retention of Airds Youth Centre, Airds Neighbourhood Centre, Amarina Child Care Centre, including the dedication of this land to Council and Campbelltown Child and Family Centre. This option includes up to \$100,000 contribution to fund improvements to these facilities
- Community facilities Option 2 involves demolition of the above facilities (with the exception of the Youth Centre) and the construction of a new community facilities centre (integrated community, child and family services) on a minimum 1450 sqm lot located within the Town Centre. The building would be 710 sqm of Gross Floor Area and would have a minimum 20 car parking spaces
- Bushland regeneration, in particular Smiths Creek (Stage1) and Kevin Wheatley VC Reserve (Stage 3)
- Georges River Rd entry wall commemorating Kevin Wheatley VC (Stage 1).

The full list of works is set out in Schedule 3 of the draft VPA document (Attachment 2) and summarised in the accompanying Infrastructure Services Delivery Plan (Attachment 3).

### **Summary of submissions received**

As a result of the public notification process, Council received twelve (12) individual submissions.

One was from the South Western Sydney & Sydney Local Health District supporting the “positive health improving facilities and social infrastructure that are planned to be included in the renewal of Airds Bradbury”.

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Another two can be fairly referred to as letters of support for the Airds Bradbury renewal project and the supporting VPA. The authors of these submissions were from Bradbury. They conclude by requesting Councillors to support the VPA in its entirety and avoid any further delays to the renewal project. With direct reference to matters associated with the VPA, both of these submissions would like to see additional meeting rooms within the proposed community centre, a volunteer management committee to facilitate ongoing access and an overhaul of the Youth Centre to facilitate better access for the community.

The remaining nine submissions can best be described as comments on the already approved concept plan with the loss of bushland and open space being the main points of contention. The authors of these submissions are residents of Bradbury, Bow Bowing, Ruse and Blairmount. In particular, objection is raised to the loss/reduction of Baden Powell Reserve and to the lack of protection for koalas. These submissions do not make specific comments in relation to elements of the VPA.

In addition, 2157 pro-forma letters were received. These letters did not make direct comments relating to the details of the VPA or ISDP.

Rather, these submissions relate to the already approved concept plan. In particular, a major issue of concern is the belief that there was a lack of broad based community consultation associated with the formulation of the concept plan and therefore it should be reviewed and amended.

Across these submissions there was a consistent theme requesting potential amendments to the approved concept plan including:

- Retention and enhancement of the whole of existing Kevin Wheatley Reserve
- Deletion of the proposed Campbellfield Avenue extension and new playing fields as they will destroy koala corridor and bushland
- Retention and enhancement of Baden Powell Reserve
- Establish a koala movement corridor
- Transfer Amarina Child Care Centre land to Council
- Retain existing community facilities in Council ownership
- Greater protection of bushland, including Smiths Creek corridor.

These submissions, many of which have no name/address information (or at best illegible details), have been treated as a petition, with the head petitioner receiving a formal response from Council acknowledging receipt and advising him of the timing of this report to Council.

### **Comment on submissions**

With the vast majority of submissions raising concerns with the already approved concept plan, it is important that Council be clear about its position in relation to the concept plan and that all those that made a submission be informed of that position. If Council was of a view to support the requests for amendment to the approved concept plan, it would need to formally request NSW Land and Housing and Urbangrowth NSW to seek an approval for an amended concept plan. Otherwise the renewal project would be likely to be rolled out as currently approved.

---

The current Council resolution in relation to the Concept Plan is one of support, as resolved at its meeting on 3 July 2012. The only change to this position since that time was the resolution made by Council on 13 August 2013, relating to the draft Voluntary Planning agreement. i.e.:

- “7. That in negotiating the finer details of the Voluntary Planning Agreement Council officers explore the notion of retaining Baden Powell Reserve.”

The approved Concept Plan provides for Baden Powell Reserve (currently 2.1 hectares in total area) to have an area of approximately 5000sqm of public open space, with approximately 1.6 hectares to be available for additional housing. Although this matter has continued to be raised at various project meetings that are held between NSW Land and Housing Corporation, Urbangrowth NSW and Council staff, no agreement has been able to be reached to seek an amendment to the approved Concept Plan in order to retain all of the land currently known as Baden Powell Reserve, as public open space.

Given the community feedback on this issue arising from the public notification of the draft Voluntary Planning Agreement, it is not seen as unreasonable for Council to again seek the support of the NSW Land and Housing Corporation to retain Baden Powell Reserve as public open space or at the least, seek a further significant reduction in the area of the Reserve to be developed for housing.

Having regard to the movement of koalas through the Airds Bradbury precinct, Council has required appropriate street tree plantings to assist koala movements through the site. Bushland protection has been dealt with through a comprehensive Bushland Management Plan and a Biodiversity Offset Strategy that has been endorsed by the NSW Office of Environment and Heritage. The VPA has secured initial maintenance periods of 5 years for areas of bushland that will come under Council's long term control.

Notwithstanding, it is not considered unreasonable, given the community feedback on this issue, together with the understood recent sightings of koalas in the Airds area, for Council to seek the assistance of the NSW Land and Housing Corporation to facilitate the enhanced general movement of koalas across the Airds redevelopment. To that end, it is recommended that Council seek an amendment to the exhibited draft Voluntary Planning Agreement to include a package of on- ground works (based on an action plan agreed to by Council) including crossing treatment at major road routes, tree planting, and signage.

Having regard to community facilities, the VPA allows for Council to be the managing authority for any new community facilities centre. This will allow Council to facilitate NSW Land and Housing Corporation access to the centre to support the implementation of initiatives within the Strategic Social Plan that is required to be developed as a condition of the renewal project approval. If Council chooses to maintain the existing facilities in lieu of a new facility, the land upon which Amarina Child Care Centre sits, would be dedicated to Council.

In relation to deleting the proposed Campbellfield Avenue extension, this aspect of the concept plan is seen as important in improving the connectivity of Airds with other areas of Campbelltown and making the town centre a more viable and vibrant location than is the current situation, as Councillors may be aware of.

---



**Further issues to note**

Community facilities – Council will have two options available under the VPA. Option 1 is to keep the existing community facilities (Airds Youth Centre, Airds Neighbourhood Centre, Amarina Child Care Centre and Campbelltown Child and Family Centre) and receive a \$100,000 cash contribution to carry out upgrade works on these facilities. This option would include the dedication of the land occupied by Amarina, which is currently in the ownership of NSW Land and Housing Corporation, to Council.

Option 2 is the construction of a new Community Facilities Centre within the Town Centre, integrating community, family and child care services. This facility would be sited on its own lot of at least 1450sqm, would provide over 700sqm of gross floor area and have access to 20 exclusive onsite car parking spaces. The value of this facility is put by the proponents at approximately \$1.8M. The existing community facilities would be demolished, except for the youth centre, and that land developed for new housing.

Council will need to make a final decision on which option it wishes to pursue prior to the issue of a Subdivision Certificate for the final 250<sup>th</sup> lot of the Renewal Project. This deadline is required so that planning for Stage 3 and beyond can proceed appropriately. With both Stage 1 and Stage 2 subdivisions totalling over 300 lots already approved, this decision will need to be made in the near future.

Playing field upgrades – there are two key areas being upgraded. The existing Riley Park playing fields will be upgraded with new drainage and irrigation as well as the introduction of a new synthetic cricket wicket between the fields. Future upgrading of lighting by Council will be facilitated through the placement of necessary conduits that provide capacity for a 100 lux rating. A new amenities building and car parking area will also be provided.

The existing Kevin Wheatley VC Reserve is proposed to be relocated, including the existing playing fields. Two new fields will be constructed with drainage and irrigation. They will be flood lit to 50 lux with capacity for upgrade to 100 lux. A new amenity building will be built and car parking provided.

Open space embellishments - The Pond Area in the vicinity of the proposed new Kevin Wheatley VC Reserve will have a major embellishment including pathways, seating and viewing areas to enhance passive recreation opportunities. There will be BBQ/picnic areas as well as school age and toddler play areas. This area is intended to become a focus for the community, being adjacent to the town centre. Riley Park will also receive improved passive recreation facilities including BBQ/picnic and toddlers play area.

Native vegetation management – Council will be assuming responsibility for various remnant bushland areas that are classified Endangered Ecological Communities (EECs), as part of the Urban Renewal Project. These areas have been recognised as part of the statutorily required Biodiversity Off-Set Strategy which has been endorsed by the NSW Office of Environment and Heritage. As such, Council will be inheriting responsibility for the management of these areas to a higher standard than would ordinarily be the case for areas of general open space or bushland where EECs are not present. The maintenance provisions of the VPA now intend to recognise this fact by providing for a five year establishment and early maintenance period.

The above elements of the VPA have remained consistent throughout the period of negotiating the Agreement.

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### **Proposed Timing of Contributions**

While the scope of works and value of contributions have generally been negotiated over the past 12-18 months, the timing of payments has remained a matter to determine.

The position originally put forward in the draft VPA linked contributions associated with various stages of development to the creation of the final lot in that stage. Council did not favour that method as it could result in demand for infrastructure being generated but payments being held up on the basis of just one lot in that stage being withheld.

As a result of further negotiation, the draft VPA needs to link the payment of contributions to either the creation of the final lot in a particular stage of development or a particular number of lots being created within the overall development area, with those lot numbers reflecting demand on that particular piece of infrastructure. This is a more secure way of establishing the timing of contribution payments and ensuring that the delivery of infrastructure matches the need for that infrastructure to be available. The proposed timing for contributions are considered to be reasonable and should be supported. This suggested amendment will be incorporated into the voluntary planning agreement documentation prior to the agreement being reported to Council for consideration for final adoption.

### **Conclusion**

A range of matters have been raised as part of the response to the public notification/exhibition of the draft Voluntary Planning Agreement, a number of which relate to the Airds Bradbury Renewal Project Concept Plan Approval, and not directly to the draft Agreement.

The matter of Council's resolution on 13 August 2013 concerning the retention of Baden Powell Reserve, whilst having been pursued by Council staff as part of the draft VPA negotiations, has not resulted in any agreement with the NSW Land and Housing Corporation.

In light of the submissions received as a result of the notification/exhibition of the draft Voluntary Planning Agreement, it is considered not unreasonable for Council to seek to carry out further negotiations with the NSW Land and Housing Corporation to secure the Corporation's support to amend the draft Agreement and where necessary, the Concept Plan Approval to take account of the following items:

- the inclusion of a package of on-ground works (based on an action plan agreed to by Council) including crossing treatment at major road routes, tree planting, and signage) to assist general koala movement across the Airds re-development.
- the retention of Baden Powell Reserve as public open space or at the least, to achieve a further significant reduction in the area of the Reserve to be developed for housing.

Council does need to finalise a position on its preferred option for community facilities and to this end it would be prudent to arrange a formal Councillor briefing session to address this matter.

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### **Officer's Recommendation**

1. That Council further negotiate with the NSW Land and Housing Corporation to secure the Corporation's support to amend the draft Airds Bradbury Renewal Project Voluntary Planning Agreement and where necessary, the Concept Plan Approval to take account of the following items:
  - the inclusion of a package of on-ground works (based on an action plan agreed to by Council) including crossing treatment at major road routes, tree planting, and signage) to assist general koala movement across the Airds re-development.
  - the retention of Baden Powell Reserve as public open space or at the least, to achieve a further significant reduction in the area of the Reserve to be developed for housing.
2. That the outcome of negotiations pursuant to Item No. 1 above be reported to Council for consideration.
3. That the matter of the preferred option for community facilities within the Voluntary Planning Agreement be discussed at a Councillor Briefing Session, to be held prior to the end of August 2014.

**Committee Note:** Ms Parker, Ms Scott and Ms Michelle addressed the Committee.

### **Committee's Recommendation: (Kolkman/Lound)**

That the Officer's Recommendation be adopted.

### **Amendment: (Rowell/Thompson)**

That a decision in this matter be deferred to the full Council meeting to be held on 3 June 2014.

**WON** and became the Motion.

Voting for the Amendment were Councillors: Matheson, Mead, Rowell and Thompson.

Voting against the Amendment were Councillors: Kolkman and Lound.

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

Voting for the Motion were Councillors: Kolkman, Lound, Matheson, Mead, Rowell and Thompson.

Voting against the Motion: Nil.

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### **Council Meeting 3 June 2014**

Having declared an interest in regard to Item 3.5, Councillor Hawker left the Chamber and did not take part in debate nor vote on this item.

### **Council Meeting 3 June 2014 (Mead/Rowell)**

That the Committee's Recommendation be adopted.

### **Amendment (Dobson/Mead)**

1. That a decision in this matter be deferred.
2. That an urgent meeting be arranged with the Premier of NSW, The Hon Mike Baird, the Member for Wollondilly, Mr Jai Rowell, the Member for Campbelltown, Mr Bryan Doyle, the Mayor of Campbelltown City Council, Councillor Dobson and the General Manager to discuss the overall original concept plan.
3. That at this meeting a submission be presented to the Premier to withdraw from the concept plan Kevin Wheatley Reserve, the Smiths Creek Reserve environmentally sensitive area, Baden Powell and the Campbellfield Avenue extension. The loss of this development potential be replaced by reviewing and increasing the current densities proposed in the current concept plan.

### **LOST**

Voting for the above Amendment were Councillors: Dobson and Rowell.

Voting against the above Amendment were Councillors: Borg, Brticevic, Greiss, Kolkman, Lake, Lound, Matheson, Mead and Oates.

### **Amendment (Greiss/Dobson)**

1. That Council further negotiate with the NSW Land and Housing Corporation to secure the Corporation's support to amend the draft Airds Bradbury Renewal Project Voluntary Planning Agreement and where necessary, the Concept Plan Approval to take account of the following items:
    - the inclusion of a package of on-ground works (based on an action plan agreed to by Council) including crossing treatments at major roads, tree planting and driver warning signage, to assist general koala movement across the Airds renewal area.
    - the retention of Baden Powell Reserve as public open space or at the least, to achieve a further significant reduction in the area of the Reserve to be developed for housing.
  2. That the outcome of negotiations pursuant to Item No. 1 above be reported to Council for consideration.
  3. That the matter of the preferred option for community facilities within the Voluntary Planning Agreement be discussed at a Councillor Briefing Session, to be held prior to the end of August 2014.
-

### 3.5 Public Exhibition Of Planning Agreement For Airds Bradbury Renewal Project

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4. That an urgent meeting be arranged with the Premier of NSW, The Hon Mike Baird, the Member for Wollondilly, The Hon Jai Rowell, the Member for Campbelltown, Mr Bryan Doyle, the Mayor of Campbelltown City Council, Councillor Dobson and the General Manager to discuss the final part of the concept plan.

**WON** and became the Motion.

Voting for the above Amendment were Councillors: Dobson, Greiss, Lake, Matheson, Mead and Rowell.

Voting against the above Amendment were Councillors: Borg, Brticevic, Kolkman, Lound and Oates.

### **Council Resolution Minute Number 84**

1. That Council further negotiate with the NSW Land and Housing Corporation to secure the Corporation's support to amend the draft Airds Bradbury Renewal Project Voluntary Planning Agreement and where necessary, the Concept Plan Approval to take account of the following items:
  - the inclusion of a package of on-ground works (based on an action plan agreed to by Council) including crossing treatments at major roads, tree planting and driver warning signage, to assist general koala movement across the Airds renewal area.
  - the retention of Baden Powell Reserve as public open space or at the least, to achieve a further significant reduction in the area of the Reserve to be developed for housing.
2. That the outcome of negotiations pursuant to Item No. 1 above be reported to Council for consideration.
3. That the matter of the preferred option for community facilities within the Voluntary Planning Agreement be discussed at a Councillor Briefing Session, to be held prior to the end of August 2014.
4. That an urgent meeting be arranged with the Premier of NSW, The Hon Mike Baird, the Member for Wollondilly, The Hon Jai Rowell, the Member for Campbelltown, Mr Bryan Doyle, the Mayor of Campbelltown City Council, Councillor Dobson and the General Manager to discuss the final part of the concept plan.

Voting for the Council Resolution were Councillors: Dobson, Greiss, Lake, Matheson, Mead and Rowell.

Voting against the Council Resolution were Councillors: Borg, Brticevic, Kolkman, Lound and Oates.

At the conclusion of the discussion regarding Item 3.5, Councillor Hawker returned to the Chamber for the remainder of the meeting.

---

## ATTACHMENT 1



**Land & Housing  
Corporation**

Renewal, Level 10, 234 Sussex Street  
Sydney NSW 2000  
Tel: 02 9268 3517 Fax: 02 9268 3498  
ABN 24 960 729 253

10 October 2013

The General Manager  
Campbelltown City Council  
PO Box 57  
Campbelltown NSW 2560

Attention: Paul Tosi

Dear Paul,

### **Airds Bradbury Renewal Project Revised Voluntary Planning Agreement Offer**

The purpose of this letter is to make a revised offer to enter into a Planning Agreement with Campbelltown City Council for the delivery of public amenity and infrastructure services associated with the Airds Bradbury Renewal Project. This offer is made under Section 93F of the Environmental Planning and Assessment Act (Act) and it incorporates the following amendments to our previous offer dated 9 May 2013.

The general terms of the Airds Bradbury Renewal Planning Agreement remain:

- The Planning Agreement is between NSW Land and Housing Corporation and Campbelltown City Council;
- The land to which the Agreement applies is described in Schedule 1 of the Planning Agreement;
- The nature of contributions to be provided under the Agreement and timing of works is described in the attached schedule;
- The monetary contribution of \$100,000 will be provided for the upgrade of the existing community facilities if Campbelltown City Council decide to retain the facilities;
- The Planning Agreement is not to be registered on title;
- The Agreement requires contributions, namely the carrying out of Work and dedication of land to be completed before Subdivision Certificates can be issued as a form of security;
- The Agreement excludes the application of s94, s94A of the Act to the Development;
- The Agreement does not exclude the application of s94EF of the Act to the Development;
- Each Party is to pay for their own costs of preparing, negotiating, executing and stamping the Agreement.

In addition to our previous offer, we propose the following (items previously requested by Council):

- Council is the responsible management authority for any newly constructed Community Facilities Centre, from the commencement of its operation and should facilitate NSW Land and Housing Corporation (or representative) access to the centre to support implementation of initiatives within the social plan.
- Any newly constructed Community Facilities Centre has access to at least 20 exclusive on site car parking spaces, secured through an appropriate legal mechanism.
- Detailed specifications for the proposed Community Facilities Centre (Option 2) are to be provided to Council demonstrating that the funds are adequate to construct the facility.
- The proposed amenities buildings at both the proposed new Kevin Wheatley VC Reserve and Riley Park are a minimum of 205sqm GFA plus 110sqm awning.
- A minimum 80 off-street spaces are provided at the proposed new Kevin Wheatley VC Reserve playing fields (including the sporting fields and pond area).
- The minimum establishment/early maintenance period for bushland regeneration areas containing EECs has increased from two years to five years.
- Engineering certification, attesting to the integrity of the walls of the pond at Kevin Wheatley VC Reserve, is provided and referred to in the Voluntary Planning Agreement.

The works to be carried out are detailed within the attached Infrastructure Services Delivery Plan (ISDP) which is consistent with the Airds Bradbury Renewal Concept Plan approved 24 August 2012. The total cost of the works to be delivered excluding land is \$18,726,906 (based on option to retain and upgrade existing community facilities) or \$21,399,351 (based on option to build new integrated community facility and demolish existing community facilities).

I look forward to receiving Council's response to this letter of offer.

Yours sincerely



Mark Shepherd  
**GENERAL MANAGER**

## ATTACHMENT 2



**lindsaytaylorlawyers**  
planning • environment • local government

### **Airds Bradbury Renewal Project Planning Agreement**

Under s93F of the *Environmental Planning and Assessment Act 1979*

**DRAFT** *- as exhibited*

**Campbelltown City Council  
New South Wales Land and Housing Corporation**

[Insert Date]

**lindsaytaylorlawyers**  
Level 9, Suite 3, 420 George Street, Sydney NSW 2000, Australia  
T 02 8235 9700 • F 02 8235 9799 • W [www.lindsaytaylorlawyers.com.au](http://www.lindsaytaylorlawyers.com.au) • E [mail@lindsaytaylorlawyers.com.au](mailto:mail@lindsaytaylorlawyers.com.au)  
ABN 15 695 894 345

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**Airds Bradbury Renewal Project Planning Agreement**  
**Campbelltown City Council**  
**New South Wales Land and Housing Corporation**



## **Airds Bradbury Renewal Project Planning Agreement**

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**Airds Bradbury Renewal Project Planning Agreement**  
**Campbelltown City Council**  
**New South Wales Land and Housing Corporation**



## **Airds Bradbury Renewal Project Planning Agreement**

### **Summary Sheet**

#### **Council:**

**Name:** Campbelltown City Council

**Address:** Civic Centre, cnr Queen and Broughton Streets, Campbelltown NSW  
2560

**Telephone:** 4645 4000

**Facsimile:** 4645 4111

**Email:** michael.sewell@campbelltown.nsw.gov.au

**Representative:** Michael Sewell

**DRAFT**

#### **The Corporation:**

**Name:** New South Wales Land and Housing Corporation

**Address:** Level 2, 223-239 Liverpool Road, Ashfield, New South Wales 2131

**Telephone:** 9268 3440

**Facsimile:** 9268 3496

**Email:** theo.posumah@services.nsw.gov.au

**Representative:** Theo Posumah

#### **Land:**

See definition of *Land* in clause 1.1.

#### **Development:**

See definition of *Development* in clause 1.1.

#### **Development Contributions:**

See clause 10 and Schedule 3.

**Airds Bradbury Renewal Project Planning Agreement**  
**Campbelltown City Council**  
**New South Wales Land and Housing Corporation**

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**Application of s94, s94A and s94EF of the Act:**

See clause 8.

**Enforcement:**

See clause 25.

**Registration:**

This Agreement is not to be registered. See clause 30.

**Restriction on dealings:**

See clause 31.

**Dispute Resolution:**

Expert determination and mediation. See clauses 28 and 29.

**DRAFT**

**Airds Bradbury Renewal Project Planning Agreement**  
**Campbelltown City Council**  
**New South Wales Land and Housing Corporation**



## **Airds Bradbury Renewal Project Planning Agreement**

Under s93F of the *Environmental Planning and Assessment Act 1979*

### **Parties**

**Campbelltown City Council** ABN 31 459 914 087 of Civic Centre, cnr Queen and Broughton Streets, Campbelltown NSW 2560 (**Council**)

and

**New South Wales Land and Housing Corporation** ABN 24 960 729  
253 of Level 2, 223-239 Liverpool Road, Ashfield, New South Wales 2131 (**The Corporation**)

### **Background**

**DRAFT**

- A The Corporation is the owner of part of the Land.
- B The Corporation has lodged with the Council, as delegate of the Minister, the Concept Plan Application relating to the Development.
- C The Corporation intends to lodge further Development Applications relating to the Development.
- D The Corporation is prepared to make Development Contributions in connection with the carrying out of the Development in accordance with this Agreement.

### **Operative provisions**

#### **Part 1 - Preliminary**

##### **1 Definitions & Interpretation**

- 1.1 In this Agreement the following definitions apply:

**Act** means the *Environmental Planning and Assessment Act 1979* (NSW).

**Agreement** means this Agreement and includes any schedules, annexures and appendices to this Agreement.

**Authority** means the Commonwealth of Australia, the State of New South Wales, or any department or agency of the Commonwealth of Australia or the

**Airds Bradbury Renewal Project Planning Agreement**  
**Campbelltown City Council**  
**New South Wales Land and Housing Corporation**



State of New south Wales, any public authority within the meaning of the Act, and any court or tribunal.

**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.

**Concept Plan Application** means the application made to the Minister for approval of a concept plan for the Development being MP10\_0186, and which will be assessed by Council under delegation from the Minister.

**Construction Certificate** has the same meaning as in the Act.

**Contribution Value** in relation to each Item means the amount shown in column 5 of Schedule 3 for that Item, indexed from the date of this Agreement in accordance with the Consumer Price Index (All Groups - Sydney) published by the Australian Bureau of Statistics.

**Defect** means any error, omission, shrinkage, blemish in appearance or other fault in the Works caused by the Developer which prevents the Works from being reasonably capable of being used for their intended purpose.

**Developer** means The Corporation.

**Development** means the development of the Land described in Schedule 2.

**Development Application** has the same meaning as in the Act.

**Development Area** means each of the areas described as '1A', '1B', '2A', '2B', '3', '4', '5', '6', '7A', '7B', '8', '9A', '9B' and '9C' on the Development Area Plan.

**Development Area Plan** means the plan in Schedule 4.

**Development Consent** means a development consent, within the meaning of the Act, or approval to carry out a project under Part 3A of the Act, and, for the avoidance of doubt, does not include an approval of a concept plan under Part 3A of the Act.

**Development Contribution** means any of the following, or any combination of them, to be used for, or applied towards, a public purpose:

- a monetary contribution,
- the dedication of land free of cost,
- the carrying out of work,
- the provision of any other material public benefit.

**Final Lot** means a lot to be created in the Development for separate occupation and disposition, not being:

- (a) a lot created by a subdivision of the Land that is to be dedicated or otherwise transferred to the Council, or
- (b) a lot created by a subdivision of the Land which may be further subdivided.

**ISDP** means the document titled '*Infrastructure Services Delivery Plan, Airds Bradbury Renewal Project*' dated [Insert date].

**Item** means the object of a Development Contribution specified in Schedule 3.

**Airds Bradbury Renewal Project Planning Agreement**  
**Campbelltown City Council**  
**New South Wales Land and Housing Corporation**



**Land** means the land described in Schedule 1 of this Agreement.

**Minister** means the Minister administering the Act.

**Party** means a party to this agreement, including their successors and assigns.

**Rectification Notice** means a notice in writing that 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 *Real Property Act 1900*.

**Regulation** means the *Environmental Planning and Assessment Regulation 2000*.

**Subdivision Certificate** has the same meaning as in the Act.

**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 Agreement.

- 1.2 In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:
- 1.2.1 Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
  - 1.2.2 A reference to a business day means a day, other than a Saturday or Sunday, on which banks are open for business generally in Sydney.
  - 1.2.3 If the day on which something is to be done under this Agreement is not a business day, then it must be done on the next business day.
  - 1.2.4 A reference to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
  - 1.2.5 A reference in this Agreement to a \$ value relating to a Development Contribution is a reference to the value exclusive of GST.
  - 1.2.6 A reference to any legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
  - 1.2.7 A reference to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
  - 1.2.8 A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
  - 1.2.9 A reference to a person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
  - 1.2.10 Where a word or phrase is given a defined meaning, another part of speech or other grammatical form for that word or phrase has a corresponding meaning.
  - 1.2.11 The singular includes the plural, and the plural includes the singular.
  - 1.2.12 References to the word 'include' or 'including' are to be construed without limitation.

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- 1.2.13 A reference to a Party to this Agreement includes a reference to the Party's employees, agents and contractors, and the Party's successors and assigns.
- 1.2.14 Any schedules, appendices and attachments form part of this Agreement.

**2 Status of this Agreement**

- 2.1 This Agreement is intended by the Parties to be a planning agreement within the meaning of s93F(1) of the Act.

**3 Commencement of this Agreement**

- 3.1 This Agreement commences on the date on which it has been executed by all Parties.

**4 Application of this Agreement**

- 4.1 This Agreement applies to the Land and the Development.
- 4.2 The Parties acknowledge that the Development Contributions required to be made under this Agreement are to meet the expected demand for public facilities arising from the Development.

**5 Commencement of Development Contributions obligations**

- 5.1 The Developer is under no obligation to make the Development Contributions provided for in this Agreement unless and until:
- 5.1.1 Development Consent is granted to any part of the Development, subject to a requirement or condition requiring this Agreement to be entered into, and
- 5.1.2 this Agreement is entered into as required by clause 25C(1) of the Regulation and the Council executes this Agreement.
- 5.2 Until then, this document, executed only by the Developer, is to be read and construed as containing the Developer's irrevocable offer to make the Development Contributions once all of the matters specified in clause 5.1 have occurred.
- 5.3 A Development Contribution which is required to be made in connection with a Development Area, is not required to be made unless Development Consent is granted to that Development Area.
- 5.4 The Council must notify the Developer immediately after it executes this Agreement and promptly provide the Developer with the Agreement as executed by the Council.



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**6 Part-performance of this Agreement**

- 6.1 The Council is not to raise any objection, requisition or claim, or impose any requirements beyond that provided for in this Agreement in relation to any obligation imposed on the developer under this Agreement that had been performed, whether in whole or in part, on the date this Agreement commenced.

**7 Further agreements relating to this Agreement**

- 7.1 The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Agreement that are not inconsistent with this Agreement for the purpose of implementing this Agreement.

**8 Application of s 94, s 94A and s 94EF of the Act to the Development**

- 8.1 This Agreement excludes the application of s 94 and s 94A to the Development.
- 8.2 This Agreement does not exclude the application of s 94EF to the Development.

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**9 Ownership of Land**

- 9.1 The Developer will ensure that it becomes the registered proprietor of the Land, or any part thereof, that is required to be dedicated and that it does not own as at the date of this Agreement, prior to any obligations arising under this Agreement which require any part of that Land to be dedicated to Council, unless otherwise agreed with Council.
- 9.2 The Developer will ensure that it secures the legal right to access, and construct any relevant Works on any part of the Land that it does not own as at the date of this Agreement, prior to any obligations arising under this Agreement which require the carrying out of Works on that part of the Land, unless otherwise agreed with Council.

**10 Provision of Development Contributions**

- 10.1 The Developer is to make Development Contributions to the Council in accordance with this Agreement.
- 10.2 Schedule 3 has effect in relation to Development Contributions to be made by the Developer under this Agreement.
- 10.3 A Contribution Value specified in relation to an obligation by the Developer to carry out Work or dedicate land under this Agreement does not define or limit the extent of the Developer's obligation in that regard.
- 10.4 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

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relation to the obligation, the Developer is not required to carry out further Work or dedicate further land or pay money to the Council to make up the difference between the Contribution Value and the cost incurred by the Developer in performing the obligation.

- 10.5 The Council is to apply each Development Contribution made by the Developer under this Agreement towards the public purpose for which it is made and otherwise in accordance with this Agreement.

**11 Variation of scope or timing for provision of Development Contributions**

- 11.1 The Developer may request that the Council approve in writing, a variation to the scope or the timing for the provision of Development Contributions, and the Council must act reasonably in determining whether to approve the variation.
- 11.2 For the purposes of determining whether to approve a variation under clause 11.1, the Council may consider the content of the ISDP and whether the variation prejudices the provision of public services or public amenities for any Development Area.
- 11.3 The scope or the timing for provision of a Development Contribution is not to be varied unless:
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- 11.3.1 the Parties, acting reasonably, agree in writing to the variation, and
- 11.3.2 any consent or approval required under the Act or any other law to the variation is first obtained, if required, and
- 11.3.3 each Party bears its own costs of and incidental to the variation.
- 11.4 If a variation is made to the scope or timing for provision of a Development Contribution pursuant to this clause, then Schedule 3 is taken to have been amended accordingly.
- 11.5 If the Council requests a variation to a Work after a Construction Certificate has been issued for the Work, then the Council is liable to pay to the Developer an amount equal to the increase in the costs incurred by the Developer of completing the Work which results from the variation requested by the Council.
- 11.6 Council shall pay the amount referred to in clause 11.5 to the Developer after the Work is complete, and within 28 days of receipt of:
- 11.6.1 a tax invoice for the amount claimed by the Developer; and
- 11.6.2 documentation which verifies the increase in costs incurred by the Developer as a result of the variation.
- 11.7 The Council cannot withhold its agreement to a variation of a Work if the variation does not result in a change to the matters identified as core elements for that Work in the ISDP.

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**Part 2 – Provisions relating to monetary  
Development Contributions**

**12 Payment of monetary Development Contributions**

- 12.1 A monetary Development Contribution is made for the purposes of this Agreement when the Council receives the full amount of the contribution payable under this Agreement in cash or by unendorsed bank cheque or by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by the Council.
- 12.2 The Developer is to give the Council not less than 2 business days written notice of its intention to pay a monetary Development Contribution.
- 12.3 The Developer is not required to pay a monetary Development Contribution under this Agreement unless the Council, after having received the Developer's notice under clause 12.2, has given to the Developer a tax invoice for the amount of the Development Contribution.
- 12.4 The Developer is not in breach of this Agreement if it fails to pay a monetary Development Contribution at the time required by this Agreement by reason only of the Council's failure to give to the Developer a tax invoice in relation to the amount proposed to be paid by it.

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**Part 3 – Provisions relating to dedication of Land**

**13 Procedures relating to the dedication of Land**

- 13.1 A Development Contribution comprising the dedication of any part of the Land is made for the purposes of this Agreement when:
- 13.1.1 a deposited plan is registered in the register of plans held with the Registrar General that:
- (a) dedicates land as a public road (including a temporary public road) under the *Roads Act 1993*, or
  - (b) creates a public reserve or drainage reserve under the *Local Government Act 1993*, or
- 13.1.2 the Council is given an instrument in registrable form under the *Real Property Act 1900* that is effective to transfer the title to the relevant part of the Land to the Council when registered.
- 13.2 For the purposes of clause 13.1.2:
- 13.2.1 the Developer is to give the Council, for execution by the Council as transferee, an instrument of transfer under the *Real Property Act 1900* relating to the Land to be dedicated, and
- 13.2.2 within 7 days of receiving it from Developer, the Council is to execute it and return it to Developer, and
- 13.2.3 within 7 days of receiving it from the Council (properly executed), the Developer is to lodge it for registration with the Registrar General, and

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- 13.2.4 the Developer is to do all things reasonably necessary to enable it to be registered.

## **Part 4 – Provisions relating to the carrying out of Work**

### **14 Design and Specification of Work**

- 14.1 Before commencing construction of a Work, the Developer is to submit to the Council for its approval the detailed design and specification for the Work.
- 14.2 If, within 21 days of the date of submission referred to in clause 14.1:
- 14.2.1 the Council notifies the Developer in writing of its approval of the design and specification, the Developer is to carry out and complete the Work in accordance with that design and specification,
- 14.2.2 the Council fails to notify the Developer in writing that it approves or does not approve of the design and specification or does not require the Developer to make modifications, the Council is taken to have approved the design and specification of the Work and the Developer may carry out and complete the Work in accordance with that design and specification,
- 14.2.3 the Council notifies the Developer in writing that it does not approve of the design and specification or requires the Developer to make modifications, the Developer may elect to:
- (a) amend the design and specification and submit to the Council the amended design and specification in which case this clause 14.2 applies to that amendment, or
- (b) make monetary Development Contributions for the provision of the Work in lieu of carrying out the Work not exceeding the amount of the Contribution Value of the Work.
- 14.3 If the Developer elects to make monetary Development Contributions under clause 14.2.3 (b), the Developer is to pay the Development Contributions to the Council as progress payments upon presentation by the Council of documents verifying costs incurred by the Council in carrying out the Work, or in such instalments as may be agreed in writing between the Parties.
- 14.4 For the purposes of clause 14.2.3, the Council is not to require the Developer to make modifications to the design and specification of a Work that result in a change to the matters identified as core elements for that Work in the ISDP.

### **15 Standard of construction of Work**

- 15.1 Any Work that the Developer is required to carry out under this Agreement is to be carried out in accordance with:
- 15.1.1 this Agreement,
- 15.1.2 any further agreement entered into by the Parties under clause 7,

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- 15.1.3 any reasonable requirements and directions of the Council notified in writing to the Developer before the Work is completed for the purposes of this Agreement, that are not inconsistent with this Agreement or any Development Consent for the Development,
- 15.1.4 the requirements of any approval, consent, permission or licence issued by a relevant Authority,
- 15.1.5 any Australian standards and other laws applicable to the Work, and
- 15.1.6 in a proper and workmanlike manner, complying with current industry practice and standards relating to the Work.

## **16 Maintenance and management of Works**

- 16.1 The Developer will maintain each Hard Landscaping Work and Soft Landscaping Work during the Maintenance Period in accordance with any matters set out in clause 15.1.
- 16.2 Despite any other provision of this Agreement, if the Developer has complied with its obligations under this clause, the Council cannot make any Claim, objection or demand about the state or condition of a Work after the end of the Maintenance Period for that Work.
- 16.3 For the purposes of this clause maintenance does not include repairing damage caused by vandalism to the Work (but includes replacement of plants due to vandalism), unless the Developer notifies the Council in writing that it elects to carry out such repairs.
- 16.4 In this clause:
  - 16.4.1 **Hard Landscaping Work** means items such as paving, seating, buildings, signage, lighting, playground equipment, and any other landscaping works that is not Soft Landscaping Work.
  - 16.4.2 **Maintenance Period** means:
    - (a) in respect of Hard Landscaping Work, a period of 12 months commencing on the date the Work is completed for the purpose of this Agreement,
    - (b) In respect of Soft Landscaping Work, a period of 24 months commencing on the date the Work is completed for the purpose of this Agreement.
  - 16.4.3 **Soft Landscaping Work** means any Work comprising the planting of vegetation and associated preparation of planting beds or growing medium such as trees, shrubs, groundcovers, mulch and grass.

## **17 Access for Works**

- 17.1 The Developer is to permit the Council, its officers, employees, agents and contractors to enter the Land or any other land at any time, upon giving reasonable prior notice, to:
  - 17.1.1 inspect, examine or test any Work, or
  - 17.1.2 remedy any breach by the Developer in carrying out a Work.

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- 17.2 The Council is to grant to the Developer its officers, employees, agents and contractors a legal right to enter and occupy any land owned or controlled by the Council, including any part of the Land owned by the Council, to
- 17.2.1 enable the Developer to carry out any Work under this Agreement that is required to be carried out on that land, or
- 17.2.2 perform any other obligation imposed on the Developer by this Agreement.

**18 Protection of people and property**

- 18.1 The Developer is to ensure to the fullest extent reasonably practicable in carrying out any Work that:
- 18.1.1 all necessary measures are taken to protect people and property, and
- 18.1.2 unnecessary interference with the passage of people and vehicles is avoided, and
- 18.1.3 nuisances and unreasonable noise and disturbances are prevented.

**19 Completion**

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- 19.1 Work is completed for the purposes of this Agreement when the Council at the request of the Developer, acting reasonably, gives a certificate to the Developer to that effect or the Developer gives the Council a Compliance Certificate to that effect.
- 19.2 The Council is to respond to any request made by the Developer to provide a certificate referred to in clause 19.1 within 14 business days.
- 19.3 Despite clause 19.1, if a response referred to in clause 19.2 is not provided within the time specified in that clause, then the Work to which the request referred to in that clause relates is taken to be completed for the purposes of this Agreement.
- 19.4 In this clause **Compliance Certificate** has the same meaning as in the Act.

**20 Procedures relating to the rectification of Defects**

- 20.1 During the Defects Liability Period, the Council may give to the Developer a Rectification Notice.
- 20.2 The Developer is to comply with a Rectification Notice at its own cost according to its terms and to the satisfaction of the Council.
- 20.3 In this clause:
- 20.3.1 **Building Work** has the same meaning as in the Act.
- 20.3.2 **Defects Liability Period** means:
- (a) for any Work which Column 2 of Schedule 3 indicates is for the public purpose of *'Road works and Intersection Upgrades', 'Water Cycle Management', 'Open Space and Landscape Works', 'Riparian and Bushland Regeneration'*,

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*'Bushland Regeneration'* – 12 months from the date the Work is completed for the purposes of this Agreement,

- (b) for Building Work – 3 months from the date the Work is completed for the purposes of this Agreement.

## **21 Deferral of Work**

- 21.1 Notwithstanding any other provision of this Agreement, if the Developer reasonably considers, at any time, that it is unable to make a Development Contribution comprising a Work by the time the Work is required to be completed under this Agreement, then:
- 21.1.1 the Developer is to provide written notice to the Council to that effect,
- 21.1.2 the Developer is to provide the Council with Security for the uncompleted part of the Work before the date on which the Work is required to be completed under this Agreement,
- 21.1.3 the Developer is to provide to the Council, for approval, a revised completion date for the Work, and
- 21.1.4 the time for completion of the Work under this Agreement is the revised completion date approved or agreed to by the Council under this clause 21.1.
- 21.2 If the Developer complies with clause 21.1 in relation to a Work, then it is not in breach of this Agreement as a result of a failure to complete the Work by the time for completion of the Work specified in Column 4 of Schedule 3.
- 21.3 In this clause:
- 21.3.1 **Security** means a letter of undertaking from the Developer to the Council containing a commitment to comply with this Agreement on terms satisfactory to the Council.

## **22 Failure to carry out Work**

- 22.1 Subject to clause 26, if the Council considers that the Developer is in breach of any obligation under this Agreement relating to the carrying out of any Work, including Work the subject of a Rectification Notice, the Council may give the Developer a notice under this clause.
- 22.2 The notice may require the Developer to:
- 22.2.1 rectify the breach to the Council's satisfaction, and
- 22.2.2 immediately cease carrying out further work relating to the Work except to rectify the breach.
- 22.3 A notice given under clause 22.1 is to allow the Developer not less than 28 days (or such further period as the Council considers reasonable in the circumstances) to rectify the breach.
- 22.4 If the Developer does not comply with the notice given under clause 22.1, the Council may carry out and complete the Work the subject of the breach. This does not affect the Council's other rights to enforce this Agreement.
- 22.5 Clauses 28 and 29 do not prevent a notice being given under clause 22.1, nor do they apply to such a notice or the circumstances relating to the giving of

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the notice. Any procedure commenced under clause 28 or clause 29 ceases to apply when such a notice is given.

- 22.6 If the Council reasonably incurs a cost in carrying out, completing or rectifying a Defect in a Work, the Council may recover the cost from the Developer in a court of competent jurisdiction.
- 22.7 For the purposes of clause 22.6, the costs which Council can recover include fees and charges incurred by Council, Council's employees, agents and contractors, and legal costs and expenses.

**23 Works-as-executed-plan**

- 23.1 No later than 60 days after a Work is completed in accordance with this Agreement, the Developer is to submit to the Council a full works-as-executed-plan for the Work.

**24 Hand-over of Works**

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- 24.1 Subject to anything to the contrary in this Agreement, Council accepts responsibility for a Work on the later of:
- 24.1.1 the date when the Work is completed for the purposes of this Agreement, or
- 24.1.2 if the Work is carried out on land which is to be dedicated to the Council under this Agreement, the date of dedication of that land.
- 24.2 The Developer, at its own cost, is to repair and make good to the satisfaction of the 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 Agreement.

**Part 5 – Enforcement and Disputes**

**25 Enforcement**

- 25.1 The Parties acknowledge that Council is entitled to withhold a Subdivision Certificate in respect of a Development Area of the Development if the Development Contributions required by this Agreement to be provided prior to the issue of a Subdivision Certificate for that Development Area, have not been provided in accordance with this Agreement.

**26 Council to consult before enforcing this Agreement**

- 26.1 This clause applies to any of the Developer's obligations under this Agreement.
- 26.2 If the Council reasonably forms the opinion that the Developer has failed to comply with an obligation to which this clause applies, it is not to enforce this Agreement against the Developer (including taking any action under clause



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- 21) unless it has first notified the Developer in writing of its intention to do so and has consulted with the Developer as to:
- 26.2.1 the reason for the non-compliance,
  - 26.2.2 the likely effects of the non-compliance, and
  - 26.2.3 the Developer's capacity in all of the circumstances to reasonably rectify the non-compliance.
- 26.3 The Council is not to enforce this Agreement against the Developer unless, after having consulted with the Developer:
- 26.3.1 it has reasonably formed the opinion the Developer has no reasonable excuse for the non-compliance,
  - 26.3.2 it has notified the Developer in writing that it intends to enforce the Agreement not earlier than 14 days from the date of the notice, and
  - 26.3.3 the notice specifies the enforcement action it intends to take.
- 26.4 At any time between the date of the notice referred to in clause 26.3 and the time when the Council takes action to enforce this Agreement, the Developer may notify the Council of a dispute under clause 28 or 29.
- 26.5 If the Developer notifies the Council in accordance with in clause 26.4, the Council is not to enforce this Agreement against the Developer in relation to the relevant non-compliance unless and until the dispute resolution process under clause 28 or 29 has been exhausted without resolution between the parties.

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**27 Enforcement in court**

- 27.1 Subject only to clause 26, the Parties may enforce this Agreement in any court of competent jurisdiction.
- 27.2 For the avoidance of doubt, nothing in this Agreement prevents:
- 27.2.1 a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Agreement or any matter to which this Agreement relates,
  - 27.2.2 the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement or any matter to which this Agreement relates.

**28 Dispute resolution – expert determination**

- 28.1 This clause applies to a dispute under this Agreement about a matter that can be determined by an appropriately qualified expert (**Expert Determination Dispute**).
- 28.2 Such a dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the dispute and requiring it to be determined by an appropriately qualified expert.
- 28.3 Within 14 days of the notice, the Parties are to meet to try to resolve the dispute.

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- 28.4 If within a further 28 days the dispute is not resolved, the dispute must be referred to the President of the NSW Law Society to appoint an expert to determine the dispute.
- 28.5 The expert determination binds the Parties, except in the case of the expert's fraud or misfeasance.
- 28.6 Each Party must bear its own costs arising from or in connection with the appointment of the expert and the expert determination.
- 28.7 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.

**29 Dispute resolution - mediation**

- 29.1 This clause applies to any dispute under this Agreement other than a dispute to which clause 28 applies. **DRAFT**
- 29.2 Such a dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the dispute.
- 29.3 The Parties are then to meet within 14 days of the notice to try to resolve the dispute.
- 29.4 If the dispute is not resolved within a further 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.
- 29.5 If the dispute is not resolved by mediation within a further 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 dispute, including by taking legal proceedings in a court of competent jurisdiction in New South Wales.

**30 Registration of this Agreement**

- 30.1 The Parties agree not to register this Agreement for the purposes of s 93H of the Act.

**31 Assignment, sale of Land, etc**

- 31.1 Unless the preconditions specified in clause 31.2 are satisfied, the Developer is not to:
- 31.1.1 transfer the Land, other than a Final Lot, to any person, or
- 31.1.2 assign its rights or obligations under this Agreement, or novate this Agreement, to any person.
- 31.2 The preconditions to be satisfied under clause 31.1 are:
- 31.2.1 the Developer has, at no cost to the Council:

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- (a) procured the execution by the person to whom the Developer proposes to sell or transfer the Land or to whom the Developer's rights or obligations under this Agreement are to be assigned or novated (**Third Party**), of an agreement in favour of the Council on terms satisfactory to the Council acting reasonably, and
  - (b) provided evidence, satisfactory to the Council (demonstrated by the Council giving written notice to the Developer of its satisfaction) to show that the Third Party is reasonably capable of performing the Developer's obligations under the Agreement, and
- 31.2.2 the Developer is not in breach of this Agreement.
- 31.3 An agreement entered into pursuant to clause 31.2.1(a):
- 31.3.1 must provide that the Third Party is to do all such things as necessary to enable the Developer to comply its obligations under this Agreement, if the Developer will remain responsible for making any Development Contributions under the Agreement after the transfer, assignment or novation;
  - 31.3.2 may require the Third Party to register this Agreement on the title to any part of the Land which the Third Party will own within 90 days of the transfer of the Land or part of the Land to the Third Party, and
  - 31.3.3 may require the Third Party to provide security in a form acceptable to Council, in respect of the performance by the Third Party of obligations under this Agreement,
- and if the Third Party provides evidence that any security required under the agreement can be provided, then Council cannot refuse to provide the written notice referred to in clause 31.2.1(b).

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## **Part 6 - Other provisions**

### **32 Indemnity**

- 32.1 Each Party indemnifies the other Party from and against all Claims that may be sustained, suffered, recovered or made against the other Party arising in connection with the performance of their obligations under this Agreement except if, and to the extent that, the Claim arises because of the other Party's negligence or default.

### **33 Insurance**

- 33.1 The Developer warrants, and Council acknowledges, that:
  - 33.1.1 the Developer is a member of the NSW Treasury Managed Fund (**Fund**),
  - 33.1.2 the Fund provides the Developer with insurance cover against any liability arising from a breach by the Developer of its obligations under this Agreement.

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**34 Developer may Review Draft Determinations Relating to the Development**

- 34.1 Not less than 14 days before determining a Development Application or an application under s96 of the Act relating to the Development, the Council is to give to the Developer a copy of its proposed determination including, if applicable, the terms and conditions upon which any Development Consent or approval is proposed to be granted.
- 34.2 The Developer may, by notice in writing, not more than 14 days from receipt of the proposed determination under clause 34.1 request the Council to modify or abandon the proposed determination.
- 34.3 The Council is to properly consider a request made by the Developer under clause 34.2 before it makes any further decision in relation to the determination.

**35 Termination of Agreement**

- 35.1 This Agreement terminates at the later of:
- 35.1.1 when the Developer has satisfied all of its obligations under this Agreement, including its obligations to rectify Defects under clause 20, or
- 35.1.2 at the end of the Defects Liability Period for the last of the Works to be Completed.

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**36 Review of this Agreement**

- 36.1 The Developer is to provide the Council with a report every 3 years detailing the performance of its obligations under this Agreement.
- 36.2 The report is to be:
- 36.2.1 given no later than every 3 years from the date on which this Agreement is entered into, and
- 36.2.2 in the form and addressing the matters the Council notifies to the Developer from time to time.
- 36.3 The Parties are to review this Agreement every 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 Agreement.
- 36.4 For the purposes of clause 36.3, the relevant changes include:
- 36.4.1 any change to a law that restricts or prohibits, or enables the Council or any other planning authority to restrict or prohibit, any aspect of the Development, or
- 36.4.2 any Alternative Funding has been obtained by any Party.
- 36.5 For the purposes of addressing any matter arising from a review of this Agreement referred to in clause 36.3, the Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Agreement.

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- 36.6 If this Agreement 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 Agreement is entered into.
- 36.7 A Party's failure to agree to take action requested by the other Party as a consequence of a review referred to in clause 36.3 is not a dispute for the purposes of clauses 28 and 29, and is not a breach of this Agreement.
- 36.8 In this clause, **Alternative Funding** means any funding obtained by any Party from persons not a party to this Agreement that may be applied towards the cost of the Works.

### **37 Confidentiality**

- 37.1 The terms of this Agreement are not confidential and this Agreement may be treated as a public document and exhibited or reported without restriction by any Party.
- 37.2 The Parties acknowledge that:
- 37.2.1 confidential information may have been supplied to some or all of the Parties in the negotiations leading up to the making of this Agreement, and
- 37.2.2 the Parties may disclose to each other further confidential information in connection with the subject matter of this Agreement.
- 37.2.3 subject to clauses 37.3 and 37.4, each Party agrees:
- (a) not to disclose any confidential information received before or after the making of this Agreement to any person without the prior written consent of the Party who supplied the confidential information, or
  - (b) to take all reasonable steps to ensure all confidential information received before or after the making of this Agreement is kept confidential and protected against unauthorised use and access.
- 37.3 A Party may disclose confidential information in the following circumstances:
- 37.3.1 in order to comply with the law, or the requirements of any Authority, or
- 37.3.2 to any of their employees, consultants, advisers, financiers or contractors to whom it is considered necessary to disclose the information, if the employees, consultants, advisers, financiers or contractors undertake to keep the information confidential.
- 37.4 The obligations of confidentiality under this clause do not extend to information which is public knowledge other than as a result of a breach of this clause.

### **38 Notices**

- 38.1 A notice, consent, information, application or request (**Notification**) that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

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- 38.1.1 delivered or posted to that Party at its address set out in the Summary Sheet, or
- 38.1.2 faxed to that Party at its fax number set out in the Summary Sheet, or
- 38.1.3 emailed to that Party at its email address set out in the Summary Sheet.
- 38.2 A Party may change its address, fax number or email address by giving the other Party 3 business days' notice of the change, in which case the new address, fax number or email address is treated as the address or number in the Summary Sheet.
- 38.3 A Notification is to be treated as given or made if it is:
  - 38.3.1 delivered, when it is left at the relevant address, or
  - 38.3.2 sent by post, 2 business days after it is posted, or
  - 38.3.3 sent by fax, as soon as the sender receives from the sender's fax machine a report of an error-free transmission to the correct fax number, or
  - 38.3.4 sent by email, and the sender does not receive a delivery failure message from the sender's internet service provider within a period of 24 hours of the email being sent.
- 38.4 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.

**39 Approvals and consent**

- 39.1 In this clause, a reference to an approval or consent does not include a reference to a Development Consent.
- 39.2 Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party.
- 39.3 A Party is to give its reasons for giving or withholding consent or for giving consent subject to conditions.

**40 Costs**

- 40.1 The Parties are each to pay their own costs of preparing, negotiating, executing and stamping this Agreement and any document related to this Agreement.

**41 Entire Agreement**

- 41.1 This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with.

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- 41.2 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 Agreement was executed, except as permitted by law.

**42 Further acts**

- 42.1 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 Agreement and all transactions incidental to it.

**43 Notations on section 149(2) Planning Certificates**

- 43.1 The Council agrees not to make a notation under section 149(5) of the Act regarding this Agreement on any certificate issued under section 149(2) of the Act relating to the Land.

**44 Governing law and jurisdiction**

- 44.1 This Agreement is governed by the law of New South Wales.  
44.2 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.

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**45 Joint and individual liability and benefits**

- 45.1 Except as otherwise set out in this Agreement:  
45.1.1 any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and  
45.1.2 any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

**46 Representations and warranties**

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

**47 Severability**

- 47.1 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.  
47.2 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 Agreement, but the rest of this Agreement is not affected.

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**48 Modification**

- 48.1 No modification of this Agreement has any effect unless it is in writing and signed by the Parties.

**49 Waiver**

- 49.1 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 Agreement.
- 49.2 A waiver by a Party is effective only if it is in writing.
- 49.3 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.

**50 GST**

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- 50.1 In this clause:
- Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, Supply and Tax Invoice** have the meaning given by the GST Law.
- GST Amount** means in relation to a Taxable Supply the amount of GST payable for the Taxable Supply.
- 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.
- 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.
- 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.
- 50.2 Subject to clause 50.4, if GST is payable on a Taxable Supply made under, by reference to or in connection with this Agreement, the Party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.
- 50.3 Clause 50.2 does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Agreement to be GST inclusive.
- 50.4 No additional amount is payable by the Council under clause 50.2 unless, and only to the extent that, the 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.
- 50.5 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Agreement 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*, the Parties agree:



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- 50.5.1 to negotiate in good faith to agree the GST inclusive market value of those Supplies before issuing Tax Invoices for those Supplies;
- 50.5.2 that any amounts payable by the Parties in accordance with clause 50.2 (as limited by clause 50.4) to each other for those Supplies will be set off against each other to the extent that they are equivalent in amount.
- 50.6 No payment of any amount under this clause 50, 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.
- 50.7 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.
- 50.8 This clause continues to apply after expiration or termination of this Agreement.

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**51 Explanatory Note Relating to this Agreement**

- 51.1 The Appendix contains the Explanatory Note relating to this Agreement required by clause 25E of the Regulation.
- 51.2 Under clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note in the Appendix is not to be used to assist in construing this Agreement.

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**Schedule 1**

(Clause 1.1)

**Land**

[Drafting Note. Insert land titles.]

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**Schedule 2**  
(Clause 1.1)  
**Development**

Development means the development of the Land described in the Concept Plan Application.

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**Schedule 3**

(Clause 10)

**Development Contributions**

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Public purpose	Nature and Extent	Timing	Contribution Value
1. Georges River Road /Riverside Drive Intersection (single lane roundabout)	Road Works and Intersection Upgrades	Carrying out of Works as described under the heading '1. Road Works (Incl. Cycleways and Bus Stops) and Intersection Upgrades' in Part A of the ISDP relevant to the intersection of Georges River Road and Riverside Drive. Dedication of land on which the Work is located	Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 1B. Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 1B.	\$253,000.00
2. Georges River Road /Belling Road (Give-Way) with additional approach from Deans Road	Road Works and Intersection Upgrades	Carrying out of Works as described under the heading '1. Road Works (Incl. Cycleways and Bus Stops) and Intersection Upgrades' in Part A of the ISDP relevant to the intersection of Georges River Road, Belling Road and Deans Road Dedication of land on which the Work is	Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 1A. Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final	\$189,750.00

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<p>3. Georges River Road / Junction Road (From Peppin Crescent extension) - (roundabout)</p>	<p>Road Works and Intersection Upgrades</p>	<p>located</p> <p>Carrying out of Works as described under the heading '1. Road Works (Incl. Cycleways and Bus Stops) and Intersection Upgrades' in Part A of the ISDP relevant to the intersection of Georges River Road, Junction Road and Peppin Crescent</p> <p>Dedication of land on which the Work is located</p>	<p>Lot in Development Area 1A.</p> <p>Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 5.</p> <p>Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 5.</p>	<p>\$253,000.00</p>
<p>4. St John Road / Cambellfield Avenue Extension (single lane roundabout)</p>	<p>Road Works and Intersection Upgrades</p>	<p>located</p> <p>Carrying out of Works as described under the heading '1. Road Works (Incl. Cycleways and Bus Stops) and Intersection Upgrades' in Part A of the ISDP relevant to the intersection of St John Road and Cambellfield Avenue</p> <p>Dedication of land on which the Work is located</p>	<p>Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 3.</p> <p>Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 3.</p>	<p>\$253,000.00</p>
<p>5. Collector Roads</p>	<p>Road Works and Intersection Upgrades</p>	<p>located</p> <p>Carrying out of Works as described under the heading '1. Road Works (Incl. Cycleways and Bus Stops) and Intersection Upgrades' in Part A of the ISDP relevant to collector roads</p> <p>Dedication of land on which the Work is located</p>	<p>Work located within a particular Development Area 1B, 2A, 2B, 3, 4, 6 and 7A is to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in that Development Area.</p> <p>Land within a particular Development Area is to be dedicated on or before the registration of the plan of subdivision that creates the</p>	<p>\$2,700,528.00</p>

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			last Final Lot in that Development Area.	
6. Roads Adjacent to Parks	Road Works and Intersection Upgrades	Carrying out of Works as described under the heading '1. Road Works (incl. Cycleways and Bus Stops) and Intersection Upgrades' in Part A of the ISDP relevant to roads adjacent to parks and open space  Dedication of land on which the Work is located	Work located within a particular Development Area 1B, 2B, 3, 4, 5, 8 and 9 is to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in that Development Area.  Land within a particular Development Area is to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in that Development Area.	\$1,048,668.00
7. Remove existing underpasses	Road Works and Intersection Upgrades	Carrying out of Works as described under the heading '1. Road Works (incl. Cycleways and Bus Stops) and Intersection Upgrades' in Part A of the ISDP relevant to the removal of existing underpasses  Dedication of land on which the Work is located	Work located within a particular Development Area 4 and 7A is to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in that Development Area.  Land within a particular Development Area is to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in that Development Area.	\$632,500.00
8. Trunk stormwater pipes and pits	Water Cycle Management	Carrying out of Works as described under the heading '2. Detention Facilities, Gross Pollutant Traps and Bio-Retention Devices' in Part A of the	Work located within a particular Development Area 1B, 2A, 3, 6, 7B and 8 is to be completed before the issuing of the Subdivision Certificate	\$2,677,613.00

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		ISDP relevant to trunk stormwater pipes and pits Dedication of land on which the Work is located	that creates the last Final Lot for residential purposes in that Development Area. Land within a particular Development Area is to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in that Development Area.	
9. Upgrade of existing Kevin Wheatley wetland / pond	Water Cycle Management	Carrying out of Works as described under the heading '2. Detention Facilities, Gross Pollutant Traps and Bio-Retention Devices' in Part A of the ISDP relevant to Kevin Wheatley Park Pond Area upgrade Dedication of land on which the Works is located	Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 3. Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 3.	\$161,920.00
10. Proposed gross pollutant traps	Water Cycle Management	Carrying out of Works as described under the heading '2. Detention Facilities, Gross Pollutant Traps and Bio-Retention Devices' in Part A of the ISDP relevant to gross pollutant traps Dedication of land on which the Work is located	Work located within a particular Development Area 1B, and 3 is to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in that Development Area. Land within a particular Development Area is to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in that Development Area.	\$632,500.00

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<p>11. Upgrade of Existing Culverts</p>	<p>Water Cycle Management</p>	<p>Carrying out of Works as described under the heading '2. Detention Facilities, Gross Pollutant Traps and Bio-Retention Devices' in Part A of the ISDP relevant to upgrade of existing culverts under Georges River Road                  Dedication of land on which the Work is located</p>	<p>Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 1B.                  Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 1B.</p>	<p>\$651,475.00</p>
<p>12. Smiths Creek Detention Basin</p>	<p>Water Cycle Management</p>	<p>Carrying out of Works as described under the heading '2. Detention Facilities, Gross Pollutant Traps and Bio-Retention Devices' in Part A of the ISDP relevant to the Smiths Creek detention basin                  Dedication of land on which the Work is located</p>	<p>Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 1B.                  Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 1B.</p>	<p>\$169,510.00</p>
<p>13. Proposed bio-retention facilities</p>	<p>Water Cycle Management</p>	<p>Carrying out of Works as described under the heading '2. Detention Facilities, Gross Pollutant Traps and Bio-Retention Devices' in Part A of the ISDP relevant to bio-retention facilities                  Dedication of land on which the Work is located</p>	<p>Work located within a particular Development Area is to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in that Development Area.                  Land within a particular Development Area is to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in that Development Area.</p>	<p>\$904,675.00</p>



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<p>14. Kevin Wheatley Reserve Pond Area Landscaping</p>	<p>Open Space and Landscape Works</p>	<p>Carrying out of Works as described under the heading '3. Kevin Wheatley VC Reserve' in Part A of the ISDP relevant to pond area landscaping                  Dedication of land on which the Work is located</p>	<p>Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 3.                  Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 3.</p>	<p>\$1,444,652.00</p>
<p>15. Kevin Wheatley Reserve Playing Fields</p>	<p>Open Space and Landscape Works</p>	<p>Carrying out of Works as described under the heading '3. Kevin Wheatley VC Reserve' in Part A of the ISDP relevant to playing fields                  Dedication of land on which the Work is located</p>	<p>Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 3.                  Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 3.</p>	<p>\$1,878,043.00</p>
<p>16. Kevin Wheatley Reserve Amenities Block</p>	<p>Open Space and Landscape Works</p>	<p>Carrying out of Works as described under the heading '3. Kevin Wheatley VC Reserve' in Part A of the ISDP relevant to the amenities building                  Dedication of land on which the Work is located</p>	<p>Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 3.                  Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 3.</p>	<p>\$640,533.00</p>
<p>17. Kevin Wheatley Reserve Car</p>	<p>Open Space and Landscape Works</p>	<p>Carrying out of Works as described under the heading '3. Kevin Wheatley VC Reserve' in Part A of the ISDP</p>	<p>Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for</p>	<p>\$354,200.00</p>

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Parking Area	Works	relevant to the car park Dedication of land on which the Work is located	residential purposes in Development Area 3. Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 3.	
18 Merino Park Landscaping	Open Space and Landscape Works	Carrying out of Works as described under the heading '4. Merino Park' in Part A of the ISDP Dedication of land on which the Work is located	Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 8. Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 8.	\$419,457.00
19 Riley Park Amenities Block	Open Space and Landscape Works	Carrying out of Works as described under the heading '5. Riley Park' in Part A of the ISDP relevant to the amenities building Dedication of land on which the Work is located	Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 9C. Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 9C.	\$640,533.00
20 Riley Park Car Parking Area	Open Space and Landscape Works	Carrying out of Works as described under the heading '5. Riley Park' in Part A of the ISDP relevant to the car park Dedication of land on which the Work is located	Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 9C. Land to be dedicated on or before	\$227,700.00

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21 Riley Park Landscaping	Open Space and Landscape Works	Carrying out of Works as described under the heading '5. Riley Park' in Part A of the ISDP relevant to playing fields. Dedication of land on which the Work is located	the registration of the plan of subdivision that creates the last Final Lot in Development Area 9C.  Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 9C.  Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 9C.	\$1,106,158.00
22 Baden Powell Reserve Landscaping	Open Space and Landscape Works	Carrying out of Works as described under the heading '6. Baden Powell Reserve' in Part A of the ISDP Dedication of land on which the Work is located	Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 9A.  Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 9A.	\$84,195.00
23 George River Road Entry Wall	Open Space and Landscape Works	Carrying out of Works as described under the heading '7. Georges River Road Entry - Kevin Wheatley VC Wall' in Part A of the ISDP Dedication of land on which the Work is located	Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 1B.  Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 1B.	\$177,100.00

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<p>24 Smiths Creek Reserve (BC1)</p>	<p>Riparian and Bushland Regeneration</p>	<p>Carrying out of Works as described under the heading '8 Riparian and Bushland Regeneration' in Part A of the ISDP relevant to BC1 Smiths Creek                  Dedication of land on which the Work is located</p>	<p>Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 1B.                  Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 1B.</p>	<p>\$313,389.00</p>
<p>25 Kevin Wheatley (Riverside Dr West) (BC2)</p>	<p>Bushland Regeneration</p>	<p>Carrying out of Works as described under the heading '8 Riparian and Bushland Regeneration' in Part A of the ISDP relevant to BC2 Kevin Wheatley Reserve                  Dedication of land on which the Work is located</p>	<p>Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 3.                  Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 3.</p>	<p>\$593,192.00</p>
<p>26 Peppin Park North (BC3)</p>	<p>Bushland Regeneration</p>	<p>Carrying out of Works as described under the heading '8 Riparian and Bushland Regeneration' in Part A of the ISDP relevant to BC3 Peppin Park (North)                  Dedication of land on which the Work is located</p>	<p>Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 5.                  Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 5.</p>	<p>\$35,552.00</p>
<p>27 Peppin Park South (BC4)</p>	<p>Bushland Regeneration</p>	<p>Carrying out of Works as described under the heading '8 Riparian and Bushland Regeneration' in Part A of the</p>	<p>Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for</p>	<p>\$21,545.00</p>

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	ISDP relevant to BC4 Peppin Park (South) Dedication of land on which the Work is located	residential purposes in Development Area 5. Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 5.	
28 Georges River Reserve (Riverside Dr East) (BC5)	Carrying out of Works as described under the heading '8 Riparian and Bushland Regeneration' in Part A of the ISDP relevant to BC5 Georges River Reserve Dedication of land on which the Work is located	Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 4. Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 4.	\$39,321.00
29 Hagan Reserve (Greengate Road) (BC6)	Carrying out of Works as described under the heading '8 Riparian and Bushland Regeneration' in Part A of the ISDP relevant to BC6 Hagan Reserve Dedication of land on which the Work is located	Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 8. Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 8.	\$40,309.00
<b>Total Contribution Value:</b>			<b>\$18,544,017.00</b>
30 Retain and Upgrade of Existing Community	Payment of \$100,000.00 to the Council towards the upgrade of the existing community facilities as described under the heading '9 Community Facilities' in	If required, before the issuing of a Subdivision Certificate for a plan of subdivision which creates the last Final Lot for residential purposes	\$100,000.00

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Facilities		Part A and '1 Upgrade Existing Community Facilities' in Part B of the ISDP, but only if Council notifies the Developer in writing prior to 30 June 2014 that existing community facilities are to be retained.	within Development Area 3.	
31 Amarina Child Care Centre Land Dedication	Community Facilities	Dedication of Land on which the Amarina Child Care Centre is located, as described under the heading '9 Community Facilities' in Part A of the ISDP, but only if Council notifies the Developer in writing prior to 30 June 2014 that existing community facilities are to be retained.	If required, before the issuing of a Subdivision Certificate for a plan of Final Lot for residential purposes within Development Area 3.	N/A
<b>Total Contribution Value for Option to Retain &amp; Upgrade Existing Facilities Value: \$100,000.00</b>				
32 New Community Facilities Centre	Community Facilities	<p>If Items 30 and 31 are not required to be provided:</p> <ul style="list-style-type: none"> <li>Carrying out of Works as described under the heading '9 Community Facilities' in Part A of the ISDP relevant to constructing a new community facilities centre</li> <li>Dedication of land on which the Work is located</li> </ul>	<p>If required:</p> <ul style="list-style-type: none"> <li>Work to be completed before the issuing of the Subdivision Certificate that creates the last Final Lot for residential purposes in Development Area 3.</li> <li>Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 3.</li> </ul>	\$1,801,360.00
33 Demolition of existing Community	Community Facilities	<p>If Items 30 and 31 are not required to be provided:</p> <ul style="list-style-type: none"> <li>Carrying out of Works as described</li> </ul>	<p>If required:</p> <ul style="list-style-type: none"> <li>Work to be completed before the issuing of the Subdivision</li> </ul>	\$140,000.00

**Airlds Bradbury Renewal Project Planning Agreement**  
**Campbelltown City Council**  
**New South Wales Land and Housing Corporation**



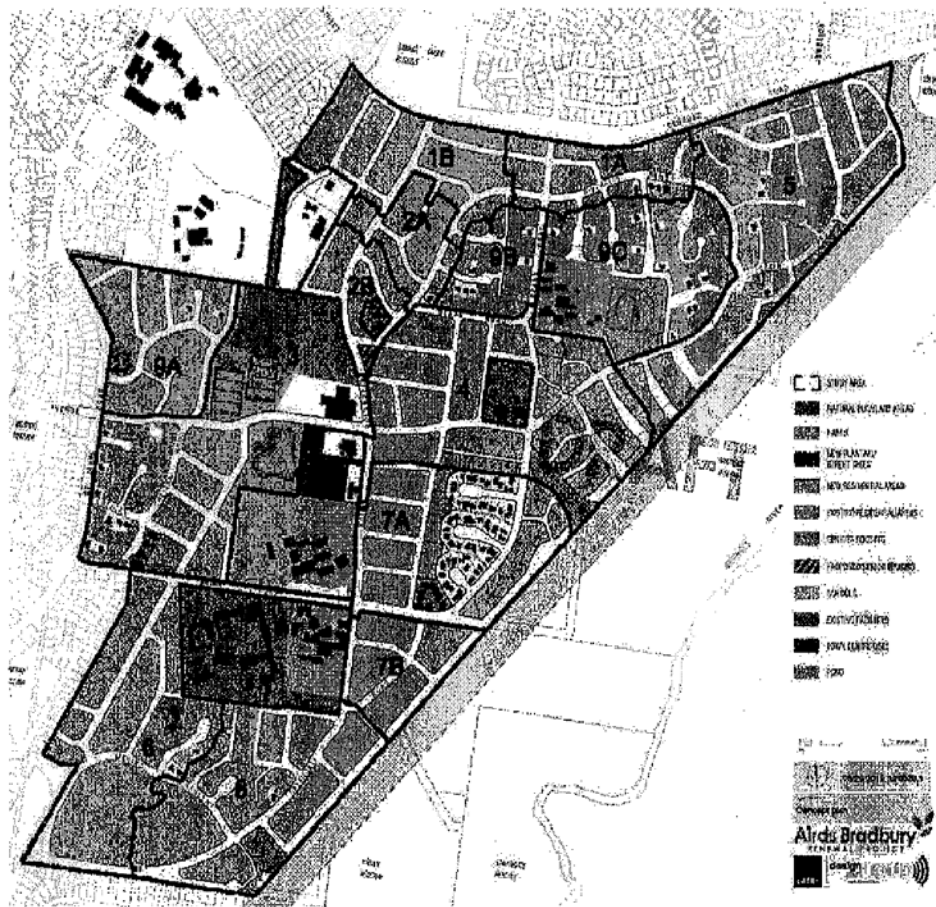
Facilities		<p>under the heading '9 Community Facilities' in Part A of the ISDP relevant to demolition of existing community facilities</p> <ul style="list-style-type: none"> <li>Dedication of land on which the Work is located</li> </ul>	<p>Certificate that creates the last Final Lot for residential purposes in Development Area 4.</p> <ul style="list-style-type: none"> <li>Land to be dedicated on or before the registration of the plan of subdivision that creates the last Final Lot in Development Area 4.</li> </ul>	
<b>Option for New Community Facilities Centre Value: \$1,941,360.00</b>				

**DRAFT**

**Airds Bradbury Renewal Project Planning Agreement**  
**Campbelltown City Council**  
**New South Wales Land and Housing Corporation**



**Schedule 4**  
(Clause 1.1)  
**Development Area Plan**





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**Airds Bradbury Renewal Project Planning Agreement**  
**Campbelltown City Council**  
**New South Wales Land and Housing Corporation**

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## **Execution**

**Executed as an Agreement**

**Dated:**

---

**Executed on behalf of the Council**

\_\_\_\_\_  
**General Manager**

**DRAFT**

\_\_\_\_\_  
**Witness/Name/Position**

---

**Executed on behalf of The Corporation** in accordance with s127(1) of the  
Corporations Act (Cth) 2001

\_\_\_\_\_  
**Name/Position**

\_\_\_\_\_  
**Name/Position**

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**Airds Bradbury Renewal Project Planning Agreement**  
**Campbelltown City Council**  
**New South Wales Land and Housing Corporation**



**Appendix**

(Clause 51)

*Environmental Planning and Assessment Regulation 2000*

(Clause 25E)

**Explanatory Note**

**Draft Planning Agreement**

Under s 93F of the *Environmental Planning and Assessment Act 1979*

**DRAFT**

**Parties**

**Campbelltown City Council** ABN 31 459 914 087 of Civic Centre, cnr Queen and Broughton Sts, Campbelltown NSW 2560 (**Council**)

**New South Wales Land and Housing Corporation** ABN 84 608 917 940 of Level 2, 223-239 Liverpool Road, Ashfield, New South Wales 2131 (**The Corporation**)

**Description of the Land to which the Draft Planning Agreement Applies**

The Land described in Schedule 1.

**Description of Proposed Development**

Residential development on the Land as described in the Concept Plan Application, generally being retention of 880 existing dwellings each on a separate lot, retention of 53 seniors housing units and provision of at least 52 additional units, and provision of 1,172 new dwellings.

**Airds Bradbury Renewal Project Planning Agreement**  
**Campbelltown City Council**  
**New South Wales Land and Housing Corporation**



**Summary of Objectives, Nature and Effect of the Draft Planning Agreement**

**Objectives of Draft Planning Agreement**

The objective of the Draft Planning Agreement is to provide infrastructure, facilities and services to meet the Development and dedication of land.

**Nature of Draft Planning Agreement**

The Draft Planning Agreement is a planning agreement under s93F of the *Environmental Planning and Assessment Act 1979 (Act)*. It is a voluntary agreement, under which the Developer makes Development Contributions (as defined in clause 1.1 of the Draft Planning Agreement) for various public purposes (as defined in s 93F(3) of the Act).

**Effect of the Draft Planning Agreement**

The Draft Planning Agreement:

**DRAFT**

- relates to the carrying out by the Developer of the Development,
- excludes the application of s 94 and s 94A of the Act to the Development,
- does not exclude the application of s 94EF of the Act to the Development,
- requires dedication of land and carrying out of Works
- is not to be registered on the title to the Land,
- imposes restrictions on the Developer transferring the Land or part of the Land or assigning an interest under the Agreement,
- provides a dispute resolution method for a dispute under the agreement, being mediation and expert determination,
- provides that the agreement is governed by the law of New South Wales, and
- provides that the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* applies to the agreement.

**Whether the Draft Planning Agreement specifies that certain requirements must be complied with before issuing of a construction certificate, occupation certificate or subdivision certificate**

- This Draft Planning agreement contains requirements that must be complied with, namely the carrying out of Work and dedication of land, before Subdivision Certificates may be issued.

**Airds Bradbury Renewal Project Planning Agreement**  
**Campbelltown City Council**  
**New South Wales Land and Housing Corporation**



**Assessment of the Merits of the Draft Planning Agreement**

**The Planning Purposes Served by the Draft Planning Agreement**

The Draft Planning Agreement:

- promotes and co-ordinates the orderly and economic use and development of the Land to which the Agreement applies,
- provides land for public purposes in connection with the Development,
- provides and co-ordinates community services and facilities in connection with the Development, and
- provides increased opportunity for public involvement and participation in environmental planning and assessment of the Development.

[Drafting Note: Council to confirm the above.]

**How the Draft Planning Agreement Promotes the Public Interest**

The Draft Planning Agreement promotes the public interest by promoting the objects of the Act as set out in a ss 5(a)(ii)-(v) and 5(c) of the Act.

[Drafting Note: Council to confirm the above.]

**For Planning Authorities:**

***Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities***

N/A

***Other Public Authorities - How the Draft Planning Agreement Promotes the Objects (if any) of the Act under which it is Constituted***

N/A

***Councils - How the Draft Planning Agreement Promotes the Elements of the Council's Charter***

The Draft Planning Agreement promotes the elements of the Council's charter by:

- providing services and facilities for the community,
- ensuring that the public facilities provided by the Developer under the agreement are transferred to and managed by the Council or are otherwise subject to the Council's control,

**Airds Bradbury Renewal Project Planning Agreement**  
**Campbelltown City Council**  
**New South Wales Land and Housing Corporation**

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- providing a means that allows the wider community to make submissions to the Council in relation to the agreement.

[Drafting Note: Council to confirm the above.]

***All Planning Authorities – Whether the Draft Planning Agreement  
Conforms with the Authority's Capital Works Program***

[Drafting Note: To be Completed by Council.]

DRAFT

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# **Infrastructure Services Delivery Plan**

## **Airds Bradbury Renewal Project**

February 2014

Works listed in Schedule 2 of the Planning Agreement between  
NSW Land and Housing Corporation and Campbelltown City Council

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Airds Bradbury Renewal ISDP February 2014

## Purpose

The Airds Bradbury Renewal Project Infrastructure Services Delivery Plan (ISDP) is a document which details the items of work to be delivered by way of a Planning Agreement between NSW Land and Housing Corporation (the Developer) and Campbelltown City Council.

The physical and social renewal of the area will be supported by the appropriate provisions of infrastructure necessary to support the existing and new community. The works set out in the ISDP has been designed generally consistent with the Airds Bradbury Renewal Concept Plan (refer to Figure A) approved via Part 3A of the Act in August 2012.

The ISDP is a defined term in the Planning Agreement and is specifically referenced in that document as follows:-

1. In Schedule 3 and Clause 10 of the Planning Agreement which lists the Core Elements to be delivered as Development Contributions; and
2. In Clause 11.2 which provides that the content of the ISDP can be considered in determining whether to approve a variation to the scope or timing for the provision of Development Contributions under the Planning Agreement.

To assist in the interpretation and implementation of the Planning Agreement, this ISDP includes:-

- A more detailed description of the scope of works consistent with the approved Concept Plan showing the general location and configuration of works on the site. This is consistent with and in some cases provides more detail than the Plan at Schedule 4 of the Planning Agreement;
- A budget estimate (ex. GST) for the delivery of the item based on the scope of works and/or concept plans referenced; and
- A rationale for the staging of delivery of each item of works based on Development Area/Stage or lot threshold of works. Figure A identifies the development stages/areas for the works.

In reading this document, the following should be noted:-

- The Description of the Works outlines the scope of works proposed to be delivered.
- The cost estimates for each item of work are based upon today's construction rates. These cost estimates includes allowances for contingency, professions fees, approvals, maintenance and defects liability period.
- All hard landscaping works will be maintained by the Developer for a period no longer than 12 months from the completion of works. Soft landscaping works will be maintained by the Developer for 24 months from the date of completion (excluding bushland regeneration works).
- Bushland Regeneration to conserve remnant vegetation and regenerate threatened species and endangered ecological communities is to run for 5 years from commencement of works or for a reduced period as agreed with Council.
- Maintenance does not include repair works due to vandalism but includes provision for replacement of plants due to vandalism.
- The estimated budgets are outlined to give an understanding and context to the scope of works proposed. There is nothing to stop the same works being delivered at a reduced cost if efficiencies can be negotiated at tender or through the detailed design stage. Any cost savings achieved by the Developer do not need to be passed onto Council.



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Airds Bradbury Renewal ISDP February 2014

- For the ISDP items, a scope of works has been defined as a performance specification (ie. Roads, drainage, utilities etc.) An upper limit fixed prices for all items is provided.
- On a project of this size, there is provision for flexibility in time when the Developer and Council can negotiate refinements or changes to the details of the infrastructure provisions and delivery timing pursuant to Clause 10 of the Planning Agreement. The flexibility is subject to the following limitations and assurances:
  - Conditions attached to the Part 3A approval or subsequent planning approvals for the redevelopment of Airds Bradbury; and
  - The Description of Works identified in the ISDP cannot be varies without an amendment.

The following schedules provided in Part A and Part B of the ISDP detail the scope, budget and staging of all items of works consistent with Schedule 3 of the Planning Agreement.

## Proposed development

The Airds Bradbury Renewal Project involves the redevelopment of the existing Airds Bradbury public housing estate. The renewal area comprises approximately 1,540 dwellings, 94% of which are in public ownership. The current 'Radburn' design of the estate has resulted in poor amenity and poor environmental and social outcomes, including poor quality open spaces, lack of surveillance and poor maintenance of common areas.

The Airds Bradbury Renewal Project seeks to improve the quality of the social and urban environment by creating conditions conducive to the establishment of a sustainable place to live. The project comprises a new urban structure within the renewal area reflecting a new street pattern and subdivision layout based around a series of existing and new infrastructure and dwellings.

The Concept Plan will provide in the order of 2,095 dwellings upon completion of the project, comprising generally the following:

- Retention of 830 existing dwellings each on a separate lot with some to be retained for social housing and some to be on-sold to the private market.
- Retention of 53 seniors housing units and the provision of an additional 52 units; and
- 1,160 new dwellings/lots for both social housing and private housing.

These figures are indicative and are subject to change as the development proceeds depending on detailed design considerations, market responses and community demand.

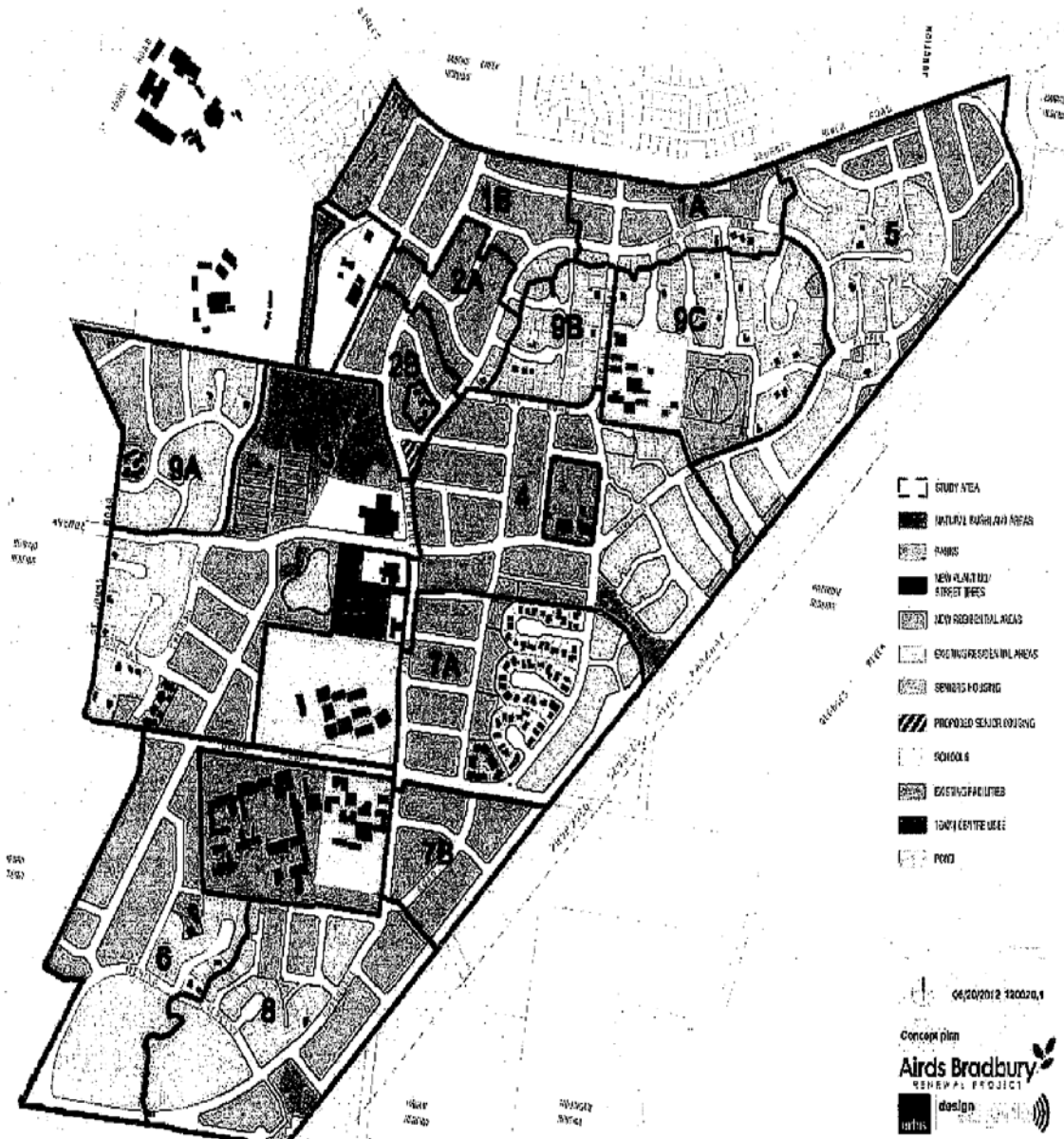
## Timing

Timing and provision of items (works and land) of the development project will be generally in accordance with the indicative timing outlined in this ISDP. However, it is recognised that the Development Areas identified in the indicative sequencing plan should only be treated as indicative and it may become necessary to modify the sequencing based on the delivery of the proposed development. Items of material public benefit will be provided in the relevant development area but delivered by the time prescribed in the Planning Agreement Summary Table of this ISDP.

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Airds Bradbury Renewal ISDP February 2014

Figure A - Airds Bradbury Renewal Concept Plan and Development Areas



3.5 Public Exhibition Of Planning Agreement For Airds Bradbury Renewal Project

Airds Bradbury Renewal ISDP February 2014

**Planning Agreement Summary Table**

#	Item	Approx area (ha)	Location (Development Area)	Timing	Contribution Value	Nature of Contribution
<b>Proposed Roads, Bridges and Interchanges</b>						
1	Collector Roads		1B, 2A, 2B, 3, 4, 6, 7A	Final Lot of the relevant Development Area	\$2,700,528	Works in Kind
2	Roads Adjacent to Parks		1B, 2B, 3, 4, 5, 8, 9	Final Lot of the relevant Development Area	\$1,048,668	Works in Kind
3	Removal of Existing Underpasses		4, 7A	Final Lot of the relevant Development Area	\$632,500	Works in Kind
4	Georges River Road/ Riverside Drive Intersection		1B	180 <sup>th</sup> Lot in the Development	\$253,000	Works in Kind
5	Georges River Road /Bellinger Road / Deans Road Intersection		1A	180 <sup>th</sup> Lot in the Development	\$189,750	Works in Kind
6	St John Road / Cambellfield Avenue Intersection		3	395 <sup>th</sup> Lot in the Development	\$253,000	Works in Kind
7	Georges River Road /Junction Road/ Peppin Crescent Intersection		5	710 <sup>th</sup> Lot in the Development	\$253,000	Works in Kind
<b>Water Services and Drainage</b>						
8	Trunk Stormwater Pipes and Pits (ex. network in collector roads)		1B, 2A, 3, 6, 7B, 8	Final Lot of the relevant Development Area	\$2,677,613	Works in Kind
9	Pond Area Engineering Upgrade		3	395 <sup>th</sup> Lot in the Development	\$161,920	Works in Kind
10	Proposed Gross Pollutant Traps		1B, 3	Final Lot of the relevant Development Area	\$632,500	Works in Kind
11	Upgrade Existing Culverts under Georges River Road		1B	395 <sup>th</sup> Lot in the Development	\$651,475	Works in Kind
12	Proposed Detention Basin		1B	395 <sup>th</sup> Lot in the Development	\$169,510	Works in Kind
13	Proposed Bio-Retention Facilities		All Stages	Final Lot of the relevant Development Area	\$904,675	Works in Kind
<b>Open Space and Recreation</b>						
14	Smiths Creek Reserve Landscaping	2.22	1B, 2A	Final Lot of the relevant Development Area	\$218,257	Works in Kind
15	Kevin Wheatley Reserve and Pond Area Landscaping	4.26	3	595 <sup>th</sup> Lot in the Development	\$1,444,652	Works in Kind
16	Kevin Wheatley Reserve Playing Fields		3	595 <sup>th</sup> Lot in the Development	\$1,878,043	Works in Kind
17	Kevin Wheatley Reserve Amenities Block		3	595 <sup>th</sup> Lot in the Development	\$640,533	Works in Kind
18	Kevin Wheatley Reserve Car Parking Area		3	595 <sup>th</sup> Lot in the Development	\$354,200	Works in Kind
19	Kevin Wheatley Bushland Landscaping	5.26	3	395 <sup>th</sup> Lot in the Development	\$411,626	Works in Kind
20	Merino Park Landscaping	0.74	8	1,110 <sup>th</sup> Lot in the Development	\$419,457	Works in Kind
21	Riley Park Landscaping	2.37	9	710 <sup>th</sup> Lot in the Development	\$1,106,158	Works in Kind
22	Riley Park Amenities Block		9	710 <sup>th</sup> Lot in the Development	\$640,533	Works in Kind
23	Riley Park Car Parking Area		9	710 <sup>th</sup> Lot in the Development	\$227,700	Works in Kind
24	Baden Powell Reserve Landscaping	0.49	9	1,160 <sup>th</sup> Lot in the Development	\$84,195	Works in Kind
25	Georges River Road Entry Wall		1B	180 <sup>th</sup> Lot in the Development	\$177,100	Works in Kind
<b>Other Contributions</b>						
26	Smiths Creek Reserve (BC1)	2.22	1B	310 <sup>th</sup> Lot in the Development	\$128,726	Works in Kind
27	Kevin Wheatley Reserve (BC2)	5.26	3	395 <sup>th</sup> Lot in the Development	\$168,559	Works in Kind
28	Peppin Park North (BC3)	0.40	5	710 <sup>th</sup> Lot in the Development	\$44,407	Works in Kind
29	Peppin Park South (BC4)	0.17	5	710 <sup>th</sup> Lot in the Development	\$31,981	Works in Kind
30	Georges River Reserve (BC5)	0.84	4	925 <sup>th</sup> Lot in the Development	\$58,296	Works in Kind
31	Hagan Reserve (BC6)	0.79	8	1,110 <sup>th</sup> Lot in the Development	\$64,344	Works in Kind
<b>Total Contribution Value</b>					<b>\$18,626,906</b>	

Airds Bradbury Renewal ISDP February 2014

Community Facilities

Community Facilities						
32	Retain and Upgrade Existing Community Facilities		3, 4	Final Lot of the relevant Development Area	\$100,000	Monetary Contribution
33	Amarina Child Care Centre Land		7A	Final Lot of the relevant Development Area	\$0	Land Dedication

OR

Community Facilities						
34	New Community Facilities Centre		3	825 <sup>th</sup> Lot in the Development	\$2,632,445	Works in Kind
35	Demolition of Existing Facilities		4	Final Lot of the relevant Development Area	\$140,000	Works in Kind

Airds Bradbury Renewal ISDP February 2014

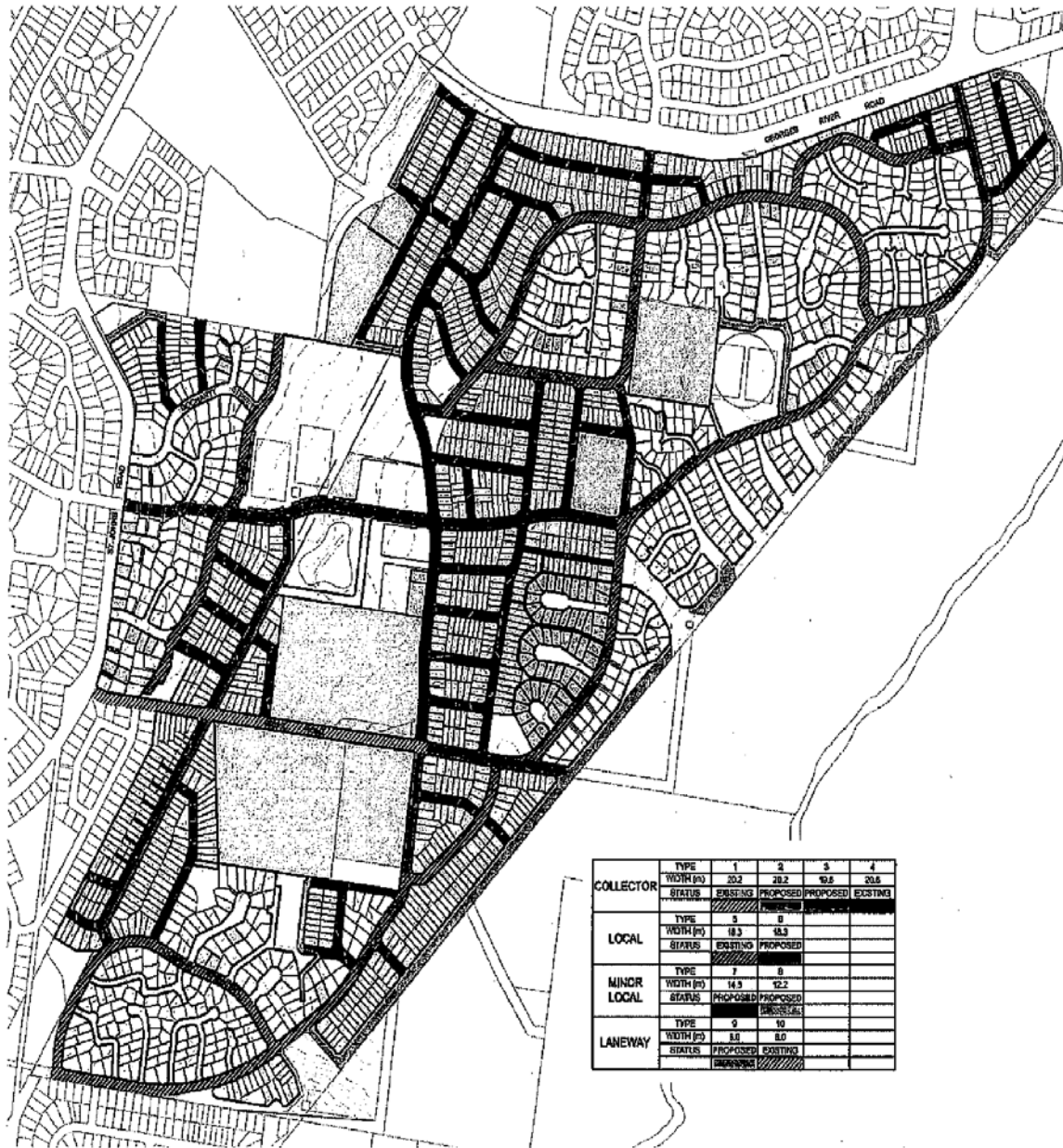
## Part A: Development Contributions – Carrying Out of Works

### 1. Roads Works (incl. Cycleways and Bus Stops) and Intersection Upgrades

Public purpose:	Roads, Traffic and Transport
Development Area/Staging Rationale	Various – refer to Planning Agreement Summary Table.
Description of Works	<p><b>Road Works:</b> The road works include the demolition of redundant roads and underpasses, embellishment of retained existing roads and the construction of new roads, verges, cycleways, footpaths, bus stops and shelters. Whilst some existing roads will be embellished with new landscaping and footpaths, it is not proposed to upgrade the pavement of existing dedicated roads. Refer to figure 1.1 for the Road Hierarchy Plan and Figure 1.2 for the VPA Road Allocation Plan. The various road types will be designed in accordance with Figures 1.3 -1.11.</p> <p><b>Cycleways and Shared Paths:</b> The bicycle network includes both on-street cycleways and off-street shared paths. On-street cycleways include standalone bicycle lanes or integrated with parking lanes with appropriate signage and line marking. Off-street shared paths are provided along the verge of roads or through public open space. Refer to Figure 1.12 for Proposed Bicycle Routes.</p> <p><b>Bus Stops and Shelters:</b> Bus stops and 3x bus shelters are to be provided within easy walking distance (maximum 400m) from all residences. Bus stop signage shall be installed in accordance with Campbelltown City Council and the local bus authority. The stops and shelters will be located generally in accordance with the Proposed Bus Routes plan shown in Figure 1.13.</p> <p><b>Intersection Upgrades:</b> Existing intersections that require upgrades have been approved via the Concept Plan and will be designed in accordance with Figure 1.14. None of the intersections require any additional land acquisition to provide the intended configurations.</p>
Core Elements	<ul style="list-style-type: none"> <li>▪ Collector Roads</li> <li>▪ Roads Adjacent to Parks</li> <li>▪ Removal of Existing Underpasses</li> <li>▪ Georges River Road /Riverside Drive Intersection</li> <li>▪ Georges River Road /Bellinger Road /Deans Road Intersection</li> <li>▪ Georges River Road /Junction Road /Peppin Crescent Intersection</li> <li>▪ St John Road / Cambellfield Avenue Intersection</li> </ul>
Estimates Works Value:	The estimated cost for the works listed above is <b>\$5,330,446</b>
Area:	TBA

Airds Bradbury Renewal ISDP February 2014

Figure 1.1 – Road Hierarchy Plan

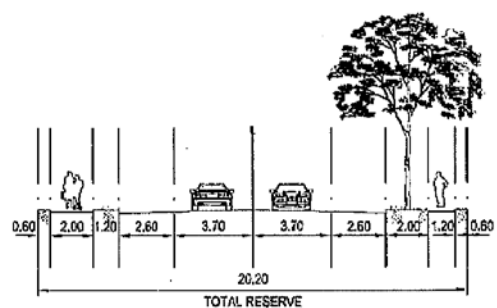
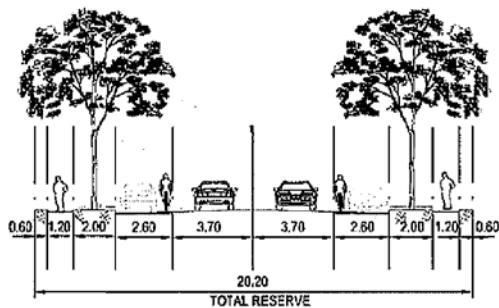


3.5 Public Exhibition Of Planning Agreement For Airds Bradbury Renewal Project

Airds Bradbury Renewal ISDP February 2014

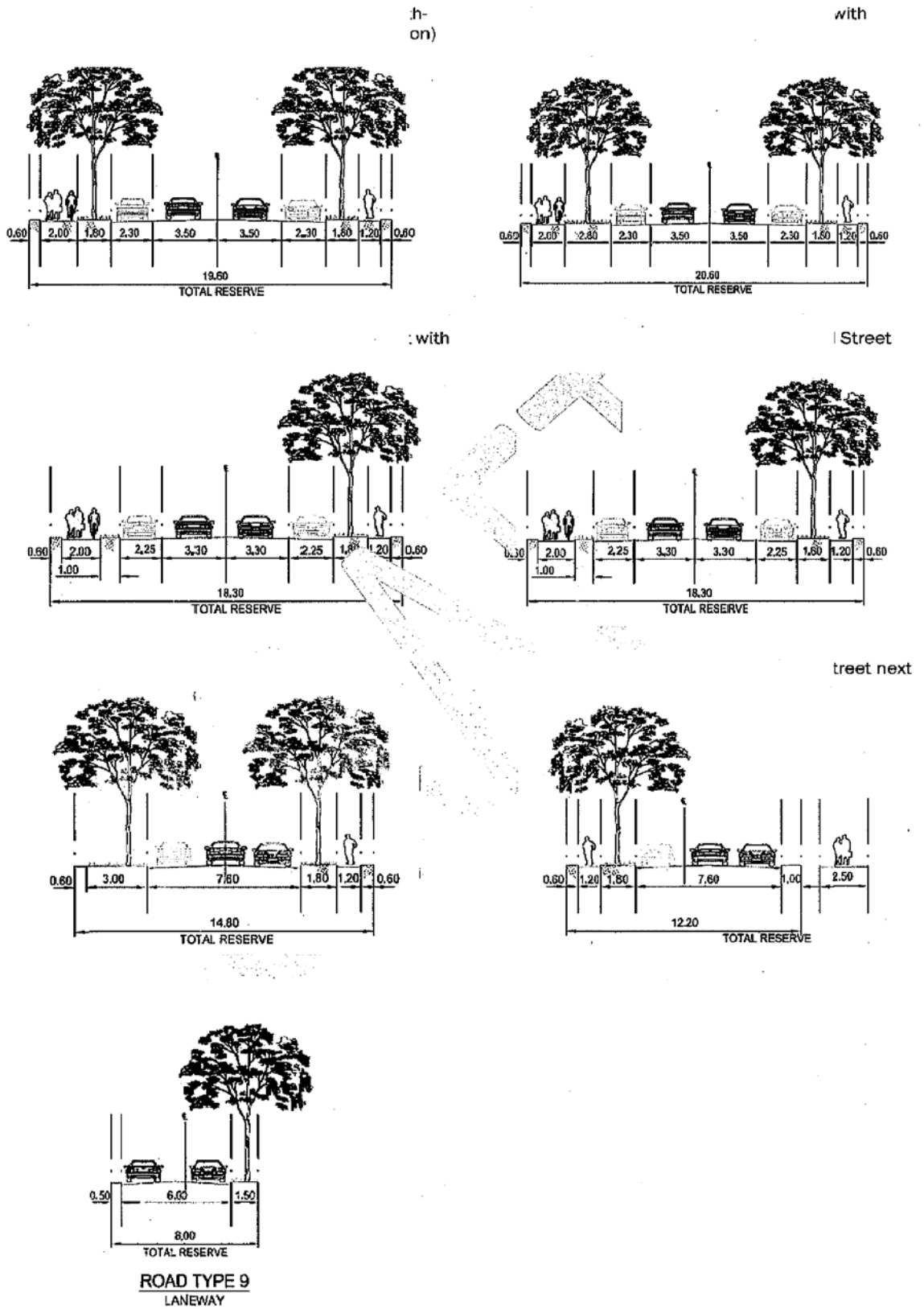


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3.5 Public Exhibition Of Planning Agreement For Airds Bradbury Renewal Project

Airds Bradbury Renewal ISDP February 2014





3.5 Public Exhibition Of Planning Agreement For Airds Bradbury Renewal Project

Airds Bradbury Renewal ISDP February 2014

Figure 1.12 - Proposed Bicycle Routes

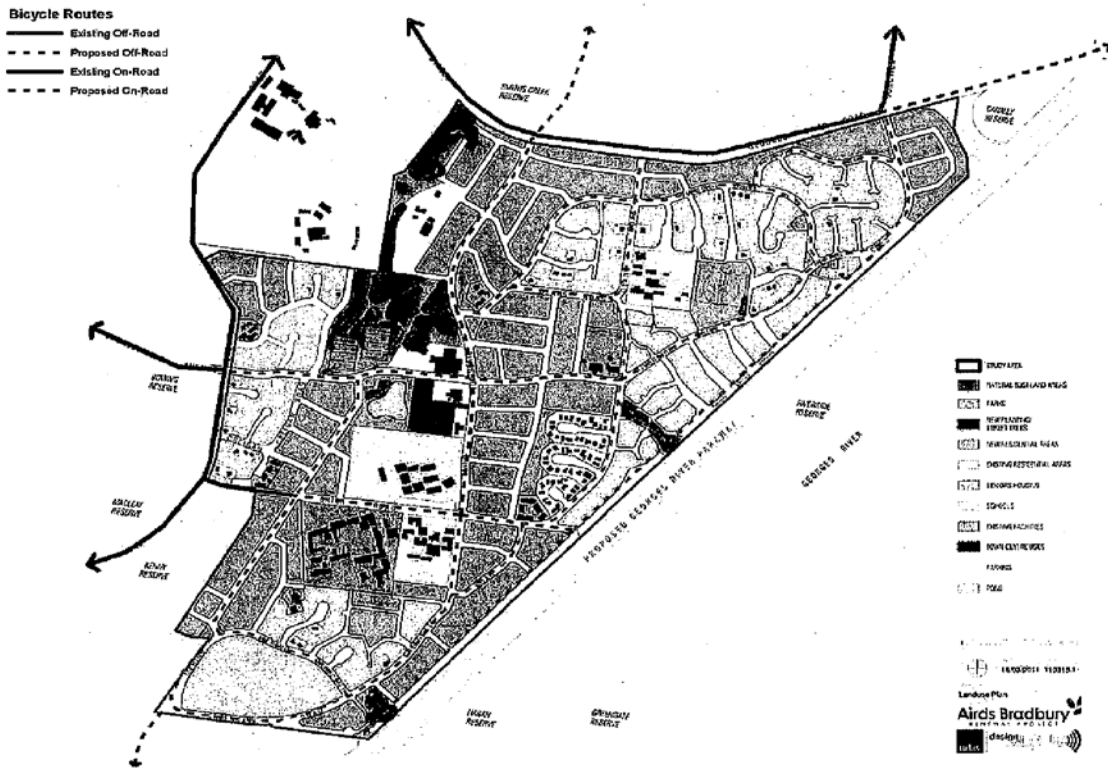


Figure 1.13 - Proposed Bus Routes and Bus Stops

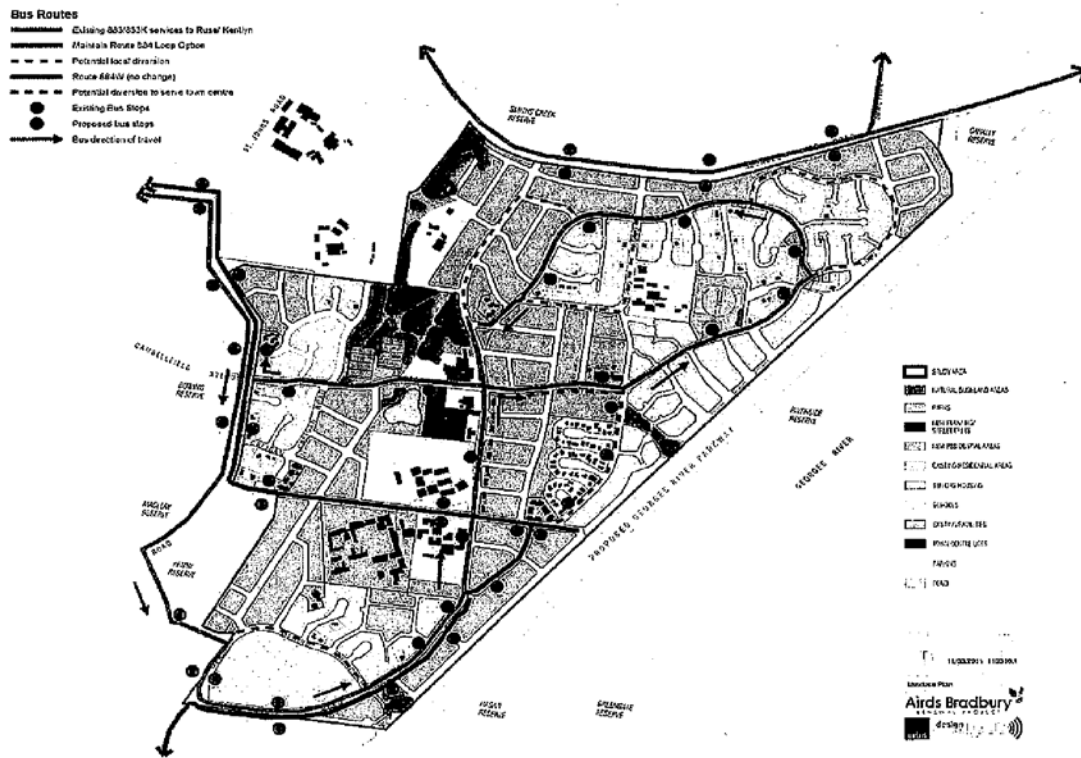
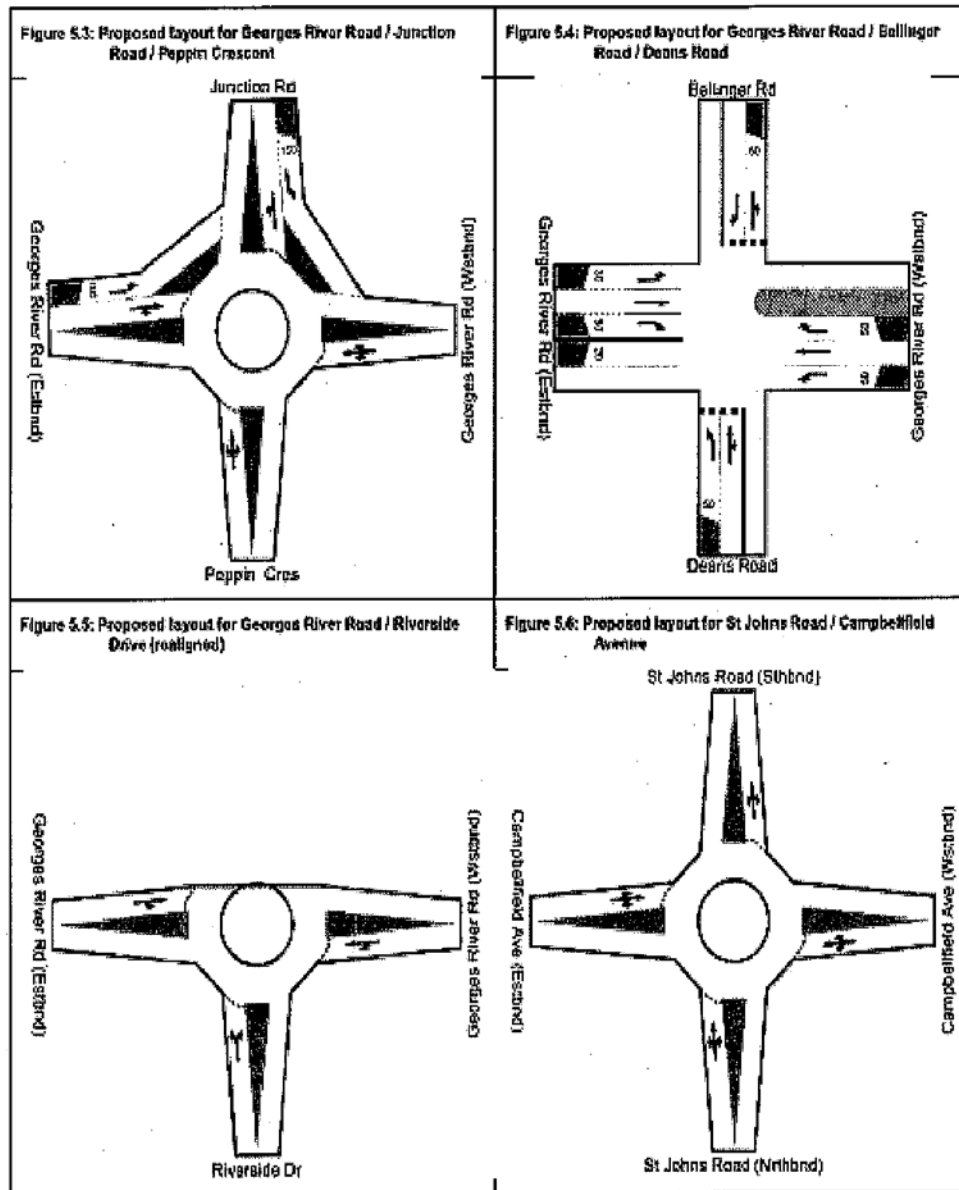


Figure 1.14 - Proposed Intersection Upgrades



Airds Bradbury Renewal ISDP February 2014

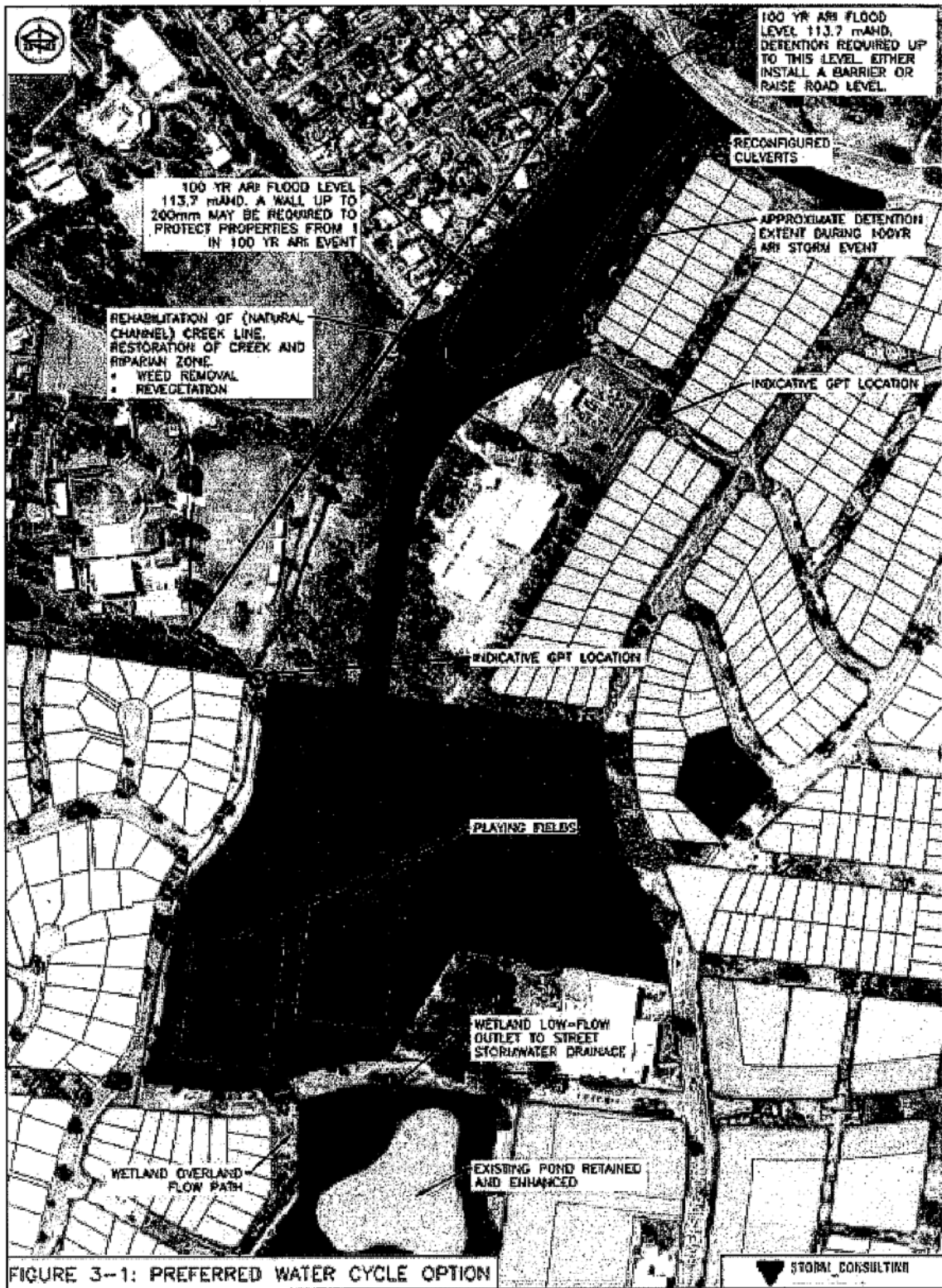
2. Detention Facilities, Gross Pollutant Traps and Bio-Retention Devices

Public purpose:	Water Cycle and Water Quality Management
Development Area/Staging Rationale	Various - refer to Planning Agreement Summary Table.
Description of Works	<p><b>Detention Facilities:</b> It is proposed to construct a single, stormwater detention facility in the Smiths Creek corridor immediately upstream of Georges River Road. As a minimum it will adequately mitigate the stormwater quantity/flooding impacts created by the development upon the downstream catchments as per the approved Concept Plan documentation.</p> <p><b>Gross Pollutant Traps and Bio-Retention Devices:</b> The GPTs will be standard proprietary pre-cast units requiring excavation and installation. The bio-retention facilities will require excavation, liner material, subsoil drainage, filter media and grass plantings capable of withstanding temporary inundation and periods of drought.</p> <p>Refer to Figures 2.1 and 2.2 for the approved Water Cycle Management Plan and Water Quality Strategy for Airds Bradbury Renewal.</p>
Core Elements	<ul style="list-style-type: none"> <li>▪ Trunk Stormwater Pipes and Pits (ex. network in collector roads)</li> <li>▪ Pond Area Engineering Upgrade is required to ensure the integrity of the pond structure, including certification of the works.</li> <li>▪ Proposed Gross Pollutant Traps</li> <li>▪ Upgrade Existing Culverts under Georges River Road</li> <li>▪ Smiths Creek Detention Basin</li> <li>▪ Proposed Bio-Retention Facilities</li> </ul>
Estimates Works Value:	The estimated cost for the items of works listed above is <b>\$5,197,693.</b>
Area:	TBA

3.5 Public Exhibition Of Planning Agreement For Airds Bradbury Renewal Project

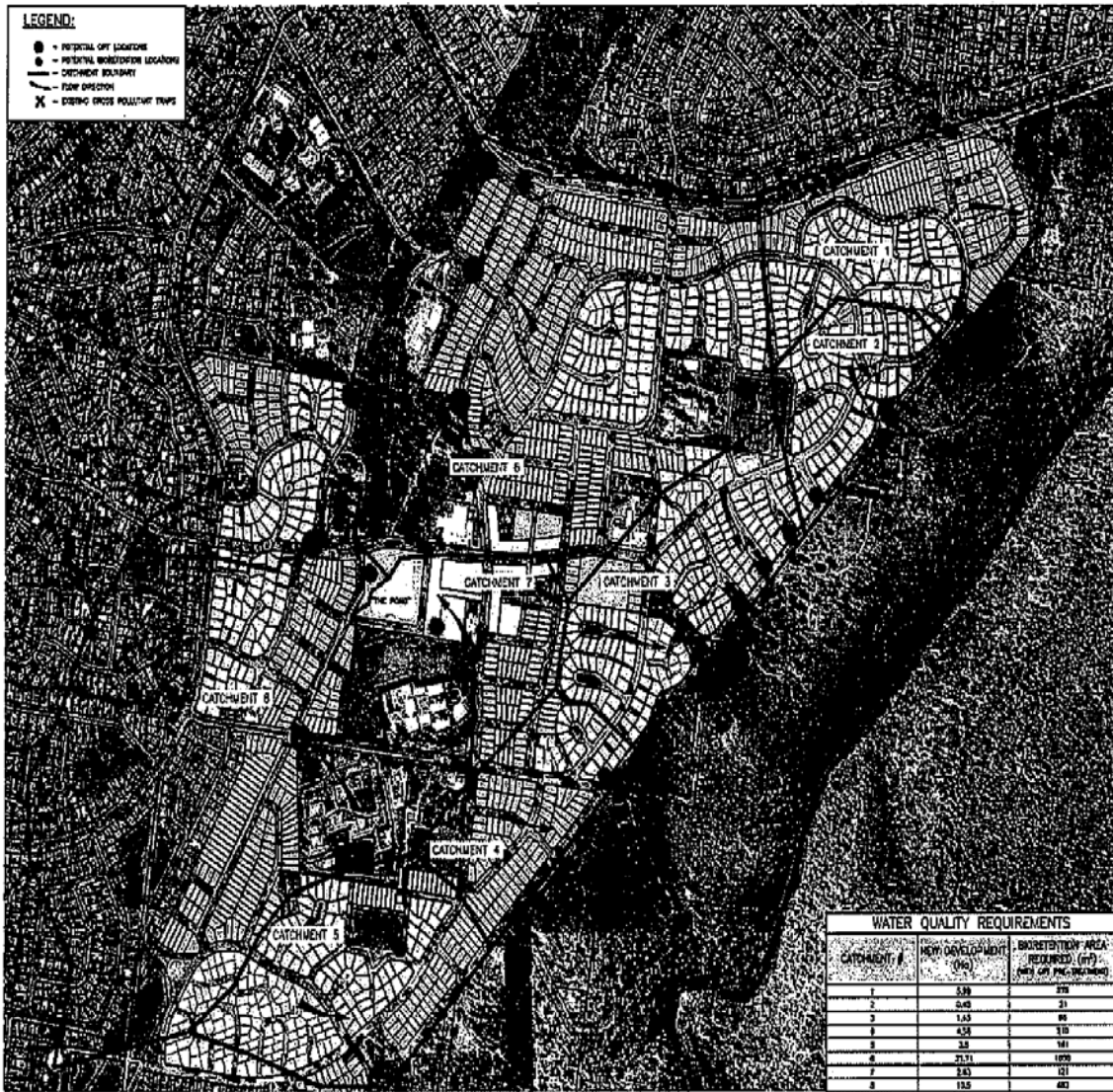
Airds Bradbury Renewal ISDP February 2014

Figure 2.1 - Water Cycle Management Plan



Airds Bradbury Renewal ISDP February 2014

Figure 2.2 – Water Quality Strategy



Airds Bradbury Renewal ISDP February 2014

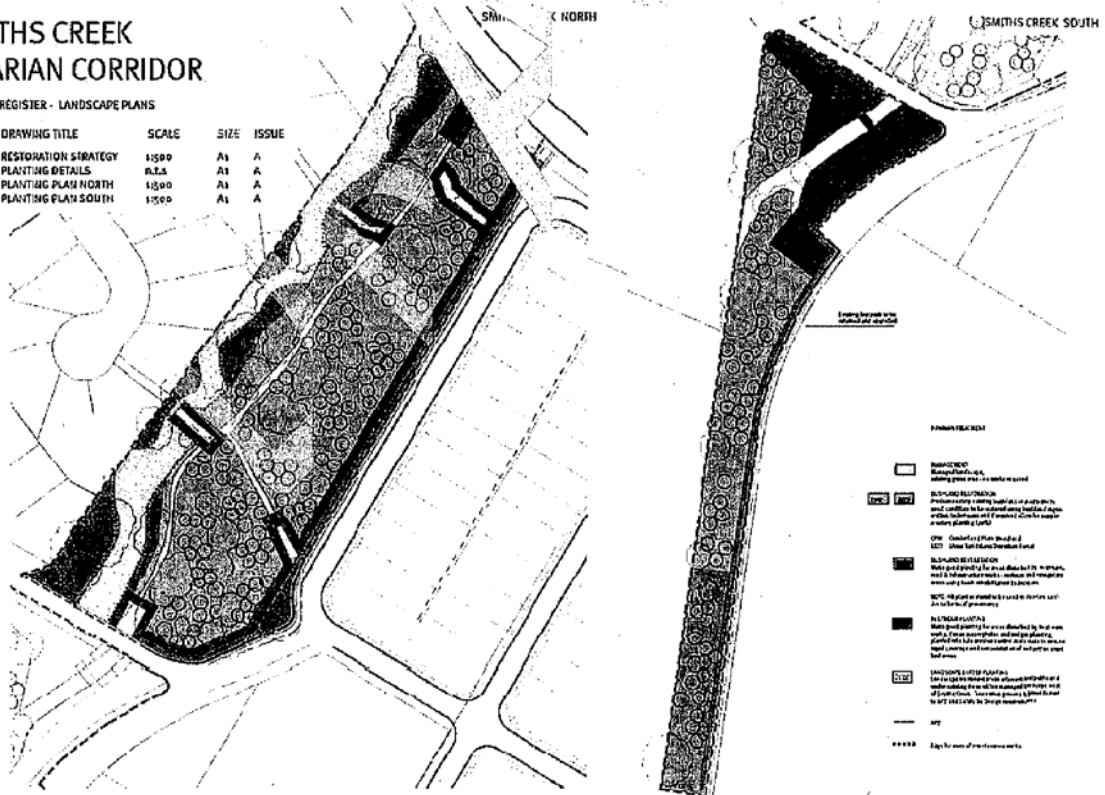
3. Smiths Creek Reserve

<b>Public purpose:</b>	Public Open Space
<b>Development Area/Staging Rationale</b>	Stages 1B and 2A
<b>Description of works</b>	Landscaping and revegetation of Smiths Creek Reserve including restoration of riparian vegetation. Refer to Figure 3.1.
<b>Core Elements</b>	<p><b>Smiths Creek Reserve Landscaping</b></p> <ul style="list-style-type: none"> <li>Restoration and revegetation of riparian vegetation. Works to include cultivation, planting and mulching.</li> </ul>
<b>Estimates Works Value:</b>	The estimated cost for the Kevin W <sup>h</sup> atley Pond Area and Playing Fields is <b>\$218,257</b> .
<b>Area:</b>	Approximately 2.22ha

**SMITHS CREEK RIPARIAN CORRIDOR**

DRAWING REGISTER - LANDSCAPE PLANS

DWG NO.	DRAWING TITLE	SCALE	SIZE	ISSUE
L01	RESTORATION STRATEGY	1:500	A1	A
L02	PLANTING DETAILS	A1:ES	A1	A
L03	PLANTING PLAN NORTH	1:500	A1	A
L04	PLANTING PLAN SOUTH	1:500	A1	A



Airds Bradbury Renewal ISDP February 2014

4. Kevin Wheatley VC Reserve

Public purpose:	Public Open Space
Development Area/Staging Rationale	Stage 3
Description of works	Kevin Wheatley Reserve will include landscaping to the bushland area, the area surrounding the pond, construction of 2x playing fields, a new amenities building and provision for 80 car parking spaces. Refer to Figures 4.1 and 4.2 for Kevin Wheatley Reserve Playing Fields and Pond Area Concept Plans.
Core Elements	<p><b>Kevin Wheatley Reserve and Pond Area Landscaping (Ex. Engineering Upgrades)</b></p> <ul style="list-style-type: none"> <li>▪ Planting around the playing fields with an exercise area with a range of fitness equipment, shade structure, seating with robust anti-graffiti and vandalism material;</li> <li>▪ Additional planting and footpaths around the bushland area;</li> <li>▪ Embellish pond area to include walking circuit around pond area, small seating viewing areas, planting for passive recreation opportunities, and a playground that caters for a range of ages and challenge levels;</li> <li>▪ Public Domain furniture incl. rubbish bins, 3x BBQ (electric) and 1 pergola will small grassed play area;</li> </ul> <p><b>Playing Fields</b></p> <ul style="list-style-type: none"> <li>▪ 2x playing fields (68m x 100m) plus 8 metre in-goal area and 5 metre over runs on all sides with subsurface drainage and automatic irrigation system complete (incl. moisture sensor) with tank top up from portable main, slave unit to Council's central controller for lights and Irrigation;</li> <li>▪ Flood lights in 25 metre steel poles, min 50 lux to whole field with electrical capacity and infrastructure to increase to 100 lux, control as above. Park lighting to Endeavour Energy's basic standard;</li> <li>▪ Upgrade surface of existing basketball courts located behind the Airds Youth Centre;</li> </ul> <p><b>Amenities Building</b></p> <ul style="list-style-type: none"> <li>▪ Amenity building including home &amp; away change facilities, referees room, public toilets, and canteen (205m<sup>2</sup> GFA and 110m<sup>2</sup> Awning @ \$2,470/m<sup>2</sup> of GFA). Also accommodated in this building is Council's maintenance storage including separate irrigation pump room;</li> </ul> <p><b>Car Park</b></p> <ul style="list-style-type: none"> <li>▪ Min 80 marked car parking spaces (60 paved onsite) for the playing fields, with an additional 20 marked shared parking spaces with the pond area and town centre with planting to soften visual impact of car park.</li> </ul>
Estimates Works Value:	The estimated cost for the Kevin Wheatley Pond Area and Playing Fields is <b>\$4,729,054.</b>
Area:	Approximately 9.52ha

3.5 Public Exhibition Of Planning Agreement For Airds Bradbury Renewal Project

Airds Bradbury Renewal ISDP February 2014

Figure 4.1 – Kevin Wheatley VC Reserve - Playing Fields

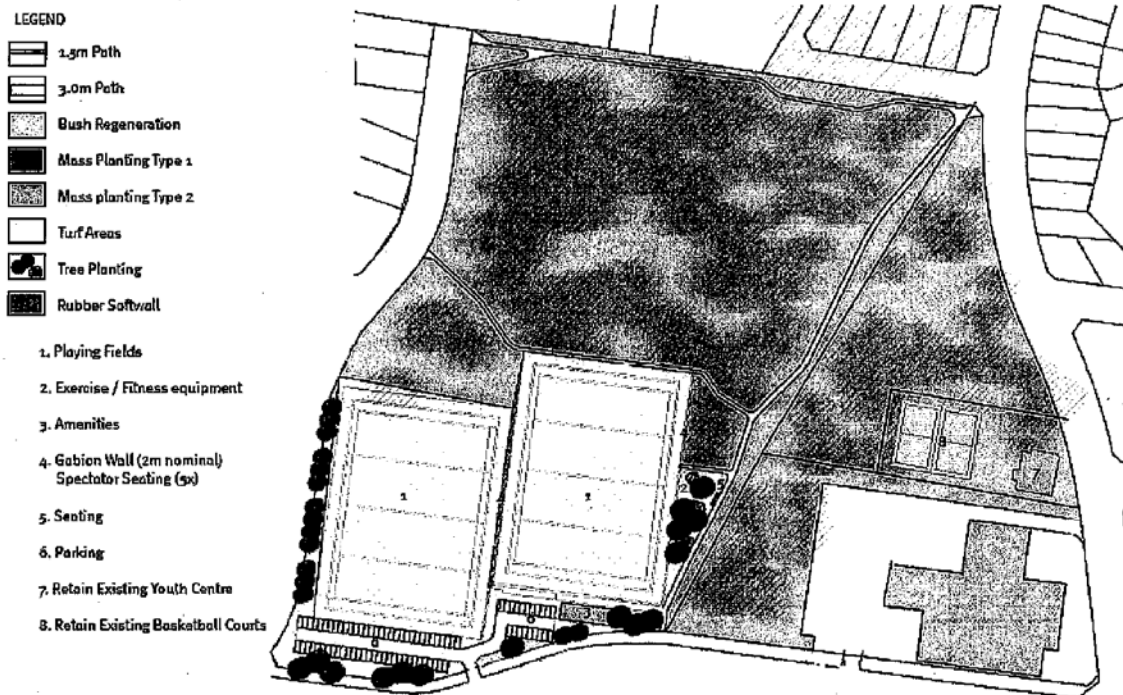
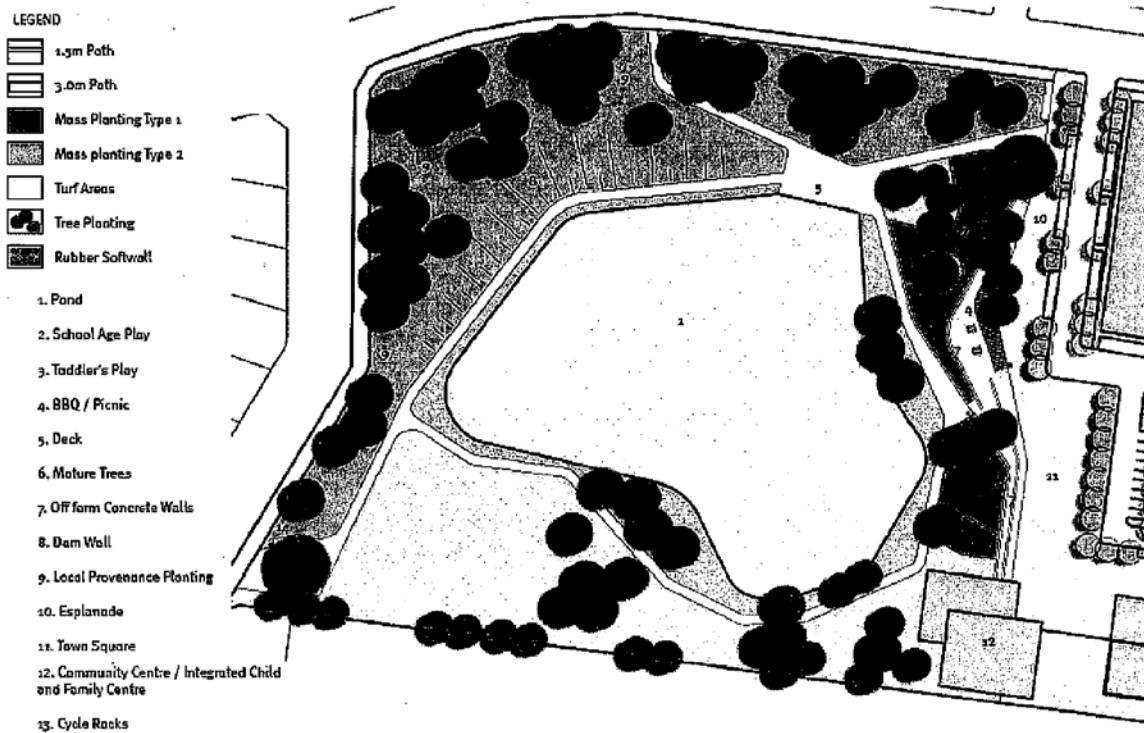


Figure 4.2 – Pond Area



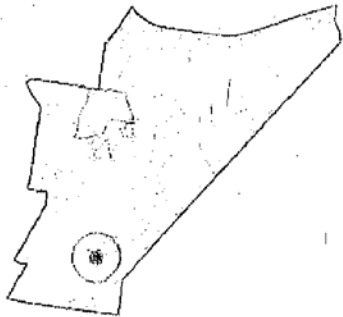


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5. Merino Park

Public purpose:	Public Open Space
Development Area/Staging Rationale	Stage 8
Description of works	Merino Park will be embellished to include planting along edges; run around grass area, 1.2m wide footpaths, informal playground, half basketball court, seating and picnic area. Refer to Figure 5.1 for Merino Park Concept Plan.
Core Elements	<ul style="list-style-type: none"> <li>▪ Street tree planting along northern and western edge;</li> <li>▪ Adequate parallel on street parking already exists along park edges;</li> <li>▪ Reinforce access points: doormat + feature entry planting;</li> <li>▪ Canopy trees to provide shade and create 'forest' character;</li> <li>▪ Low native planting along edges;</li> <li>▪ 1.2m wide footpath through the park;</li> <li>▪ Run around grass area, introduce shallow batter along main footpath to redirect straight desire line into slight curve;</li> <li>▪ Playground (informal play) utilise existing change in level to create undulating landscape, tree planting to provide;</li> <li>▪ Half basketball court;</li> <li>▪ Seating and picnic tables associated with children's play area.</li> </ul>
Estimates Works Value:	The estimated cost for Merino Park works is <b>\$419,457</b> .
Area:	Approximately 0.74ha

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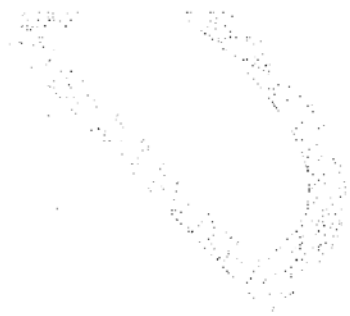
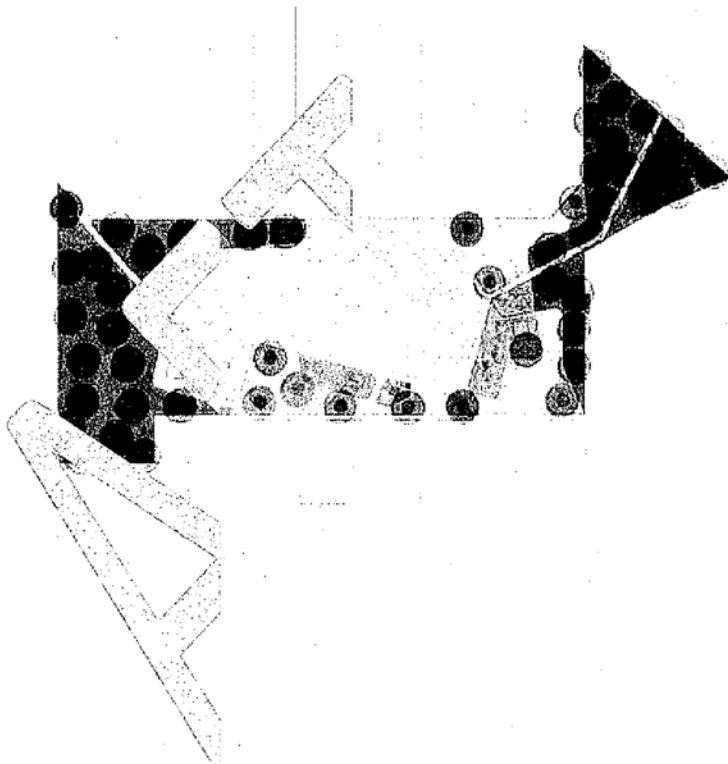
LOCATION PLAN

LEGEND

- 1.2m Path
- Planting
- Turf Areas
- Tree Planting
- Feature Tree
- Rubber Softfall
- Decomposite Granite
- Ploxipave
- Mulch

PROPOSED FACILITIES

- Seating
- Picnic Settings, Bin
- School Age Playground
- Pre School Playground
- Adventure / Nature Play
- Basketball Half Court
- Bike Rack
- Run around



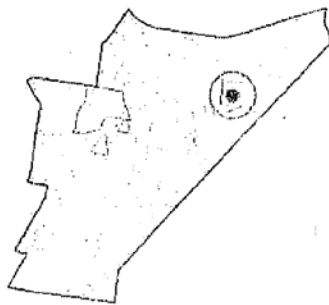
Airds Bradbury Renewal ISDP February 2014

6. Riley Park

Public purpose:	Public Open Space
Development Area/Staging Rationale	Stage 9C
Description of works	Riley Park facilities will be improved and will include re-sized football fields, a synthetic cricket wicket, a new amenities building, BBQ area, children's play area, boundary and street planting and 80 paved spaces car park. Conduits for future lighting will be provided. Refer to Figure 6.1 for Riley Park Concept Plan.
Core Elements	<p><b>Playing Fields</b></p> <ul style="list-style-type: none"> <li>▪ Maintain current 2x football fields with over runs of 5 metres around;</li> <li>▪ Synthetic cricket wicket between both fields with adult cricket field fitting within precinct;</li> <li>▪ Sporting fields with sub surface drainage and automatic irrigation system complete (incl. moisture sensor) with tank top up from potable main, slave unit to Council central controller for lights and irrigation;</li> <li>▪ Conduits for future park lighting;</li> <li>▪ Consider provision of bench seating / viewing banks for spectators;</li> <li>▪ Boundary and street tree planting spaced along the length of the park and tall clear trunked indigenous trees along park edge will maintain open views out and frames views in to the park promoting passive surveillance;</li> <li>▪ Pedestrian path linking to school;</li> <li>▪ 1x electric double unit barbeque;</li> <li>▪ Younger children's play area located in close proximity of amenity building with shade structure nearby and/or covering part of play area. Shade structure of robust anti-graffiti and vandal resistant material. Rubber softfall to be used under all play equipment (no organic mulch).</li> </ul> <p><b>Amenities Building</b></p> <ul style="list-style-type: none"> <li>▪ Amenity building including home &amp; away change facilities, referees room, public toilets, and canteen (205m<sup>2</sup> GFA and 110m<sup>2</sup> Awning @ \$2,470/m<sup>2</sup> of GFA). Also accommodated in this building is Council's maintenance storage including separate irrigation pump room;</li> </ul> <p><b>Car Park</b></p> <ul style="list-style-type: none"> <li>▪ Car park (40 paved spaces and 40 overflow) + cycle parking provide buffer planting along riverside drive.</li> </ul>
Estimates Works Value:	The estimated cost for Riley Park works is <b>\$1,974,391</b>
Area:	Approximately 2.37ha

Figure 6.1 – Riley Park

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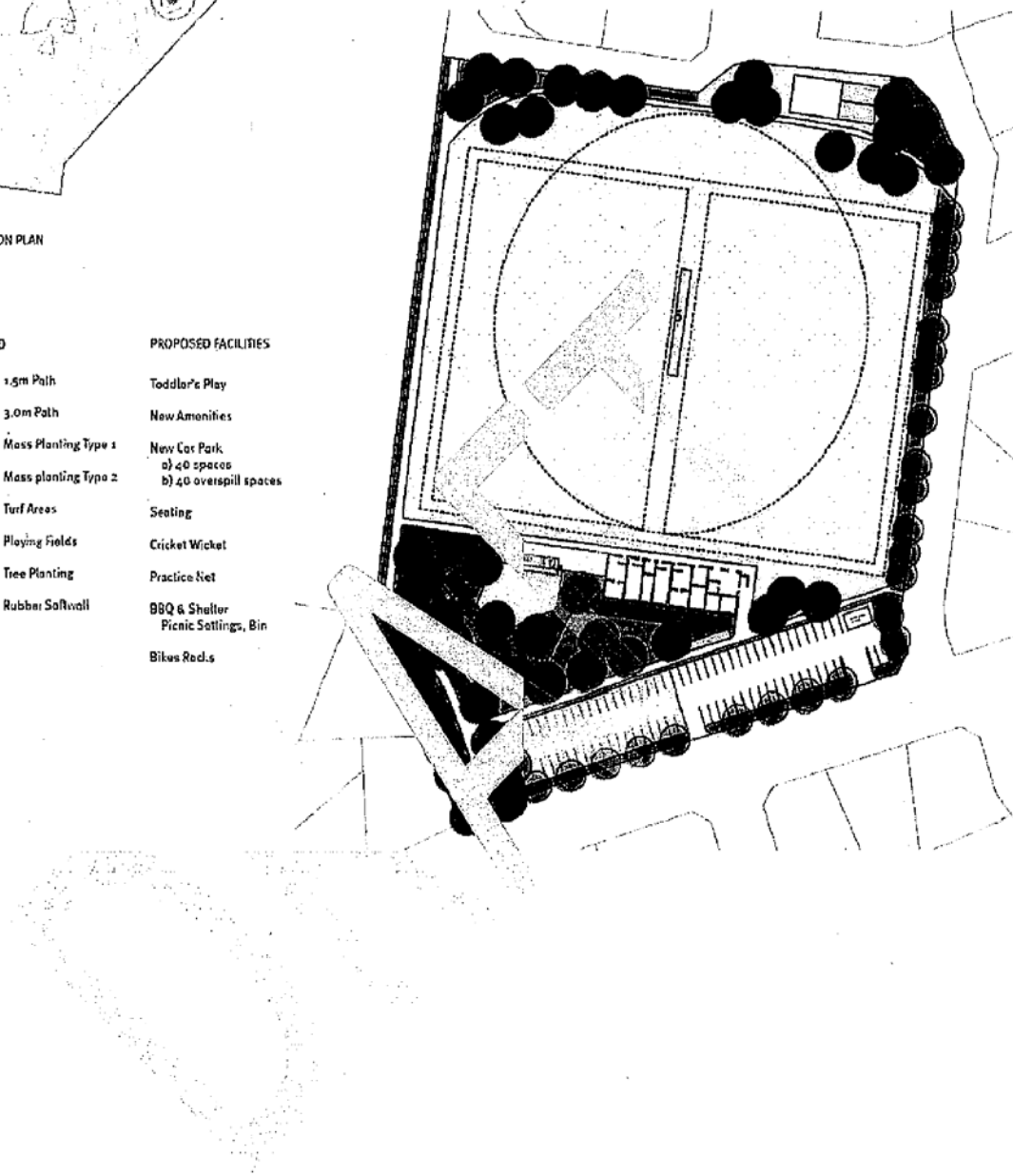
LOCATION PLAN

LEGEND

- 1.5m Path
- 3.0m Path
- Mass Planting Type 1
- Mass planting Type 2
- Turf Areas
- Playing Fields
- Tree Planting
- Rubber Softball

PROPOSED FACILITIES

- Toddler's Play
- New Amenities
- New Car Park
  - a) 40 spaces
  - b) 40 overspill spaces
- Seating
- Cricket Wicket
- Practice Net
- BBQ & Shelter  
Picnic Settings, Bin
- Bikes Racks

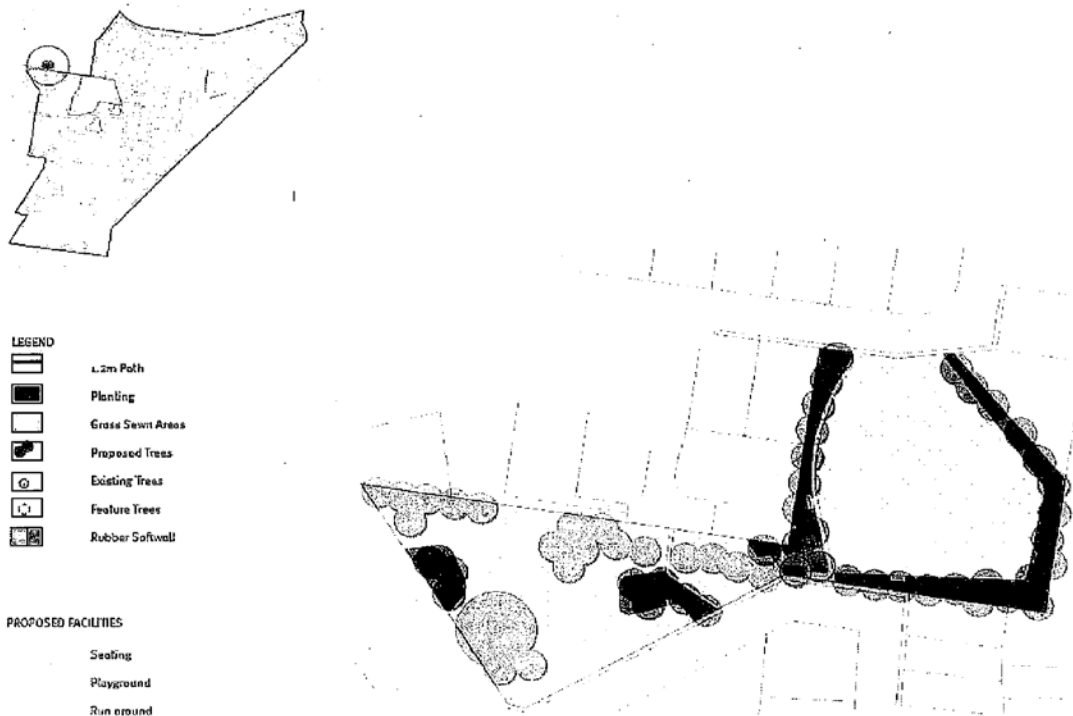


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7. Baden Powell Reserve

Public purpose:	Public Open Space
Development Area/Staging Rationale	Stage 9A
Description of works	Baden Powell Reserve will retain existing vegetation and will be embellished with feature tree planting, central run around area, playground, seating and pedestrian linkages.
Core Elements	<ul style="list-style-type: none"> <li>▪ Retain existing vegetation;</li> <li>▪ Provide north / south pedestrian linkages;</li> <li>▪ Reinforce access points: doormat + feature tree planting;</li> <li>▪ Create central run around area and provide 'observer' seating;</li> <li>▪ Playground area;</li> <li>▪ Trees to provide screening and shade.</li> </ul>
Estimates Works Value:	The estimated cost for Baden Powell Reserve works is <b>\$84,195</b>
Area:	Approximately 0.49ha

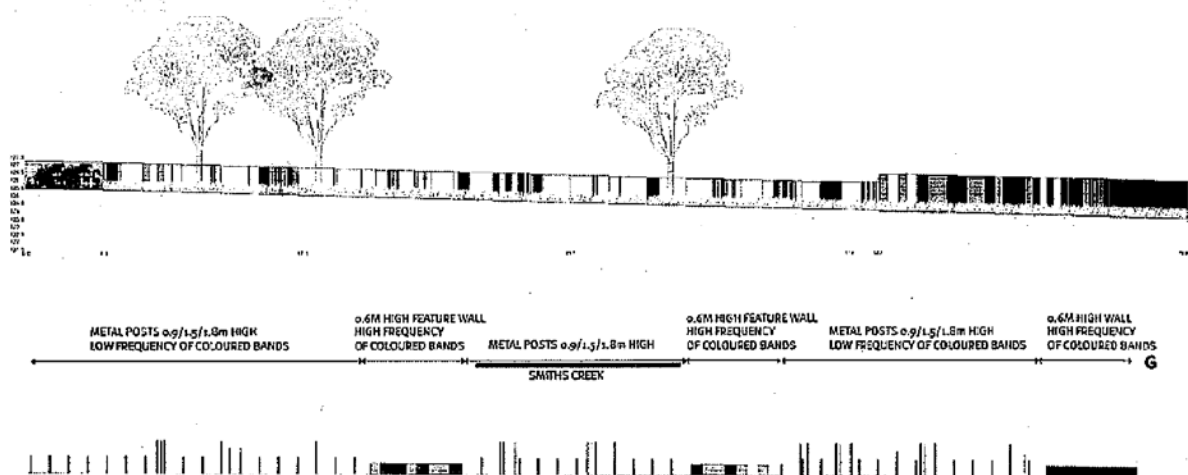
Figure 7.1 - Baden Powell Reserve



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8. Georges River Road Entry – Kevin Wheatley VC Wall

<b>Public purpose:</b>	Public Open Space
<b>Development Area/Staging Rationale</b>	Stage 1B
<b>Description of works</b>	A combination of concrete wall panels faced with bands of coloured tiles and metal posts will be provided along Georges River Road as an entry feature to the development. The entry marker becomes an expression of past memories, valour and hope for the future with the overall theme celebrating the idea of courage. The past courage of Kevin Wheatley VC is an act of validation and a role model for the community to take responsibility for the future.
<b>Core Elements</b>	<ul style="list-style-type: none"> <li>▪ The entry wall is themed the 'exploration of courage';</li> <li>▪ The past courage of Kevin Wheatley is an act of validation and a role model for the community to take responsibility for the future.</li> <li>▪ The entry and boundaries will be rendered masonry or concrete walls faced with bands of coloured tiles. Materials designed to discourage graffiti;</li> <li>▪ Low native grasses and ground covers will be planted in front of the wall to visually soften and provide colour and massing;</li> <li>▪ Street tree and understorey planting is part of the entry sequence into the site;</li> <li>▪ Open canopy trees to frame the roadway and connect to the bushland along Smiths Creek corridor.</li> </ul>
<b>Estimates Works Value:</b>	The estimated cost Kevin Wheatley Entry Wall works is \$177,100
<b>Area:</b>	TBA

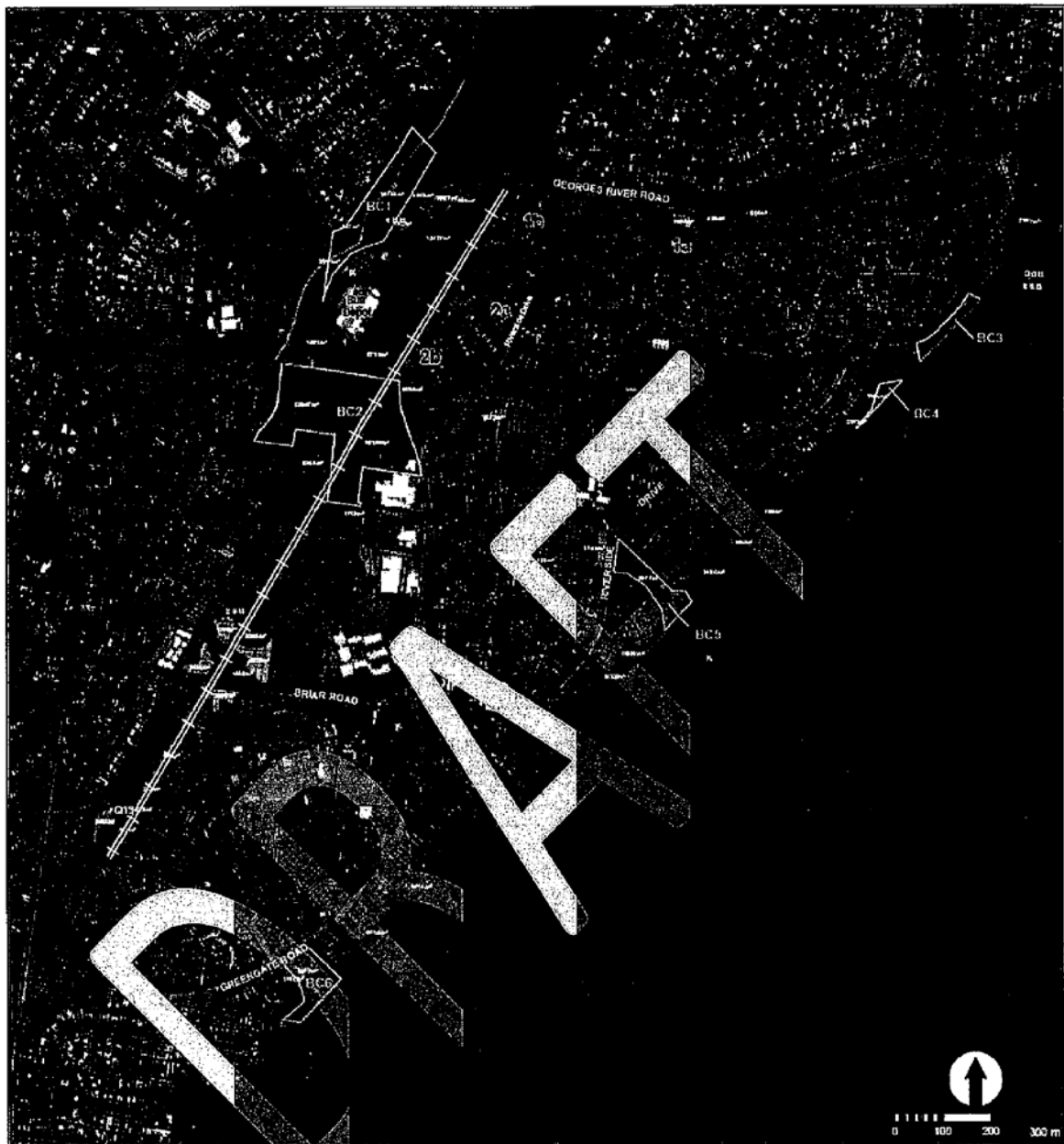


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9. Bushland Regeneration

Public purpose:	Public Open Space
Development Area/Staging Rationale	Various – refer to Planning Agreement Summary Table.
Description of works	The aim is to conserve remnant vegetation of conservation value within Airds Bradbury and to undertake long term regeneration and management of the reserves to enhance habitat for threatened species and endangered ecological communities. The bushland regeneration is to run for 5 years from commencement of works or for a reduced period as agreed with Council. Refer to Figure 9.1 for Bushland Regeneration Plan.
Core Elements	<p><b>BC1 Smiths Creek</b></p> <ul style="list-style-type: none"> <li>▪ Shale Sandstone Transition Forrest Regeneration and Revegetation</li> </ul> <p><b>BC2 Kevin Wheatley Reserve</b></p> <ul style="list-style-type: none"> <li>▪ Cumberland Plain Woodland Regeneration and Revegetation</li> </ul> <p><b>BC3 Peppin Park (North) and BC4 Peppin Park (South)</b></p> <ul style="list-style-type: none"> <li>▪ Shale Sandstone Transition Forrest Regeneration and Revegetation</li> </ul> <p><b>BC5 Georges River Reserve</b></p> <ul style="list-style-type: none"> <li>▪ Shale Sandstone Transition Forrest Regeneration and Revegetation</li> </ul> <p><b>BC6 Hagan Reserve</b></p> <ul style="list-style-type: none"> <li>▪ Shale Sandstone Transition Forrest Regeneration and Revegetation</li> </ul>
Estimates Works Value:	The estimated cost for riparian and bushland regeneration works is <b>\$496,313</b>
Area:	Approximately <b>9.68ha</b>

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**Legend**

Urban Renewal Boundary	Flora Survey Results EEC - Shale-Sandstone Transition Forest	Bushland Conservation Zones
Stage Boundaries (subject site)	Moderate - Good Condition	Active Open Space
Fauna Survey Results	Low Condition	Electrical Easement
Greater Broad-shouldered Bat	EEC - Cumberland Plain Woodland	
Eastern Bentwing-bat	Moderate - Good Condition	
Koala	Low Condition	
Significant Habitat Tree		



**Disclaimer:** The mapping is indicative of available space and location of features which may prove critical in assessing the viability of the proposed works. Mapping has been produced on a map base with an inherent level of inaccuracy; the location of all mapped features are to be confirmed by a registered surveyor.



10. Community Facilities

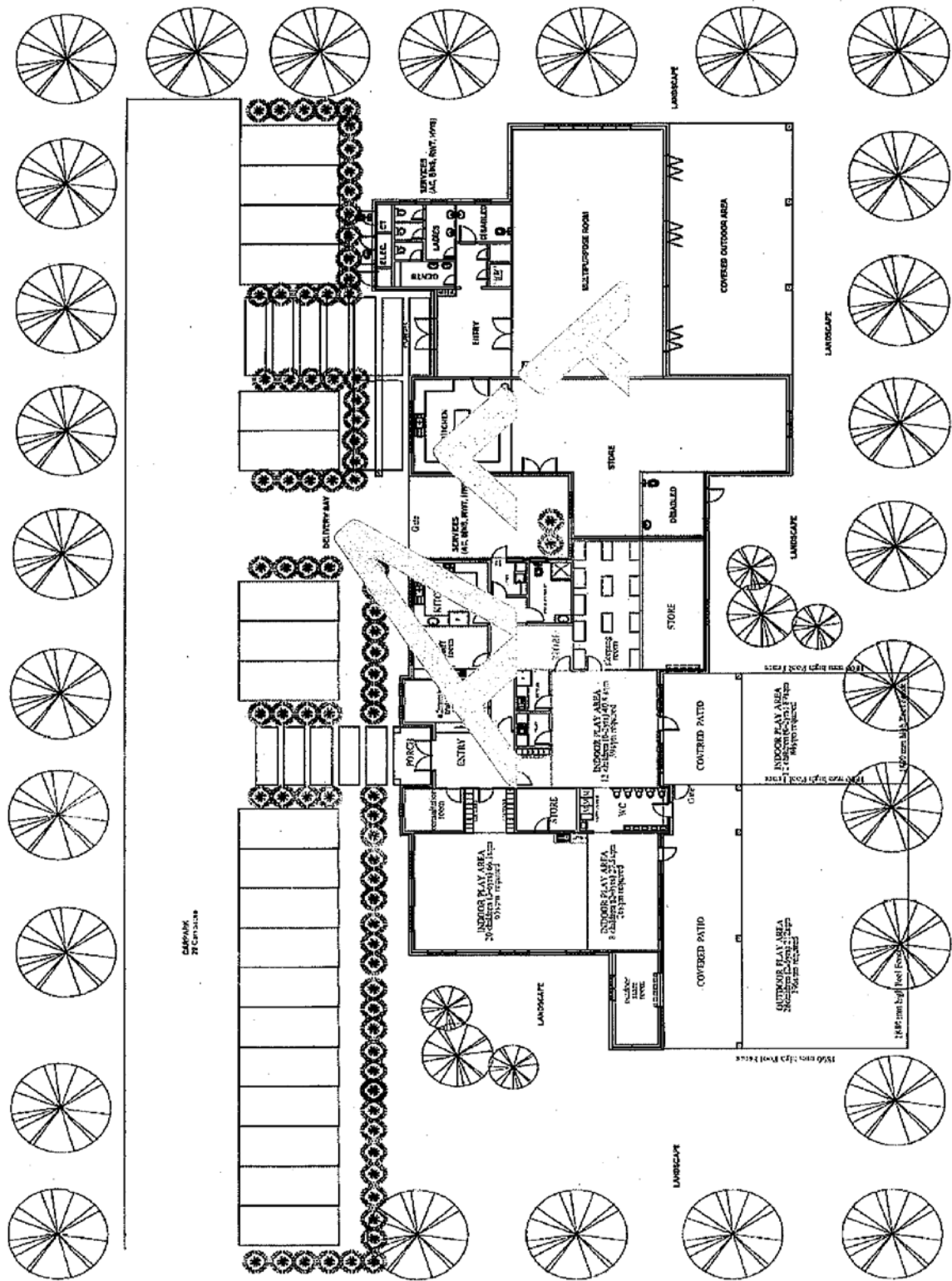
Public purpose:	Community Facilities
Development Area/Staging Rationale	Stage 3
Description of works	<p>Council is to advise the Developer after entering into the Planning Agreement but prior to the Subdivision Certificate that creates the 250<sup>th</sup> lot for residential purposes in the Airds Bradbury Development, of its decision to either retain existing community facilities or replace with a new Multipurpose Community Centre and Facility Centre within or around the Town Centre. Refer to Figure 10.1 for draft Community Centre plan.</p> <p>If Council does not make a decision by the time stated above, then the Developer will make the decision on which Community Facilities option to proceed with.</p>
Core Elements	<p><b>Option 1: Retain Existing Community Facilities</b></p> <ul style="list-style-type: none"> <li>▪ Council operated community facilities that currently exist within the project area include the Airds Youth Centre, Airds Neighbourhood Centre, Amarina Child Care Centre and Campbelltown Child and Family Centre;</li> <li>▪ If Council decide to retain these facilities, a maximum value of up to \$100,000 will be provided by the Developer to Council to fund improvement to the existing community facilities in accordance with Part B of the ISDP;</li> <li>▪ The Developer will dedicate the Amarina Child Care Centre land to Council;</li> <li>▪ If Council decide to retain these facilities, then the value of Option 2 (construct new Community Facilities Centre) will be forfeited by Council.</li> </ul> <p><b>Option 2: Construct New Community Facilities Centre</b></p> <ul style="list-style-type: none"> <li>▪ This option involves the construction of a new Community Facilities Centre (integration of community centre and, child and family centre) on a minimum 1,450m<sup>2</sup> lot within the Town Centre;</li> <li>▪ Approx. 700m<sup>2</sup> of Gross Floor Area (includes external accessible toilet facilities and 100m<sup>2</sup> of storage, but excludes fixtures, furniture and equipment - defined as any movable furniture, fixtures or equipment that has no permanent connection to the structure of the building);</li> <li>▪ Landscaping, external lighting and access to and provision of 20 dedicated car parking spaces for the new Community Facilities Centre secured through an appropriate legal mechanism.</li> <li>▪ Council is the responsible management authority for any newly constructed Community Facilities Centre, from the commencement of its operation and should facilitate NSW Land and Housing Corporation (or representative) access to the centre to support implementation of initiatives within the social plan;</li> <li>▪ Demolition of the existing community facilities listed in Option 1, excluding the Airds Youth Centre;</li> <li>▪ Dedication of Airds Youth Centre Land as Community Open Space.</li> </ul>

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<b>Estimates Works Value:</b>	Option 1: \$100,000 monetary contribution toward upgrade of existing community facilities and dedication of Amarina Child Care land; OR  Option 2: \$2,632,445 for new Community Facilities Centre and \$140,000 for demolition of existing community facilities,
<b>Area:</b>	TBA

3.5 Public Exhibition Of Planning Agreement For Airds Bradbury Renewal Project

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## Part B: Development Contributions – Monetary Contributions

### 1. Upgrade Existing Community Facilities

<b>Purpose of Monetary Contribution</b>	<p>There are four Council operated community facilities currently existing within the project area which include:</p> <ul style="list-style-type: none"><li>▪ Airds Youth Centre;</li><li>▪ Airds Neighbourhood Centre;</li><li>▪ Amarina Child Care Centre; and</li><li>▪ Campbelltown Child and Family Centre.</li></ul> <p>Should Council decide to retain these existing facilities after entering into the Planning Agreement and prior to the Subdivision Certificate that creates the 250<sup>th</sup> lot for residential purposes in the Airds Bradbury Development, the Developer will provide a maximum \$100,000 contribution to Council to fund possible improvements to these existing community facilities.</p>
<b>Payment Rationale</b>	<p>The Developer will provide the \$100,000 contribution to Council with the Stage 3 Development Application to fund possible improvements to the existing community facilities in accordance with Section 10 Part B of this ISDP.</p>

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## Part C: Land Dedication Provision

A significant amount of Public Land exists within the Airds renewal project site. Much of that land will remain as public land during and after the redevelopment process, while additional public land will also be created. There are three types of land proposed to be dedicated to Campbelltown City Council upon the completion of the works identified in this plan. These are:

- Public Roads (in accordance with the provisions of the Roads Act, 1993);
- Community Land for use as Parks and Open Space (in accordance with the provisions of the Local Government Act 1993); and
- Operational Land to be used for Community Facilities (in accordance with the provisions of the Local Government Act 1993).

### 1. Associated Costs

It is important to recognise that the cost estimates do not include any costs associated with the acquisition or dedication of land to Council for the purposes of roads and public open space.

Compensation for the Developer's compulsory acquisition of land originally owned by Council is to be based on a 'peppercorn' payment, to reflect the future dedication of land at no cost to Council as public road, public open space and operational community land.

### 2. Dedication Timing

Following the completion of construction and embellishment works in accordance with this ISDP, all public roads, open space areas and new community facilities shall be dedicated to Council as part of the relevant subdivision certificate process for that stage of development.

### 3. Public Roads

In order to facilitate the construction of new road connections and intersections, the proposed redevelopment will require that some of the existing public roads within the development site be closed or partially closed, and new public roads built and dedicated in accordance with the new planning layout.

Closure or partial closure of the existing public roads will be carried out by compulsory acquisition by the Developer under the Housing Act 2001 and Land Acquisition (Just Terms Compensation) Act. Compulsory acquisition of public roads by the Developer from Campbelltown City Council would have the effect of closing the roads.

Council's agreement would be required prior to any acquisition and road closure process. The dimensions and areas of each public road or part thereof intended to be acquired must be identified in each relevant development application.

Subsequent survey and detailed design would be required on plans of acquisition for lodgement at the Land and Property Management Authority.

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## Airds Bradbury Renewal ISDP February 2014

#### 4. Parks and Open Space

Existing public open space areas within the development site are currently owned by both NSW Land & Housing Corporation and Campbelltown City Council. Figure 11.1 identifies 18.96 hectares of open space currently owned by Council.

During the redevelopment process, the location and shape of existing open space may be changed to suit the new road and lot layout and so it will be necessary for the Developer to acquire part or all of the existing open space from Council under the Land Acquisition (Just Terms Compensation) Act.

The existing and new open space areas will also be enhanced and redeveloped prior to dedication back to Council as public open space. Figure 11.2 identifies the proposed 19.67 hectares of open space that will be dedicated back to Council.

#### 5. Land Remediation

During the redevelopment process, localised existing areas of contaminated ground may become disturbed. As part of the redevelopment works, some existing lands will require validation before handover / dedication. Due to the split ownership of land between NSW Land & Housing Corporation (L&HC) and Campbelltown City Council (CCC), the following specific remediation protocols will be observed based on current ownership:

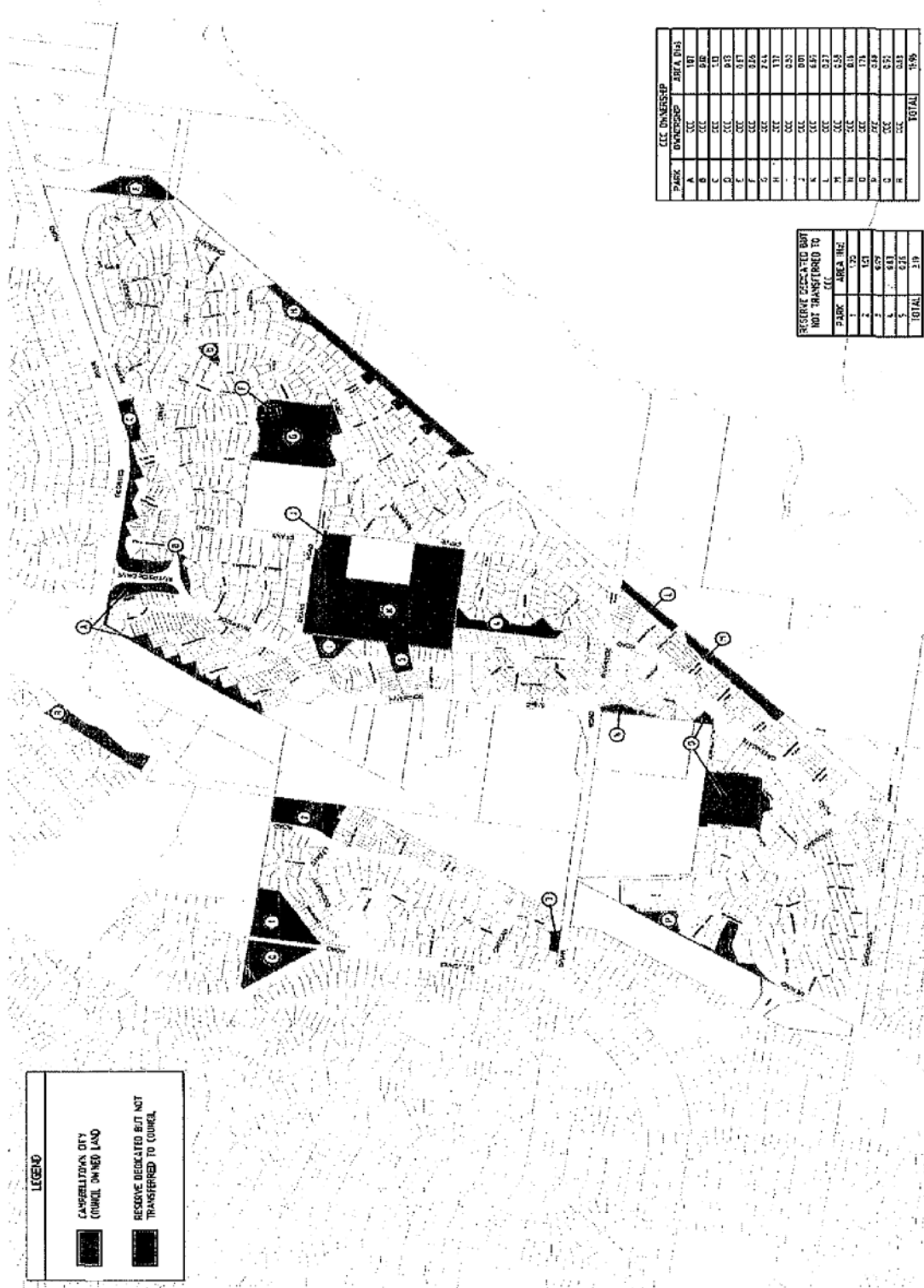
- Land currently owned by CCC to be compulsorily acquired by The Developer and subsequently dedicated back to CCC without works will not be subject to remediation and/or validation;
- Land currently owned by CCC to be compulsorily acquired by The Developer and subsequently dedicated back to CCC with works will be subject to remediation and/or validation via an unexpected finds protocol only associated with the works;
- Land currently owned by CCC to be acquired by The Developer for residential allotments will require validation certificates;
- Land currently owned by L&HC to be dedicated as open space/road reserves to CCC will require validation certificates;
- Land currently owned by L&HC as residential allotments to remain unchanged (i.e. no changes to lot layout, cottages to remain) will not physically be able to be validated and therefore will not require certificates;
- Land currently owned by L&HC as residential allotments to remain as such, but with layout changes will require validation certificates.

All validation certificates are to be provided by a suitably qualified Environmental Engineer in accordance with the requirements of SEPP55 – Remediation of Land.

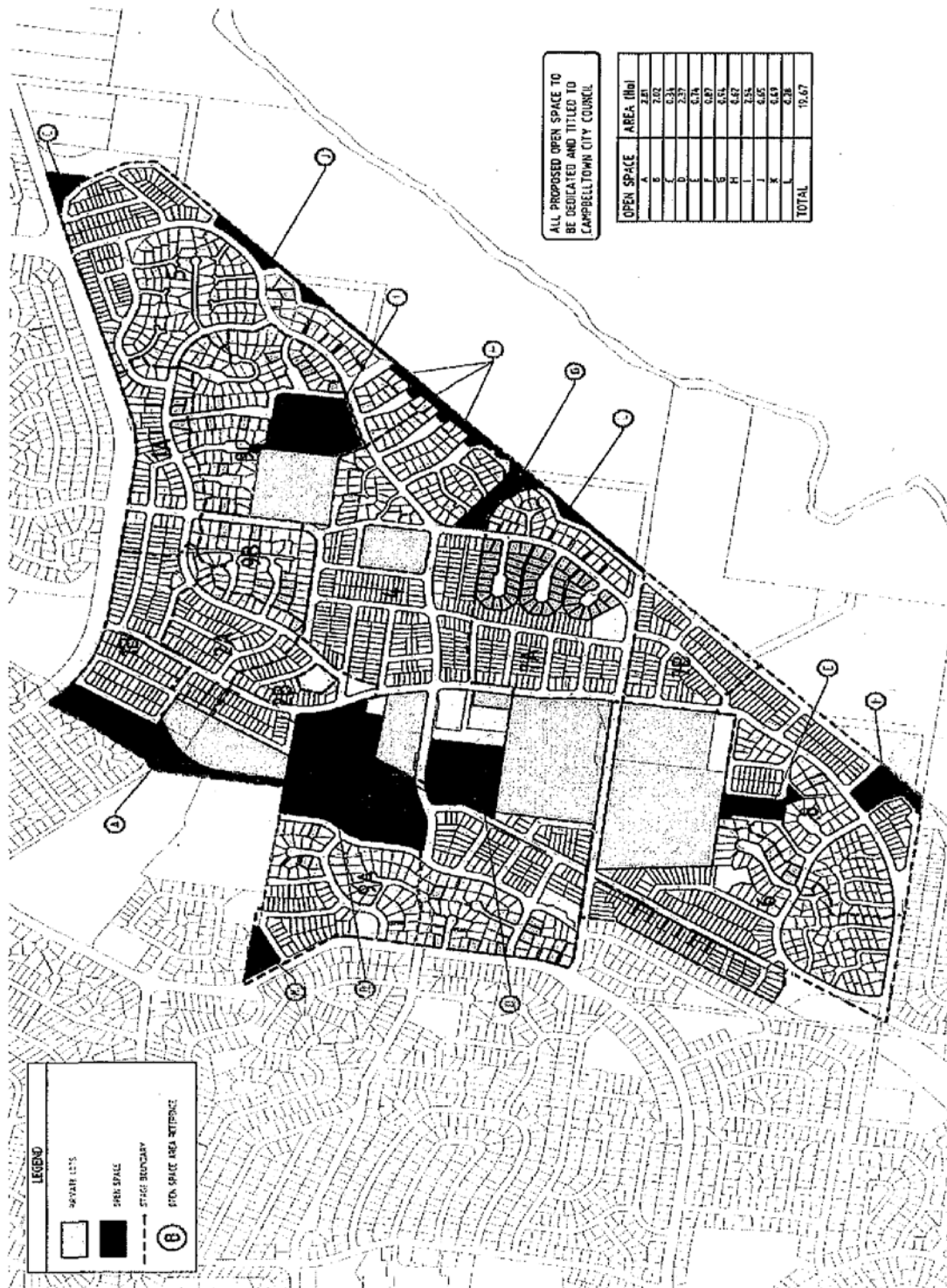
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3.5 Public Exhibition Of Planning Agreement For Airds Bradbury Renewal Project

Airds Bradbury Renewal ISDP August 2013



Airds Bradbury Renewal ISDP August 2013



FOR INFORMATION:



## **Airds Bradbury Renewal Project Planning Agreement**

### **Explanatory Note**

**(as required by Clause 25E of the Environmental Planning and Assessment Act 1979)**

#### Summary of the objectives, nature and effect of the proposed Agreement

The objective of the Planning Agreement is to provide infrastructure, facilities and services to meet the demand generated by the Airds Bradbury Renewal Project. This project proposes the retention of 880 existing dwellings, retention of 53 seniors housing units and provision of at least 52 additional units and provision of 1,172 new dwellings. The infrastructure, facilities and services includes roads and intersection upgrades, open space and playing fields, bushland conservation and community facilities.

The Airds Bradbury Renewal Project Planning Agreement is a planning agreement under s93F of the *Environmental Planning and Assessment Act 1979*. It is a voluntary agreement between the proponent of the development, NSW Land and Housing Corporation, and Campbelltown City Council, under which the proponent makes Development Contributions for various public purposes (as described above).

The Planning Agreement:

- excludes the need for the proponent to make further development contributions
- requires dedication of land and carrying out of Works
- is not to be registered on the title to the Land,
- imposes restrictions on the Developer transferring the land or part of the land or assigning an interest under the Agreement,
- provides a dispute resolution method for a dispute under the Agreement, being mediation and expert determination,
- provides that the Agreement is governed by the law of New South Wales

#### Assessment of the merits of the proposed agreement, including the impact on the public

The proposed infrastructure, facilities and services to be provided under the Agreement reflect the nature of the Airds Bradbury Renewal Project. The thorough assessment that has previously been undertaken of the concept plan ensures that the proposed contributions are appropriate. The concept plan benefited from extensive public involvement in the initial phases which assisted in identifying community priorities. The Agreement therefore has merit and a positive impact upon the public, by virtue of its ability to ensure the agreed outcomes are delivered.

#### How the Agreement promotes the public interest and the objects of the *Environmental Planning and Assessment Act 1979*

The Planning Agreement promotes the public interest by supporting the objects of the Act as set out in a Sections 5(a)(ii)-(v) and 5(c) of the Act. In particular, the Agreement ensures that appropriate new facilities and infrastructure are provided as well as upgrading of existing facilities and infrastructure.

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How the Agreement promotes elements of the Council's charter under section 8 of the *Local Government Act 1993*

The Planning Agreement promotes the elements of the Council's charter by:

- providing services and facilities for the community,
- ensuring that the public facilities provided by the Developer under the Agreement are transferred to and managed by the Council or are otherwise subject to the Council's control,
- providing a means that allows the wider community to make submissions to the Council in relation to the Agreement.

The planning purpose served by the Agreement and the means of achieving that purpose

The Planning Agreement:

- promotes and co-ordinates the orderly and economic use and development of the Land to which the Agreement applies being the Airds Bradbury Renewal Project,
- provides land for public purposes in connection with the Development,
- provides and co-ordinates community services and facilities in connection with the Development, and
- provides increased opportunity for public involvement and participation in environmental planning and assessment of the Development.

How the Agreement conforms with the Council's capital works program

The Planning Agreement and the supporting Infrastructure Services Delivery Plan, sets out the works that will be delivered. This has been assessed against Council's capital works program and infrastructure maintenance program for the areas covered by the Airds Bradbury Renewal Project.

What requirements of the Agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued.

The Airds Bradbury Renewal Project is a development that will be staged over a number of years. Therefore the Planning Agreement contains requirements that must be complied with at certain times as the development proceeds. Certain work and dedication of land, must be done before Subdivision Certificates relating to various stages of development can be issued. The timing of these requirements are set out in both the Agreement and the supporting Infrastructure Services Delivery Plan.

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## ATTACHMENT 3

### **Comment on the VPA for the Airds/Bradbury Housing Estate and proposed absorption of Badgally Reserve at Blaimount**

This letter requests that Campbelltown City Council and the NSW State Government protects and preserves the natural environment and the Parks and Reserves owned by the residents of Campbelltown.

The massive error in the Airds/Bradbury Concept Plan is that before it went through any pre planning and early consolidating budgeting plans it should have gone out to the whole of the Campbelltown Community to comment on as it will absorb community assets owned by the Campbelltown Community from Appin to Glenfield.

There was no broad based Community Consultation done across the whole of the Campbelltown LGA and many people are unaware of what is happening.

Outlined below are my requests to Campbelltown City Council and the NSW Government to ensure that the Airds/Bradbury Concept Plan is amended to preserve and protect both the Community assets and Koalas now and into the long term future. This is of the utmost importance especially as Campbelltown's population will almost double over the next 30 to 50 years.

The numbered points below relate to the areas numbered on the attached Airds/Bradbury Concept Plan map. It is requested that Council and the Government support the:

1. retention and enhancement of the whole of Kevin Wheatley Reserve and Bushland
2. & 5 abandonment of the Campbellfield Avenue extension including two new sports fields as it will totally destroy Smiths Creek and the Wildlife Koala corridor
3. retention and enhancement of Baden Powell Reserve
4. establishment of a Koala movement corridor as outlined on the attached map
6. transfer of Campbelltown's Amarina Childcare Centre Land to Campbelltown Council
7. & 8. retention of the two Community facilities blocks owned by Council.
10. protection of the bushland at the rear of the Airds Shopping Centre. The extension of College Road through to Riverside Drive would have a huge impact on Smiths Creek, opening it up to traffic access, domestic pets, rubbish dumping, more fragmentation, degrading, die back, increased fire risk and the loss of more mature trees.

It is also imperative for Smiths Creek and adjoining bushland, including the Airds Pond and Swampy land, as it is all an integrated and interrelated environment containing Cumberland Woodland and Sandstone Shale Forest are protected from future development.

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In this economic climate, perhaps Council should seek a cash contribution to rebuild/upgrade existing Community Facilities!

It is not in the best interest of this City to give up Kevin Wheatley Reserve as it is a large sports ground, 14 acres of prime sports fields, larger than Campbelltown Stadium at Leumeah. Kevin Wheatley has the potential to become a Regional Sports ground. Campbelltown is short of quality Sports Grounds like Kevin Wheatley. At the same time this reserve should assist in the establishment of a Koala corridor between Smiths Creek the Georges River and the Dharawal National Park.

Smith's Creek, the Pond and the Swampy Land is an interrelated sensitive environment and should be left intact as a Wild Life corridor supporting Campbelltown's Koala colony and other assorted native species of marsupials, birds, native water fowl, wild ducks that have been present and breeding for decades in this environment. This area also contains Cumberland Wood Plain and Sandstone Shale Forest that are both registered endangered species. Should this environment not have been protected and strengthened from the beginning in this redevelopment, not degraded with roads

The Community owned Parks and Reserves should enhance the whole redevelopment to improve and protect the natural environment which will attract new families to the area while protecting Sydney's last disease free breeding Koala Colony. Where else in Sydney can you find disease free breeding Koalas in your front and back yards?

The two Community Service Lots owned by Campbelltown Council must be retained in their present central locations that are on bus routes which benefit the whole estate and surrounding suburbs where many tenants have been relocated.

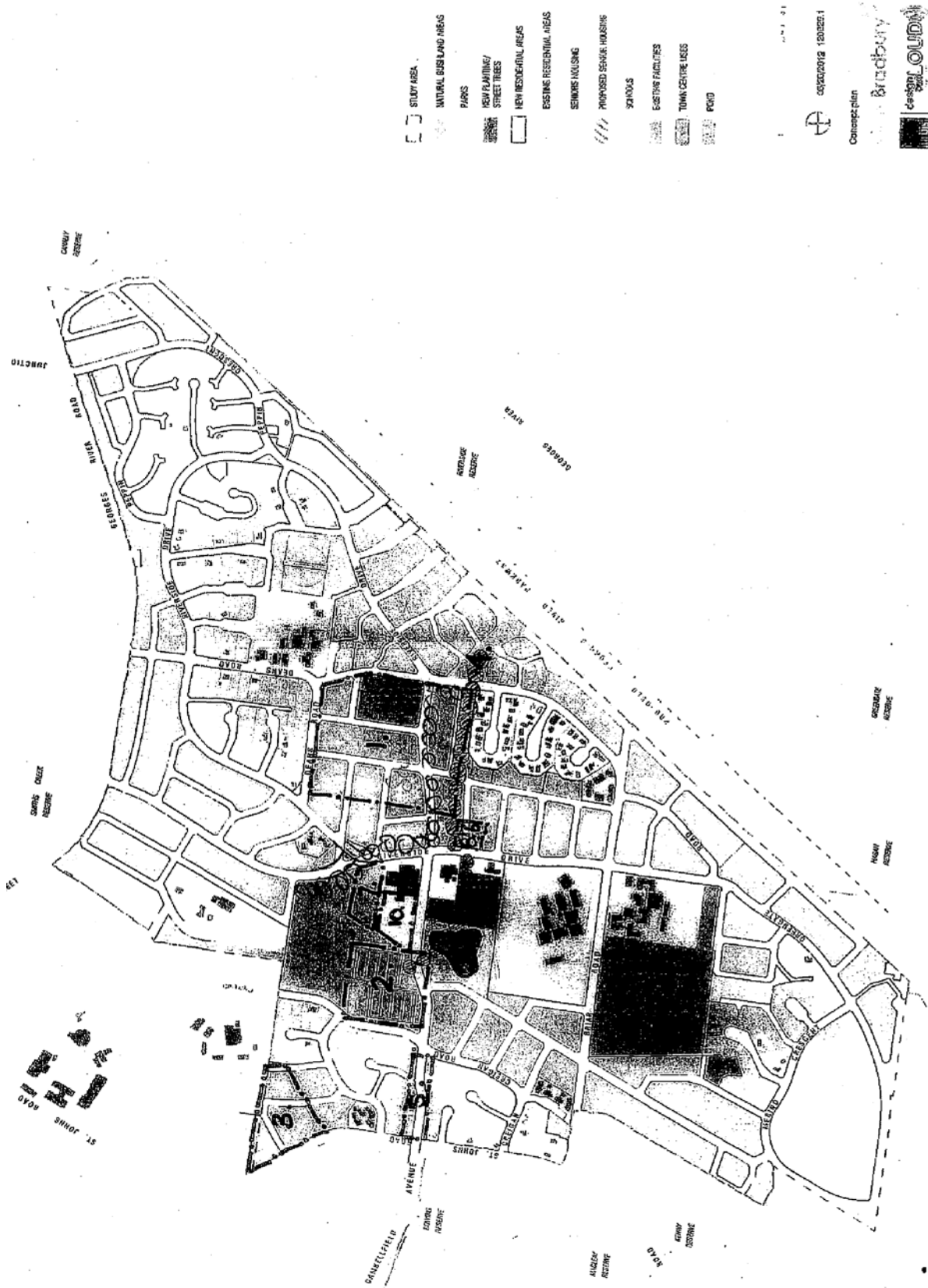
It is also important that Community Services maintain their own precincts and not be located next to the Airds Hotel. You do not run Early Intervention Programs with Parents and young Children 0 to 5 next door to a Hotel. This would be a direct negative and irresponsible planning decision at best.

Airds/Bradbury is a sensitive environment and a valuable asset for the whole Campbelltown community. The Parks and Reserves owned by the Community need to be protected from irresponsible development. **Please be responsible in planning for Campbelltown's future.**

**This letter also requests that Campbelltown City Council and the NSW State Government protects and preserves Badgally Reserve at Badgally Road Blairmount.**

Yours sincerely





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## 4. COMPLIANCE SERVICES

### 4.1 Legal Status Report

#### Reporting Officer

Acting Manager Compliance Services

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#### Attachments

Nil

#### Purpose

To update Council on the current status of the Planning and Environment Division's legal matters.

#### Report

This report contains a summary of the current status of the Division's legal matters for the 2013-2014 period as they relate to:

- The Land and Environment Court
- The District Court
- The Local Court
- Matters referred to Council's solicitor for advice.

A summary of year-to-date costs and the total number of matters is also included.

<b>1. Land and Environment Court Class 1 Matters – Appeals Against Council's Determination of Development Applications</b>
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<b>Total ongoing Class 1 DA appeal matters (as at 6/05/2014)</b>	<b>0</b>
<b>Total completed Class 1 DA appeal matters (as at 6/05/2014)</b>	<b>5</b>
<b>Costs from 1 July 2013 for Class 1 DA appeal matters:</b>	<b>\$49,170.75</b>

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1 (a)

**Abdulhalim ELBAF & Amne ELBAF**

**Issue:**

Appeal against Council's deemed refusal of a Building Certificate Application seeking to regularise building works, the subject of a disputed complying development certificate comprising a partly constructed residential dwelling and residential outbuilding and associated retaining walls, on the property.

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<b>Property:</b>	Lot 1 DP 1039153 Zouch Road, Ingleburn.
<b>Property Owner:</b>	Mr. Abdulhalim Elbaf and Mrs Amne Elbaf
<b>Council File:</b>	No. 957/2013/BC-UW
<b>Court Application:</b>	Filed on 12 December 2013 - File No. 10969 of 2013
<b>Applicant:</b>	Abdulhalim Elbaf and Amne Elbaf
<b>Costs Estimate:</b>	\$10,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
<b>Costs to date:</b>	\$4,398.21
<b>Status:</b>	Completed – awaiting solicitors final costs invoice.
<b>Progress:</b>	<p>The Applicants have filed an appeal in the Land and Environment Court of NSW against Council's deemed refusal of a building certificate application seeking to regularise building works, the subject of a disputed complying development certificate comprising a partly constructed residential dwelling and residential outbuilding and associated retaining walls, on the property.</p>

The appeal was before the court for first mention on 16 January 2014, where by consent, the proceedings were adjourned to 14 February 2014 for call over, in order to bring all three Class 1 appeal matters together and thereby give priority to Class 4 review matter of the disputed Complying Development Certificate listed under item 3(a) of this report.

The appeal was before the court on 14 February where, by consent, the proceedings were adjourned to 21 February 2014 for directions hearing. The adjournment was to allow the Applicant to file a Notice of Motion seeking orders that the proceedings be transferred to the Court's Residential List to enable the appeal to proceed separately to the Class 1 and Class 4 proceedings listed at items 2(a) and 3(a) respectively of this report.

The appeal was before the court on 21 February 2014, where orders were made adjourning the proceedings for section 34 conciliation conference and section 34AA hearing respectively on 14 and 15 April 2014.

The appeal was before the court on 14 and 15 April 2014, for preliminary conciliation conference and subsequent hearing where upon completion the Commissioner reserved judgement to a date to be advised.

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On 29 April 2014 the Commissioner handed down judgement dismissing the appeal in respect of building certificate application No. 957/2013/BC-UW and refusing the application.

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**1 (c)**

**Abdulhalim ELBAF & Amne ELBAF**

**Issue:**

Appeal against Council's refusal of a modified development application seeking a review under section 82A of the *Environmental Planning and Assessment Act 1979* of the determination of development application No. 1458/2013/DA-DW for building works, the subject of a disputed complying development certificate comprising a residential dwelling and residential outbuilding and associated site works, on the property.

**Property:**

Lot 1 DP 1039153 Zouch Road, Ingleburn.

**Property Owner:**

Mr. Abdulhalim Elbaf and Mrs Amne Elbaf

**Council File:**

No. 1458/2013/DA-82A

**Court Application:**

Filed on 12 December 2013 - File No. 10970 of 2013

**Applicant:**

Abdulhalim Elbaf and Amne Elbaf

**Costs Estimate:**

\$10,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

**Costs to date:**

\$4,398.21

**Status:**

Completed – awaiting solicitors final costs invoice.

**Progress:**

The Applicants have filed an appeal in the Land and Environment Court of NSW against Council's refusal of a modified development application seeking a review under section 82A of the *Environmental Planning and Assessment Act 1979* of the determination of development application No. 1458/2013/DA-DW for building works, the subject of a disputed complying development certificate comprising a residential dwelling and residential outbuilding and associated site works, on the property.

The appeal was before the court for first mention on 16 January 2014, where by consent, the proceedings were adjourned to 14 February 2014 for call over, in order to bring all three Class 1 appeal matters together and thereby give priority to Class 4 review matter of the disputed Complying Development Certificate listed under item 3(a) of this report.

The appeal was before the court on 14 February where, by consent, the proceedings were adjourned to 21 February 2014 for directions hearing. The adjournment was to allow the

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Applicant to file a Notice of Motion seeking orders that the proceedings be transferred to the Court's Residential List to enable the appeal to proceed separately to the Class 1 and Class 4 proceedings listed at items 2(a) and 3(a) respectively of this report.

The appeal was again before the court on 21 February 2014, where orders were made adjourning the proceedings for section 34 conciliation conference and section 34AA hearing respectively on 14 and 15 April 2014.

The appeal was before the court on 14 and 15 April 2014, for preliminary conciliation conference and subsequent hearing where upon completion the Commissioner reserved judgement to a date to be advised.

On 29 April 2014 the Commissioner handed down judgement dismissing the appeal in respect of modified development application No. 1458/2013/DA-82A and refusing the application.

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<b>2. Land and Environment Court Class 1 Matters – Appeals Against Council's issued Orders / Notices</b>
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<b>Total ongoing Class 1 Order/Notice appeal matters (as at 6/05/2014)</b>	<b>1</b>
<b>Total completed Class 1 Order/Notice appeal matters (as at 6/05/2014)</b>	<b>0</b>
<b>Costs from 1 July 2013 for Class 1 Order/Notices appeal matters:</b>	<b>\$1,450.00</b>

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**2 (a) Abdulhalim ELBAF & Amne ELBAF**

**Issue:** Appeal against Council's Order 2 given under section 121B of the Environmental Planning and Assessment Act 1979 requiring the building works, the subject of a disputed complying development certificate comprising a partly constructed residential dwelling and outbuilding and associated retaining walls, on the property be demolished.

**Property:** Lot 1 DP 1039153 Zouch Road, Ingleburn.

**Property Owner:** Mr. Abdulhalim Elbaf and Mrs Amne Elbaf

**Council File:** No. 801/2013/N-EPA

**Court Application:** Filed on 6 December 2013 - File No. 10954 of 2013

**Applicant:** Abdulhalim Elbaf and Amne Elbaf

**Costs Estimate:** \$10,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

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**Costs to date:** \$1,450.00

**Status:** Ongoing – listed for hearing on 16 and 17 June 2014

**Progress:** The Applicants have filed an appeal in the Land and Environment Court of NSW against Council's Order 2 given under section 121B of the Environmental Planning and Assessment Act 1979 requiring the building works, the subject of a disputed complying development certificate comprising a partly constructed residential dwelling and outbuilding and associated retaining walls, on the property be demolished.

The appeal was before the court for first mention on 16 January 2014, where by consent, the proceedings were adjourned to 14 February 2014 for call over, in order to bring all three Class 1 appeal matters together and thereby give priority to Class 4 review matter of the disputed Complying Development Certificate listed under item 3(a) of this report.

On 14 February 2014 the Court, by consent, adjourned the proceedings to 4 April for directions hearing.

On 4 April 2014 the Court gave certain procedural directions and adjourned the proceedings to 16 and 17 June for hearing.

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<b>3. Land and Environment Court Class 4 Matters – Civil Enforcement in respect of non-compliance with Planning Law or Orders issued by Council</b>
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<b>Total ongoing Class 4 matters before the Court (as at 6/05/2014)</b>	<b>2</b>
<b>Total completed Class 4 matters (as at 6/05/2014)</b>	<b>1</b>
<b>Costs from 1 July 2013 for Class 4 matters</b>	<b>\$45,444.78</b>

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**3 (a) Abdulhalim ELBAF & Amne ELBAF**

**Issue:** Appeal seeking judicial review of disputed complying development certificate No. CDC 0455/12 issued by the private certifier for the development comprising a residential dwelling and residential outbuilding and associated site works, on the property.

**Property:** Lot 1 DP 1039153 Zouch Road, Ingleburn.

**Property Owner:** Mr. Abdulhalim Elbaf and Mrs Amne Elbaf

**Council File:** No. 2491/2012/CDCPRI

**Court Application:** Filed on 24 December 2013 - File No. 41030 of 2013

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<b>Applicant:</b>	Abdulhalim Elbaf and Amne Elbaf
<b>Costs Estimate:</b>	\$10,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
<b>Costs to date:</b>	\$9,472.70
<b>Status:</b>	Ongoing – listed for further hearing on 16 and 17 June 2014.
<b>Progress:</b>	<p>The Applicants have filed an appeal in the Land and Environment Court of NSW seeking judicial review of disputed complying development certificate No. CDC 0455/12 issued by the private certifier for the development comprising a residential dwelling and residential outbuilding and associated site works, on the property.</p> <p>At the first mention on 7 February 2014 the proceedings were adjourned to 14 February for directions hearing.</p> <p>On 14 February 2014, the Court, by consent, adjourned the proceedings to 4 April 2014 for directions hearing.</p> <p>On 4 April 2014 the Court gave certain procedural directions and adjourned the proceedings to 16 and 17 June for hearing.</p>

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**3 (b)**

**John Frank GALLUZZO**

<b>Issue:</b>	The Land and Environment Court NSW granted conditional development consent No. 610/2004/DA-C on 25 September 2005 for a childcare centre at 1 Blomfield Road, Denham Court. Conditions 15 and 19 of the consent required the respondent to construct a Type B intersection at the intersection of Campbelltown Road with Blomfield Road, Denham Court. To date the respondent has failed to fully comply with the consent.
<b>Property:</b>	Pt Lot 101 DP 602622, 1 Blomfield Road, Denham Court.
<b>Property Owner:</b>	Mr. John Frank Galluzzo
<b>Council File:</b>	Development Application No: 610/2004/DA-C
<b>Court Application:</b>	Filed on 25 March 2014 - File No. 40179 of 2014
<b>Respondent:</b>	John Frank Galluzzo
<b>Costs Estimate:</b>	\$15,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
<b>Costs to date:</b>	\$3,767.20

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**Status:** Ongoing – listed for further directions hearing on 13 June 2014.

**Progress:** On 25 March 2014 Council issued a summons seeking declarations and orders of the Court that the respondent comply with conditions 15 and 19 of Court issued development consent No. 610/2004/DA-C relating to the construction of a Type B intersection at the intersection of Campbelltown Road and Blomfield Road, Denham Court.

The matter was before the Court for first mention on 24 April 2014 where counsel for the respondent sought an adjournment until after 2 June, as the respondent was overseas attending to his seriously ill wife. Council informed the Court that it was aware that the respondent and the childcare centre proprietor had been conferring about the submission of a modification application to development application No: 610/2004/DA-C seeking consent for a revised intersection installation at the corner of Blomfield and Campbelltown Roads and an increase in the centre enrolment numbers from 74 to 90 children. Having regard to the long history of this matter and the safety concerns raised by the respondents failure to comply with the conditions of the original consent requiring construction of the subject intersection, Council made submissions that the Court direct the respondent progress the preparation and submission of the development application during the period of any adjournment granted. The Court agreed and made directions accordingly and adjourned the proceedings to 13 June 2014 for further directions hearing.

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**4. Land and Environment Court Class 5 - Criminal enforcement of alleged pollution offences and various breaches of environmental and planning laws**

<b>Total ongoing Class 5 matters before the Court (as at 6/05/2014)</b>	<b>0</b>
<b>Total completed Class 5 matters (as at 6/05/2014)</b>	<b>0</b>
<b>Costs from 1 July 2013 for Class 5 matters</b>	<b>\$0.00</b>

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

<b>Total ongoing Class 6 matters (as at 6/05/2014)</b>	<b>0</b>
<b>Total completed Class 6 matters (as at 6/05/2014)</b>	<b>0</b>
<b>Costs from 1 July 2013 for Class 6 matters</b>	<b>\$0.00</b>

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**6. District Court – Matters on Appeal from lower Courts or Tribunals not being environmental offences**

<b>Total ongoing Appeal matters before the Court (as at 6/05/2014)</b>	<b>0</b>
<b>Total completed Appeal matters (as at 6/05/2014)</b>	<b>1</b>
<b>Costs from 1 July 2013 for District Court matters</b>	<b>\$795.00</b>

**7. Local Court prosecution matters**

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

<b>Total ongoing Local Court Matters (as at 6/05/2014)</b>	<b>1</b>
<b>Total completed Local Court Matters (as at 6/05/2014)</b>	<b>28</b>
<b>Costs from 1 July 2013 for Local Court Matters</b>	<b>\$2,200.00</b>

<b>File No:</b>	LP03/14 – Penalty Notice Court Election
<b>Offence:</b>	Disobey No Parking sign – School Zone
<b>Act:</b>	<i>Road Rules 2008</i>
<b>Final Costs:</b>	\$0.00
<b>Status:</b>	Completed.
<b>Progress:</b>	The matter was before the Court for hearing on 28 April 2014 where, after hearing the evidence and submissions, the proceedings were dismissed, as the Magistrate was not satisfied beyond reasonable doubt that the defendant was the driver of the vehicle at the time of the offence.

<b>File No:</b>	LP05/14 – Penalty Notice Court Election
<b>Offence:</b>	Stop in bus zone – School Zone
<b>Act:</b>	<i>Road Rules 2008</i>
<b>Costs to date:</b>	\$0.00
<b>Status:</b>	Ongoing.
<b>Progress:</b>	Listed for first mention on 15 April 2014. The matter was before the Court for further mention on 28 April 2014 where, by consent, the proceedings were adjourned to 13 May 2014 for plea/mention in order that the defendant can make representation to Council.

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**File No:** LP06/14 and LP07/14 – Penalty Notice Court Election  
**Offence:** Disobey No Stopping sign  
**Act:** *Road Rules 2008*

**Final Costs:** \$0.00

**Status:** Completed

**Progress:** Matter was before the Court for first mention on 6 May 2014 where the defendant, Mutlu Koch, did not appear. The Magistrate granted Council's application for the matters to proceed in the defendant's absence, and after hearing the evidence and submissions, found the offences proved and convicted the defendant imposing a \$300 fine and \$85 Court costs for each offence (total \$770).

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**File No:** LP08/14 – Penalty Notice Court Election  
**Offence:** Not park rear to kerb where indicated by sign  
**Act:** *Local Government Act 1993*

**Final Costs:** \$0.00

**Status:** Completed

**Progress:** Matter was before the Court for first mention on 6 May 2014 where the defendant, Eugen-Stefan Sevcicu, entered a guilty plea with explanation. After hearing the evidence and submissions, the Magistrate found the offence proved and convicted the defendant imposing a \$100 fine and \$85 Court costs.

#### **8. Matters referred to Council's solicitor for advice**

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

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**Total Advice Matters (as at 6/05/2014)**  
**Costs from 1 July 2013 for advice matters**

**11**  
**\$23,833.20**

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<b>9. Legal Costs Summary</b>		
The following summary lists the Planning and Environment Division's net legal costs for the 2012/2013 period.		
<b>Relevant attachments or tables</b>	<b>Costs Debit</b>	<b>Costs Credit</b>
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$49,170.75	\$0.00
Class 1 Land and Environment Court - appeals against Orders or Notices issued by Council	\$1,450.00	\$0.00
Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or prosecutions	\$45,444.78	\$0.00
Class 5 Land and Environment Court - pollution and planning prosecution matters	\$0.00	\$0.00
Class 6 Land and Environment Court - appeals from convictions relating to environmental matters	\$0.00	\$0.00
Land and Environment Court tree dispute between neighbours matters	\$0.00	\$0.00
District Court appeal matters	\$795.00	\$0.00
Local Court prosecution matters	\$2,200.00	\$0.00
Matters referred to Council's solicitor for legal advice	\$23,833.20	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$122,893.73	\$0.00
<b>Overall Net Costs Total (GST exclusive)</b>	<b>\$122,893.73</b>	

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Lound/Kolkman)**

That the Officer's Recommendation be adopted.

**CARRIED**

### **Council Meeting 3 June 2014 (Mead/Rowell)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 82**

That the Officer's Recommendation be adopted.

## 4.2 Compliance Services Quarterly Statistics January to March 2014

### Reporting Officer

Acting Manager Compliance Services

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### Attachments

Compliance Services quarterly activity summary table (contained within this report)

### Purpose

To provide Council with a quarterly report of activities for the Compliance Services Section.

### Report

This report summarises key section activities and operational results for the reporting period January to March 2014.

#### 1. Regulated premises inspections

Regulated premises inspection statistics presented in the Activity Summary Statistics Table are divided into food, public health and wastewater management system inspections.

All regulated premises are placed in a risk category. The frequency of inspections varies according to the risk classification. Additional inspections (ie reinspections) are sometimes undertaken when premises are found to be unsatisfactory and there is an identified need to follow up on outstanding matters.

##### a. Food premises

Within Campbelltown, there are approximately 786 regulated food premises separated into three categories requiring 1156 scheduled inspections per annum as follows:

**Low Risk Premises 1** (inspections of market and events throughout the year) ie Festival of Fisher's Ghost, Ingleburn Alive, Riverfest, New Year's Eve and Australia Day.

**Low Risk Premises 2** (inspected as required for food recalls or customer complaint) - includes food businesses such as pre-packaged food outlets, variety stores, confectionary shops, chemists, video stores, newsagents, teaching kitchens and tobacconists.

**Medium Risk Premises** (inspected once per year) - includes fruit and vegetable stores, service stations and convenience stores (serving unpackaged food), general grocery stores and minimal food preparation stores.

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**High Risk Premises** (inspected twice per year) - includes restaurants, takeaway shops, cafes, clubs, childcare centres, supermarkets, unprepared fish shops, delicatessens, school canteens, mobile food vendors, boarding houses and charcoal chicken outlets.

Food premises category	No. of premises	No. of annual inspections
Low Risk 1	0	0
Low Risk 2	160	when required
Medium Risk	96	96
High Risk	530	1060
<b>TOTAL</b>	<b>786</b>	<b>1156</b>

Amendments to the *Food Act 2003* and the establishment of the Food Regulations Partnership between the NSW Food Authority and NSW councils in 2008, resulted in a mandated and more consistent role for local government in food regulation.

As a result, Council reviewed its food premises categories and inspection frequency in order to be consistent with other NSW councils.

A total of 175 food premise inspections were conducted for the reporting period, which is below the quarterly average inspection numbers (326) for 2012-2013. Of the 175 inspections undertaken, 42 (24%) food premises inspections were recorded as unsatisfactory. Follow up reinspections are undertaken where premises are found to be unsatisfactory at the time of initial inspection, to ensure they reach a satisfactory standard. In certain situations, Improvement Notices or Penalty Notices are issued under the *Food Act 2003* when necessary to encourage compliance.

#### b. Public health

Within Campbelltown, there are approximately 291 regulated premises separated into four risk categories requiring 307 scheduled inspections per annum.

- **Category 1 Premises** (inspected once per year) - beauty salons (low risk), boarding houses, funeral parlours, skin penetration (low risk procedure, ie waxing), hairdressers, nail artists
- **Category 2 Premises** (inspected twice per year) - brothels, skin penetration (high risk procedure - body piercing)
- **Category 3 Premises** (inspected once per year) - *Legionella* microbial control (air-conditioning towers)
- **Category 4 Premises** (inspected via complaints) - public and private swimming pools.

Health premises category	No. of premises	No. of annual inspections
Category 1 - Medium	152	152
Category 2 - High	39	78
Category 3 - Low	77	77
Category 4 - Swimming Pools	23	via complaints only
<b>TOTAL</b>	<b>291</b>	<b>307</b>

A total of two health premises inspections were conducted for the reporting period being below the quarterly averages (35) for 2012-2013.

Of the two regulated health premises inspections conducted during the reporting period, two (100%) of the premises inspected were recorded as unsatisfactory.

Follow up (reinspections) are undertaken where premises are found to be unsatisfactory at the time of initial inspection, to ensure the premises reach a satisfactory standard.

### **c. Wastewater management systems**

The effective regulation and management of on-site wastewater management systems is necessary to ensure these systems operate properly and as a consequence, do not cause a threat to the environment or human health.

As part of its effort to more effectively manage and regulate wastewater management systems, Council revised its Wastewater Management Strategy which was formally adopted by Council on 7 July 2009.

The implementation of the revised strategy has continued and is staged, with various unsewered locations throughout the city being addressed progressively.

A total of 45 system inspections were conducted during the reporting period.

In addition, no new installations were approved and 34 existing systems were issued with an approval to operate during the reporting period.

## **2. Notices/Orders issued**

*Food Act 2003* Notices are usually issued where there is repeated failure by a proprietor to meet appropriate standards or where serious breaches are identified. A total of six *Food Act 2003* Notices were issued during the reporting period, being relatively consistent with quarterly average Food Act notice numbers (5) for 2012-2013.

*Local Government Act 1993* Notices and Orders are issued for a range of matters including overgrown, unhealthy, unsafe or unsightly conditions. The number of *Local Government Act 1993* Notices and Orders issued during the reporting period was 64, being considerably higher the corresponding quarter (34) in 2012-2013.

The number of *Swimming Pools Act 1992* Directions issued (57) requiring the erection of pool fencing or fencing repairs was considerably higher than the corresponding quarter (15) in 2012 - 2013.

*Environmental Planning and Assessment Act 1979* Notices and Orders are issued by Land Use and Environmental Compliance staff, primarily to ensure that premises comply with conditions of development consent and to regulate unauthorised land use. A total of 56 Notices and Orders were served during the reporting period which is higher than quarterly averages (21) for 2012-2013.

*Protection of the Environment Operations Act 1997* (POEO) Notices are issued for a variety of pollution matters including water pollution and waste dumping. The number of POEO Notices issued for the reporting period (12) was higher than quarterly averages (7) for 2012-2013.

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### 3. Customer service requests

The Compliance Services Section receives a significant number of customer service requests across a broad range of issues as represented in attachment 1. A total of 946 customer service requests were received for the reporting period. Significant complaint categories were:

Category	January to March 2014
Parking (includes heavy vehicles)	173
Barking dogs	148
Abandoned motor vehicles	79
Illegal construction/development	76
Pollution	72
Animals (other)	41
Health (non-regulated premises)	85
Dogs straying	36
Overgrown land	73

### 4. Applications

Building Certificate Applications relate to certificates issued under Section 149A of the *Environmental Planning and Assessment Act 1979* and provide assurance to applicants on issue that Council will not take action to require the demolition or upgrade of the respective structure for a period of seven years after the date of issue of the certificate. These certificates are generally sought on sale of property.

The number of Building Certificate Applications (10) received during the reporting period was below the quarterly average (13) experienced in 2012-2013 period.

Staff have continued to seek applications for an approval to operate a system of waste water management from system owners, on a risk category basis. Ten applications for approval to operate a wastewater management system were received during the reporting period, lower than the average number of applications (35) received per quarter for 2012-2013. This variation is not unusual as application numbers fluctuate in response to bulk mail outs that are conducted from time to time to seek applications from different areas within the Local Government Area.

Three section 68 (*Local Government Act 1993*) event applications were received. These were for Ingleburn Alive Festival, NSW Little League Championships at Milton Park, Macquarie Fields and Celebration of Bangladesh National Independence Day at Seddon Park, Glenfield.

### 5. Impounding

The number of dogs impounded during this reporting period was 395, which is higher than the 324 dogs impounded for the corresponding quarter in 2012-2013. The percentage of dogs microchipped at the time of impounding was 84%.

A total of 275 cats were impounded throughout the reporting period which is higher than the number of cats impounded (172) in the corresponding quarter in 2012-2013. The number of cats that are microchipped at the time they were impounded is typically lower than the dogs and for this reporting period, 9% were microchipped.

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The number of abandoned vehicles impounded for this quarter was six. None of these vehicles were released back to their owner, three were disposed of by Council, and Council is currently holding three abandoned vehicles.

38 shopping trolleys were impounded during the quarter.

## **6. Penalty notices**

Council issues a range of penalty notices relating to various matters including parking offences (on street, Council car parks, school zones), companion animal registration, dog straying, littering, fail to comply with orders, food safety and fail to obtain or comply with development consent. Please refer to the table at attachment 1 for the number of penalty notices issued under the various offence categories.

The number of penalty notices issued for parking offences in Council car parks (720) was considerably higher than the number of penalty notices issued in the previous quarter (467). The number issued for on-street offences (527) was lower than the previous quarter (730).

## **7. Compliance/education programs**

Compliance programs are an integral component of the section's activities and represent a coordinated proactive approach to targeting specific community concerns. Resources are deployed strategically on a local or citywide basis as an alternative to addressing complaints on an individual basis.

A summary of compliance programs undertaken during the reporting period follows:

### **a. Illegal parking in school zones**

During the reporting period, 75 school locations were patrolled, resulting in the issue of 92 penalty notices.

### **b. Illegal sign statistics**

A summary of sign statistics for the quarter can be located in attachment 1.

### **c. Illegal trail bike riding**

Rangers continue to undertake a number of single agency patrols of known trail bike riding hot spots in response to community complaints.

### **d. Litter from vehicles**

Monitoring of littering from vehicles was undertaken during the reporting period, no penalty notices were issued.

### **e. Shopping trolleys**

Monitoring of areas in proximity of shopping centres was undertaken as part of daily patrols during the reporting round which resulted in 38 trolleys being tagged and impounded.

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**f. Truck parking**

Two truck parking patrols were undertaken during the reporting period, resulting in 21 penalty notices being issued.

**8. ACF operational issues**

At Council's Ordinary Meeting of 18 June, 2013 Council adopted an Operational Change Plan for the ACF. Listed below is a summary of actions undertaken in response to plan implementation during the report period:-

- the ACF continues to work actively with 23 approved Rescue Groups
- the cattery upgrade was completed with the installation of cat cages to the facility
- euthanasia procedure document has been amended to require a list of all euthanased animals to be recorded together with the reasons for euthanasia
- consultation has occurred with Rescue Groups to finalise the Procedure document for Rescue Organisations
- website update process has been streamlined to facilitate more rapid updating of the website to show "lost" animals and "animals for sale"
- tender Evaluation Committee formed to progress arrangements to tender out the operation of the ACF. Tenders were called and 3 submissions were received which are currently being evaluated.

**9. Other activities**

A summary of other activities or initiatives implemented within the reporting period are listed below:

- Council continues to conduct surveillance of construction sites for sediment and erosion control compliance
  - active participation in the Food Regulation partnership, incorporating activity reporting and the review of inspection procedures and related documentation
  - continued participation in the Sydney South West Area Health Service Public Health Unit Skin Penetration Working Group to improve industry practice and compliance
  - patrols (by way of formalised agreement) of disabled parking at Campbelltown Mall and Macarthur Square continued through the reporting period
  - periodic (three yearly) review of risk identification documents for various environmental health, building, land use, animal care/control and ranger activities
  - ongoing review and development of Standard Operating Procedures relating to Section activities, tasks and programs
  - continuation of participation in the CAWS subsidised desexing program for cats and dogs jointly with the RSPCA and Sydney University Veterinary Training Hospital Camden Campus. This program provides subsidised desexing in identified hot spots locations within the city for low income earners
-

- An awning safety program was commenced with a survey undertaken to identify premises within the City that have awnings that overhang the footpath. Identified premises are to be notified of their responsibilities to ensure their awnings are structurally sound and requested to consider arranging an engineers assessment.

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Lound/Kolkman)**

That the Officer's Recommendation be adopted.

**CARRIED**

### **Council Meeting 3 June 2014 (Mead/Rowell)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 82**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1

### Compliance Quarterly Activity Summary Statistics

Activity	2013-2014 Quarter Results				YTD
	1	2	3	4	
<b>Regulated Premises Inspections</b>					
Food	438	258	175		871
Public Health	37	105	2		144
Wastewater Management System	62	100	45		207
<b>Total</b>	<b>537</b>	<b>463</b>	<b>222</b>		<b>1222</b>
<b>Notices/Orders Issued</b>					
<i>Food Act 2003</i>	4	5	6		15
<i>Local Government Act 1993</i>	60	54	64		178
<i>Swimming Pools Act 1992</i>	22	23	57		102
<i>Protection of Environment Operations Act 1979</i>	9	6	12		27
<i>Environmental Planning and Assessment Act</i>	38	49	56		143
<i>Companion Animals Act 1998</i>	2	8	10		20
<b>Total</b>	<b>135</b>	<b>145</b>	<b>194</b>		<b>474</b>
<b>Customer Requests</b>					
Abandoned Motor Vehicles	94	67	79		240
Animals (other)	29	25	41		95
Barking Dogs	124	88	148		360
Dog Attacks	24	18	19		61
Dog Straying	49	48	36		133
Food/Health (regulated)	18	18	23		59
Footpath Obstruction	10	20	15		45
Health (other)	61	76	85		222
Heavy Vehicle Parking	44	34	37		115
Illegal Constructions/Development	93	92	76		261
Misuse of Council Park	7	1	5		13
Overgrown Land	36	71	73		180
Parking (General)	90	96	136		322
Pollution	80	60	72		212
Rubbish Dumping/Litter	63	47	32		142
Shopping Trolley	22	19	19		60
Signs	8	6	8		22
Swimming Pool Fence	5	19	15		39
Trail Bikes	12	18	19		49
Tree Removal/Dangerous	9	11	8		28
<b>Total</b>	<b>878</b>	<b>834</b>	<b>946</b>		<b>2658</b>
<b>Applications</b>					
Building Certificates	7	18	10		35
Approval to Operate Effluent Disposal System Section 68 ( <i>Local Government Act 1993</i> )	4	222	10		236
Event Approvals Section 68 ( <i>Local Government Act 1993</i> )	6	5	3		14
<b>Total</b>	<b>17</b>	<b>245</b>	<b>13</b>		<b>275</b>

Activity	2013-2014 Quarter Results				YTD
	1	2	3	4	
<b>Impounding</b>					
Abandoned Vehicles	8	7	6		21
Shopping Trolleys	0	25	38		63
<b>Dogs (Incoming)</b>					
Impounded	362	355	395		1112
Surrendered	121	101	103		329
<b>Dogs (Outgoing)</b>					
Released to Owner	225	127	250		552
Sold	111	48	81		240
Released to rescue organisation	35	75	61		171
Euthanased – Surrendered by Owner	56	52	47		155
Euthanased – Restricted Dog	1	1	1		3
Euthanased – Health/temperament	35	32	32		99
Euthanased – Unable to re-home	15	16	20		51
<b>Total</b>	<b>478</b>	<b>807</b>	<b>492</b>		<b>1777</b>
<b>Cats (Incoming)</b>					
Impounded	140	261	275		676
Surrendered	25	71	59		155
<b>Cats (Outgoing)</b>					
Released to Owner	5	7	18		30
Sold	28	34	29		91
Released to rescue organisation	3	77	48		128
Euthanased – Surrendered by Owner	13	35	44		92
Euthanased – Health/temperament	101	142	137		380
Euthanased – Unable to re-home	15	13	22		50
<b>Total</b>	<b>165</b>	<b>640</b>	<b>298</b>		<b>1103</b>
<b>Penalty Notices</b>					
Companion Animals	256	117	68		441
Environmental - includes litter and waste dumping	47	43	26		116
General - Includes Public Health and Food Safety	18	6	20		44
Land Use	1	2	2		5
Parking (car parks)	491	467	720		1678
Parking (on street)	758	730	527		2015
<b>Total</b>	<b>1571</b>	<b>1365</b>	<b>1363</b>		<b>4299</b>
<b>Compliance Programs</b>					
<b>Illegal Parking in School Zones</b>					
Patrols	55	79	75		209
Warnings	1	0	13		14
Penalty Notices	123	142	92		357



Activity	2013-2014 Quarter Results				YTD
	1	2	3	4	
<b>Illegal Signs</b>					
Complaints – Council property	8	5	6		19
Complaints – Private property	0	0	2		2
Letters sent	0	0	1		1
Cautions issued	0	0	0		0
Fines issued	0	0	0		0
Removed (posters from poles)	226	180	274		680
<b>Illegal Trail Bike Riding</b>					
Joint Patrols	1	0	0		1
Bikes Seized	0	0	0		0
Penalty Notices (Police)	0	0	0		0
Penalty Notices (Council)	0	0	0		0
Charges	0	0	0		0
Juvenile Cautions	0	0	0		0
<b>Litter from Vehicles</b>	2	1	0		3
Patrols	2	3	0		5
Penalty Notices					
<b>Shopping Trolleys</b>					
Patrols	1	0	0		1
Trolley's Tagged	13	25	38		76
Trolleys Impounded	0	25	38		63
Contractor Notified	0	25	9		34
<b>Truck Parking</b>					
Patrols	5	3	2		10
Penalty Notices	32	25	21		78

## **5. GENERAL BUSINESS**

Nil.

### **Confidentiality Motion: (Lound/Thompson)**

That the Committee in accordance with Section 10 of the *Local Government Act 1993*, move to exclude the public from the meeting during discussions on the items in the Confidential Agenda, due to the confidential nature of the business and the Committee's opinion that the public proceedings of the Committee would be prejudicial to the public interest.

**CARRIED**

## **18. CONFIDENTIAL ITEMS**

### **18.1 Confidential Report Directors of Companies**

#### **Reason for Confidentiality**

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

There being no further business the meeting closed at 10.05pm.

C Mead  
CHAIRPERSON

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# Reports of the City Works Committee Meeting held at 7.30pm on Tuesday, 27 May 2014.

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## **APOLOGIES**

## **ACKNOWLEDGEMENT OF LAND**

## **DECLARATIONS OF INTEREST**

### **Pecuniary Interests**

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

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

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**Minutes of the City Works Committee held on 27 May 2014**

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**Present** His Worship the Mayor, Councillor C Mead  
Councillor P Lake (Chairperson)  
Councillor F Borg  
Councillor G Brticevic  
Councillor S Dobson  
Councillor W Glynn  
Director Business Services - Mr M Sewell  
Acting Director City Works - Mr K Lynch  
Acting Manager Business Assurance - Mr C Taylor  
Acting Manager Compliance Services - Mr P Curley  
Acting Manager Customer Service – Mrs J Uluibau  
Acting Manager Education and Care Services – Ms G Vickers  
Manager Financial Services - Mrs C Mears  
Manager Healthy Lifestyles - Mr M Berriman  
Manager Human Resources – Mr B Clarence  
Manager Library Services - Mr G White  
Manager Operational Services - Mr A Davies  
Manager Property Services - Mr J Milicic  
Procurement and Contracts Coordinator - Ms K Stares  
Policy and Governance Coordinator - Ms J Warner  
Executive Assistant - Mrs K Peters

**Apology (Brticevic/Borg)**

That the apology from Councillor Hawker be received and accepted.

**CARRIED**

**Note:** Councillor A Chanthivong has been granted a leave of absence from Council, incorporating all formal Council and Committee meetings until Tuesday 12 August 2014.

**Acknowledgement of Land**

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

**DECLARATIONS OF INTEREST**

There were no Declarations of Interest at this meeting.

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## **1. TECHNICAL SERVICES**

### **1.1 Traffic Committee**

#### **Reporting Officer**

Manager Technical Services

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#### **Attachments**

1. Minutes of the Local Traffic Committee Meeting of 1 May 2014 (contained within this report)
2. Minutes of the Campbelltown Traffic Committee Meeting of 1 May 2014 (contained within this report)

#### **Purpose**

To seek Council's endorsement of the recommendations arising from the Local Traffic Committee and Campbelltown Traffic Committee meeting held on 1 May 2014.

#### **Report**

#### **RECOMMENDATIONS OF THE LOCAL TRAFFIC COMMITTEE ON 1 MAY 2014**

##### **Reports Listed for Consideration**

**LTC 14/13 Bradbury Avenue and Lindesay Street, Campbelltown - Speeding Concerns**

That Council provide a median island treatment in Lindesay Street at Bradbury Avenue intersection.

**LTC 14/14 Minto Renewal, Stage 13 - Upgrade of Eagleview Road - Lines and Signposting**

That the Linemarking/Signposting Plan No. 77910.01.CC801 revision 'A' prepared by SMEC Urban for the upgrade of Eagleview Road south of Ben Lomond Road as part of Minto Stage 13 be approved.

**LTC 14/15 Edmondson Park South Stage 2A, Bardia Avenue - Signs and Linemarking**

1. That Council approve the signposting and linemarking plans for Stage 2A Edmondson Park South taking into consideration comments provided in the body of the report.
  2. That the developer be advised of the changes required.
-

**LTC 15/16 Minto Indoor Sports Centre, Minto - Accessible Parking**

1. That Council provide two accessible parking spaces and four visitor spaces with three hour parking restriction.
2. That Council provide appropriate signs and pavement markings for the parking.

**General Business**

**LTC 15/17 ANZAC Day March**

That the information be noted.

**LTC 15/18 Busways Representative - Mr S Grady**

That a letter be forwarded to Mr Grady thanking him for all his assistance to the Traffic Committee over the past eight years.

**RECOMMENDATIONS OF THE CAMPBELLTOWN TRAFFIC COMMITTEE ON 1 MAY 2014**

**Reports Listed for Consideration**

**CTC 14/10 Gilchrist Drive, Campbelltown - Extension Speed Zone Proposal**

That Council write to the Roads and Maritime Services requesting the assessment of Gilchrist Drive between Englorie Park Drive and Menangle Road as a 50kph general urban speed limit.

**General Business**

**CTC 14/11 Narellan Road Exit Ramp**

1. That Council write to RMS and the Local Member for Campbelltown seeking support regarding the current traffic safety concerns at this section of the M31.
2. That the NSW Police advise RMS directly of their traffic safety concerns at this section of the M31.

**CTC 14/12 Campbelltown Road Overpass - Plaques**

1. That the Manager Technical Services further investigate who is responsible for the maintenance of the area.
  2. That Council write to RMS and ask if it is possible for a rest stop area to be provided near the plaques either on the M31 or Campbelltown Road.
-

**CTC 14/13 Belmont Road, Glenfield - Bus Stops**

That the Manager Technical Services further investigate the possible location for a bus stop.

**Officer's Recommendation**

That the recommendations of the Local Traffic Committee and Campbelltown Traffic Committee as detailed in the Minutes of the meeting held on 1 May 2014 be adopted.

**Committee's Recommendation: (Borg/Brticevic)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 3 June 2014 (Lake/Borg)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 88**

That the Officer's Recommendation be adopted.

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## **ATTACHMENT 1**

### **LOCAL TRAFFIC COMMITTEE MINUTES**

**1 May 2014**

#### **LOCAL TRAFFIC COMMITTEE**

Traffic matters related to the functions delegated to councils under the *Transport Administration Act 1988*.

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## Minutes Summary

ITEM	TITLE
<b>LOCAL TRAFFIC COMMITTEE MINUTES</b>	
1.	<b>ATTENDANCE</b>
2.	<b>APOLOGIES</b>
3.	<b>CONFIRMATION OF MINUTES</b>
5.	<b>REPORTS LISTED FOR CONSIDERATION</b>
LTC 14/13	<b>Bradbury Avenue and Lindesay Street, Campbelltown - Speeding Concerns</b>
LTC 14/14	<b>Minto Renewal, Stage 13 - Upgrade of Eagleview Road - Lines and Signposting</b>
LTC 14/15	<b>Edmondson Park South Stage 2A, Bardia Avenue - Signs and Linemarking</b>
LTC 14/16	<b>Minto Indoor Sports Centre, Minto - Accessible Parking</b>
6.	<b>LATE ITEMS</b>
<b>No report this round</b>	
7.	<b>GENERAL BUSINESS</b>
LTC 14/17	<b>ANZAC Day March</b>
LTC 14/18	<b>Busways Representative - Mr S Grady</b>
8.	<b>DEFERRED ITEMS</b>
<b>No report this round</b>	

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## **LOCAL TRAFFIC COMMITTEE MINUTES**

Traffic matters related to the functions delegated to Councils under the *Transport Administration Act 1988*.

### **Minutes of the Local Traffic Committee held on 1 May 2014**

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#### **1. ATTENDANCE**

##### **Campbelltown City Council**

Manager Technical Services - Mr K Lynch (Chairperson)  
Coordinator Traffic and Road Design - Mr A Arora  
Team Leader Traffic Investigation - Mr F Sirc  
Graduate Engineer - Ms A Hanna  
Administrative Assistant - Mrs S Lambert

##### **Roads and Maritime Services**

Nil

##### **Police Representatives**

Senior Sergeant M Cotton  
Senior Constable M Davies

##### **Bus Companies**

Interline – Mr B East

##### **Representatives of Local Members of Parliament**

Mr R James

#### **Acknowledgement of Land**

An Acknowledgement of Land was presented by the Manager Technical Services.

#### **2. APOLOGIES**

Councillor G Greiss  
Roads and Maritime Services - Mr J Suprain  
Busways - Mr S Grady

The Roads and Maritime Services representative advised that he had no objections to any of the items in the Agenda.

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

The Minutes of the previous meeting held on 3 April 2014 were recommended by the City Works Committee held on 29 April 2014 and adopted by Council at its meeting held on 6 May 2014.

#### **4. BUSINESS ARISING FROM MINUTES**

No reports this round

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## **5. REPORTS LISTED FOR CONSIDERATION**

### **LTC 14/13                      Bradbury Avenue and Lindesay Street, Campbelltown - Speeding Concerns**

Previous Report:            Nil  
Electorate:                    Campbelltown  
Author Location:            Traffic and Road Design Unit

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### **Attachments**

Concept plan showing treatment of Bradbury Avenue and Lindesay Street

### **Background (01/05/14)**

Council has received concerns from the community regarding motorists that are consistently cutting the corner when turning right from Bradbury Avenue into Lindesay Street. This activity is causing heightened traffic safety concerns for motorists travelling out of Lindesay Street and on these roads.

In reviewing the accident history from the Roads and Maritime Services data there have been 6 accidents at the intersection in the five year period ending 2012. Out of the 6 accidents 5 of them were related to vehicles turning right out of Lindesay Street across the path of vehicles heading (south/east) in Bradbury Avenue. There were no accidents that suggested corner cutting from Bradbury Avenue into Lindesay Street.

Due to the concerns raised by the community, Council Officers investigated Bradbury Avenue and Lindesay Street intersection by installing a CCTV camera to observe driving behaviour of the motorists and in particular corner cutting. It is noted that during the morning peak, out of the 42 cars that turned right into Lindesay Street, 27 cars were seen cutting the corner which is causing concerns to the safety of other road users.

Council Officers propose that a median island treatment be provided at Lindesay Street on its intersection with Bradbury Avenue (as shown in the attached plan). This action will force motorists to slow down and then proceed to turn into the required lanes, therefore eliminating any corner cutting and enhancing the safety of the road users.

### **Officer's Recommendation**

That Council provide a median island treatment at Lindesay Street at Bradbury Avenue intersection.

### **Discussion (1/5/2014)**

The Committee discussed the matter and supported the recommendation as presented.

### **Recommendation of Local Traffic Committee**

That Council provide a median island treatment in Lindesay Street at Bradbury Avenue intersection.

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**LTC 14/14**                      **Minto Renewal, Stage 13 - Upgrade of Eagleview Road  
- Lines and Signposting**

Previous Report:            LTC 13/9

Electorate:                      Campbelltown

Author Location:            Traffic and Road Design Unit

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**Attachments**

Plan No. 77910.01.CC801 revision 'A' Line marking/Signposting plan prepared by SMEC Urban for the upgrade of Eagleview Road south of Ben Lomond Road as part of Minto Stage 13, including Locality Plan showing proposed road upgrade to Eagleview Road.

**Background (1/5/2014)**

SMEC Urban has forwarded signs and markings plan for the upgrade of Eagleview Road south of Ben Lomond Road, Minto as part of Stage 13 for the Committee's endorsement. These plans are an extension to the plans for Stages 12 and 13 presented previously to the Traffic Committee at its meeting on 21 March 2013.

Stage 13 is bound by Ben Lomond Road to the north and Eagleview Road to the east as shown in the marked locality plan. The works consist of new drainage facilities on both sides of the road. The signs and marking plan recommends a standard 'Give Way' sign on the approach to the roundabout intersecting with Ben Lomond and Eagleview Road and double barrier delineation lines marked along the centreline of the upgraded road.

Council Officers have reviewed the plan and recommend that the standard 'Give Way' sign along with the double barrier lines is per the standards and recommend that this be approved.

**Officer's Recommendation**

That the Line marking/Signposting Plan No. 77910.01.CC801 revision 'A' prepared by SMEC Urban for the upgrade of Eagleview Road south of Ben Lomond Road as part of Minto Stage 13 be approved.

**Discussion (1/5/2014)**

The Manager Technical Services advised that as previously recommended by Council some time ago it was considered to be safer if right hand turn manoeuvres in and out of the Temple were prevented and the construction of a median across the frontage of the property.

It is proposed to install a central median in Eagleview Road in order to allow left in and left out only to the Temple. The median would be modified in order to reduce the length originally proposed outside of the Temple.

**Recommendation of Local Traffic Committee**

That the Line marking/Signposting Plan No. 77910.01.CC801 revision 'A' prepared by SMEC Urban for the upgrade of Eagleview Road south of Ben Lomond Road as part of Minto Stage 13 be approved.

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**LTC 14/15                      Edmondson Park South Stage 2A, Bardia Avenue -  
Signs and Linemarking**

Previous Report:            LTC 13/10  
Electorate:                    Macquarie Fields  
Author Location:            Traffic and Road Design Unit

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**Attachments**

1.    Locality Plan of Edmondson Park South Stage 2A
2.    Layout Plan Stage 2A Edmondson Park South
3.    Signs and Line Marking Plan 9701/CC29
4.    Amended Signs and Line Marking Plan

**Background (1/5/2014)**

The Local Traffic Committee at its meeting of 18 April 2013 approved the signs and line marking plans for Stage 1A, Edmondson Park. Stage 1A involved the subdivision of a total of 229 lots and the construction of a new intersection on Macdonald Road via the then new collector road, Bardia Avenue.

Council has received proposed subdivision and roadwork's plans from J Wyndham Prince, consulting contractors for Urban Growth NSW for Stage 2A of Edmondson Park South for approval. The location of this subdivision is highlighted on the attached plan.

The Commonwealth Minister for the Environment, Heritage and the Arts and the NSW State Ministers for Climate Change and the Environment Planning have approved Urban Growth NSW subdivision proposal of Stage 2A consisting of 99 residential lots and 3 residue lots for future development.

In Stage 2A, the subdivision will be accessed by extending the Stage 1A subdivision and will link via Bardia Avenue from Macdonald Road. A new road at No 19 and 20 connects Wooten Avenue and Arthur Allen Drive, will be the main access route to the residential area of proposed stage 2A.

The extended Bardia Avenue will allow the use of off-road shared concrete paths and off road footpaths throughout the area.

At the boundary of Stage 2A there will be a transitioning into the existing Zouch Road that connects to Campbelltown Road. There may be an intention by Roads and Maritime Services to develop this section of the road in future developments as is indicated on the concept plans from RMS.

The submitted plans for lines and signs have been reviewed by Council Officers and the comments are as follows:

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i) Signals Lane intersecting with Derna and Road No 20 is controlled by Stop signs, TB and TB1 lines. Intersections with Stop signs are to be marked with TF lines instead of TB lines, as per RMS guidelines.

ii) Roads No. 19 and 20 intersecting with Bardia Avenue are proposed have Give Way signs, TB and TB1 lines. Bardia Avenue is the main connecting road in the new subdivision and it is anticipated that it will have direct access to Macdonald Road and Zouch Road. Council Officers propose to replace these Give Way signs with Stop Signs and the appropriate line markings as per RMS guidelines (as marked on the attached plan).

iii) The intersection of Bardia Avenue and Zouch Road is controlled by a Give Way sign, TB and TB1 lines. It is anticipated that with the upgrade to Zouch Road it will be used to provide direct access to Campbelltown Road. Council officers propose to replace this Give Way sign with a Stop sign and the appropriate line markings as per RMS guidelines (as marked on the attached plan). This will give more control for the turning movements from Bardia Avenue onto Zouch Road.

### **Officer's Recommendation**

1. That Council approve the sign posting and line marking plans for Stage 2A Edmondson Park South taking into consideration comments provided in the body of the report.
2. That the developer be advised of the changes required.

### **Discussion (1/5/2014)**

The Committee discussed the matter and supported the recommendations as presented.

### **Recommendation of Local Traffic Committee**

1. That Council approve the sign posting and line marking plans for Stage 2A Edmondson Park South taking into consideration comments provided in the body of the report.
  2. That the developer be advised of the changes required.
-

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**LTC 14/16                      Minto Indoor Sports Centre, Minto - Accessible Parking**

Previous Report:              Nil  
Electorate:                      Campbelltown  
Author Location:              Traffic and Road Design Unit

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**Attachments**

Locality plan showing the proposed parking within the existing car park.

**Background (1/5/2014)**

Following an inspection of the existing car park adjacent to Minto Indoor Sports Centre, Council Officers have identified the need for accessible parking closer to the Minto Indoor Sports Centre for patrons visiting the sports centre.

A section of the car park along the netball courts in the south east corner has been formalised as part of maintenance works which is approximately 18m long (as marked on the plan attached). It is proposed that this section be marked to provide two accessible parking spaces and four spaces for visitors with three hour parking restrictions.

**Officer's Recommendation**

1. That Council provide two accessible parking spaces and four visitor spaces with three hour parking restriction.
2. That Council provide appropriate signs and pavement markings for the parking.

**Discussion (1/5/2014)**

The Committee discussed the matter and supported the recommendations as presented.

**Recommendation of Local Traffic Committee**

1. That Council provide two accessible parking spaces and four visitor spaces with three hour parking restriction.
2. That Council provide appropriate signs and pavement markings for the parking.

**6. LATE ITEMS**

**No reports this round**

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## **7. GENERAL BUSINESS**

### **LTC 14/17          ANZAC Day March**

Previous Report:      CTC 14/2

Electorate:            Campbelltown Electorate

Author Location:      Traffic and Road Design Section

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### **Attachments**

Nil

### **Discussion (1/5/2014)**

The NSW Police represented thanked Council for their assistance in the ANZAC Day March on 25 April 2014.

### **Recommendation of Local Traffic Committee**

That the information be noted.

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**LTC 14/18                      Busways Representative - Mr S Grady**

Previous Report:            Nil  
Electorate:                    Campbelltown Electorate  
Author Location:            Traffic and Road Design Section

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**Attachments**

Nil

**Discussion (1/5/2014)**

The Busways representative Mr Steve Grady has advised Council that as Busways will not be the transport provider for the Campbelltown area, he will be taking up duties with Busways at the Penrith Depot as from 5 May 2014 and will not be attending the Traffic Committee meetings at Campbelltown.

He would like to thank everyone for their friendship, assistance and guidance as Planning & Infrastructure Officer for Region 15 over the past eight years.

The Committee recommended that a letter be forwarded to Mr Grady thanking him for all his assistance to the Traffic Committee over the past eight years.

**Recommendation of Local Traffic Committee**

That a letter be forwarded to Mr Grady thanking him for all his assistance to the Traffic Committee over the past eight years.

**8. DEFERRED ITEMS**

**No reports this round**

There being no further business the meeting closed at 9.21am.

G Greiss  
**CHAIRPERSON**

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## **ATTACHMENT 2**

### **CAMPBELLTOWN TRAFFIC COMMITTEE MINUTES**

**1 May 2014**

#### **CAMPBELLTOWN TRAFFIC COMMITTEE**

Traffic related items to Council requiring technical advice and are outside of the Delegation functions issued to councils by the Road and Maritime Services.

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## Minutes Summary

**ITEM    TITLE**

**CAMPBELLTOWN TRAFFIC COMMITTEE MINUTES**

1.            **ATTENDANCE**
2.            **APOLOGIES**
3.            **CONFIRMATION OF MINUTES**
4.            **BUSINESS ARISING FROM MINUTES**
5.            **REPORTS LISTED FOR CONSIDERATION**

**CTC 14/10        Gilchrist Drive, Campbelltown - Extension Speed Zone Proposal**

**6.            LATE ITEMS**

**No reports this round**

**7.            GENERAL BUSINESS**

**CTC 14/11        Narellan Road Exit Ramp**

**CTC 14/12        Campbelltown Road Overpass - Plaques**

**CTC 14/13        Belmont Road, Glenfield - Bus Stops**

**8.            DEFERRED ITEMS**

**No reports this round**

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## **CAMPBELLTOWN TRAFFIC COMMITTEE MINUTES**

Traffic related items to Council requiring technical advice and are outside of the Delegation functions issued to Councils by the Road and Maritime Services.

### **Minutes of the Campbelltown Traffic Committee held on 1 May 2014**

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#### **1. ATTENDANCE**

##### **Campbelltown City Council**

Manager Technical Services - Mr K Lynch (Chairperson)  
Coordinator Traffic and Road Design - Mr A Arora  
Team Leader Traffic Investigation - Mr F Sirc  
Graduate Engineer - Ms A Hanna  
Administrative Assistant - Mrs S Lambert

##### **Roads and Maritime Services**

Nil

##### **Police Representatives**

Senior Sergeant M Cotton  
Senior Constable M Davies

##### **Bus Companies**

Interline – Mr B East

##### **Representatives of Local Members of Parliament**

Mr R James

#### **Acknowledgement of Land**

An Acknowledgement of Land was presented by the Manager Technical Services.

#### **2. APOLOGIES**

Councillor G Greiss  
Roads and Maritime Services - Mr J Suprain  
Busways - Mr S Grady

The Roads and Maritime Services representative advised that he had no objections to any of the items in the Agenda.

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

The Minutes of the previous meeting held on 3 April 2014 were recommended by the City Works Committee held on 29 April 2014 and adopted by Council at its meeting held on 6 May 2014.

#### **4. BUSINESS ARISING FROM MINUTES**

No reports this round

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## 5. REPORTS LISTED FOR CONSIDERATION

### **CTC 14/10                      Gilchrist Drive, Campbelltown - Extension Speed Zone Proposal**

Previous Report:            LTC 13/33  
Electorate:                Wollondilly  
Author Location:         Traffic and Road Design Unit

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#### **Attachments**

Location sketch plan showing speed zones surrounding Gilchrist Drive

#### **Background (1/5/2014)**

The construction of Gilchrist Drive between Hidcote Road and Englorie Park Drive has been completed. When opened to the traffic it will complete the link from Menangle Road to Englorie Park Drive.

The speed limit on the existing section of Gilchrist Drive i.e. from Englorie Park Drive to Narellan Road is sign posted as 60kph. This section of road has no direct access to the properties (no driveways) other than the intersections. It is a road that connects to the network of other 60 kph roads via. Blaxland Road, Kellicar and Therry Road.

Council has received suggestions from the residents of Macarthur Gardens Estate that 50kph signs should be placed in the precinct as speeding occurs on Gilchrist Dr between Menangle Road and Hidcote Road and other local streets in the precinct. Speeding occurs through these streets with motorists finding shortcuts to Macarthur Square that makes it unsafe for the residents and other road users.

To assist with the sign posting of Macarthur Gardens Estate, it is suggested that Gilchrist Drive become 50kph from its intersection with Menangle Road to a point west of Englorie Park Drive. The suggestion of commencing the 50kph west of the roundabout of Englorie Park Drive will be assisted by the traffic calming nature of the roundabout. Placing a speed zone change closer to Hidcote Road may make motorists more aware to reduce their speeds as they come down the grade of Gilchrist Drive. It is anticipated that the new Gilchrist Drive extension will attract more for motorists.

It is recommended that Council request the Roads and Maritime Services to investigate the extension of Gilchrist Drive as a 50kph zone general urban speed zone.

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

That Council write to the Roads and Maritime Services requesting the assessment of Gilchrist Drive between Englorie Park Drive and Menangle Road as a 50kph general urban speed limit.

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### **Discussion (1/5/2014)**

The Committee discussed the matter and supported the recommendation as presented.

### **Recommendation of Campbelltown Traffic Committee**

That Council write to the Roads and Maritime Services requesting the assessment of Gilchrist Drive between Englorie Park Drive and Menangle Road as a 50kph general urban speed limit.

## **6. LATE ITEMS**

### **No reports this round**

## **7. GENERAL BUSINESS**

### **CTC 14/11                      Narellan Road Exit Ramp**

Previous Report:              Nil  
Electorate:                      Campbelltown Electorate  
Author Location:              Traffic and Road Design Section

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### **Attachments**

Nil.

### **Discussion (1/5/2014)**

The NSW Police representative advised of safety concerns raised regarding traffic using the southbound exit land from M31 (Hume Highway) to Narellan Road.

It was suggested that maybe warning signs could be erected advising of the congestion of traffic at this location.

The Manager Technical Services advised that this matter has been previously raised with RMS requesting the consideration of alternate options until the intersection is improved, however no response has been received.

The NSW Police representative advised that he has requested the Highway Patrol to oversee this area. It was suggested that the Highway Patrol approach RMS directly raising their concerns about the safety issues at this location.

Following discussion it was suggested that Council write to RMS and the local Member for Campbelltown seeking support regarding the current traffic safety issues at this location.

### **Recommendation of Campbelltown Traffic Committee**

1. That Council write to RMS and the Local Member for Campbelltown seeking support regarding the current traffic safety concerns at this section of the M31.
  2. That the NSW Police advise RMS directly of their traffic safety concerns at this section of the M31.
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**CTC 14/12                      Campbelltown Road Overpass - Plaques**

Previous Report:              Nil  
Electorate:                      Campbelltown Electorate  
Author Location:              Traffic and Road Design Section

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**Attachments**

Nil.

**Discussion (1/5/2014)**

The Representative of Member for Macquarie Fields advised the Committee that two plaques existed at the commencement of Remembrance Drive near the Campbelltown Road overpass of the M31 commemorating the 6<sup>th</sup> Australian Division and General Sir Frank Hassett. The plaques cannot be seen from the road and he requested if it would be possible to have a rest stop area nearby.

The area has been overgrown and has been recently maintained and he wondered who was responsible for the maintenance of the area.

The Manager Technical Services advised he would further investigate who is responsible for the maintenance of the area.

**Recommendation of Campbelltown Traffic Committee**

1. That the Manager Technical Services further investigate who is responsible for the maintenance of the area.
  2. That Council write to RMS and ask if it is possible for a rest stop area to be provided near the plaques either on the M31 or Campbelltown Road.
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**CTC 14/13 Belmont Road, Glenfield - Bus Stops**

Previous Report: Nil  
Electorate: Macquarie Fields Electorate  
Author Location: Traffic and Road Design Section

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**Attachments**

Nil.

**Discussion (1/5/2014)**

The Interline representative advised that whilst construction works are being undertaken at the Frank Whiddon Masonic Nursing Home on Belmont Road, cars are parking on the opposite side of the road. The area opposite the driveway to the Nursing Home is where buses informally pull up to drop off residents. With the cars parked there the buses are having to stop in the middle of the road to allow elderly patrons to alight from the bus. The Interline representative requested a bus zone in order to cease this practice.

The NSW Police representative suggested that as elderly people are crossing the road a refuge or other options may be considered.

The Manager Technical Services advised that residents from the village had requested a bus stop and refuge at this location previously. It was assessed and it was determined that it would be best for residents to cross Belmont Road at the traffic lights at the corner of Belmont Road and Canterbury Road rather than via a refuge.

The Committee was advised that Council has previously approached the Frank Whiddon Nursing Home but no response has been received.

The Manager Technical Services suggested looking at the final layout plan for the Frank Whiddon Nursing Home and where they proposed pedestrian access to the village. This will assist in determining where best to formalise the bus stop.

The Manager Technical Services advised he would further investigate the possible location of the bus stop.

**Recommendation of Campbelltown Traffic Committee**

That the Manager Technical Services further investigate the possible location for a bus stop.

**8. DEFERRED ITEMS**

**No reports this round**

There being no further business the meeting closed at 9.51am.

G Greiss  
**CHAIRPERSON**

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## **1.2 Park Sign Strategy**

### **Reporting Officer**

Manager Technical Services

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### **Attachments**

New Style Sign (contained within this report)

### **Purpose**

To advise Council of new signage that will assist patrons in reporting issues within the park.

### **History**

At the City Works Committee Meeting of 21 May 2013 (Item 5.2), Council resolved that a report be presented investigating the implementation of new signage that included Council's contact telephone numbers and area reference numbers for parks and recreational areas. The report was to provide the cost and timeframe to complete the works.

### **Report**

A working group that included Community Services, Planning and Environment and City Works was established to review the signs within Council Parks. The group identified the location and information that was provided on signs. There are primarily two types of signs that need to be provided at each park. The first is an entrance sign and the second is internal signs that may be spread throughout the park.

The park entry signage is a welcome sign that should highlight to patrons what are the main features within the park, what is not permissible within the park and how to contact Council. The internal signs are area specific signs that can be regulatory, educational, cautionary or how to contact Council.

The purpose of the internal signs is that the information displayed will be relevant to the particular section of park. This will serve two purposes, firstly the entry sign which will be less cluttered and more inviting, and secondly, the information will be consistent when moving around the park.

### **Entry Signage**

The entry signs will be displayed at all main entry points to the park. These signs may also be displayed within larger parks or those with less defined entry points. Historically, the regulatory information has tended to be the most prominent message of the sign. The new style sign (see attachment) has been designed so that the attractions within the park become the prominent message.

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Park name	this will be clearly visible from the street and welcome people to the park.
Attractions	this will advise people of the main attractions within the park and be clearly visible from the street and car parking areas.
Regulatory Information	there is a requirement for entry signage to a park to display regulatory signage which clearly articulates the restrictions that apply within the park. The sign must clearly display possible penalties that apply within the park.
How to contact Council	this section of the sign is designed to allow people to contact Council with any concerns they may have with the facility. Council's phone number and email address are displayed on the sign along with a Q reader code. This code if scanned by a smart phone will automatically take you to Council's web page and ore specifically to the section where you can raise any issues.

The entry signs shown on the attachment will be provided on all parks and will vary in size depending on the location and amount of information required to be provided. Generally the size would be 900mm x 1200mm. This entry sign in a large regional style parks may be complimented with a plinth style sign or wall style sign such as at Koshigaya Park. The architectural style signs would be a site specific design and generally not contain all the information as an entry sign.

### **Internal Signage**

These signs are aimed to be more specific about the information they provide. The signs will provide information about the area of the park you are visiting. These signs if required may be repeated within that area of the park and they may take many forms. For example, for BBQ's it is proposed to have stickers placed appropriately advising people of hot surfaces and that adult supervision is required. With external exercise equipment a single square post could be erected with signs advising people on how to use of the equipment.

The signs will have an area reference for the park which will allow easier reporting of any issues. Area reference signage will also be provided on main structures such as BBQ, picnic shelters and playground shade structures. At various locations within the park, patrons will see Council contact details and smart phone access.

It is intended that internal signage will be incorporated where possible on existing structures in order to reduce the number of additional post and signs reducing the maintenance cost of the park.

Other internal signage will contain the following information such as Directional, Educational, Advisory, Warning, Regulatory and how to contact Council.

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### **Implementation**

The entry signs to the parks will be installed on a systematic basis commencing with Council's more prominent parks. Each of the entry signs including installation will be in the order of \$500 each. The internal signage will be installed in a similar manner to the entry signs though priority will be given to high risk areas and areas identified by Compliance and Operational Staff.

All signs both internal and external will be coated with an anti-graffiti protection to allow easy cleaning.

In the current year's budget an amount of \$30,000 has been set aside to immediately commence the roll out of these signs with further funds being proposed as part of next year's Better Town Program.

### **Officer's Recommendation**

That Council adopt the Park signage strategy as outlined in the body of the report.

### **Committee's Recommendation: (Dobson/Glynn)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 3 June 2014 (Lake/Borg)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 88**

That the Officer's Recommendation be adopted.

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## ATTACHMENT

*Welcome to*  
**MARSDEN PARK**

**TOILETS**  
**ACCESSIBLE TOILETS**

**PICNIC AREA**  
**BBQ**  
**SHARED PATH**  
**EXERCISE EQUIPMENT**  
**PLAY EQUIPMENT**

The following is prohibited in this public place unless approved by Campbelltown City Council  
Penalty may exceed \$110 in accordance with the Local Government Act 1993

**NO DOGS OFF LEASH**  
**NO SWIMMING**  
**NO ALCOHOL**  
**NO FIRES**  
**NO FISHING**  
**NO VEHICLES**  
**NO REMOTE TOYS**  
**NO GOLF**

*A city of choice and opportunity in a natural environment*

Please contact Campbelltown City Council to report any damage at this location

 Phone. 4645 4000 or visit our website  
[www.campbelltown.nsw.gov.au](http://www.campbelltown.nsw.gov.au) 

## **1.3 Ingleburn Railway Station - Access Improvements**

### **Reporting Officer**

Acting Director City Works

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### **Attachments**

Nil

### **Purpose**

To provide a status update on the upgrade works being undertaken at Ingleburn Railway Station by Transport for NSW as part of the Station Easy Access Program to improve access for passengers with limited mobility.

### **Report**

A report was presented to the Local Traffic Committee Meeting held 6 March 2014 regarding planned upgrade works to Ingleburn Railway Station. At the same time other station facilities are also being upgraded.

The upgrades include:

- provision of three new lifts
- new access ramps and covered walkways between the lifts and platforms
- reconfigured station entries
- new customer amenities
- improvements to the bus stop and canopy, taxi zone, bicycle storage and accessible parking
- formalised kiss and ride facilities

The works undertaken so far include site establishment and traffic management. The bus shelters on Ingleburn Road have been dismantled and several temporary shelters have been installed further south of the station. The bus stop has also been relocated further south.

Two temporary stairways have been installed adjacent to the bus stop south of Oxford Road and another near the taxi rank north of Oxford Road. Excavation works have also commenced in the rail corridor along Ingleburn Road.

It is anticipated that the Ingleburn Road side entry will be completed and opened in November 2014. The lift and walkways will be opened in March 2015 and the remainder of the project is due for completion by April 2015.

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Further progress updates will be provided to Council as they become available.

**Officer's Recommendation**

That the information be noted.

**Committee's Recommendation: (Borg/Glynn)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 3 June 2014 (Lake/Borg)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 88**

That the Officer's Recommendation be adopted.

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## **1.4 Koshigaya City 30th Anniversary Gift**

### **Reporting Officer**

Acting Director City Works

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### **Attachments**

Design Plan

### **Purpose**

To provide Council with information about the Koshigaya Sister City 30th Year Anniversary Gift.

### **Report**

The City of Campbelltown and the City of Koshigaya proclaimed the establishment of a Sister City Relationship on 11 April 1984 and this year will celebrate its 30th Anniversary.

The aim of the relationship is to promote the mutual understanding and goodwill between the two cities as well as enhancing the friendly relations between Japan and Australia. The relationship is acknowledged as one of the most enduring and successful Sister City relationships between Australia and Japan.

Our two cities have established and continued various programs over the past 30 years. These programs include four youth exchanges per year, an annual staff exchange and regular sporting and cultural exchanges and visits. Many citizens in both Cities have participated in these activities as well as numerous visits by the Sister City Association, Rotary and other organisations. The two cities have received numerous awards recognising the success of the relationship. Through these activities strong bonds have been developed between the citizens of both Campbelltown and Koshigaya.

On previous significant anniversaries both Campbelltown and Koshigaya have exchanged gifts. On this occasion, it has been agreed that in lieu of a gift, each city will construct a display structure within its own city. It is intended that Campbelltown's structure will be located in Koshigaya Park and Koshigaya's adjacent to the Campbelltown Forrest of Wild Birds.

The structure to be erected in Koshigaya Park will have four side panels which will detail information about the Sister City relationship, its history, Koshigaya City and its culture. The structure will stand approximately 2.5metres high and the panels will be approximately 80cm in width. (shown in the attached design plan)

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Later this year Council will host a delegation from Koshigaya City to commemorate the 30 year anniversary and it is envisaged that the display structure will be completed in time for this visit.

**Officer's Recommendation**

That the information be noted.

**Committee's Recommendation: (Borg/Dobson)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 3 June 2014 (Lake/Borg)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 88**

That the Officer's Recommendation be adopted.

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# ATTACHMENT 1

**General Notes**

- ALL WORKS ARE TO BE CARRIED OUT IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS OF AUSTRALIAN & AUSTRALIAN STANDARDS.
- PROPOSED DIMENSIONS SHALL BE USED UNLESS OTHERWISE SPECIFIED.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK OR PROCEEDING TO THE NEXT STAGE.

200 x 150 RHS  
 300 x 150 RHS  
 400mm dia collar  
 175 x 50 RHS  
 + 150 x 25 RHS  
 300mm dia posts

**campbelltown**  
 city council

1001 Campbelltown Road, Campbelltown NSW 2561  
 Phone: (08) 8332 1111  
 Fax: (08) 8332 1111  
 Email: [info@campbelltown.nsw.gov.au](mailto:info@campbelltown.nsw.gov.au)

APPROVED FOR CONSTRUCTION

APPROVED: [Signature]  
 DATE: [Date]  
 APPROVED FOR CITY WORKS: [Signature]  
 DATE: [Date]  
 PROJECT: [Project Name]  
 DRAWING NO: [Drawing No.]  
 SHEET NO: [Sheet No.]


PROJECT: KOSHIGAYA PARK CAMPBELLTOWN  
 PROPOSED DISPLAY STRUCTURE

SCALE: 1 OF 1  
 DRAWING NO: P0433

**PLAN**

# ATTACHMENT 2

revision	date	description	approved

 Campbelltown City Council  
 Council Chambers  
 120 Dukes Road  
 Campbelltown SA 5114  
 Australia  
 Telephone: 08 8532 2200  
 Email: council@campbelltown.sa.gov.au  
 Website: www.campbelltown.sa.gov.au

PROJECT NO	PROJ1116042	PROJECT NAME	KOSHIKAYA PARK
CLIENT	MANAGER TECHNICAL SERVICES	DESIGNER	CITY WORKS
DESIGNED BY	STEPHEN L. SIMONSON	CHECKED BY	STEPHEN L. SIMONSON
DATE	June 2014	SCALE	1:1
DRAWN BY		CAD FILE	
PROJECT ADDRESS			
KOSHIKAYA PARK CAMPBELLTOWN			
PROPOSED DISPLAY STRUCTURE			

General Notes

sheet no. 2 of 2     job no. P0433

PLAN

## **1.5 Roads and Maritime Services Forum**

### **Reporting Officer**

Manager Technical Services

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### **Attachments**

Nil

### **Purpose**

To provide information to Council regarding a recent Forum held by the Roads and Maritime Services (RMS) attended by representatives from Councils, WSROC and MACROC.

### **Report**

Council was invited to attend the Forum held Monday 19 May 2014 to discuss the RMS and Councils partnership relations. The main objective of the Forum was to:

- build trust and strengthen working relationships
- to focus on what we have in common
- to work as a team to coordinate the delivery of innovative and integrated outcomes
- to share information, knowledge and expertise.

The major issues discussed during the Forum were:

- the involvement of local Councils in the strategic planning of the region
- the delegation of more authority to local Councils regarding local area traffic management
- the provision of more funding/grants to improve traffic facilities in the region
- to develop better relationships in regard to road and asset management.
- the commitment of the NSW Government to walking, cycling and bus transport infrastructures.
- the outsourcing of maintenance functions, intelligent transport system (TIS) and traffic signals to the private sector.

The RMS will continue to conduct more Forum workshops with ROCS to further improve and strengthen relationships.

A Long Term Master Plan for cycling, bus services and walking infrastructure improvements is currently being reviewed by Council Officers and further details will be provided to Council.

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**Officer's Recommendation**

That the information be noted.

**Committee's Recommendation: (Glynn/Brticevic)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 3 June 2014 (Lake/Borg)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 88**

That the Officer's Recommendation be adopted.

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## **2. OPERATIONAL SERVICES**

**No reports this round**

## **3. ASSETS AND SUPPLY SERVICES**

### **3.1 T14/05 Pest Control Services**

#### **Reporting Officer**

Acting Manager Assets and Supply Services and Manager Operational Services

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#### **Attachments**

The following confidential attachment has been distributed to Councillors under separate cover as numerous tenderers have indicated that the contents of their tender are commercial-in-confidence:

Evaluation and Pricing Matrix

#### **Purpose**

To advise Council of the tenders received for pest control services and recommend that Council accept the tender submitted by Rentokil Initial Pty Ltd t/as Rentokil Pest Control.

#### **History**

Council has an existing Contract for the provision of pest control services which is due to expire. As Council continues to utilise these services and the contract expenditure historically exceeds the legislative threshold of \$150,000, Council invited tenders for a new contract.

#### **Report**

##### **Legislation**

This tender process was conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy and Procedures.

##### **Contract Expenditure**

Funds for these works are allocated in Council's budget.

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### **Contract Term**

The term for this contract will be for a period of two years with an option for extension of 12 months.

### **Advertising of Tenders**

Tenders were advertised in The Sydney Morning Herald, The Macarthur Advertiser and The Macarthur Chronicle in the weeks commencing 10 and 17 March 2014. Tenders were also advertised on Tenderlink and Council's website. The Ingleburn and Campbelltown Chambers of Commerce and Industry were notified.

### **Tenders Received**

Tenders closed on Tuesday 1 April 2014. Eight on-time responses were received from the following organisations:

- Impact Pest Control (NSW) Pty Ltd
- Jackoranda Group Services Pty Ltd t/as Expert Pest Control
- Paul Hosey t/as Billy Lanes Pest Control
- Pro Tech Property Care Pty Ltd t/as Drop Dead Pest Control
- Rentokil Initial Pty Ltd t/as Rentokil Pest Control
- Scientific Pest Management (Australia/Pacific) Pty Ltd t/as Scientific Pest Management (Australia/Pacific) Pty Ltd
- Smartbuilt (NSW) Pty Ltd
- Pestserv Pty Ltd as The Trustee for Pestserv t/as Pestfree

### **Tender Document**

Organisations were requested to submit the following information with their tender response:

- company details
  - company experience, particularly as they relate to the Services
  - details of any subcontractors and their experience, particularly as they relate to the Services
  - details of nominated resources, including supervisor details, a management plan of recruiting staff, and vehicle/equipment specifications
  - references
  - pricing
  - insurances
  - environmental practices
  - Work Health and Safety management systems
  - conflict of interest declaration
  - additional terms of contract, if proposed
-

### **Evaluation Process**

The Evaluation Panel, consisting of officers from Assets and Supply Services and Healthy Lifestyles evaluated the tenders against the following weighted assessment criteria:

- experience of the company
- nominated resources
- pricing
- work health and safety
- environmental commitment.

The Evaluation Panel used Council's standard 0-10 scoring system for all non-pricing criteria with 10 being the highest score.

The Work Health and Safety and Environmental Practices criteria were assessed on the basis of unsatisfactory, satisfactory or exceptional.

The scoring of tendered prices was determined based on the total of annual scheduled services over a three year period, applying indexation to Consumer Price Index if nominated.

### **Recommendation of the Evaluation Panel**

Rentokil Initial Pty Ltd t/as Rentokil Pest Control provided the best response to Council and is recommended for the provision of pest control services as they:

- provided satisfactory details on their company experience, particularly as they relate to the Services
- provided satisfactory details of recent similar contracts
- provided sufficient details of their nominated resources
- provided satisfactory work, health, safety and environmental documentation
- tendered the most competitive pricing to Council

### **Tenders Not Recommended**

Impact Pest Control (NSW) Pty Ltd, Pro Tech Property Care Pty Ltd t/as Drop Dead Pest Control, Smartbuilt (NSW) Pty Ltd and Pestserv Pty Ltd as The Trustee for Pestserv t/as Pestfree are not recommended as they tendered a more expensive price than the recommended tenderer. The Evaluation Panel did not consider there to be any advantage to Council for the increased cost.

Jackoranda Group Services Pty Ltd t/as Expert Pest Control was deemed non-conforming as no pricing was submitted with their tender response.

Paul Hosey t/as Billy Lanes Pest Control is not recommended as they:

- provided unsatisfactory work, health, safety and environmental documentation
  - tendered a more expensive price than the recommended tenderer. The Evaluation Panel did not consider there to be any advantage to Council for the increased cost.
-

Scientific Pest Management (Australia/Pacific) Pty Ltd t/as Scientific Pest Management (Australia/Pacific) Pty Ltd is not recommended as they

- did not provide satisfactory details of their company experience
- did not provide satisfactory details of their nominated resources
- provided unsatisfactory environmental documentation
- tendered a more expensive price than the recommended tenderer. The Evaluation Panel did not consider there to be any advantage to Council for the increased cost.

#### **Assurance of the Process Undertaken**

In accordance with Council's Procurement Procedures, a Tender Review Panel, consisting of members of Council's Executive reviewed the Tender to assure the process was undertaken in a manner that was fair, transparent and resulted in the best value outcome to Council.

#### **Management of Proposed Contract**

The Contractor will be subject to contract management and safety reviews throughout the duration of the contract in accordance with Council's contract management requirements.

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

1. That Council accept the offer of Rentokil Initial Pty Ltd t/as Rentokil Pest Control for the provision of pest control services for a period of two years with an option for extension of 12 months.
2. That the Contract documents be executed under the Common Seal of Council.
3. That the unsuccessful Tenderers be notified of the results of tender process.

#### **Committee's Recommendation: (Borg/Dobson)**

That the Officer's Recommendation be adopted.

**CARRIED**

#### **Council Meeting 3 June 2014 (Lake/Borg)**

That the Officer's Recommendation be adopted.

#### **Council Resolution Minute Number 88**

That the Officer's Recommendation be adopted.

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## **3.2 Q14/04 Microsoft Enterprise Agreement**

### **Reporting Officer**

Acting Manager Assets and Supply Services and Manager Information Management and Technology

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### **Attachments**

The following confidential attachment has been distributed to Councillors under separate cover as numerous organisations have indicated that the contents of their quotation are commercial-in-confidence:

Evaluation and Pricing Matrix

### **Purpose**

The purpose of this report is to provide information regarding the renewal of Council's Microsoft's Enterprise Agreement for the supply of Microsoft Office Software.

### **History**

For many years, Council has chosen, and will continue to use, Microsoft Office Suite for its Server, Operating Systems and everyday use of Spreadsheet (MS Excel), Word Processing (MS Word), Database (Access), Email (Outlook), Presentation (PowerPoint) applications for staff and Councillors.

Council has an existing Contract for the provision of a Microsoft Enterprise Agreement which is due to expire. As Council continues to utilise these services and the contract expenditure historically exceeds the legislative threshold of \$150,000, Council invited quotations for a new contract through Local Government Procurement.

### **Report**

#### **Legislation**

This quotation process was conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy and Procedures.

#### **Contract Expenditure**

Funds for these works are allocated in Council's budget.

#### **Contract Term**

The term for this contract will be for a period of three years from 7 July 2014.

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### **Purchases Under Existing Contractual Arrangement**

For purchases over \$150,000, Council is exempt from inviting tenders if they utilise a contract established by any of the following agencies prescribed under s55 of the *Local Government Act 1993* for this purpose:

- ProcurePoint (Department of Commerce)
- MAPS Group Limited trading as Procurement Australia
- Local Government Procurement.

In this regard this purchase is conducted under Local Government Procurement LGP108-2 Microsoft Licensing and Associated Products & Services via Large Account Resellers (LARs).

Purchases made under the arrangements established by these procurement agencies are not required to receive formal approval from Council. However as the purchase is over \$150,000 it is considered appropriate to report the evaluation outcome to Council for its information.

### **Quotation Process**

Council sought quotations from all seven companies nominated under the Local Government Procurement (LGP) contract for Microsoft Licensing and Associated Products & Services via Large Account Resellers (LARs) LGP108-2 listed below:

- Data#3 Limited
- Datacom Systems (NSW) Pty Ltd
- Dell Australia Pty Ltd
- Dimension Data Australia Pty Ltd
- Insight Enterprises Australia Pty Ltd
- SoftwareONE Australia Pty Ltd
- Staples Australia Pty Ltd

The following six companies responded by the closing time:

- Data#3 Limited
- Datacom Systems (NSW) Pty Ltd
- Dell Australia Pty Ltd
- Dimension Data Australia Pty Ltd
- Insight Enterprises Australia Pty Ltd
- Staples Australia Pty Ltd

### **Quotation Document**

Organisations were requested to submit the following information with their quotation response:

- customer service - proposed customer service levels
  - customer service - dedicated account manager
  - customer service - amending license requirements
  - price
-

### **Quotations Not Accepted**

Data#3 Limited is not accepted as they did not provide satisfactory details of their service level agreement.

Datacom Systems (NSW) Pty Ltd submitted a conforming and a non-conforming quotation. The Evaluation Panel deemed both submissions were non-conforming as they submitted pricing for products that were not requested by Council and do not suit Council's environment.

Dell Australia Pty Ltd, Dimension Data Australia Pty Ltd and Staples Australia Pty Ltd are not accepted as their quoted pricing was not as competitive as the recommended organisation.

### **Accepted Quotation**

Insight Enterprises Australia Pty Ltd provided the best response to Council and is accepted for the provision of the Microsoft Enterprise Agreement as they:

- provided excellent details of their proposed customer service levels
- provided details of a dedicated account manager
- provided satisfactory details regarding amendments to licensing if required
- quoted competitive pricing to Council

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Glynn/Brticevic)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 3 June 2014 (Lake/Borg)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 88**

That the Officer's Recommendation be adopted.

---

3.3 Campbelltown City Kangaroos Rugby League Club Amenities Upgrade - Fullwood Reserve, Claymore

---

### **3.3 Campbelltown City Kangaroos Rugby League Club Amenities Upgrade - Fullwood Reserve, Claymore**

#### **Reporting Officer**

Acting Director City Works and Manager Healthy Lifestyles

---

#### **Attachments**

1. Letter received 27 January 2014 from the Hon Jamie Briggs MP, Assistant Minister for Infrastructure and Regional Development (contained within this report).
2. Letter dated 14 January 2014 from the Regional Programmes Branch (contained within this report).

#### **Purpose**

To inform Council of a grant offer that has been received from the Australian Government's Community Development Grants programme for an amount of \$200,000 for the upgrade of Fullwood Reserve Amenities Building.

#### **Report**

For Council to receive the funding grant of \$200,000, a Project Proposal Form, which is provided by Community Development Grants section, must be completed and submitted by the 14 June 2014.

With regard to this project there is no requirement of Council to contribute additional funding to this grant. The funding amount is pre-allocated to Council on the basis that if Council provides satisfactory information in the Project Proposal Form, it will be awarded the grant.

#### **Facility**

The existing amenities building has a canteen, male and female toilets, and a storage area. The \$200,000 grant will provide sufficient funding to upgrade the amenities building with the construction of a disabled toilet, referees change room, new style shower cubicles, change room facilities and other minor works. The Campbelltown City Kangaroos Rugby League Club was consulted by Council's design section and have confirmed their acceptance to the new design.

Information required by the Community Development Grants programme is as follows:-

- details of the project, including timeframes for delivery and funding arrangements
  - expected project outcomes and benefits
  - business, design plans or feasibility studies
-

3.3 Campbelltown City Kangaroos Rugby League Club Amenities Upgrade - Fullwood Reserve, Claymore

---

- details and credentials of the organisation and any related entities
- financial information including quotations, cost estimates and budgets
- and any other statutory approvals required for the project.

Once completed, the Project Proposal Form is forwarded to the Australian Government's Community Development Grants programme for review. If the review is satisfactory a Funding Agreement will be provided to Council for their authorisation and returned to the Community Development Grant programme for payment. If not, further clarification will be requested.

### **Officer's Recommendation**

1. That Council accept the grant from the Australian Government's Community Development Grants programme for \$200,000 for the upgrade of Fullwood Reserve Rugby League Amenities Building.
2. That Council delegate the authority to sign the Funding Agreement to the General Manager.

### **Committee's Recommendation: (Borg/Glynn)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 3 June 2014 (Lake/Borg)**

That the Officer's Recommendation be adopted.

### **Amendment (Borg/Lake)**

1. That Council accept the grant from the Australian Government's Community Development Grants programme for \$200,000 for the upgrade of Fullwood Reserve Rugby League Amenities Building.
2. That Council delegate the authority to sign the Funding Agreement to the General Manager.
3. That Council promotes through the media that the \$200,000 was funded from the Australian Government's Community Development Grant.

### **Council Resolution Minute Number 88**

That the above amendment be adopted.

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## ATTACHMENT 1



### **The Hon Jamie Briggs MP**

Assistant Minister for Infrastructure  
and Regional Development  
Member for Mayo

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Mr Paul Tosi  
General Manager  
Campbelltown City Council  
PO Box 57  
CAMPBELLTOWN NSW 2560

JAN 17 '14 07:55:15 RCVD

Dear Mr Tosi

The Australian Government has announced that it will fund its 2013 election commitments from the new \$342 million Community Development Grants programme.

I am writing to confirm provision of funding towards the Australian Government's election commitment of \$200,000 to the Campbelltown City Kangaroos Rugby League Club Amenities Upgrade project through the Community Development Grants programme.

The Community Development Grants programme is providing funding to a range of sporting and community infrastructure facilities across Australia. It will support economic growth and enhance liveability across Australia, and is a further demonstration of the Australian Government's commitment to local communities. This funding is in addition to our new National Stronger Regions Fund, which will provide \$1 billion over five years to local communities. Combined, these two programmes demonstrate the Government's commitment to economic growth, job creation and enhanced liveability across Australia's regions.

The Community Development Grants programme will be delivered by the Department of Infrastructure and Regional Development according to the highest standards of public accountability.

A representative of the Department will contact you shortly to discuss the assessment process, and the information which you need to provide to support the assessment. Given the importance of your project to your local community, I encourage you to work closely with the Department and to provide requested information as quickly as possible, so that arrangements for funding can be finalised and grant payments can commence.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jamie Briggs'.

**JAMIE BRIGGS**

14 JAN 2014

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Parliament House, Canberra ACT 2600  
Telephone: 02 6277 7020  
Facsimile: 02 6273 4126  
[www.minister.infrastructure.gov.au](http://www.minister.infrastructure.gov.au)

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## ATTACHMENT 2



**Australian Government**

**Department of Infrastructure and Regional Development**

Mr Paul Tosi  
General Manager  
Campbelltown City Council  
PO Box 57  
CAMPBELLTOWN NSW 2560

JAN 17 '14 07:56:30 RCVD

Dear Mr Tosi

I refer to the letter from the Hon Jamie Briggs MP, Assistant Minister for Infrastructure and Regional Development, about the Australian Government's commitment to provide up to \$200,000 to deliver the Campbelltown City Kangaroos Rugby League Club Amenities Upgrade project as part of the Community Development Grants programme. I am writing to seek information to enable the Department to commence assessment of the project.

The programme will be administered by the Department of Infrastructure and Regional Development (the Department). Implementation arrangements and Guidelines for the Community Development Grants programme have been finalised and a copy of the Guidelines and Project Proposal form can be found at <http://investment.infrastructure.gov.au/funding/communitydevelopment>.

Could you please complete the Project Proposal form, submit it along with supporting documentation, via email to the Department at [cdg@infrastructure.gov.au](mailto:cdg@infrastructure.gov.au).

Project proposals are to be submitted to the Department within six months of the date of this letter. Projects are expected to be 'tender ready' at the time the form is submitted. If an extension to the submission close date is required, a request must be provided to the Department in writing. Please refer to Section 5 of the Guidelines for further information on submitting your proposal.

As outlined in the Guidelines and Project Proposal form, information required by the Department includes:

- details of the project, including timeframes for delivery and funding arrangements;
- expected project outcomes and benefits;
- business plans or feasibility studies;
- details and credentials of your organisation and any related entities;
- financial information including quotations, cost estimates and budgets; and
- any statutory and other approvals required for the project.

Based on the information you provide, the Department will undertake a value with public money assessment of the proposal, including a risk assessment. You will be contacted by the Department if further information is required to complete the assessment.

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3.3 Campbelltown City Kangaroos Rugby League Club Amenities Upgrade - Fullwood Reserve, Claymore

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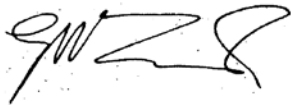
Where the Department requires independent professional assistance to appropriately address viability or sustainability, an Independent Viability Assessment (IVA) may be undertaken. You will be notified if the Department intends to undertake an IVA on your project proposal.

Once an assessment of the project has been completed, advice will be provided to the Assistant Minister for Infrastructure and Regional Development for consideration. If the project is approved, the Government will require you to enter into a Funding Agreement prior to any payments being made. The contractual arrangement may include strategies to mitigate or manage any identified risks.

Provision of funding is contingent upon the execution of appropriate contract documentation and settling of relevant project details. Therefore, any work on the project which is undertaken without a properly executed contract is at your own risk.

If you require further information please contact the Department by email at [cdg@infrastructure.gov.au](mailto:cdg@infrastructure.gov.au).

Yours sincerely



Gordon McCormick  
General Manager  
Regional Programmes Branch

14 January 2014

SCANNED



#### **4. EMERGENCY SERVICES**

**No reports this round**

#### **5. GENERAL BUSINESS**

##### **5.1 Unauthorised Commercial and Residential Advertising**

Councillor Borg referred to a number of road and roundabout signs that have commercial or residential signs illegally attached to them to advertise local business or garage sales and noted that some signs remain in place for long periods of time.

Council's Acting Manager Compliance Services advised that when Council Officer's are made aware of the signs, the persons responsible for placing the signs on the poles are contacted and asked to remove them immediately, where those responsible for the signs fail to comply with our direction, Council will remove them and look to issue a fine where possible.

##### **Committee's Recommendation: (Borg/Brticevic)**

That a report be presented outlining the process for dealing with unauthorised commercial and residential signs which are posted on road and roundabout signs across the Local Government Area.

**CARRIED**

##### **Council Meeting 3 June 2014 (Lake/Borg)**

That the Committee's Recommendation be adopted.

##### **Council Resolution Minute Number 88**

That the Committee's Recommendation be adopted.

##### **Confidentiality Motion: (Borg/Dobson)**

That the Committee in accordance with Section 10 of the *Local Government Act 1993*, move to exclude the public from the meeting during discussions on the items in the Confidential Agenda, due to the confidential nature of the business and the Committee's opinion that the public proceedings of the Committee would be prejudicial to the public interest.

**CARRIED**

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## **19. CONFIDENTIAL ITEMS**

### **19.1 Confidential Report Directors of Companies**

#### **Reason for Confidentiality**

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

There being no further business the meeting closed at 7.51pm.

P Lake  
CHAIRPERSON

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# **Reports of the Community Services Committee Meeting held at 5.30pm on Tuesday, 27 May 2014.**

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## **APOLOGIES**

## **ACKNOWLEDGEMENT OF LAND**

## **DECLARATIONS OF INTEREST**

### **Pecuniary Interests**

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

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

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**Minutes of the Community Services Committee held on 27 May 2014**

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**Present**

- Councillor T Rowell (Chairperson)
- Councillor G Bricevic
- Councillor W Glynn
- Councillor D Lound
- Councillor R Thompson
- General Manager - Mr P Tosi
- Acting Director Community Services - Mr G White
- Director Planning and Environment - Mr J Lawrence
- Manager Communications and Marketing - Mrs B Naylor
- Manager Community Resources and Development - Mr B McCausland
- Manager Cultural Services - Mr M Dagostino
- Acting Manager Education and Care Services - Ms G Vickers
- Manager Healthy Lifestyles - Mr M Berriman
- Manager Operational Services - Mr A Davies
- Corporate Support Coordinator - Mr T Rouen
- Executive Assistant - Mrs D Taylor

**Apologies (Glynn/Thompson)**

That the apologies from Councillors Matheson and Oates be received and accepted.

**CARRIED**

**Acknowledgement of Land**

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

**DECLARATIONS OF INTEREST**

There were no Declarations of Interest at this meeting.

**Pecuniary Interests**

Nil

**Non Pecuniary – Significant Interests**

Nil

**Non Pecuniary – Less than Significant Interests**

Nil

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## **1. COMMUNICATIONS AND MARKETING**

### **1.1 Macarthur Media Coverage - February 2013 to January 2014**

#### **Reporting Officer**

Manager Communications and Marketing

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#### **Attachments**

Media coverage report – 1 February 2013 to 31 January 2014 (contained within this report)

#### **Purpose**

To update Council on the media coverage of the Macarthur region for the period, February 2013 to January 2014.

#### **Report**

The Macarthur Regional Tourism Strategy 2012–2015, a collaboration between Campbelltown City Council and Camden Council, was adopted in March 2012. A key objective of the strategy is to develop and enhance the image of the Macarthur region and to promote the experiences available within the region.

To deliver on this objective, tourism staff have worked consistently to promote the region via an annual tourism public relations program. The program encompasses a range of projects including encouraging journalists to visit the region, distributing media releases, and targeting lifestyle and travel shows to film segments within the Macarthur region.

As part of the visiting journalist program, journalists are invited to visit the Macarthur region, usually for a two or three day period, and experience a range of attractions within the region first hand. Throughout 2013, eight journalists visited the region as part of the program, including representatives from RACV Auto Magazine, News Ltd, Holidays with Kids magazine, The Southern Highlands News, the Sun Herald, Get Up and Go magazine, Adventures All Around.

Between February 2013 and January 2014, more than 50 press releases promoting Macarthur's attractions and events were written and distributed throughout the year to radio, print and digital media.

Throughout the year, lifestyle and travel shows were encouraged to film experiences within the region, with Channel Nine hosting a number of live weather crosses throughout the duration of the Campbelltown Show in September.

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Additionally, in spring 2013, Channel 7's Sydney Weekender filmed an entire episode within the Macarthur region featuring The Australian Botanic Garden, Campbelltown Mega Mini Golf, the Macarthur Progressive Wine Lunch, Infusion Restaurant, Rydges Hotel Campbelltown and Back Galley Split Diner. The episode aired on Sunday 27 October 2013 at 5.30pm on the Seven Network. Rydges Hotel Campbelltown also provided a special accommodation package as a feature of the episode. The Macarthur episode was the highest rated Sydney Weekender show for the year, with peak ratings of 315,000 viewers on Channel 7, plus an additional 74,000 on 7TWO.

A number of radio interviews promoting local events were coordinated throughout the year with 2UE, 2GB and ABC, as well as a regular weekly segment, What's On in Macarthur, with C91.3.

An annual iSENTIA report is compiled to determine the amount of publicity generated by the tourism public relations program during the past 12 months. The finding of this report concluded:

- The total volume of coverage was 310 articles and media reports, which reached a total audience of 30,777,826 people
- Press was the leading media type (37.1%), followed by internet (26.5%), television (25.8%) and radio (10.6%)
- The majority of the coverage appeared in the New South Wales Media (87.8%)
- The leading press outlet was the Daily Telegraph with 41 articles, followed by the Sunday Telegraph with 14 articles. 2UE was the leading radio station with nine reports, followed closely by ABC NewsRadio with eight. Channel Seven was the leading television station with multiple reports, namely the Sydney Weekender program.

The annual tourism public relations program will continue throughout 2014.

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Thompson/Lound)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 3 June 2014 (Rowell/Dobson)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 89**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1





## Summary



This report summarises the media coverage of the Visit Macarthur campaign between 1 February 2013 and 31 January 2014.

### NOTE

FOR MORE INFORMATION ABOUT ADVERTISING SPACE RATES (ASRS) AND THE METHODOLOGY, SEE THE END OF THE REPORT.

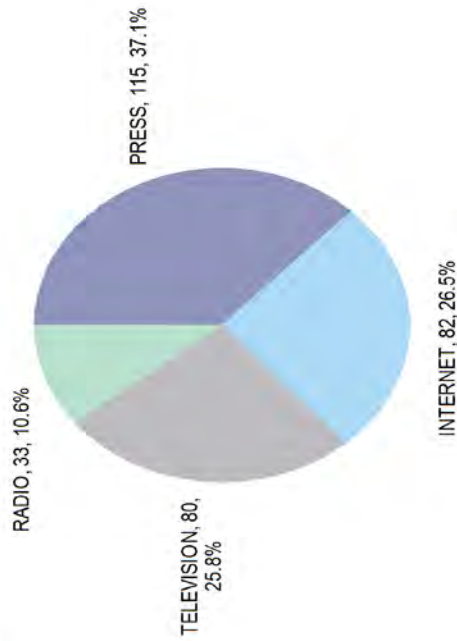
- > A total of 310 media reports about the Visit Macarthur campaign were analysed during this period (including syndication). This coverage reached a total potential audience of 30,777,826 and an advertising space rate equivalency of \$2,504,014.
- > This was a significant reduction in volume from the same period last year (1 February 2012 to 31 January 2013), when 414 media reports mentioned the Visit Macarthur campaign.
- > The comparative decline in coverage was largely due to syndicated television reports, which decreased to 80 this year from 232 last year. However, last year there were only six distinct reports (each syndicated multiple stations), compared to seven this year. These included multiple reports on Seven's *Sydney Weekender* program and one on *National Nine News*.
- > The volume of print articles also declined this year to 115, or 37.1% of the total coverage, from 138 (33.3%) last year. The vast majority of press coverage appeared in New South Wales publications, with 101 reports, or 87.8% of the total press coverage. The leading publication was *The Daily Telegraph*, with 41 articles, followed by *The Sunday Telegraph* with 14. The leading publication in the Camden region was the *Campbelltown-Macarthur Advertiser*, with seven articles.
- > The volume of internet coverage increased significantly to 82 articles from 37 last year. The leading site was *eGlobal Travel Media Online*, with 34 reports, followed by *Travel Business News Online* with 16. The leading internet journalist was Malinee Purnipat, with 15 articles published on *eGlobal Travel Media Online*.
- > A further 33 radio reports mentioned the Visit Macarthur campaign. 2UE Sydney was the leading station, with nine reports, followed by ABC NewsRadio with eight. The leading comperes were Mandy Presland (*Mornings*, ABC NewsRadio) and Clive Robertson (*Nights*, 2UE Sydney), with eight syndicated reports each.

**DISCLAIMER:** While iSentia endeavours to provide accurate, reliable and complete information, iSentia makes no representations in relation to the accuracy, reliability or completeness of the information contained in this report. To the extent permitted by law, iSentia excludes all conditions, warranties and other obligations in relation to the supply of this report and otherwise limits its liability to the amount paid by the recipient for this report. In no circumstances will iSentia be liable to the recipient or to any third party for any consequential loss or damage, including loss of profit, in connection with the supply of this report. Without limiting the foregoing, iSentia makes no representations and gives no warranties about the favourability or effectiveness of editorial content measured in Advertising Space Rates (ASRs).

## Coverage by Media Type



Chart 1 All Media



**NOTE**

CHART 1 SHOWS THE VOLUME AND PROPORTION OF COVERAGE IN EACH MEDIA TYPE, WHILE THE TABLE ALSO SHOWS THE AUDIENCE OR CIRCULATION AND ADVERTISING SPACE RATES OF THIS COVERAGE.

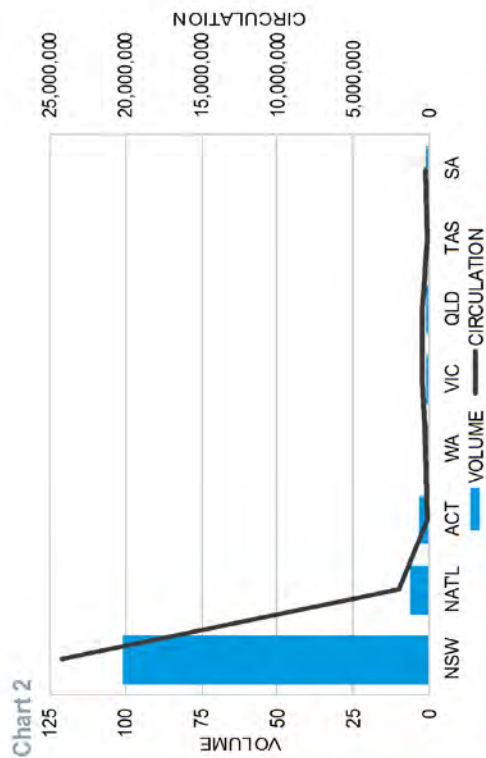
Table 1

MEDIA TYPE	VOLUME	AUDIENCE/ CIRCULATION	ADVERTISING SPACE RATES
PRESS	115	27,706,869	\$1,759,614
INTERNET	82	4,457	\$125,183
TELEVISION	80	2,461,000	\$551,787
RADIO	33	605,500	\$67,430
<b>TOTAL</b>	<b>310</b>	<b>30,777,826</b>	<b>\$2,504,014</b>

## Coverage by State



### Press



#### NOTE

THESE CHARTS SHOW THE VOLUME AND AUDIENCE OR CIRCULATION OF COVERAGE IN EACH STATE IN EACH MEDIA TYPE, WHILE THE TABLES ALSO SHOW THE ADVERTISING SPACE RATES.

#### NOTE

ALL INTERNET COVERAGE IS TREATED AS NATIONAL.

Table 2

STATE	VOLUME	CIRCULATION	ASR
NSW	101	24,185,126	\$1,504,661
NATIONAL	6	1,950,695	\$80,163
ACT	3	86,639	\$7,183
WA	1	257,330	\$33,834
VIC	1	501,642	\$48,069
QLD	1	423,488	\$53,548
TAS	1	50,505	\$9,088
SA	1	251,444	\$23,068
<b>TOTAL</b>	<b>115</b>	<b>27,706,869</b>	<b>\$1,759,614</b>

### Radio

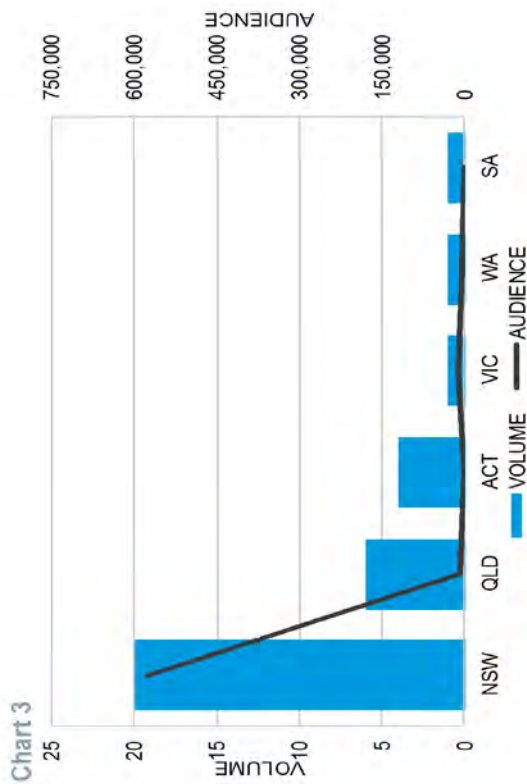


Table 3

STATE	VOLUME	AUDIENCE	ASR
NSW	20	577,000	\$56,647
QLD	6	8,400	\$3,114
ACT	4	2,100	\$658
VIC	1	13,000	\$5,064
WA	1	3,000	\$1,168
SA	1	2,000	\$779
<b>TOTAL</b>	<b>33</b>	<b>605,500</b>	<b>\$67,430</b>

### Television

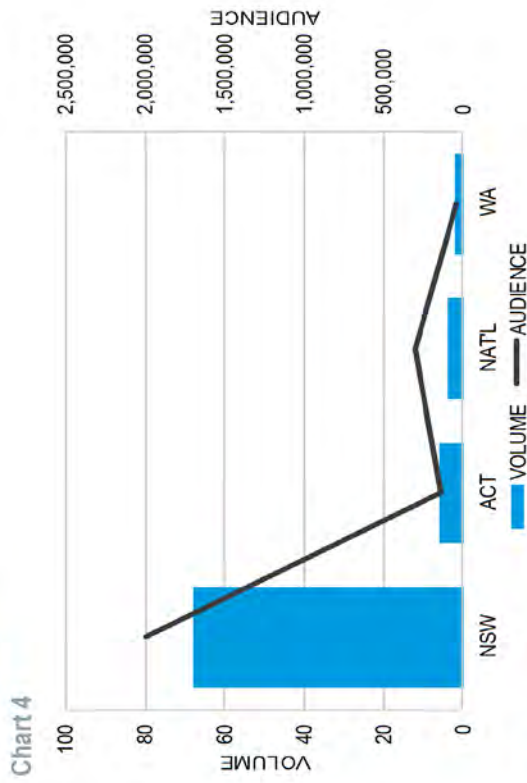


Table 4

STATE	VOLUME	AUDIENCE	ASR
NSW	68	1,994,000	\$539,197
ACT	6	137,000	\$11,570
NATIONAL	4	296,000	N/A*
WA	2	34,000	\$1,020
<b>TOTAL</b>	<b>80</b>	<b>2,461,000</b>	<b>\$551,787</b>

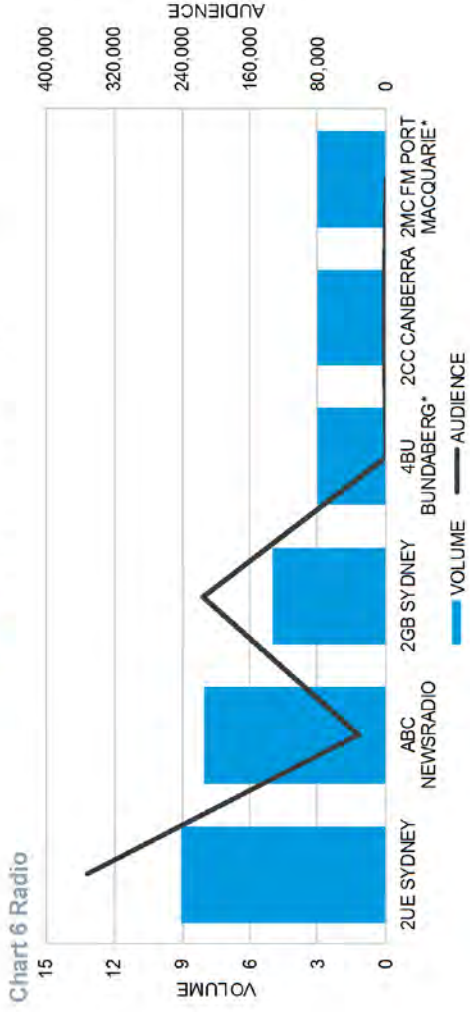
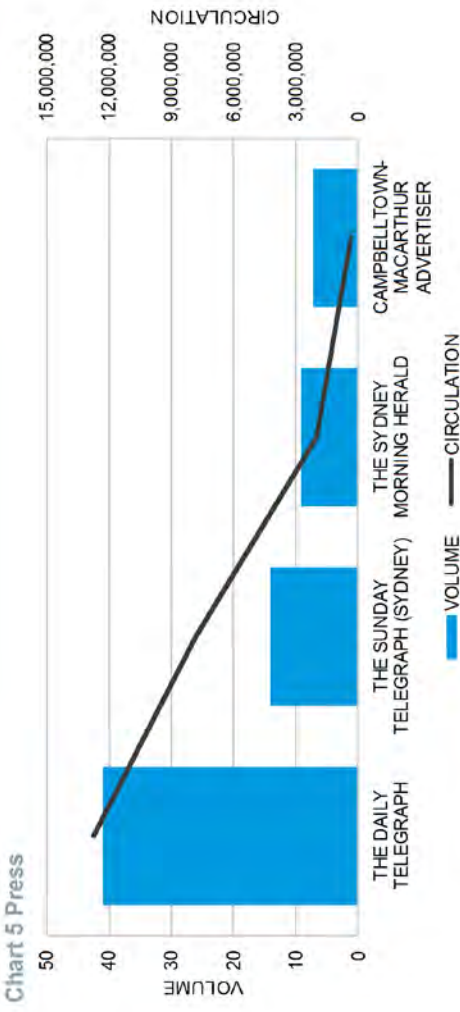
DISCLAIMER: \*Advertising space rates are not available for all media outlets.

# Leading Media



**NOTE**

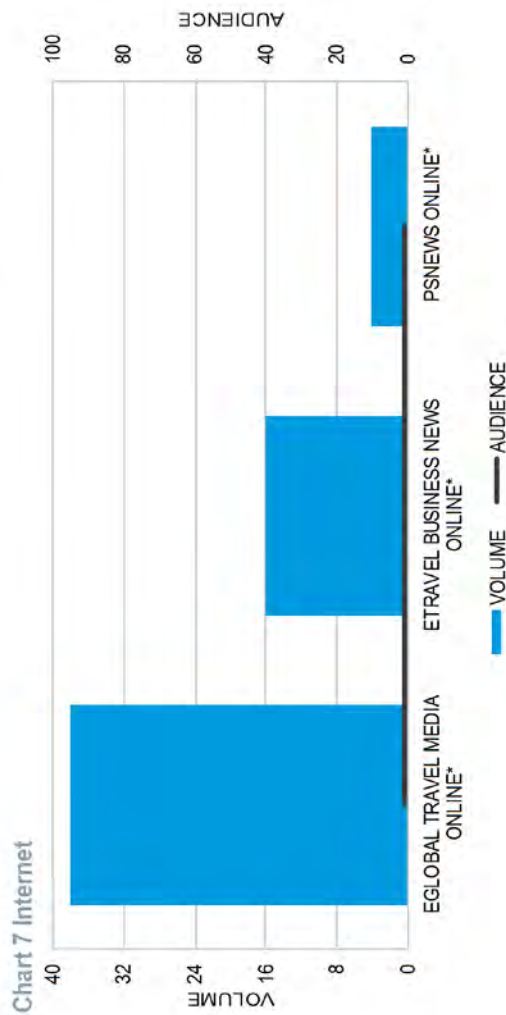
THESE CHARTS SHOW THE VOLUME AND AUDIENCE OR CIRCULATION OF THE LEADING OUTLETS IN EACH MEDIA TYPE.



DISCLAIMER: \*Audience figures are not available for some media outlets.

Table 5 Television

STATION	VOLUME	AUDIENCE	STATION	VOLUME	AUDIENCE
SEVEN	4	848,000	PRIME7 ARMIDALE	4	N/A*
7TWO	4	296,000	PRIME7 COFFS HARBOUR	4	N/A*
PRIME7 WAGGA WAGGA	4	108,000	PRIME7 COOMA	4	N/A*
PRIME7 TAMWORTH	4	100,000	PRIME7 DUBBO	4	N/A*
PRIME7 NEWCASTLE	4	96,000	PRIME7 GRIFFITH	4	N/A*
PRIME7 WOLLONGONG	4	96,000	PRIME7 MOREE	4	N/A*
PRIME7 NORTH COAST	4	84,000	PRIME7 ORANGE	4	N/A*
PRIME7 ACT	4	84,000	PRIME7 TAREE	4	N/A*



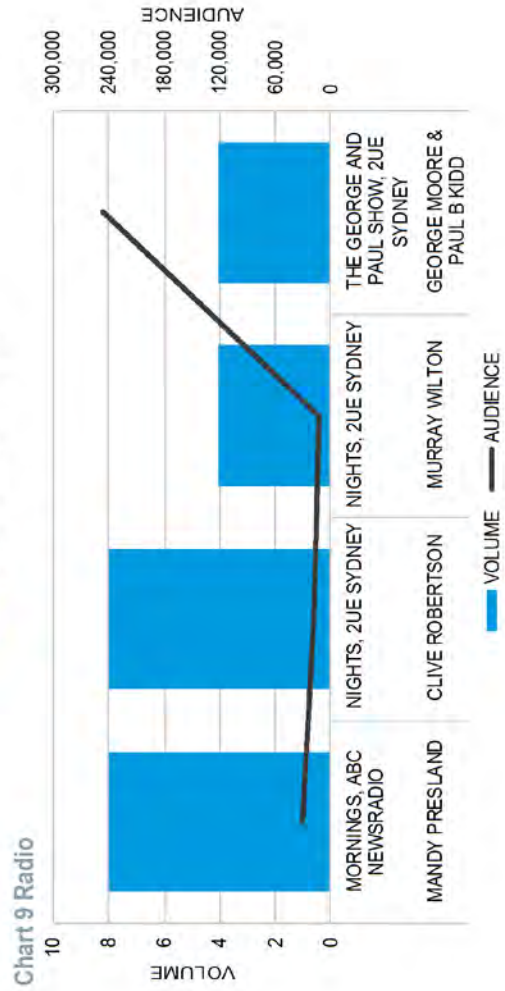
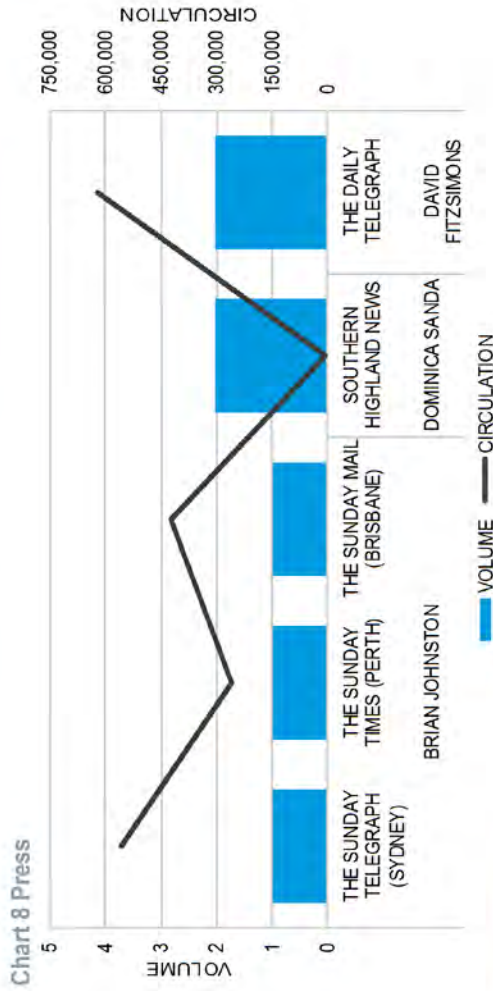
DISCLAIMER: \*Audience figures are not available for some media outlets.

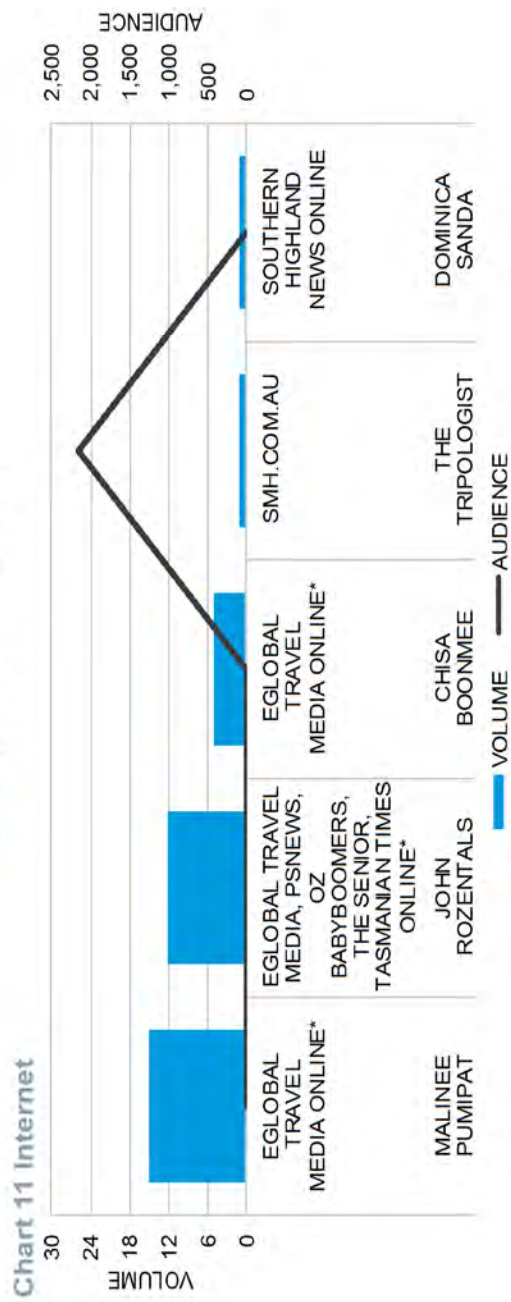
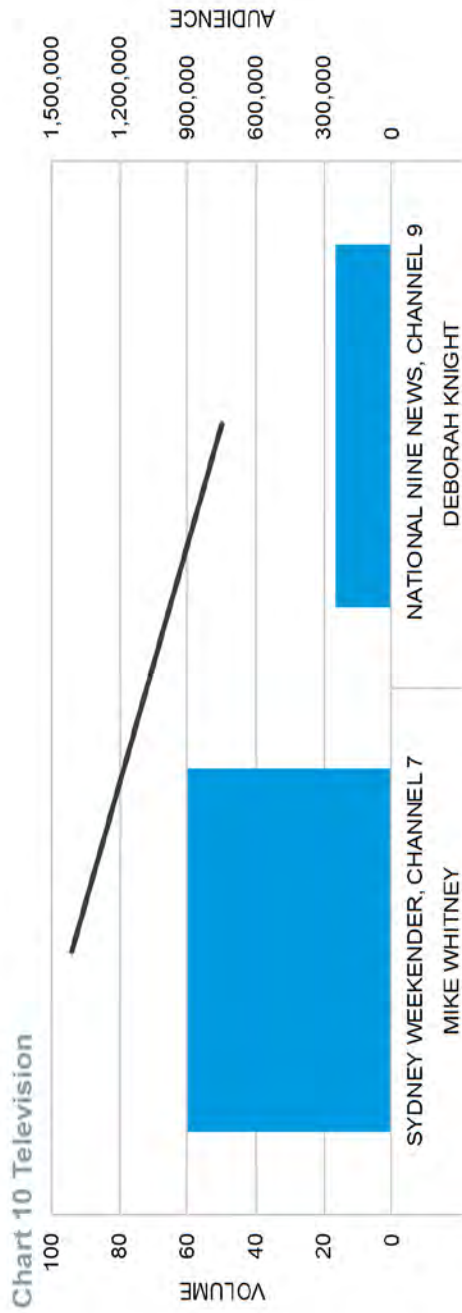
# Leading Bylines & Comperes



**NOTE**

THESE CHARTS SHOW THE VOLUME AND AUDIENCE OR CIRCULATION OF THE LEADING BYLINES OR COMPERES IN EACH MEDIA TYPE.





DISCLAIMER: \*Audience figures are not available for some media outlets.



## Methodology



Media Coverage Reports by iSentia provide valuable information on the volume of media coverage and audience reach in various regions and categories to assist clients in evaluation of publicity and planning media strategy.

Advertising Space Rates provide the cost of purchasing the equivalent amount of media space and/or time as advertising and are another quantitative statistic used to evaluate publicity. iSentia does not use the term "Advertising Value Equivalents" (AVEs or EAVs) because editorial and advertising are not equivalent (they are quite different in format, layout and content, with editorial sometimes being unfavourable) and this calculation is not a measure of value (it is a measure of comparative cost).

Media Analysis Reports by iSentia provide more information through qualitative and quantitative analysis. This includes the favourability of media coverage measured in terms of positioning, prominence, messages communicated, and other key variables. Media Analysis Reports are recommended where thorough understanding of the likely impact and effects of media coverage is required. Contact iSentia for more information on this product.

### ASR Methodology

The Advertising Space Rates (ASRs) methodology used by iSentia is based on:

#### Print

- > Casual column centimetre advertising rates
- > Size of the content

#### Broadcast (Radio & Television)

- > 30 second cost per thousand (CPM)
- > Timeslot average audiences
- > Prime time 30 second rate cards (where CPM/audiences are unavailable)
- > Duration of the content

#### Internet

- > Cost per thousand (CPM)
- > Monthly page impressions
- > Monthly unique visitors
- > Monthly stories served
- > Rate cards for internet (where CPM are unavailable)
- > Size of the content

For more information, see our website: [iSentia.com](http://iSentia.com), or contact your Service Team.



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## **2. COMMUNITY RESOURCES AND DEVELOPMENT**

### **2.1 NAIDOC Week 2014**

#### **Reporting Officer**

Manager Community Resources and Development

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#### **Attachments**

Nil

#### **Purpose**

To inform Council of planned NAIDOC Week celebrations to be held across the Campbelltown Local Government Area (LGA) from 6-13 July 2014.

#### **History**

NAIDOC Week provides an opportunity each year to celebrate our Aboriginal and Torres Strait Islander cultures and recognise the contributions of Indigenous Australians in the community.

This year the 2014 National NAIDOC theme is 'Serving Country: Centenary & Beyond' in recognition of all Aboriginal and Torres Strait Islander men and women who have fought in defence of country. The theme aims to proudly highlight and recognise their sacrifice and celebrates and honours their priceless contribution to the nation.

#### **Report**

To launch this year's NAIDOC Week celebrations, Council will host an official Flag Raising Ceremony with speeches and performances to be held in front of Council's administration building on Monday 7 July at 10.00am.

This will be followed by a street march to Koshigaya Park where a Community Fun Day will be held from 11.00am-3.00pm. The event will include entertainment from local Aboriginal performers, amusement rides and information stalls. Community activities hosted by a range of participating services from across the LGA and Greater Sydney will include health checks, craft, art and cultural activities. Providing activities such as these will support services to engage with the local Aboriginal community. The annual Community Fun Day is well attended with over 30 services and 1200 local residents anticipated to be present at the event.

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Council, in partnership with Macquarie Fields Local Area Command, will hold a NAIDOC Week Touch Football competition at Sarah Redfern Ovals on Wednesday 9 July, including a range of activities for younger children attending the event. The Touch Football competition attracts a range of age groups with teams coming from local community groups and organisations, the Police and Government agencies. The competition is supported by local Aboriginal and non-Aboriginal residents, Department of Education and Communities – Sport and Recreation, as well as local services.

This year's NAIDOC Week events are funded through a combination of Council's approved budget, a range of in-kind and financial contributions, and support from local services and community groups.

NAIDOC Week events will be promoted across the Campbelltown LGA through a variety of media formats including print, social media and on Council's website.

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Lound/Glynn)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 3 June 2014 (Rowell/Dobson)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 89**

That the Officer's Recommendation be adopted.

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## 2.2 2014 Round One Community Grants

### Reporting Officer

Manager Community Resources and Development

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### Attachments

Copies of Grant Applications (distributed under separate cover due to the confidential information contained in the grant applications)

### Purpose

To assist Council in its determination of applications for financial assistance under the Community Grants Program.

### Report

Community groups may apply for a maximum of \$1000 to develop and support local community programs and activities. Council has a total of up to \$8000 to distribute in this funding round.

Advertisements were placed in local papers on 4 and 5 March and 18 and 19 March 2014 and circulated through community networks. A well-attended community information session was held on 31 March 2014 in Council's Staff Training Centre. All applicants were required to discuss their application with an appropriate Council Officer. Support and advice was given to applicants prior to submission of the application to ensure the practicalities of the project are reflected in the application and the application is consistent with the guidelines of the program.

Community Grants applications closed on 2 May 2014 and 11 applications totalling \$9517 were received.

A summary of the applications is listed below.

Applicant	Project	Amount
Airds Bradbury Originals	Materials and Resources	500
Autism Family Support Group	Printing and Resources	952
Campbelltown Bangla School	Materials and Equipment	1000
Campbelltown Domestic Violence Committee	Promotional Resources	876
Campbelltown Ghost Scout Group	Camping Equipment	840
Claddagh Academy of Irish Dance	Dance Costumes	1000
Fisher's Ghost Youth Orchestra	Promotional Resources	400
Macarthur Autism Support Action Group	Promotional Resources	975
Macarthur Country Music Club Inc	Country Stampede Event	1000
Marathi Katta Australia	Audio Equipment	1000
Te Koru Incorporated	Training and Promotional Equipment	974
<b>Total</b>		<b>\$9517</b>

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All projects were assessed according to the criteria for funding as set out in Council's Community Grants Policy and Guidelines.

The following groups are recommended to receive funding for the following reasons:

**Airds Bradbury Originals** - Funding is recommended to support the group to obtain reusable utensils to be utilised by the group for events which offer Airds and Bradbury residents an opportunity to socialise and stay connected to their local community. The Airds Bradbury Originals group was established in 2005 by Airds and Bradbury residents to address isolation issues and support older residents to stay in their homes. Over the past nine years the group has grown and now has up to 40 residents attending weekly activities.

**Campbelltown Domestic Violence Committee** – Funding is recommended to support the group to purchase an indoor pull up banner and an outdoor banner to be utilised at activities and events to raise the profile and promote awareness of the group at local activities and events. The committee is made up of 30 local, state and federally funded services who work collectively on a number of local projects which address awareness, prevention and elimination of domestic violence against women and their families.

**Macarthur Country Music Club Inc** – Funding is recommended for equipment to support the 3rd Annual Country Music Stampede. The event is proposed to take place in September 2014 as part of their 35th anniversary celebrations and brings together clubs from across the state and offers an opportunity to showcase local artists from the Campbelltown area. Macarthur Country Music Club Inc was established in 1979 and provides free entertainment and musicianship skill development.

**Marathi Katta Australia** - Funding is recommended to assist the group to purchase sound and audio equipment to support their ongoing fundraising and cultural programs. Marathi Katta Australia was established in 2012 and holds regular cultural fundraising events throughout the year to raise income. The group has been supported by a Council Officer to link in with local homelessness projects.

**Campbelltown Ghost Scout Group** – Funding is recommended for the purchase of camping equipment to provide outdoor activities for children and young people to learn new skills such as team work, social interaction and learning about the environment.

**Fisher's Ghost Youth Orchestra** – Funding is recommended for the purchase of promotional materials to increase community awareness of the orchestra, performance dates and membership opportunities.

**Campbelltown Bangla School Inc** – Funding is recommended for materials and hire of equipment to hold a Bangladesh Community of Campbelltown Cultural Night proposed to be held in November/December 2014. This event will promote the history and culture of Bangladesh through children singing, dancing and poetry performances. The event is open to all of the community.

**Autism Family Support Group** - Funding is recommended to print copies of a directory for families with newly diagnosed children on the autism spectrum. Council officers will also work with the group to look at alternate means of supporting directory distribution including utilising Council's online resources and libraries to promote and disseminate the directory to the Campbelltown community.

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The following group is recommended for partial funding:

**Te Koru Incorporated** – Partial funding is recommended for promotional materials and stationery to support the Maori Language Program. The stationery resources will assist the students and teachers to present their work and create visual aids for the program. The banner will help raise awareness of the group and promote membership opportunities.

The following groups are not recommended for funding at this stage:

**Claddagh Academy of Irish Dance** – Funding is not recommended for team costumes as the group is registered as a sole trader business making them ineligible under the Community Grants Guidelines.

**Macarthur Autism Support Group** – Funding is not recommended, at this stage, to develop stickers to raise awareness for Autism Spectrum Disorder across the Campbelltown LGA. As this is a newly established group of only four months, Council Officers will work with the group to build partnerships with other services to further develop the proposed project.

### Officer's Recommendation

That Council approve funding to the following groups under the Community Grants Program, with the amounts specified below.

Applicant	Project	Amount
Airds Bradbury Originals	Materials and Resources	500
Campbelltown Domestic Violence Committee	Promotional Resources	876
Macarthur Country Music Club Inc	Country Stampede Event	1000
Marathi Katta Australia	Audio Equipment	1000
Campbelltown Ghost Scout Group	Camping Equipment	840
Fisher's Ghost Youth Orchestra	Promotional Resources	400
Campbelltown Bangla School Inc	Materials and Equipment	1000
Autism Family Support Group	Printing and Resources	952
Te Koru Incorporated	Training and Promotional Equipment	744
	<b>Total</b>	<b>\$7312</b>

### Committee's Recommendation: (Thompson/Lound)

That the Officer's Recommendation be adopted.

**CARRIED**

### Council Meeting 3 June 2014 (Rowell/Dobson)

That the Officer's Recommendation be adopted.

### Council Resolution Minute Number 89

That the Officer's Recommendation be adopted.

Councillor Mead asked that his name be recorded in opposition to the resolution regarding Item 2.2 - 2014 Round One Community Grants.

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2.3 Deed Variation For Commonwealth Home And Community Care (HACC) Program Services

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## **2.3 Deed Variation for Commonwealth Home and Community Care (HACC) Program Services**

### **Reporting Officer**

Manager Community Resources and Development

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### **Attachments**

Nil

### **Purpose**

To seek Council's endorsement of the Deed of Variation for \$544,991.70 between the Department of Social Services and Council, for the Commonwealth HACC Program services through the Macarthur Community Options program.

### **History**

Council at its meeting on 13 March 2012 was advised of changes in the way in which aged and disability services are funded and provided.

Prior to July 2012, the HACC Program was a joint Australia, state and territory government initiative under the '*Home and Community Care Act (Commonwealth) 1985*'. The Australian Government contributed approximately 60% of program funding nationally and maintained a broad strategic role, whereas the state and territory governments were responsible for the day to day administration of the program. This program funded services for older people, younger people with disabilities, and their carers and evolved significantly from its inception in 1985. Substantial growth in funding from governments has increased the range and volume of services provided to eligible clients and activities that support the development of the broader HACC system.

As from 1 July 2012 the Commonwealth took full funding and administration responsibility for HACC services for non-Indigenous clients aged 65 years and over, and 50 years and over for Aboriginal and Torres Strait Islander people.

Council at its meeting on 5 June 2012 endorsed the 2012-2015 HACC Commonwealth Recurrent Funding Agreement to deliver services to older people.

### **Report**

Funding is being extended from 1 July 2014 to 30 June 2015 to align funding end dates for all services under the Commonwealth HACC Program and support a more seamless transition to the Commonwealth Home Support Program.

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2.3 Deed Variation For Commonwealth Home And Community Care (HACC) Program Services

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The Department is seeking Council's agreement to the Deed of Variation for \$544,991.70 for the Commonwealth HACC Program for the period of July 2014 to June 2015.

In order for Council to continue to receive ongoing funding, the funding agreement is required to be signed by Council.

The funding will meet all associated costs for the services and there will be no cost to Council.

**Officer's Recommendation**

1. That Council endorse the Deed of Variation for \$544,991.70 from the Department of Social Services for the Commonwealth HACC Program services through the Macarthur Community Options program.
2. That the General Manager signs the Deed of Variation between the Department of Social Services and Council for the Commonwealth HACC Program services.

**Committee's Recommendation: (Lound/Thompson)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 3 June 2014 (Rowell/Dobson)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 89**

That the Officer's Recommendation be adopted.

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## **2.4 Department of Family and Community Services Funding Deed 2014-2015**

### **Reporting Officer**

Manager Community Resources and Development

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### **Attachments**

Nil

### **Purpose**

To advise Council that the Department of Family and Community Services (FACS) has changed the way that it contracts with organisations and has introduced funding deeds which take effect from 1 July 2014.

### **Report**

FACS provides Council with renewable funding for a Community Worker and a Youth Worker.

Council previously signed annual Funding Agreements that included the level of funding to be provided. Funding Agreements have been replaced by Funding Deeds which cover a three year period. The deed is a contractual arrangement that outlines the term of the contract, the parties, obligations, and general conditions such as withholding of funds, the return of funds, and termination.

The level of funding is now outlined in a Program Level Agreement (previously the Service Specifications), along with the nature and quantity of services to be provided. These changes will enable organisations to have a Funding Deed in place prior to the negotiation and signing of the Program Level Agreement (PLA). This will particularly be an advantage where there are variations to funding or service levels, saving time as the three year term of the Funding Deed will mean that only the PLA will have to be revised in most years.

A web-based portal is being introduced that will allow Council to submit annual reports and financial reports over the internet rather than having to provide hard copies of documents.

In order for Council to continue to receive ongoing funding, the Funding Deed is required to be signed under the Common Seal of Council.

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### **Officer's Recommendation**

That the Funding Deed with the Department of Community Services for a Community Worker and a Youth Worker for the period 2014-2015 be executed under the Common Seal of Council.

### **Committee's Recommendation: (Lound/Glynn)**

That the Officer's Recommendation be adopted.

**CARRIED**

### **Council Meeting 3 June 2014 (Rowell/Dobson)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 89**

That the Officer's Recommendation be adopted.

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### **3. CULTURAL SERVICES**

#### **3.1 Campbelltown Arts Centre 2014 Contemporary Performance Program**

##### **Reporting Officer**

Manager Cultural Services

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##### **Attachments**

Nil

##### **Purpose**

To advise Council of a public performance, 'Jumping the Shark Fantastic' to be held at Campbelltown Arts Centre on 10,11 and 12 July 2014 as part of the 2014 Contemporary Performance Program.

##### **History**

Council at its meeting on 12 November 2013 supported a submission by Sydney based artist, Malcolm Whittaker for \$15,000 to the Australia Council for the Arts for the development of a new performance piece in close consultation with performing artists and members of the Macarthur community.

##### **Report**

'Jumping the Shark Fantastic' is a new theatre performance by Sydney based artist, Malcolm Whittaker. Whittaker completed a first stage research residency at Campbelltown Arts Centre in May 2013. During this time he workshopped ideas for the show with local residents and developed an innovative structure for a playful performative demonstration of what would constitute the best theatre show ever for people of Campbelltown.

In early 2014 Whittaker successfully applied for \$15,000 funding from Australia Council's Young Artist Initiative to produce the work under the auspices of Campbelltown City Council.

In June 2014 Whittaker will undertake the final stage development residency of the work. Working directly with members of the Campbelltown Theatre Group and other community groups, he will finalise the writing of the show. The cast of performers will be selected from Campbelltown community members involved with the development of the performance piece during this time. Rehearsals will take place at Campbelltown Arts Centre over a two week period from 30 June.

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Campbelltown Arts Centre will administer the funds; provide support, engagement and professional development opportunities for young performers.

The new theatre work will be premiered at three performances to be held in the Performance Studio on 10, 11 and 12 July 2014.

**Officer's Recommendation**

That the information be noted.

**Committee's Recommendation: (Thompson/Glynn)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 3 June 2014 (Rowell/Dobson)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 89**

That the Officer's Recommendation be adopted.

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## **3.2 'The List' - Campbelltown Arts Centre Visual Arts Project**

### **Reporting Officer**

Manager Cultural Services

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### **Attachments**

Nil

### **Purpose**

To inform Council of a youth engagement project called 'The List' which will be open to the public from 9 August to 12 October 2014 as part of Campbelltown Arts Centre's Visual Arts Program.

### **History**

Council at its meeting on 13 August 2013 endorsed a submission to the Australia Council for the Arts for funding towards a youth project to be delivered in 2014. Council was successful in receiving \$50,750 to present 'The List', an exhibition and program that engages with young people in the community.

### **Report**

Campbelltown Arts Centre has a long history in engaging communities with diverse contemporary and multi-disciplinary programs. The Centre continues to support artists and their practices within cultural heritage, social and community engagement.

'The List', a major new exhibition celebrating youth culture in Western Sydney while developing new and innovative ways to engage communities through contemporary arts practice, will open on Friday 8 August at Campbelltown Arts Centre. The project will be collaboratively developed with young people from the community through a series of artist residencies. The culmination of shared experiences will result in a series of major new works that will give voice to the young people from the city's west. The project offers a fresh new look into how contemporary practices can engage with young people while offering a unique insight to the current social issues existing in this community and beyond.

Leading artists taking part in this ambitious program and exhibition project will be working with a wide range of youth organisations including Reiby Juvenile Justice Centre, Mission Australia, Macarthur Diversity Services Initiative, Macarthur Disability Services and various local schools.

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By working with youth from very different backgrounds, the artists have a rare and privileged insight into issues facing youth in Western Sydney. The end result will be a powerful series of artworks which explore their hopes and fears, inspirations and concerns about the world around them.

'The List' will be launched on Friday 8 August, at 7.00pm and be open to the public from 9 August to 12 October. There will also be a series of public programs and workshops for young people that coincide with the exhibition.

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Thompson/Lound)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 3 June 2014 (Rowell/Dobson)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 89**

That the Officer's Recommendation be adopted.

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### **3.3 2014 Parliament of NSW Aboriginal Art Prize**

#### **Reporting Officer**

Manager Cultural Services

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#### **Attachments**

Nil

#### **Purpose**

To advise Council that the 2014 Parliament of NSW Aboriginal Art Prize will be officially opened on Wednesday 15 October 2014, in the Fountain Court, Parliament House Sydney.

#### **History**

The Parliament of NSW Aboriginal Art Prize was established in 2005 as a project partnership between the Parliament of NSW and Campbelltown City Council.

2014 will mark the 10th year of the Prize and plans are in place to enhance the Prize and mark this anniversary in various ways. The Prize is the largest combined art prize currently on offer for Aboriginal artists in Australia and has been made possible by a partnership between the Parliament of NSW, Campbelltown City Council, Arts NSW, the University of NSW College of Fine Arts (COFA) and Coal & Allied.

#### **Report**

The Parliament of NSW Aboriginal Art Prize is an annual acquisitive prize of \$40,000, awarded to the finest example of contemporary Aboriginal art in NSW. Up to \$120,000 in scholarships is also offered through COFA. The Parliament of NSW Aboriginal Art Prize is open to all Aboriginal artists born or living in NSW.

Each year, entry forms are distributed widely across the State. Entries are submitted and finalists are shortlisted by a judging panel of three members who are professional Aboriginal arts workers that specialise in the visual arts. The judging is undertaken with consideration being given to the Award being acquisitive.

The entry form will be released and open to the public on 2 June 2014 and entries will close on 1 August 2014. Pre-Selection of the artworks will take place on Friday 15 August, 2014 and final judging will take place on 8 October, 2014.

The winning artwork will be announced to the public on Wednesday 15 October, 2014 at the opening night function hosted at the Fountain Court, Parliament House, Sydney. The NSW Parliament will host the Prize until 31 October, 2014.

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The Prize continues to be one of Australia's leading Indigenous Art Awards and will continue to foster the development of artistic practice within Aboriginal Arts.

### **2013 Parliament of NSW Aboriginal Art Prize Tour**

Campbelltown Arts Centre is managing the regional tour of the 2013 Prize and extending the reach of this exhibition to remote communities across the state. The tour showcases 34 artworks from 34 different local and regional artists and includes a number of public program events and artist talks at the venues. The tour package also includes a detailed education kit aimed at secondary students and an art trail for primary school students.

The Prize toured to Outback Arts, Coonamble from 6 November - 6 December 2013. Karla Dickens, the winner of the 2013 Prize travelled to Coonamble for the opening of the exhibition, where she delivered an artist talk and workshop which has received substantial positive feedback.

The 2013 Prize will tour to Muswellbrook Regional Arts Centre from 13 June- 6 August 2014 and Lismore Regional Art Gallery from 13 September- 26 October 2014.

The tour provides the opportunity for regional communities to view artworks by leading Indigenous artists.

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Glynn/Lound)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 3 June 2014 (Rowell/Dobson)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 89**

That the Officer's Recommendation be adopted.

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### **3.4 'Transforma' - a partnership project with C3West**

#### **Reporting Officer**

Manager Cultural Services

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#### **Attachments**

Nil

#### **Purpose**

To update Council on the partnership project with C3West, 'Transforma' that was presented in Airs from 20 February – 12 March 2014, with a public event held on 12 April 2014.

#### **History**

Council at its meeting of 11 March 2014 was advised of the partnership project with C3West, 'Transforma' to be presented in Airs from February-April 2014.

'Transforma' was a seven week residency project by New Zealand-based artist Michel Tuffery. Located in Airs in south-western Sydney, 'Transforma' had four main components: The retrieval of cars dumped in the Woolwash area of the Upper Georges River, an outdoor sculpture studio located in the car park of the Airs Shopping Centre, an art station located in the Airs Shopping Centre, and a series of public programs culminating in a major public event.

This project is a C3West project commissioned by Campbelltown City Council (on behalf of the Upper Georges River Urban Sustainability Program) and Museum of Contemporary Art. 'Transforma' was specifically devised to raise local awareness of the links between river health and behaviours such as arson, dumping and littering, and is the culmination of three extended residencies by Tuffery in the area.

#### **Report**

On Saturday 22 February 2014, abandoned cars were retrieved from the Woolwash area. The operation involved motorised winches and 6 cars were removed from the river banks and moved to the shopping centre sculpture studio, where Michel Tuffery and his team constructed the sculpture.

On Wednesday 19 March 2014, the 'Transforma' - our river community meeting was held at Airs/Bradbury Central from 11am-2pm. Seven speakers including local community leaders and environmental experts discussed the topics of environment, community and recycling, with over 35 people in attendance. Each speaker gave a short presentation showing a small selection of supporting images.

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On Saturday 12 April 2014 the 'Transforma' public event was held from 4.30pm–7pm. This public unveiling was a large scale community gathering, formally presenting the sculpture to the public. The event included local DJ performances, Indigenous dancers, a display of screen printing works made by local school children and a community run barbeque. The event was well attended by over 250 people.

On completion of the project, it was decided by the Artist that the Sculpture would be donated to Airds High School, so it can remain a part of the community, as well as be utilised as a functioning barbeque for school events. The Sculpture has now been placed in the school grounds, and can be seen by the public from outside school boundaries. The final work has been extremely well received by the community and key arts industry individuals.

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Lound/Thompson)**

That the Officer's Recommendation be adopted.

**CARRIED**

### **Council Meeting 3 June 2014 (Rowell/Dobson)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 89**

That the Officer's Recommendation be adopted.

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### **3.5 Minutes of the Campbelltown Arts Centre Sub Committee held 5 March 2014**

#### **Reporting Officer**

Manager Cultural Services

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#### **Attachments**

Minutes of the Campbelltown Arts Centre Sub Committee Meeting held 5 March 2014 (contained within this report)

#### **Purpose**

To seek Council's endorsement of the Minutes of the Campbelltown Arts Centre Sub Committee meeting held on 5 March 2014.

#### **Report**

Contained within the report are the recommendations of the Campbelltown Arts Centre Sub Committee. Council officers have reviewed the recommendations and they are now presented for the consideration of Council. The reports requiring an individual recommendation of Council are detailed in the Officer's Recommendation.

#### **Recommendations of the Campbelltown Arts Centre Sub Committee**

##### **Reports listed for consideration**

##### **7.1 Cultural Services Manager's Report**

That the information be noted.

##### **7.2 Friends of Campbelltown Arts Centre**

That the information be noted.

##### **8.1 Painting Classes**

That the information be noted.

##### **8.2 Extension of Picton Library**

That the information be noted.

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### **8.3 Commemorative Plaques**

That Council consider the feasibility of establishing an 'artist walk' as part of the new street scape in Queen Street Campbelltown.

### **8.4 Sponsorship of Fisher's Ghost Art Award**

That the information be noted.

### **Officer's Recommendation**

1. That the minutes be noted.
2. That a report be provided examining the feasibility of establishing an 'artist walk' as part of the new street scape in Queen Street Campbelltown.

### **Committee's Recommendation: (Thompson/Lound)**

That the Officer's Recommendation be adopted.

**CARRIED**

### **Council Meeting 3 June 2014 (Rowell/Dobson)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 89**

That the Officer's Recommendation be adopted.

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## **ATTACHMENT 1**

### **Minutes of the Campbelltown Arts Centre Sub Committee**

**Held Wednesday 5 March 2014 at the Campbelltown Arts Centre**

Meeting Commenced: 6.05pm

#### **1. Acknowledgement of Land**

An Acknowledgement of Land was presented by the Chairperson, Councillor Hawker.

#### **2. Attendance and Apologies**

**Attendance:** Councillor Paul Hawker - Campbelltown City Council  
Councillor Bob Thompson - Campbelltown City Council  
Councillor Ted Rowell - Campbelltown City Council  
Councillor Michael Banasik - Wollondilly Shire Council  
Paul Tosi – General Manager - Campbelltown City Council  
Lorna Grear - Education Sector  
Suzanne Archer - Arts Community  
Joan Long - Friends  
Carmen Hannan - Friends

**Also in Attendance:** Councillor Meg Oates  
Justine Uluibau, Acting Director Community Services - Campbelltown City Council  
Michael Dagostino, Manager Cultural Services – Campbelltown City Council  
Kristy Peters - Executive Support

**Apologies:** Councillor Lara Symkowiak - Camden Council  
Jim Marsden  
Lindy Deitz

#### **Sub Committee's Recommendation: (Banasik/Rowell)**

That the above apologies be accepted.

**CARRIED**

#### **3. Declarations of Interest**

There were no Declarations of Interest made at this meeting.

#### **4. Minutes of the Previous Meeting**

##### **Report**

The minutes of the Campbelltown Arts Centre Sub Committee meeting held on 23 October 2013 copies of which have been circulated to each Sub Committee member were adopted by Council at its meeting held on 10 December 2013.

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

That the information be noted.

##### **Sub Committee's Recommendation: (Thompson/Banasik)**

That the information be noted.

**CARRIED**

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**5. Business Arising from Previous Minutes**

Nil

**6. Correspondence**

Nil

**7. Reports****7.1 Cultural Services Manager's Report****Purpose**

To inform the Campbelltown Arts Centre Sub Committee of the recent achievements of Campbelltown Arts Centre.

**Report****EXHIBITION PROGRAM****The 51st Fishers Ghost Art Award**

October-December 2013. Opening: 6.00pm, 8 November 2013

The 51st annual Fisher's Ghost Art Award was held from October to December 2013. The overwhelming number of entries for this year's prize was 696, with a total of 345 being selected for exhibition. The exhibition was extremely well received by both the local Macarthur community, as well as the larger arts community in Sydney and interstate. This year a diverse mix of subjects and mediums, from traditional paintings to sculptures, mixed media installations and short film, showcased a dynamic mix of styles and experience. Entries from local, interstate and national artists together, represented an extensive contemporary field of artistic practice in Australia. Proving once again, the increasing popularity and repute of this art award, and the appeal and interest it has generated, not just throughout the Campbelltown community but elsewhere.

The judges for this year's prize are well known across the arts industry for their knowledge and expertise in contemporary art practice. They were Andrew Frost (Art Critic), Carrie Miller (Art Critic) and Sebastian Goldspink (Director, Alaska Projects). Justene Williams was awarded the Open prize for 2013, and her work, 'Your Boat My Scenic Personality of Space', is acquisitive to the permanent collection of Campbelltown Arts Centre. This year we were pleased to introduce 'The James Gleeson Surrealism Award', sponsored by Michael and Marilyn Reardon-Small, with acknowledgment of the Gleeson O' Keefe Foundation. This new award attracted an overwhelming amount of entries, forging the way for new and innovative techniques in Surrealism.

**Campbelltown Arts Centre 25th Year Video with JD Reforma and James Brown**

In conjunction with the Fisher's Ghost Festivities and Campbelltown Arts Centre's 25th anniversary celebrations, a video presentation was composed by JD Reforma and James Brown to highlight the significance of these events throughout the exhibition period and the 25th anniversary in December. The installation was recalling the legend and mythology of Fisher's Ghost. The artists challenge of researching an archive in such depth, distinguishing points of significance with aspects of the archive, without an explicit aim or interest, in ways that were alternately literal and speculative. The final video work encompassed an ephemeral projection of a small, indistinguishable ghostly figure, sat down on a fence post and pointing towards the now creek which runs past the Arts Centre.

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**The List (Michaela Gleave Residency)**

Residency: 5 - 8 December

This exhibition is created in partnership with young people and led by professional artists who will reflect and refer to the current issues experienced by young people today. 'The List' will invite 13 professional arts practitioners over a period, to create a new work through creating linkages directly with young people in the community. This project aims to establish viable relationships with young people in the local area, engaging them in contemporary arts practice. The project will bridge the gap between art and young people.

'Future Dreaming Station' - This event was held over four days from 5-8 December 2013, as part of Michaela's creative research for 'The List'. Participating resident artist Michaela Gleave, with help from Maureen Fairless, set up a temporary installation/processing station in the pedestrian precinct of Queen Street, Campbelltown. Aimed in particular at a youth audience, the installation invited members of the public to relax in a 'tropical island' setting, and share their visions for the future over drinking a coconut or two. Envisaged as a playful and celebratory event, the installation consisted of an umbrella, deck chair, strip of astro turf and a tub to slide their toes into sun-warmed sand while drinking from a coconut. The event was well received with lots of curious interest and strong feedback. Michaela was able to chat with the public and discuss ideas about what the future might hold for young people in the region.

**DANCE PROGRAM****Regional Dance Exchange**

The Regional Dance Exchange, between Campbelltown Arts Centre (CAC) and Northern Rivers Performing Arts (NORPA) based in Lismore NSW, facilitates exchange of ideas; skills and choreographic language and invites critical dialogue and networking between metropolitan and regionally based artists.

**Martin del Amo and Phillip Blackman**

Stage 2

8 October–26 October

Dance artists Martin del Amo and Phillip Blackman came together in a three week, stage 2 residency to revisit work developed during their stage 1 residency and develop new dance material together. The artists had a showing of outcomes on 26 October, which was attended by approximately 20 audience members, made up of artists, industry professionals and representatives from funding bodies.

Martin and Phillip presented this work as a stage 1 work in progress (Songs Not to Dance To) in Campbelltown Arts Centre's 'Oh! I Wanna Dance With Somebody' Festival in 2012.

**Interdisciplinary Dance Residencies**

The interdisciplinary residencies occur over a three year strategy of two or three week sessions per year to develop and produce completed new work by examining the intersections of dance and music practices.

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**Antony Hamilton and Julian Hamilton**

Stage 1

28 October–9 November

Choreographer Antony Hamilton and musician Julian Hamilton were in residence at Campbelltown Arts Centre for three weeks over October and November 2013, for a first stage creative development collaboration for new work for the 2015 festival, 'I Can Hear Dancing'. The stage 1 residency consisted of an open rehearsal viewing and showing of final outcomes from the residency. The open rehearsal was held on 6 November and attended by approximately 20 Pacific youth from local youth centres. The showing was held on 9 November and attended by approximately 15 members from the dance industry, comprising of artists, industry professionals and representatives from funding bodies.

**Kate McIntosh, Peter Lenaerts and Paul Gazzola**

Stage 1

23 November–14 December

Brussels based New Zealand choreographer, Kate McIntosh paired with Brussels based sound artist, Peter Lenaerts partnered with Australian artist, Paul Gazzola over a period of three weeks for a first stage creative development collaboration of new work for the 2015 festival, 'I Can Hear Dancing'. The work had a showing of outcomes on the final day of the residency period, which was attended by approximately 20 members from the dance industry, comprising of artists, industry professionals and representatives from funding bodies.

**PERFORMANCE PROGRAM****2013 Comedy Program – Hannah Gadsby 'Nakedy Nudes'**

Performance: 7.00pm, 15 November 2013

Hannah Gadsby's solo stand-up comedy performance, 'Nakedy Nudes', presented in the form of an art lecture that playfully explored the history of the nude in art, was held at Campbelltown Arts Centre on Friday 15 November at 7.00pm as part of the 2013 Contemporary Performance Program.

'Nakedy Nudes' was sold out at the Melbourne Comedy Festival in 2013, and has also been performed at the Edinburgh Fringe Festival. Making use of her art history degree, Hannah has presented her popular comedic art lectures at festivals around the world.

The performance was very well received, particularly amongst local Campbelltown audiences, and was sold out at a maximum seating capacity of 184.

**2013 Creative development residence – One Billion Beats**

Residency: 4-8 November 2013

The Stage 3 residency for the ongoing creative development of the new work 'One Billion Beats', a multi-disciplinary music theatre work being developed as part of Campbelltown Arts Centre's Contemporary Performance Program, was held from 4-8 November 2013 at Eagle Vale Neighbourhood Centre.

Led by highly respected Aboriginal poet, film maker and academic Romaine Moreton, 'One Billion Beats' refers to the heartbeats of one billion Indigenous people who lived before invasion. It combines spoken word poetry, music, song, contemporary theatre techniques and audio visual imagery to explore the historical representation of Aboriginal people in Australian film, and Romaine's own experience of being both hostage and liberated from the constraints of Western paradigms in relation to Indigenous identity.

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### 3.5 Minutes Of The Campbelltown Arts Centre Sub Committee Held 5 March 2014

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The focus of the Stage 3 residency was on script and video development, and utilized Romaine's research at the National Film and Sound Archive into images of Aboriginal people in scientific and cinematic film.

The creative development of 'One Billion Beats' will continue in March 2014, with a focus on community consultation, music and full artistic team development. It will include a creative development showing for industry professionals.

#### **Performance Macarthur – Lead by Kevin Jackson**

Workshops: October-December 2013

From October – December 2013 Campbelltown Arts Centre presented 'Performance Macarthur', a program that develops introductory performance skills for adults with a disability living in the Macarthur region, using a person-centered approach to empower individuals, build confidence and extend social networks.

Performance skills development workshops were held over a 10 week period, led by Kevin Jackson, an Australian actor with over 30 years professional experience working as a director and teacher. The project was supported by Macarthur Disability Services and Camden Council through a steering committee process. Twelve adults participated in the program. Workshops were guided by interests and abilities, with participants involved in all parts of the creative process, from devising and framing of a final performance, to making decisions on the 'look and feel' of the final show. Feedback from participants was very positive, with a number of participants stating that the opportunity has helped them to further explore their creative interests, and increase their self-confidence.

The final presentation of 'Performance Macarthur' was held on 19 December at Campbelltown Arts Centre. Participants presented a series of original vignettes exploring the concept of dreams and drawing on imaginative interpretations of pop culture, classic poetry and song. The performance was at maximum capacity, with 84 people attending, with a strong representation from people with a disability living locally, and key disability service networks.

#### **MUSIC PROGRAM**

##### **Theme and Variations Emerging Artist Recital**

Performance: 2.00pm, 27 October 2013

The Theme and Variations Emerging Artist recital is a public performance conducted in partnership with Theme and Variation Piano Services, who elect an emerging artist to present a dazzling and varied one-hour piano concert annually at Campbelltown Arts Centre.

In 2013, the recital featured young emerging pianist James Huang, a student of The Scots College and a rising star of the concert platform, who presented a dynamic and fresh program of classic works from the piano repertoire. Edward was the youngest performer to participate in this annual and highly anticipated concert.

This performance provided local audiences with the opportunity to see and hear a star of the future while also providing inspiration to piano students both young and old.

##### **FINÈ**

Performance: 6.00pm, 16 November 2013

'FINÈ' was a public performance which concluded the 2013 Contemporary Music Program. The program combined two complimentary performances of new music, 'Numero Uno' performed by Claire Edwardes, and Ensemble Offspring's 'ROAR'.

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## 3.5 Minutes Of The Campbelltown Arts Centre Sub Committee Held 5 March 2014

'Numero Uno' featured Australian musician Claire Edwardes, an internationally renowned percussionist dedicated to the performance and promotion of contemporary music. Claire presented a very special solo performance of percussion works chosen by her after receiving over 70 submissions from a Campbelltown Arts Centre worldwide call out to composers to submit original compositions for solo percussion.

Well-known through her work with Ensemble Offspring, this performance provided local audiences with the opportunity to see and hear one of Australia's finest musicians in full flight.

'ROAR' saw Ensemble Offspring present a typically eclectic program of Australian gems and modern classics written for combinations of percussion, flute and clarinet, some works written especially for the ensemble.

This performance provided local audiences with the opportunity to witness the talent of one of Australia's leading 'new music' ensembles comprising some of Sydney's finest musicians in the intimate setting of Campbelltown Arts Centre performance studio.

In the days leading up to their performance, Ensemble Offspring also conducted two workshops for over 50 local secondary music students which focused on the many different forms that the composition and performance of music can take. The students were inspired and excited by the many options to create and perform shown to them by the ensemble.

#### SCHOOL AND TERTIARY EDUCATION PROGRAMS

The following school and tertiary groups have participated in exhibition, discussion tours and other education programs:

School	Date	Number	Year group	Reason for visit
St Aloysius Primary Catholic School	30 October	35	Year 1	Tour of Japanese Garden, Sculpture Garden and workshops
John Therry Catholic High School	11 November	70	Year 8	Tour of current exhibition and Sculpture Garden
Macarthur Home Schoolers	15 November	30	Primary	Tour of current exhibition and workshops
Bradbury Public School	18 November	60	Year 4	Tour of current exhibition, view works from collection and workshops
Campbelltown TAFE, Child Studies	20 November	10	Tertiary	Tour of current exhibition, Sculpture Garden, Japanese Garden and workshop
St Agnes Catholic High School	25 November	110	Year 8	Tour of current exhibition, Sculpture Garden and workshops
Mater Dei Camden	27 November	18	Year 11 and 12	Tour of current exhibition

## 3.5 Minutes Of The Campbelltown Arts Centre Sub Committee Held 5 March 2014

St Agnes Catholic High School	27 November	110	Year 8	Tour of current exhibition, Sculpture Garden and workshops
St Patrick's College	9 December	120	Year 8	Tour of current exhibition and workshops

**COMMUNITY GROUPS**

Tours and workshops were conducted during this period for the following community groups:

Community group	Date	Number	Reason
Raby OSHC	1 October	30	Tour of current exhibition and workshops
South West Sydney Local Health District, Waratah Adult Mental Health Unit	1 October	10	Tour of current exhibition and Sculpture Garden
South West Multicultural and Community Centre	2 – 4 October	20	Public program and workshops
Artsmart	15 – 17 October	50	Workshops and student exhibition
WeAve and Macarthur Textile Network	18 October	15	Tour of current exhibition and networking event
Cobbitty Park Retirement Village	14 November	15	Tour of current exhibition, Japanese Garden and Sculpture Garden
Yerrinbool Baha'i Centre of Learning	5 December	100	Tour of current exhibition and introduction to Campbelltown Arts Centre programs and facilities

**WORKSHOPS**

The following number of people participated in weekly adult art making courses:

Type of course	Duration	Number
Ceramics on Saturdays	8 weeks	8
Ceramics on Tuesday evenings	6 weeks	6

The following number of children participated in school holiday art-making workshops, at the end of the spring school holiday period:

Type of workshop	Target age group	Number
Kids and Parents Clay (October)	5 years +	12
Poi Making (October)	7+	5

## 3.5 Minutes Of The Campbelltown Arts Centre Sub Committee Held 5 March 2014

The following community groups utilised workshop space and held art making classes as part of a partnership with Campbelltown Arts Centre, led by the Education and Public Programs Officer:

Group	Frequency	Number
Campbelltown Group of the Embroiderers' Guild of NSW	Fortnightly	Up to 35
NIDA Open	Weekly during school term	Up to 30 per session, 2 sessions per week
NPA Macarthur Branch	Bi-monthly	Up to 30
Sweet Tonic Singers	Weekly during school term	Up to 40
Phasmid Society	Bi-monthly	Up to 20

## PUBLIC PROGRAMS

### Reach the Musical Journey

From Monday 30 September to Friday 4 October, South West Multicultural and Community Centre in partnership with NSW Council for Pacific Communities, SWYPE - Mission Australia and Campbelltown Arts Centre jointly presented 'Reach the Musical Journey'. Held at Campbelltown Arts Centre, this public program for exhibition 'Towards the Morning Sun' offered a series of hip-hop and dance workshops and mentoring opportunities for a core group of 20 Pacific young people ages 12–18 years. As part of the program, visual artist and musician Sam Tupou (exhibited in 'Towards the Morning Sun') facilitated a screen-printing and t-shirt making workshop in which young people collaboratively designed a logo and printed their own 'Reach the Musical Journey' t-shirts.

### Fisher's Kids

On Sunday 3 November Fishers Kids was held at Campbelltown Arts Centre and approximately 400 people attended this event for children aged 3–12 years and their families.

Creative activities and arts workshops were held throughout the Centre and outside garden surrounds. Workshops included clay sculpture making, stencil printing on canvas bags, sketching on postcards, boat making using recycled materials as well as a collaborative weaving installation with artist Maureen Unasa. In addition, Council's Education and Care Services worked with the Arts Centre to organise and run workshops including watercolour painting, story-telling, play dough stations, sand and water play, bubble blowing as well as a display of art works created by several child care centres. To accompany the exhibition of 'Fisher's Ghost Award', young attendees were also invited to complete a Kids Art Trail in the exhibition space and vote for their favourite art work.

### Big Blue Arts Introductory Workshops

On 21, 22, 28 and 29 November individuals with a disability were invited to attend visual arts workshops facilitated by artists David Capra, Liam Benson and Leahlani Johnson. A total of 25 people attended these workshops which were offered as an introductory experience and a low pressure way of selecting artists with a disability to be involved in the regular Big Blue Arts studio. Following these open workshops, a core group of 12 artists with a disability were selected and invited to attend the studio which will continue at Campbelltown Arts Centre in 2014.

**The Nice List, Christmas Workshop**

On Saturday 7 December artist Jodie Whalen facilitated a collage workshop for children attending the Campbelltown City Christmas Carols at Campbelltown Arts Centre. Approximately 250 children participated in this collage and Christmas decoration workshop titled, 'The Nice List'.

**Campbelltown Dance Club**

On Sunday 8 December approximately 30 people attended what has become a quarterly community dance event. The Dance Club is organised by a group of Arts Centre volunteers who make up the Dance Club Committee, supported by Campbelltown Arts Centre.

**NAISDA Indigenous Dance Program**

On 13 December Campbelltown Arts Centre supported five local Aboriginal and Torres Strait Islander students in years 8–10 to attend the performance of Our Home 'Ngalpun Mudth' NAISDA at Carriageworks, Eveleigh. This attendance was part of the 2013 Local Indigenous Dance Program, allowing students who participated in the August mentorship at the Arts Centre to view a resolved performance by graduating students from NAISDA Dance College.

**EDUCATION**

In addition to coordinating school excursions, the Education and Public Programs Officer facilitated the following special education programs/services:

**Artsmart Workshops and Exhibition**

From 15 to 17 October approximately 50 students in years 8–10 participated in a variety of arts workshops and produced works for an exhibition at the Arts Centre on 17 October. Artsmart is an annual event organised by the Creative Arts Unit, Department of Education and Communities, regularly supported by Campbelltown Arts Centre.

**Ensemble Offspring Music Workshop**

On 13 November a total of 50 music students attended a workshop facilitated by Ensemble Offspring at Campbelltown Arts Centre. Students in years 9–12 from St Patrick's College, James Meahan High School and Broughton Anglican College participated in this contemporary music workshop.

**Sweet Tonic Singers Annual Concert**

On Saturday 23 November Sweet Tonic Singers Inc. held their Annual Concert, supported by Campbelltown Arts Centre. A total of 84 people attended the event at the Arts Centre, with performances involving Sweet Tonic Singers as well as artists Tania Rose and Linda Marr.

**School Excursion and Creative Arts Day**

On 9 December 120 students in Year 8 from St Patrick's College participated in a day of tours and workshops using multiple art forms and approaches. Workshops included drumming with resident artist Simon Barker; visual and performance workshop with artist Jodie Whalen; dance workshop with artist Sharni Potts; sound art workshop with artist George Tillianakis who will also be exhibiting his work in a 2014 exhibition at the Arts Centre.

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**Education Kits**

Education kits and activity sheets were produced for the October to December exhibitions 'Fishers Ghost Art Award' and 'Marsdens Collection' at the Arts Centre. These resources targeted children ages 3–10 years with fun activity trails and structured questions relevant to integrated learning for primary school students. A Secondary Education Booklet was also produced for these exhibitions, aimed at students in Years 7–12 with questions based around the visual arts curriculum for high school students.

These worksheets of questions and activities were available at the Arts Centre front desk, provided to encourage children, primary and secondary school students to respond, interpret and relate to the exhibitions 'Fishers Ghost Art Award' and 'Marsdens Collection'.

**MEDIA COVERAGE**

The Media and Marketing Officer has achieved media coverage throughout October 2013 to December 2013 for programs including: Towards the Morning Sun, 51st Fishers Ghost Art Award, Marsden Collection, Martin Del Amo and Phil Blackman, Antony and Julian Hamilton, Theme and Variations Piano Concert, Numero Uno, Ensemble Offspring, Hannah Gadsby, Parliament of New South Wales Aboriginal Art Prize and general promotion of the Arts Centre. This free media coverage is made possible through strong relationships with local journalists and the continued extension of our media lists.

During this period, features have been included in a variety of media including: Macarthur Chronicle, The Macarthur Advertiser, The Camden Advertiser, The Wollondilly Advertiser, The Sydney Morning Herald, Best Weekend, The Daily Telegraph, Sunday Telegraph, Koori Mail, The Senior Magazine, Drum Media, RealTime Magazine, ABC Radio, 2MCR Radio, Museums & Galleries NSW Alert, Arts Hub, Sydney's Child, Lake Times Shellharbour, Kiama Independent, Southern Highland News, Sydney City News, Bondi View, Runway Magazine and ABC Sydney Events Diary. We have also received substantial coverage in digital media avenues, these include websites such as Concrete Playground, Streetcorner and InMacathur online as well as Social Media channels such as Facebook and Twitter.

Campbelltown Arts Centre's Facebook page has played an integral part of promoting the Centre since the Social Media Policy was adopted by Council and has now reached over 2500 'likes'.

**Officer's Recommendation**

That the information be noted.

**Sub Committee's Recommendation: (Grear/Rowell)**

That the information be noted.

**CARRIED**

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## **7.2 Friends of Campbelltown Arts Centre**

### **Purpose**

To inform the Campbelltown Arts Centre Sub Committee of the recent achievements and outcomes of the Friends of Campbelltown Arts Centre.

### **Report**

The Friends' Easter Egg Hunt will be held on Saturday 12 April at 1.00pm.

The Friends Annual General Meeting is being held on Saturday 22nd February 2014.

A bus trip has been proposed this year to the Sculpture at Scenic World Katoomba, where there will be a guided tour and talk on the artists and their work. Some of the artists are known to us from their works in previous Fisher's Ghost Exhibitions.

### **Officer's Recommendation**

That the information be noted.

**Sub Committee Note:** Friends of the Campbelltown Arts Centre advised that the information detailed in the report regarding the bus trip to Katoomba has changed due to scheduling. The trip to Hazelhurst Regional Gallery and Arts Centre will now take place 3 June 2014.

### **Sub Committee's Recommendation: (Long/Thompson)**

That the information be noted.

## **CARRIED**

## **8. General Business**

### **8.1 Painting Classes**

It was noted that during the recent holiday period flyers regarding TAFE Art Classes were distributed at local shopping centres. During the distribution period, a number of residents were asking if any short painting classes were offered within the community. The committee was advised there are a number of learning establishments that offer art classes, however they generally involve general hobby painting classes only.

Council's Manager Cultural Services advised that currently the Campbelltown Arts Centre is undertaking a review of delivery of classes offered with a view of extending the program.

### **Sub Committee's Recommendation: (Gear/Banasik)**

That the information be noted.

## **CARRIED**

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## **8.2 Extension of Picton Library**

It was noted that a proposal has been considered by Wollondilly Shire Council to extend the Picton Library. If successful the proposal will incorporate additional art space.

### **Sub Committee's Recommendation: (Banasik/Rowell)**

That the information be noted.

**CARRIED**

## **8.3 Commemorative Plaques**

It was noted that Woollahra Council have implemented a commemorative plaque scheme to honour well known artists within the community. The plaques are currently located outside the place of final residence of the nominated person.

It was further noted that a similar scheme (artist walk) could be implemented in the Campbelltown Local Government Area to identify significant local artists such as Joan Brasill, John Peart and Roy Jackson.

### **Sub Committee's Recommendation: (Archer/Hawker)**

That Council consider the feasibility of establishing an 'artist walk' as part of the new street scape in Queen Street Campbelltown.

**CARRIED**

## **8.4 Sponsorship of Fisher's Ghost Art Award**

Council's Manager Cultural Services advised that the 2013 sponsorship was very successful and it is proposed that the following changes be implemented for 2014:

- Sports Prize - contact will be made with Wests Leagues Club with a view of increasing sponsorship and the possibility of adding a prize for sports art
- UWS have contacted the Arts Centre with a view of sponsoring a prize, currently there are ample prizes offered. Discussions will continue regarding the option of UWS sponsoring Fisher's Kids
- Peoples Choice Award - discussions are taking place with potential sponsors in regard to the implementation of a Peoples Choice Award. If sponsorship is obtained it is suggested that members of the community can vote for this by way of electronic vote. Guidelines will be developed to ensure singular voting for this category
- Potential sponsors will again be invited to attend the sponsors cocktail party which will now be scheduled prior to the commencement of Festival of Fisher's Ghost

Dates for the 2014 Festival of Fisher's Ghost are detailed below:

- Sponsors cocktail party – 24 October
  - Open to the public - 25 October
  - Festival of Fisher's Ghost - 30 October – 9 November
  - Opening night – 31 October
  - Fishers Kids – 2 November
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**Sub Committee's Recommendation: (Rowell/Hannan)**

That the information be noted.

**CARRIED**

Next meeting of the Campbelltown Arts Centre Sub Committee will be held on Wednesday 16 July 2014 at 6.00pm at the Campbelltown Arts Centre.

Councillor Hawker  
**Chairperson**

Meeting Concluded: 6.48pm

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## **3.6 Celebration of Voice - 2014 Public Program Event**

### **Reporting Officer**

Manager Cultural Services

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### **Attachments**

Nil

### **Purpose**

To advise Council of an event 'Celebration of Voice' to be held on Saturday 19 July 2014 at Campbelltown Arts Centre as part of the 2014 Public Program.

### **History**

The Sweet Tonic Singers are a vocal ensemble that formed in 2009 following on from a two-year research project that measured how creatively engaging with music can impact on the health and well-being of south-west Sydney's seniors. The project was jointly managed by Musica Viva Australia and Campbelltown Arts Centre and supported by the Australia Council for the Arts.

### **Report**

Campbelltown City Council through Campbelltown Arts Centre has supported the group by providing the singers with weekly rehearsal space and opportunities to perform at civic events. Sweet Tonic continues to be a benchmark project that has measured the impact of music on the health and wellbeing of seniors living in the Macarthur region. This initiative provided a vehicle for older people in the community to come together weekly, in a safe and accessible environment.

'Celebration of Voice' is an annual event which consists of several singing workshops facilitated by Sweet Tonic Musical Director, Linda Marr and two professional tutors engaged by Sweet Tonic. The workshops are aimed at developing particular skills in relation to the singing voice as well as providing a chance for members of the public to get together, socialise and celebrate their love of singing.

The day culminates in a public performance at 3.00pm involving the three tutors and all participants in the Centre's performance studio.

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**Officer's Recommendation**

That the information be noted.

**Committee's Recommendation: (Glynn/Lound)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 3 June 2014 (Rowell/Dobson)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 89**

That the Officer's Recommendation be adopted.

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### **3.7 Crown Resorts Foundation Western Sydney Arts Initiative**

#### **Reporting Officer**

Manager Cultural Services

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#### **Attachments**

Nil

#### **Purpose**

To seek Council's endorsement of a funding application for \$3m to the Crown Resorts Foundation for the expansion of Campbelltown Arts Centre.

#### **Report**

The Crown Resorts Foundation will over the next 10 years, beginning in financial year 2014-2015, fund \$30m of eligible artistic and capital projects in Western Sydney. It is hoped this initiative will enhance Western Sydney's arts capacity by promoting the accessibility and availability of the arts and supporting projects and organisations that encourage excellence, innovation and creativity in the arts.

On 20 May 2014, Council was briefed on the Crown Resorts Foundation Western Sydney Arts Initiative.

Campbelltown Arts Centre is in a strong position to apply for funding from the Crown Resorts Foundation as it is the leading cultural organisation in the South West region. The priorities of the Foundation align closely with the strategic direction of the Arts Centre. Focussing on young people's engagement with the arts; these projects would: provide opportunity for participation and engagement with the arts; enhance Indigenous arts and cultural programs; develop local professional arts practice and encourage community engagement.

Population growth in the south-west region to more than 500,000 people by 2036 will lead to an increase in the demand for cultural and arts activity. This rapid growth will require a review of the existing capacity of the Arts Centre to be able to continue to deliver cultural program needs as they emerge.

Crown Foundation will over the next 10 years fund \$30m of artistic and capital projects in Western Sydney. It will fund \$3m per year and multi-year funding is available for larger projects. Accordingly, there is considerable merit in aligning the need for continuous improvement at the Campbelltown Arts Centre with the opportunity now presented by the Foundation.

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It is proposed to apply for \$3m (\$300,000 per year, 10 years) from the Crown Resorts Foundation through the Western Sydney Arts Initiative to fund the anticipated expansion of Campbelltown Arts Centre that would enable it to be well placed with the newly emerging demands stemming from regional population growth and development. If successful, the grant would be used to consolidate Campbelltown Arts Centre as a peak cultural facility with the Campbelltown City Centre serving the Macarthur and South Western Sydney Region. Applications close 30 June 2014.

### **Officer's Recommendation**

1. That Council endorse a funding application of \$3m to Crown Resorts Foundation through the Western Sydney Arts Initiative for the expansion of Campbelltown Arts Centre.
2. That subject to notification of success, the funding agreement from Crown Resorts Foundation be accepted and signed by the General Manager on behalf of Council.

### **Committee's Recommendation: (Thompson/Lound)**

That the Officer's Recommendation be adopted.

**CARRIED**

### **Council Meeting 3 June 2014 (Rowell/Dobson)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 89**

That the Officer's Recommendation be adopted.

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## **4. CUSTOMER SERVICE**

### **4.1 Revised Policy - Complaints Handling**

#### **Reporting Officer**

Manager Customer Service

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#### **Attachments**

Complaints Handling (contained within this report)

#### **Purpose**

To seek Council's endorsement on the Complaints Handling Policy.

#### **History**

The above mentioned report was adopted by Council on 20 May 1997, was last reviewed on 29 June 2010 and is now due for review in accordance with the Records and Document Management Policy.

#### **Report**

The abovementioned policy was reviewed in accordance with Council's Record Management Policy and the adopted procedure for Policy Development and Review.

The Complaints Handling Policy has been reviewed and the review resulted in a number of minor changes to the document.

The recommended changes include minor formatting changes.

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

1. That the revised Complaints Handling Policy as attached be adopted.
2. That the Policy review date be set at 30 September 2016.

#### **Committee's Recommendation: (Lound/Glynn)**

That the Officer's Recommendation be adopted.

**CARRIED**

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**Council Meeting 3 June 2014 (Rowell/Dobson)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 89**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1

 <b>POLICY</b>	
Policy Title	Complaints Handling
Related Documentation	Practice Note No.9 – Complaints Management in Councils Customer Complaints Procedure Request Handling Procedure
Relevant Legislation/ Corporate Plan	Protected Disclosures Act, 1994 Privacy and Personal Information Protection Act, 1998 Independent Commission Against Corruption Act, 1988
Responsible Officer	Manager Customer Service

**Policy details may change prior to review date due to legislative changes, therefore this document is uncontrolled when printed.**

### Objectives

- to promote a high standard of customer service in all areas of Council's operations by responding effectively and positively to complaints received.
- to ensure that complaints are managed in a manner that endeavours to provide satisfaction to complainants.
- to inform Council customers and citizens of the complaints process.
- to recognise the importance of complaints in providing feedback about Council's services and performance, and to utilise that information to improve services and identify appropriate training needs.

### Policy Statement

#### Definition of a Complaint

A complaint is defined as an expression of dissatisfaction about a standard of service provided by Council or the actions or lack of actions by Council or its workforce.

#### Application

This Policy covers all complaints made to Council regarding its operations and personnel other than:

- (a) requests for services (unless there was no response to a previous request).
- (b) reports of hazards or damaged infrastructure.

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- (c) requests for information or explanation of Council policies, decisions or procedures (unless there was no response to a previous request).
  - (d) appeals or objections regarding development applications.

### **Principles**

The following principles apply to the Campbelltown City Council Complaints Policy:

- (a) Any person, group or organisation (or their representative) using Council's services or being impacted by Council's decisions, actions or lack of actions, has the right to lodge a complaint.
- (b) Staff will be trained to receive complaints whether presented in person at Council offices, by telephone or in writing (fax, letter, e-mail). Staff will record the complaint and initiate appropriate action.
- (c) If the matter falls outside this Policy staff will assist in directing the person to an appropriate person or authority or assist with a request for service if appropriate.
- (d) All complaints will be acknowledged within 7 working days and every endeavour made to finalise them within 20 working days.
- (e) If Council is unable to resolve the matter to the complainant's satisfaction contact information of other relevant agencies will be provided.
- (f) Complainants will not be subject to disadvantage or victimisation pursuant to the lodging of a complaint and any such allegations received will be investigated by the Public Officer or General Manager.
- (g) Confidentiality will be maintained where warranted and/or specifically requested by the complainant, in accordance with relevant legislation and Policies.
- (h) Anonymous complaints will be accepted however Council's ability and decision whether to investigate will be dependent on the information supplied and the nature and gravity of the complaint.
- (i) Reports on numbers and types of complaints received will be monitored by Council's Senior Management Team (General Manager and Directors) on a quarterly basis.

### **Methods of Lodging Complaints**

Complaints can be made:

- (a) In Writing:

Campbelltown City Council,  
PO Box 57, Campbelltown NSW 2560  
Fax (02)4645 4111  
[council@campbelltown.nsw.gov.au](mailto:council@campbelltown.nsw.gov.au)

- (b) In Person:

Council's Administrative Building, Queen Street, Campbelltown

- (c) By Telephone:

Council Office, Campbelltown on (02) 4645 4000

Note: Dependent on the seriousness or complexity of the complaint. The complainant may be requested to submit the complaint in writing with all relevant information.

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### **Registration of Complaints**

Upon receipt of a complaint the staff member receiving the complaint must ensure that the complaint is appropriately registered and referred for follow up action.

### **Complaint Handling Process**

Council has adopted a three level approach to handling complaints.

#### **First Line Complaint Handling**

- (a) First line staff will endeavour to resolve straightforward minor complaints on the spot if practicable.
- (b) First line staff will record full details of the complaint (including the outcome expected by the complainant) in Council's Customer Request System.
- (c) First line staff may then refer the complaint to their Supervisor or Manager to ascertain who should attend to the issue. Where practicable, complaints are resolved within the relevant Department responsible for the matter. Officers are to resolve the complaints within the guidelines, timeframes and principles established in this Policy.
- (d) In cases of serious or more complex issues first line staff shall direct the complaint to the most appropriate person within the Council (usually their supervisor or manager). Guidance will be provided by the Public Officer on these matters.
- (e) Complaints alleging pecuniary interest, corrupt conduct, significant breaches of laws/regulations or competitive neutrality issues are to be immediately referred to the Public Officer or General Manager who will investigate the issues in accordance with Council Policies and statutory requirements.
- (f) Complaints which include issues relating to personal injury, property damage or other matters which may give rise to a claim against Council are to be dealt with in full consultation with Council's Risk and Liability Officer.

#### **Internal Review of Complaint**

- (a) Where the complainant remains unsatisfied with the outcome, the matter is to be reviewed by the relevant Manager in each Section in consultation with the Director, and every endeavour made to resolve the issues.
- (b) A Director may refer the matter to Council's Senior Management Team if he/she considers that it will assist in resolving the issues. If warranted, the General Manager may consult with the Mayor and/or report to Council.

#### **Independent Review Options**

- (a) If the complainant is not satisfied with Council's determinations or where the complaint cannot be resolved within Council, the complainant will be referred to the appropriate external agency, eg The Department of Local Government, Ombudsman or the Independent Commission Against Corruption (ICAC).
  - (b) An alternate dispute resolution procedure involving mediation may be considered in appropriate circumstances.
-

There may be cases where Council is unable to resolve the issue to the satisfaction of the complainant (after all the relevant processes have been followed) and is not reasonably in a position to take any further action on the matter. Whilst the complainant can still pursue the matter legally or with other agencies, Council may in certain circumstances (determined by the General Manager, Director or Section Manager) consider imposing a limit on communication with the complainant if the same issue continues to be raised. This also applies to unreasonable complaints.

### **Complaints Made to Councillors**

In many instances complaints are made directly to Councillors rather than to Council Officers. In such cases the complaint should be registered and dealt with in accordance with this Policy.

Councillors are requested to encourage the complainant to contact the Council office if they have not previously made the complaint to Council, so that the matter can be recorded and followed up.

### **Contacting External Agencies**

The following provides contact information for some of the relevant agencies:

#### **Department of Local Government (NSW)**

Sydney Office:

Level 9, 6 O'Connell Street

Sydney 2000

Phone (02) 9289 4000

Fax (02) 9289 4099

E-mail: [dlq@dlq.nsw.gov.au](mailto:dlq@dlq.nsw.gov.au)

Postal Address:

The Director General, Department of Local Government

Locked Bag 3015 Nowra NSW 2541

Information on the Department of Local Government is available on the Department's website

[www.dlq.nsw.gov.au](http://www.dlq.nsw.gov.au)

#### **The Ombudsman (NSW)**

The NSW Ombudsman,

Level 24, 580 George Street,

Sydney NSW 2000

Phone (02) 9286 1000

Fax (02) 9283 2911

E-mail: [nswombos@ombo.nsw.gov.au](mailto:nswombos@ombo.nsw.gov.au)

Information on the role of the Ombudsman is available on the NSW Ombudsman website

[www.nswombudsman.nsw.gov.au](http://www.nswombudsman.nsw.gov.au)

#### **The Independent Commission Against Corruption**

Sydney Office:

Level 21, 133 Castlereagh Street,

Sydney 2000

Phone (02) 8281 5999

Fax (02) 9264 5364

E-mail: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)

Postal Address:

The Commissioner, ICAC, Box 500 GPO, Sydney NSW 2001

Information on the role of the ICAC is available on the ICAC website [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)

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**Communication of this Policy**

Council's Complaints Handling policy will be communicated to all interested persons as follows:

- (a) Providing access to a copy of this policy at Council Offices, Libraries and facilities.
- (b) By including Council's Complaints procedure on Council's website and providing a downloadable form for the purpose of lodging a complaint.
- (c) Training Council staff on how to provide information to customers on Council's Complaints Handling Policy.
- (d) Providing all Councillors with a printed copy of the policy and including it in new Councillor induction processes.

**END OF POLICY STATEMENT**

**Policy details may change prior to review date due to legislative changes, therefore this document is uncontrolled when printed.**

**DOCUMENT HISTORY AND VERSION CONTROL RECORD**

**Contact for inquiries and proposed changes**

<b>Name</b>	Justine Uluibau
<b>Position/Section</b>	Manager Customer Service
<b>Contact Number</b>	46454562

<b>Version Number</b>	<b>Revised Date</b>	<b>Authorised Officer</b>	<b>Amendment Details</b>

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## **5. EDUCATION AND CARE SERVICES**

### **5.1 Early Childhood Education and Care Grants Program Funding 2014-2015**

#### **Reporting Officer**

Acting Manager Education and Care Services

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#### **Attachments**

Nil

#### **Purpose**

To seek Council's endorsement of \$541,745 renewable funding from the NSW Department of Education and Communities for Council's Education and Care Services for the period of July 2014 to June 2015.

#### **History**

In April 2011, responsibility for early childhood education and care was transferred from the Department of Family and Community Services to the Department of Education and Communities.

Council at the meeting of 10 December 2013 was advised of Council's Education and Care Services participation in a pilot program for the implementation of the Department of Education and Communities' web based Early Childhood Contract Management System (ECCMS).

#### **Report**

In 2014 the NSW Department of Education and Communities launched the web based ECCMS contract and grant funding management system. The ECCMS gives funded early childhood service providers secure access to information about their service details, annual funding specifications, financial accountability and performance management. Information is now accessed via an online portal, using a secure login and used to electronically manage annual funding agreements including notification of review, acceptance of funding agreements and payment advice.

On 14 April 2014 the Department sought Council's agreement to renewable funding of \$541,745 for Education and Care Services for the period of July 2014 to June 2015.

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In order for Council to continue to receive the funding, Education and Care Services were required to electronically accept the above funding by 23 May 2014.

**Officer's Recommendation**

That Council endorse acceptance of \$541,745 renewable funding from the NSW Department of Education and Communities for Council's Education and Care Services for the period of July 2014 to June 2015.

**Committee's Recommendation: (Lound/Thompson)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 3 June 2014 (Rowell/Dobson)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 89**

That the Officer's Recommendation be adopted.

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## **6. HEALTHY LIFESTYLES**

### **6.1 AFC Asian Cup Australia 2015 - Pre-Competition Camp Venue - Campbelltown Sports Stadium**

#### **Reporting Officer**

Manager Healthy Lifestyles

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#### **Attachments**

Nil

#### **Purpose**

To advise Council that the Chinese National football team has entered into an agreement with Council to use Campbelltown Sports Stadium as their pre-competition camp venue for the Asian Football Confederation (AFC) Asian Cup Australia 2015.

#### **History**

In January 2015, Australia will host the AFC Asian Cup Australia 2015 which is one of the largest sporting events in Asia from 9 – 31 January 2015 and the event is expected to attract over 45,000 international visitors with a global television audience of 2.5 billion people. Australia will host 32 matches across the cities of Sydney, Melbourne, Brisbane, Canberra and Newcastle.

Council at its meeting of 8 April 2014 was provided an update regarding the selection of Campbelltown Sports Stadium as one of the AFC Asian Cup pre-competition camp venues.

#### **Report**

Council officers have been in discussion with a number of countries in relation to Campbelltown hosting their National football team in their pre-competition training camp. These countries included Australia, Japan, China, Kuwait, Uzbekistan, Oman and Qatar. A number of the teams inspected the facilities at Campbelltown Sports Stadium.

Council has successfully negotiated with China to host their National football team in their pre-competition training camp prior to the AFC Asian Cup Australia 2015. Campbelltown Sports Stadium will be their training venue and the team will be accommodated at Rydges Campbelltown. The Chinese National football team will be staying in Campbelltown from 29 December 2014 to 5 January 2015.

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## 6.1 Afc Asian Cup Australia 2015 - Pre-Competition Camp Venue - Campbelltown Sports Stadium

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The contingent representing the Chinese National team was very impressed with the quality of the playing surface at Campbelltown Sports Stadium. The location of Campbelltown and the warm and friendly hospitality that was provided to the Chinese representatives were also one of the key factors that they chose Campbelltown to prepare for the event.

The Chinese National team including players, coaching, medical staff and officials will comprise approximately 45 people. It has been indicated through discussions with team representatives that this visit will contribute to the local economy through accommodation, transport, hospitality and entertainment spend.

Hosting the Chinese National team will be an opportunity to promote the Macarthur region. It will also provide an opportunity to showcase the Stadium's highly regarded playing surface to an international team which may provide opportunities in the future to host Chinese club teams as they prepare for Asian Champions League matches held in Sydney.

Council officers regularly liaise with Football Federation Australia and the Western Sydney Wanderers regarding opportunities to host future games and training camps at Campbelltown Sports Stadium.

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Lound/Glynn)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 3 June 2014 (Rowell/Dobson)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 89**

That the Officer's Recommendation be adopted.

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## **6.2 Campbelltown Hosting Major Netball Events**

### **Reporting Officer**

Manager Healthy Lifestyles

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### **Attachments**

Nil

### **Purpose**

To update Council on three major netball events being held at Coronation Park Netball Complex in June 2014.

### **Report**

Campbelltown sports grounds and facilities regularly play host to major sporting events. The standard of facilities and the ability to host large numbers of players and spectators are attractive to sports when deciding where to stage large tournaments. Some of the larger events staged in recent years include the World Masters Softball, Australian Junior Oztag Championships, State Championships in touch, baseball, softball, netball, oztag and cricket, zone and regional athletics events, Australian Baseball League fixtures and annual events for hockey and netball.

Campbelltown is in the enviable position of being one of only a few netball venues in NSW capable of hosting State Championship events. Coronation Park Netball Complex has hosted various State events every two years as well as the local Association's own carnival. The State Age Championships is so large that there is no one venue in NSW that can host all four divisions. Campbelltown hosted the Division 1 and 2 event last year.

In June 2014, Coronation Park Netball Complex will play host to three major netball events.

#### **Netball NSW State Championships**

##### **7-9 June 2014**

Approximately 150 teams from across NSW will be coming to Minto to participate over the three days of the June long weekend. In 2013 participants competed in six age divisions; Under 17, Under 19, Opens, Masters 35+, Masters 40+ and Masters 45+.

#### **Campbelltown District Netball Association Annual Carnival**

##### **15 June 2014**

More than 200 teams are expected to participate in the carnival, including teams from districts in the Sydney metropolitan area, as well as country associations travelling from all over NSW. This annual event is popular because it provides teams with final competition before the State Age Championships.

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**Netball NSW State Age Championships (Division 3 and 4)  
28-30 June 2014**

Approximately 150 teams from across NSW are expected to attend State Age Championships for teams in the Under 15, Under 14, Under 13 and Under 12 Divisions.

Council is assisting Campbelltown District Netball Association and Netball NSW to host the event, providing assistance with planning, access, waste management, and traffic management. Council officers have met with the organisers and are communicating with residents and businesses to prepare for the expected visitors to the area each day of the competitions.

**Officer's Recommendation**

That the information be noted.

**Committee's Recommendation: (Glynn/Lound)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 3 June 2014 (Rowell/Dobson)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 89**

That the Officer's Recommendation be adopted.

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## **6.3 Campbelltown Sports Stadium - Young Socceroos Training Camp**

### **Reporting Officer**

Manager Healthy Lifestyles

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### **Attachments**

Nil

### **Purpose**

To advise Council that Campbelltown Sports Stadium hosted the Young Socceroos in a training camp from 13-16 April 2014.

### **History**

Campbelltown Sports Stadium is the home venue for the Western Sydney Wanderers W-League and Youth League teams and has hosted both Sydney FC and the Western Sydney Wanderers' A-League premiership matches in recent years.

### **Report**

The Young Socceroos are the National Under 20s Football (Soccer) team which represents Football Federation Australia in international events and matches. The training camp was held at Campbelltown Sports Stadium from 13-16 April 2014 and culminated in a private trial match against Sydney Olympic on the Wednesday evening.

This is the first time that the stadium has hosted an Australian underage representative team. The squad trained at the venue each day for approximately two hours and stayed at Rydges Campbelltown due to its vicinity to the stadium and its facilities on offer.

Traditionally, Football Federation Australia arrange for Australian under age representative teams to train at venues such as Parramatta, Blacktown or Gosford and when training in Sydney, the teams generally base themselves at accommodation in Parramatta.

Hosting squads such as this one boosts the local economy through accommodation, hospitality and entertainment spend. Hosting training provides opportunities to showcase the stadium's facilities and it's playing surface to the players, coaches and managers of the teams and subsequently further promotes the stadium for future use for training and/or matches. The management and coaches of the Young Socceroos were very happy with the facilities, playing surface and the assistance that the venue offers.

Council officers continue to seek opportunities to host sporting events and training camps such as these and will continue to work with Football Federation Australia and other sporting codes on opportunities to increase the utilisation of the stadium.

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Council officers regularly make contact with opposition teams who are playing Wests Tigers at Campbelltown Sports Stadium in the National Rugby League competition to promote and encourage these teams to stay in Campbelltown in preparation for their match.

**Officer's Recommendation**

That the information be noted.

**Committee's Recommendation: (Lound/Thompson)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 3 June 2014 (Rowell/Dobson)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 89**

That the Officer's Recommendation be adopted.

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## **6.4 Poseidon Drowning Detection System**

### **Reporting Officer**

Manager Healthy Lifestyles

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### **Attachments**

Nil

### **Purpose**

To update Council on investigations into the feasibility of Council purchasing a Poseidon Drowning Detection System for use at Council's leisure facilities.

### **History**

The Poseidon Drowning Detection System is a computer vision surveillance system that recognises texture, volume and movement within a pool. The system is manufactured by MG International and distributed within Australia by Maytronics Australia.

The system is comprised of a camera network that continually surveys the pool and a software system that analyses, in real-time, the trajectories of swimmers. It is reported that the system can alert lifeguards usually within 10 seconds of a potential incident (sensor picking up someone who has become motionless for a period of 10 seconds) to the location of the swimmer in danger. The Poseidon System sounds an audible alert and visually displays the victim's location coordinates to a display board or screen for a lifeguard to see.

Council at the briefing on 25 March 2014 was provided a presentation with an overview of the Poseidon Drowning Detection System, costs and its operational use within NSW and Australia.

### **Report**

To install the system at Council facilities a technical layout study would need to be undertaken at a cost of \$500 per facility to ascertain the total amount of underwater and overhead cameras and systems required. Installations at each facility would also require cabling and installation of CCTV's in a common pool area along with a main office area for lifeguards and management to monitor. During this stage an engineer's analysis would take place to identify the appropriateness of retro fitting the system within the Council swimming pools.

At the time of writing the report this particular system and technology has a patent and is the only system of its specific type in Australia and the distribution rights sit with only one Australian based company.

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An annual charge of \$15,000 per centre is payable each anniversary of installation for equipment maintenance. For Council's three swimming facilities, this would equate to an annual cost of \$45,000.

Cameras may be required to be installed either underwater or overhead depending on technical layout study.

### Estimated Costs

The estimated costs per centre are outlined below, excluding the annual equipment maintenance fees.

#### Eagle Vale Central:

Technical Layout study	\$500
Installation approximately	\$30,000
Program pool	\$60,000
25m pool	\$70,000
Software	\$15,000
Hardware	\$12,000
<b>Total:</b>	<b>\$187,500</b>

#### The Gordon Fetterplace Aquatic Centre:

Technical Layout study	\$500
Installation approximately	\$30,000
Program pool	\$60,000
25m pool	\$70,000
50m outdoor	\$90,000
Software	\$15,000
Hardware	\$12,000
<b>Total</b>	<b>\$277,500</b>

#### Macquarie Fields Leisure Centre:

Technical Layout study	\$500
Installation approximately	\$30,000
Program pool	\$60,000
25m pool	\$70,000
50m outdoor	\$90,000
Software	\$15,000
Hardware	\$12,000
<b>Total</b>	<b>\$277,500</b>

Of the 367 aquatic facilities currently on record in NSW, Blacktown Leisure Centre (Stanhope) is currently the only leisure facility in NSW with the Poseidon System installed. Following recent research Sydney Olympic Park Aquatic Centre and YMCA operated facilities have opted not to install the system, but rely on their lifeguards for monitoring their pools and responding to potential drownings prior to the situation escalating to an emergency scenario.

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Blacktown Leisure Centre (Stanhope) has the Poseidon System installed in their wave pool, program pool and 25 metre indoor pool. The wave pool and 25 metre pool have underwater cameras installed as well as overhead cameras to monitor the program pool. Lifeguards can monitor the underwater and overhead camera streams through monitors placed strategically around the facility. The cameras also record still shots every 4 seconds so in the event of an incident the facility has the ability to review events as they occurred.

Council officers have researched other drowning protection systems. Within Australia the only systems that are available are domestically designed models that alert parents to something falling into a pool weighing more than 5 kilograms and sounding an alarm.

Alternatively there is a couple of models where bands are placed around a child's neck or arm while the parent also wears a receiver, if the child becomes motionless or falls in the water the alarm is sounded. Each of these alternatives are impractical within a public pool environment, and would not be recommended outside of their domestic pool purpose.

### **Poseidon Potential Benefits to Saving Lives**

Reliable evidenced based data is difficult to ascertain in relation to the system in preventing drownings. As there is only one company that has this system, only one distributor in Australia to supply the system and one pool in NSW that has the system installed, there is limited detail to compare the effectiveness against criteria from other pools near misses, staffing levels, training of lifeguards, and the specific circumstances of those swimmers in difficulty that require rescue.

While the Poseidon Drowning Detection System may complement lifeguards it does not substitute them. The use of the Poseidon System will not and should not replace or reduce the presence of lifeguards. More specifically the expectation from an industry perspective, require operators governing public pools to provide adequate licensed staff that are available to respond in case of emergencies. Operators also need to adequately provide competent staff to meet their legislative requirements under NSW Department of Local Government Practice Note 15, Royal Life Saving Guidelines Australia Guidelines for Safe Pool Operation and Keep Watch Program and NSW Health Public Pool and Pool Spa Advisory Document 2013.

### **Summary**

Lifeguards provide visual supervision of swimming pools and are trained in scanning and observation techniques, as well as emergency response. There is strong evidence that the most effective method of drowning prevention in young children is constant supervision from a responsible adult combined with the ability to swim.

The Royal Life Saving Australia Keep Watch Program states:

- Children under 10 years of age are not allowed entry to a facility without active supervision of a person 16 years or older
  - Parents and carers should actively supervise their children at all times. They should be dressed ready for action, including unexpected entry to a pool
-



- For children 0-5 years old and non-swimmers, a parent or carer is in the water at all times and within arm's reach of the child
- For children 6-10 years old, constant active supervision is required. Being in a position to directly monitor and watch and be ready to respond and enter the water if required
- For children 11-14 years old it is recommended that parents check on their child by physically going to the point where the child is in or around the water.

Council's procedures re-enforce these guidelines where it specifies that two licenced lifeguards are rostered at each centre at a minimum, and that each pool has constant supervision of licensed lifeguards. Additionally when any child enters the water even with their parents, lifeguards position themselves within two metres of the pools edge, while continually surveying the remainder of the pool.

Council's lifeguards undertake regular in-house training to ensure a high standard of emergency response. This training incorporates pool supervision techniques and requirements, customer service, crowd control measures, and emergency rescues including spinal injury rescues, deep water rescues, oxygen therapy, defibrillator and advanced CPR.

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Brticevic/Lound)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 3 June 2014 (Rowell/Dobson)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 89**

That the Officer's Recommendation be adopted.

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## **7. LIBRARY SERVICES**

### **7.1 Revised Policy - Library Fees and Charges**

#### **Reporting Officer**

Manager Library Services

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#### **Attachments**

Library Fees and Charges Policy (contained within this report)

#### **Purpose**

To seek Council's endorsement on the Library Fees and Charges Policy.

#### **History**

The above mentioned policy was adopted by Council on 15 April 1986, was last reviewed on 10 May 2011 and is now due for review in accordance with the Records and Document Management Policy.

#### **Report**

The abovementioned policy was reviewed in accordance with Council's Record Management Policy and the adopted procedure for Policy Development Review.

The Library Fees and Charges Policy has been reviewed and found that no changes were required. It is recommended that the policy be adopted and a new review date set.

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

1. That the Library Fees and Charges Policy in the Attachment be adopted.
2. That the Policy review date be set at 30 June 2017.

#### **Committee's Recommendation: (Thompson/Lound)**

That the Officer's Recommendation be adopted.

**CARRIED**

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**Council Meeting 3 June 2014 (Rowell/Dobson)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 89**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1

 campbelltown city council		<b>POLICY</b>
Policy Title	Library Fees and Charges	
Relevant Legislation/ Corporate Plan	Library Regulations 2010	
Responsible Officer	Manager Library Services	

**Policy details may change prior to review date due to legislative changes, therefore this document is uncontrolled when printed.**

### Objectives

To identify and specify which Library services and facilities shall be subject to a fee or charge.

### Policy Statement

1. Overdue charges shall apply to all items borrowed from the library and not returned within the specified period.
2. Requests for inter library loans shall be subject to a processing fee.
3. Lost patron cards shall be subject to a replacement charge.
4. Lost or damaged books and other library materials shall be subject to either a replacement or repair cost. Patrons may assume ownership of any item for which the full replacement cost has been paid.
5. Copying/reproduction shall be subject to a charge.
6. Requests by mail for local or family history information shall be subject to a charge to cover basic research, photocopying and postage fees.
7. Copies of photographs from the Local Studies Collection may be purchased subject to a fee based on the proposed use of the photograph.
8. Library fees and charges shall be determined by Council in accordance with Library Regulations 2010 and other relevant legislation.
9. Fees and charges shall be reviewed annually.

### END OF POLICY STATEMENT

### DOCUMENT HISTORY AND VERSION CONTROL RECORD

**Contact for inquiries and proposed changes**

<b>Name</b>	Grant White
<b>Position/Section</b>	Manager Library Services
<b>Contact Number</b>	4645 4473

<b>Version Number</b>	<b>Revised Date</b>	<b>Authorised Officer</b>	<b>Amendment Details</b>

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**8. GENERAL BUSINESS**

Nil.

**20. CONFIDENTIAL ITEMS**

**No reports this round**

There being no further business the meeting closed at 5.41pm.

T Rowell  
CHAIRPERSON

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# Reports of the Corporate Governance Committee Meeting held at 5.30pm on Tuesday, 27 May 2014.

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## APOLOGIES

## ACKNOWLEDGEMENT OF LAND

## DECLARATIONS OF INTEREST

### Pecuniary Interests

### Non Pecuniary – Significant Interests

### Non Pecuniary – Less than Significant Interests

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**Minutes of the Corporate Governance Committee held on 27 May 2014**

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**Present** His Worship the Mayor, Councillor C Mead  
Councillor S Dobson (Chairperson)  
Councillor F Borg  
Councillor R Kolkman  
Councillor P Lake  
Director Business Services - Mr M Sewell  
Acting Director City Works - Mr K Lynch  
Acting Manager Business Assurance - Mr C Taylor  
Acting Manager Customer Service – Mrs J Uluibau  
Manager Development Services – Mr J Baldwin  
Manager Executive Services - Mr N Smolonogov  
Manager Financial Services - Mrs C Mears  
Manager Human Resources - Mr B Clarence  
Manager Property Services - Mr J Milicic  
Manager Waste and Recycling Services - Mr P Macdonald  
Procurement and Contracts Coordinator - Ms K Stares  
Policy and Governance Coordinator - Ms J Warner  
Executive Assistant - Mrs K Peters

**Apology (Lake/Kolkman)**

That the apologies from Councillors Greiss and Hawker be received and accepted.

**CARRIED**

**Note:** Councillor A Chanthivong has been granted a leave of absence from Council, incorporating all formal Council and Committee meetings until Tuesday 12 August 2014.

**Acknowledgement of Land**

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

**DECLARATIONS OF INTEREST**

There were no Declarations of Interest at this meeting.

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## **1. GOVERNANCE AND ADMINISTRATION**

**No reports this round**

## **2. PROPERTY SERVICES**

### **2.1 Subdivision of land for lease purposes, Macquarie Fields**

#### **Reporting Officer**

Manager Property Services

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#### **Attachments**

1. Plan of Site (contained within this report)
2. Proposed subdivision layout (contained within this report)

#### **Purpose**

To seek Council approval for the lodgement of a development application for the subdivision of Council land to facilitate the leasing of the Macquarie Fields Neighbourhood Store and Residence.

#### **History**

Council in accordance with a resolution passed on 19 December 2004 entered into a five year lease with a five year option which was exercised in 2009 over the Macquarie Fields Neighbourhood Store and Residence.

#### **Report**

The Macquarie Fields Neighbourhood Store and residence is located at the corner of Evelyn Street and Cestrum Avenue, Macquarie Fields. Council is the owner of the site which is comprised of four allotments described as Lots 31-34 in Section 39 within DP 1391 shown in attachment 1 to this report.

This site has a combined area of approximately 7689 square metres and is classified as 'operational' land. The site is dual zoned part 3(c) – Neighbourhood Business Zone and part 9 – Community Uses Zone. The actual area occupied by the Macquarie Fields Neighbourhood Store and residence is only approximately 2000 square metres.

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The lease over the Macquarie Fields Neighbourhood Store and residence is due to expire on 19 December 2014. In order to ensure that a lease is in place over the Macquarie Fields Neighbourhood Store and residence, representations have been made to the current tenant to determine interest in proceeding with a new lease.

The current tenants, who have successfully managed the business since 2004, have requested a new long term lease for a term of five years with a five year option adopting similar conditions to the current lease.

The site of the Macquarie Fields Neighbourhood Store and residence is comprised of four separate allotments with the lease area being over a portion of three allotments. In this respect a subdivision of the land is required to create a separate title over the actual occupied area of approximately 2000 square metres.

In order to facilitate the lease it is proposed that the subject site be subdivided into separate allotments as depicted in attachment 2 of this report, detailed as follows:

- Lot 1 would be created to define the area subject to the lease being the Macquarie Fields Neighbourhood Store and residence together with associated car parking area in accordance with the existing 3(c) Neighbourhood Business zone.
- The title to the balance of the site would continue to be held by Council as part of the Development Reserve holdings.

Accordingly, it is recommended that Council provide approval for the lodgement of a development application for the subdivision of Council land at Macquarie Fields to facilitate a new long term lease over the actual occupied area for the Macquarie Fields Neighbourhood Store and residence.

### **Officer's Recommendation**

1. That Council provide its approval for the lodgement of a development application over Lots 31-34 in Section 39 within DP 1391 with respect to a proposed subdivision to facilitate the leasing of Macquarie Fields Neighbourhood Store and Residence.
2. That all documentation associated with the lodgement of a development application be executed under the Common Seal of Council if required.
3. That a further report be presented to Council regarding the proposed lease of the property upon completion of the subdivision.

### **Committee's Recommendation: (Lake/Mead)**

That the Officer's Recommendation be adopted.

**CARRIED**

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**Council Meeting 3 June 2014 (Dobson/Mead)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 90**

That the Officer's Recommendation be adopted.

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**ATTACHMENT 1**



## ATTACHMENT 2



## 2.2 Ingleburn Fair Shopping Centre - Council Car Park Upgrade

### Reporting Officer

Manager Property Services and Manager Development Services

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### Attachments

1. Plan of proposed car park reconfiguration (contained within this report)
2. Plan of proposed landscaping and imagery (contained within this report)

### Purpose

To inform the Council of an offer made by the representative of the owner/s of Ingleburn Fair Shopping Centre, to undertake reconfiguration and upgrade works on the adjacent Council land currently used for car parking and to seek the Council's approval to enter into a Legal Agreement with the owners of Ingleburn Fair Shopping Centre and for these works to occur at no cost to the Council.

<b>Property Description</b>	Public Car Park adjacent to Ingleburn Fair Shopping Centre
<b>Applicant</b>	Caverstock Group Pty Ltd
<b>Owner</b>	Dee Too Pty Ltd, FM OBeid Pty Ltd and JP Benson Pty Ltd

### History

In June of 2013, Council approved a Development Application for the construction of additions and alterations to the internal area of the Ingleburn Fair Shopping Centre (the Centre), including associated façade treatments and business identification signs. This development proposal was not deemed to cause an intensification of any current approved use, and as such, in accordance with Council's s94A developer contribution plan, the development was exempt from the application of s94A developer contributions. Similarly, as the development did not generate additional floor space, the development was also exempt from the application of Council's s94 Car Parking Contributions Plan.

Toward the end of 2013, representatives of the owners of the Centre approached the Council with an offer to upgrade the existing (Council owned) 390 space car park adjacent to the Centre.

The car parking area subject of this report is located to the east of the Centre and is bounded by Carlisle Street, Macquarie Road, Cambridge Street and Boots Lane. Currently the parking configuration contains 203 time restricted spaces and 187 unrestricted spaces. The 187 unrestricted spaces are predominantly used for the purposes of commuter parking.

The proposed upgrade provides 25 additional time restricted parking spaces and one additional unrestricted space within the existing Council car park area. There is also an option for an additional 10 parking spaces for people with disabilities located in Macquarie Road.

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Although the proposal shows Macquarie Road as a 'Shared Zone', this item will be addressed in view of a recent traffic review of 'Shared Zones' which included Macquarie Road.

Notwithstanding the provision of additional parking spaces, the main aspects of the proposal are the reconfiguration of the parking bays and circulation aisles, resurfacing of the pavement, provision of line-marking / sign-posting and landscaping works.

The works are being proposed by the proponent as part of a suite of works (private and public) to improve the shopping experience and improve the commercial/operational potential of the Centre, while at the same time providing an upgraded car park facility for the existing users.

## Report

The owner's representative (proponent) of the Ingleburn Fair Shopping Centre (the Centre) has approached the Council seeking its approval for the Centre to carry out (under an appropriate legal agreement 'Deed' with the Council) the upgrade and reconfiguration of the existing Council car parking facility adjacent to the Centre. The provision of the work is to be at no cost to the Council.

The proponent has identified that the upgrade would result in a significant benefit to the local community in that it would provide increased car parking for the local users (up to 36 additional spaces within and external to the existing public car park) which will reduce existing local parking pressures within the wider shopping area during peak times; improve the efficiency and safety of movement (pedestrian and vehicular) within and around the subject parking area; and provide improved ingress/egress arrangements between the car park and surrounding road network.

### Car park proposal

The elements of the proposed upgrade include (see Attachments No.1 and 2):

- reconfiguration of the existing Council car park layout to provide 26 additional spaces which would total 416 spaces
  - provision of one additional unrestricted parking space. Sub-total = 188 spaces
  - provision of 25 additional restricted parking spaces. Sub-total = 228 spaces
  - an option to provide 10 additional spaces for people with disabilities outside of the public car park and along Macquarie Road
  - reconfigured pedestrian access between the Centre and the public car park
  - provision of additional and embellishment of existing landscaping
  - reconfiguration of car park access points including a 2-way entry and exit between the car park and Carlisle Street
  - removal of the Boots Lane access
  - resurfacing of the whole car park with a new asphalt overlay
  - repair and upgrade lighting
  - line marking and sign posting works (including the definition of timed parking areas)
  - installation of new trolley collection bays
  - provide for disabled parking areas to be relocated closer to the Centre
  - provision of a new vehicular entry/exit onto Macquarie Street
-

### **Proposed cost**

The proponent has provided Council with a scope of works and an itemised cost estimate of those works totalling approximately \$854,000, inclusive of a 5% contingency.

As identified previously, these works would be carried out at no cost to the Council, and in this regard, the proponent requests that Council enter into a Deed of Agreement (or other appropriate legally binding instrument) whereby the obligation to carry out all works by the proponent, at the proponents cost is legally binding and clearly articulated.

Further to this, and as an added measure to ensure that Council's future opportunities for the use, redevelopment or potential sale of the land previously purchased by Council and currently used for car park are not hindered in any way, it is proposed to introduce wording into any agreement as proposed by the proponent (subject to legal advice) that no obligation is created on the Council to keep the car park, in part, or in its entirety, or any obligation to maintain a specified number of parking spaces for any period of time.

The inclusion of the above condition is to ensure that the use of the car park, or future decisions made by the Council in relation to the subject land currently being used as a car park is not fettered in any way and that there is no inferred obligation on the Council to maintain or continue the provision of parking at this location, at any time.

Having regard to the estimated cost of the works, although there is no obligation on the proponents behalf, nor any power that the Council has to force the proponent to provide any s94 parking contributions for the works, the proponent has compared the estimated cost of works against that of the value of the material public benefit of the provision of an additional 26 parking spaces within the existing car park area.

In this regard, at the time the cost estimate of \$854,000 was finalised (March 2014), the s94 parking contribution in the Ingleburn area was set at \$32,401.44 per parking space. When using the s94 car parking contribution rate of \$32,401.44, the value of the material public benefit based on 26 additional parking spaces constructed within the Ingleburn town area amounts to approximately \$842,000 (against the estimated development cost of \$854,000). It is also proposed to obtain a security against the completion of these works as part of any legal agreement.

If Council endorsed the proposal, the proponent would be required to provide a draft legal agreement to Council and its solicitor for review. On receipt of the appropriate legal advice, it is further requested that the General Manager be delegated the authority to execute the agreement on Council's behalf.

The proponent would still be subject to the normal planning and approval processes for the civil works including the requirement to obtain the owners consent. In this regard, the proponent would be required to obtain separate approval from the Council as the owner of the land upon which the car park is situated to allow for the reconfiguration works as well as any works proposed within the public road areas.

These works may also require separate endorsement from Council's Local Traffic Committee and subsequent approval from the Council. Notwithstanding this, the proposal is not considered to be a major project and as such, it is highly unlikely that there will be a need to significantly alter the proposal as shown within the included attachments.

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Finally, and having regard to the time restricted parking spaces, the proponent is not proposing to alter the timeframes of the time limited parking areas during week days, however, the proponent has requested that Council give consideration to extending time restrictions to the whole car park area for weekend periods. This has been provided within this report as information only, and this matter can be considered and dealt with at a later time, as part of the any future assessment.

### **Conclusion**

The proponent has sought Council approval to undertake an upgrade and reconfiguration of the existing Council car park situated opposite Ingleburn Fair Shopping Centre.

The proposal involves the proponent being solely responsible for the construction of the proposed works as well as being responsible for all costs associated or incidental with the preparation, design and construction of the proposed works.

In order to facilitate the proposal, a legal agreement would be required between the owners of the shopping centre and Council, on terms satisfactory to Council. This requires a condition that Council has no obligation to ensure the lands comprising the subject car park are retained at any time in the future as a car park. In other words, the Council's use of the subject car park is not to be fettered in any way as a result of the entering into such an agreement, and where the Council does choose to alter the car park or its use in any way, the proponent cannot make claim for any loss or otherwise that it may not incur.

On this basis it is recommended that Council provide approval to proceed with the proposal for the proponent to reconfigure the subject car park at no cost to Council for the provision of additional parking spaces and associated work as outlined in this report.

It is also recommended that Council provide approval for Council's General Manager to be authorised to execute any necessary legal agreement as vetted by Council's solicitor on behalf of Council.

### **Officer's Recommendation**

1. That Council approve the proposal for the proponent to reconfigure the subject car park at no cost to Council as outlined in this report, subject to the parties entering into a Legal Agreement.
  2. That Council's General Manager be authorised to execute the necessary Legal Agreement on behalf of Council.
  3. That Council provide owners consent for a development application to be lodged for the proposed car park reconfiguration subject to a Legal Agreement being in place and provide separate owners consent for the works to commence subject to all relevant approvals, certifications, endorsement being obtained prior to the works commencing on site.
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**Committee's Recommendation: (Borg/Kolkman)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 3 June 2014 (Dobson/Mead)**

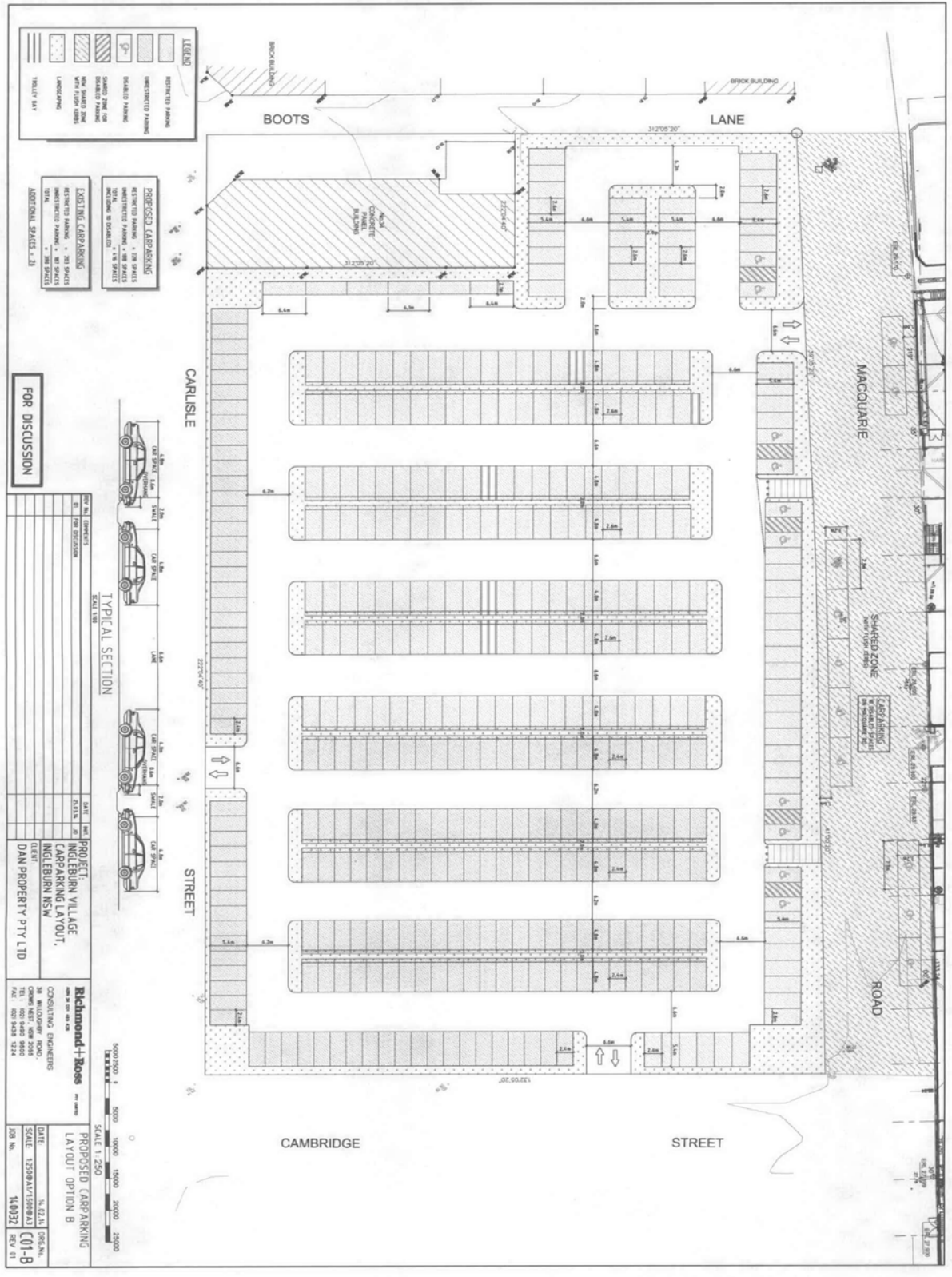
That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 90**

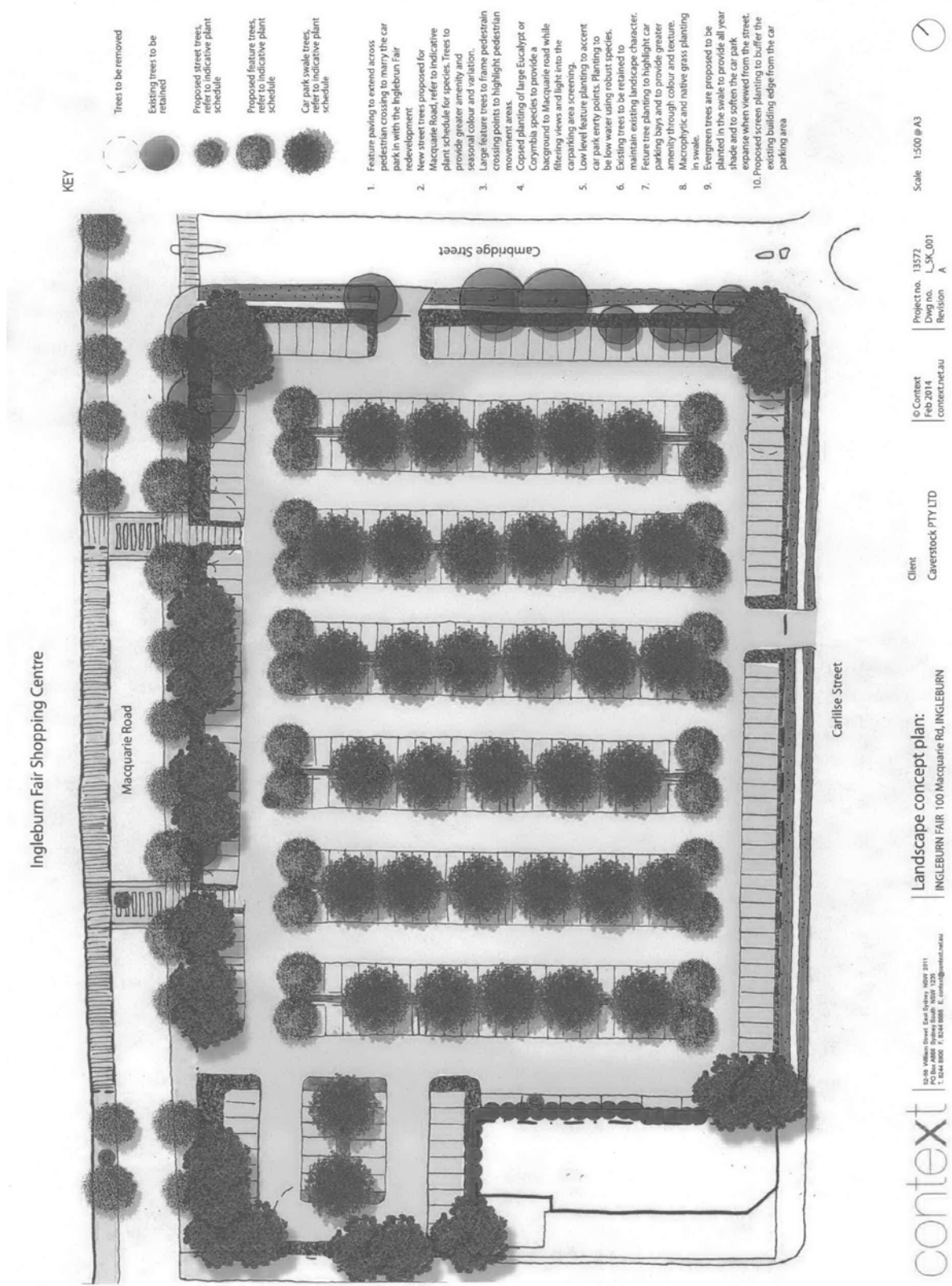
That the Officer's Recommendation be adopted.

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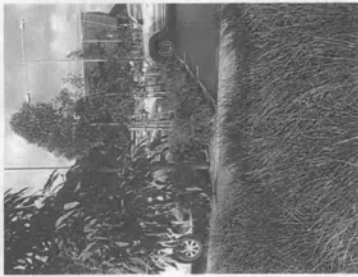
# ATTACHMENT 1



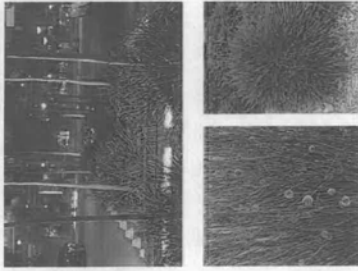
# ATTACHMENT 2



LANDSCAPE CHARACTER IMAGES



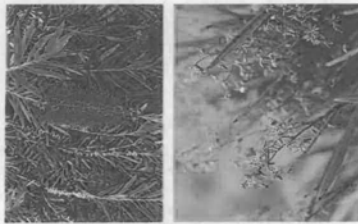
1 Proposed carpark character



2 Swale planting



4 Opportunities for Trifolium pratense walkways bridged over car park roads to adjacent pedestrian footpaths.



3 Winter character of the carpark  
 Dandelion to bottom

Indicative Species List			
Species	Common Name	Mature height (m)	Width (m)
<b>Feature and Street Trees</b>			
<i>Ficus religiosa</i>	Claret Ash	10	6
<i>Leptospermum laevis</i>	Grape Myrtle	8	5
<i>Platanus acerifolia</i>	London Plane	10	5
<i>Platanus chinensis</i>	Chinese Platanus	10	5
<i>Pyrus chloris</i>	Ornamental Pear Tree	8	4
<i>Tristania nutans</i>	Water Gum	8	4
<b>Small Trees</b>			
<i>Mitrasacme</i>	Stem in Summer	8	5
<i>Malvaceae quinquefolia</i>	Paper Bark	15	8
<i>Tristania nutans</i>	Water Gum	7	3
<i>Zelkova serrata</i>	Japanese Elm	8	5
<b>Large Background Trees</b>			
<i>Acacia saligna</i>	Black Wattle	15	6-8
<i>Acacia saligna</i>	Spotless Gum	12-22	10
<i>Acacia saligna</i>	Scrubby Gum	20	10
<i>Encalypta parvifolia</i>	Grey Gum	20	10
<b>Low Level Planting</b>			
<i>Convolvulus cneorum</i>	Dwarf Coghata	0.3	0.5
<i>Convolvulus cneorum</i>	White Bush	0.3	0.5
<i>Convolvulus cneorum</i>	Silver Bush	0.3	0.5
<i>Dawsonia</i>	Fire Lily	0.3	0.3
<i>Grevillea bronze rambler</i>	Groundcover Grevillea	Creep	150mm
<i>Hebe</i>	Groundcover Hebe	0.5-1	0.5-1
<i>Hebe</i>	Spiny-leaved Mistle	0.5-1	0.5-1
<i>Hebe</i>	Groundcover Hebe	0.5-1	0.5-1
<i>Westringia fruticosa cv</i>	Dwarf Coastal Rosemary	0.5-1	0.5-1



5 Corymbia maculata planting



6 Plants adjacent to feature trees in streetscape footpath



7 Maturely established feature trees in streetscape footpath



8 Shrubs to adjacent footpath



9 Pyrus chloris feature trees in streetscape footpath



10 Corymbia maculata background trees

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### 3. FINANCIAL SERVICES

#### 3.1 Investment report - April 2014

##### Reporting Officer

Manager Financial Services

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##### Attachments

Investment portfolio performance as at 30 April 2014

##### Purpose

To provide a report outlining Council's investment portfolio performance for the month of April 2014.

##### Report

Council invests any surplus funds that become available through the financial instrument designated by the Ministerial Order from the Office of Local Government. The *Local Government Act 1993* and the *Local Government (General) Regulation 2005* require a monthly investment report be presented to Council.

Council's Investment Portfolio as at 30 April 2014 stood at approximately \$88m. Funds are currently being managed both by Council staff and Fund Managers and are in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005* and Council's Investment Policy.

##### Portfolio Performance

Directly managed investments show an outperformance of the 90 day bank bill index benchmark by more than 100 basis points for the reporting period.

Monthly annualised return	April
Council Managed Funds	4.01%
Benchmark: 90 Day Bank Bill Index	2.66%

Investment returns can fluctuate during any one reporting period based on market perceptions, or as in the case of funds under management, changes in asset classes. As such, any measurement of performance is better reflected over a rolling 12 month period to average out any fluctuations in monthly performance. Council's total investment portfolio has outperformed the benchmark on average over the last 12 months.

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<b>Rolling year to date return</b>	<b>April</b>
Council Managed Funds	4.19%
Benchmark: 90 Day Bank Bill Index	2.69%

Council's portfolio as at 30 April 2014 is diversified with 70% in term deposits of varying lengths of maturity which are managed in accordance with market expectations and Council's investment strategy, 22% in floating rate notes which gives Council a set margin above either 30 or 90 day bank bills, 7% in fixed rate bonds, 1% in funds in a short term at call account and a National Australia Bank offset facility which expires in June 2014.

<b>Maturity profile</b>	<b>30 April</b>
Short term at call	\$1,193,251
0 – 3 months	\$39,089,806
3 – 6 months	\$25,452,688
6 – 12 months	\$16,125,051
12 months +	\$6,000,000

All investments are placed with approved deposit taking institutions. No funds are placed with any unrated institutions.

<b>Credit exposure</b>	<b>30 April</b>
AAA to AA-	71%
A+ to A-	24%
BBB+ to BBB-	5%
Other approved deposit taking institutions	0%

### **Economic outlook**

The Board of the Reserve Bank of Australia (RBA) left the cash rate unchanged at its present level of 2.5% at its meeting held on 6 May, which was in line with market expectations. The accompanying statement to this decision indicated that the current setting of monetary policy is appropriately configured to foster sustainable growth as well keeping inflation within the Bank's target range of 2-3%. The RBA Governor stated that the most prudent course is likely to be a period of stability in interest rates which market economists concur that this neutral bias coupled with the ongoing downturn in the mining sector and rise in unemployment all points to an extended period of stability in interest rates.

### **Summary**

Council's investment portfolio continues to outperform the benchmark of the 90 day bank bill index. The Local Government Investment Guideline leaves little scope for the enhancement of Council's investment portfolio with the various investment products being offered. However, to enhance the portfolio, advantage is taken on the length of maturity of the investment given the rating of the institution, as well as reviewing any new investment products offered in consultation with Council's financial advisor, Spectra Financial Services.

Regular liaison with Council's external financial advisor assists in monitoring all of the risk factors to maximise Council's return on the investment portfolio, while minimising the risk associated with this strategy.

**Officer's Recommendation**

That the information be noted.

**Committee's Recommendation: (Kolkman/Lake)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 3 June 2014 (Dobson/Mead)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 90**

That the Officer's Recommendation be adopted.

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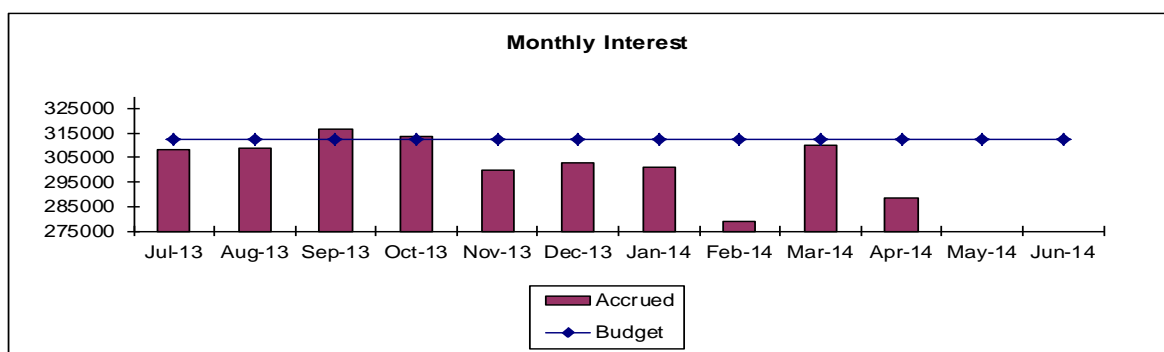


# ATTACHMENT 1

## CAMPBELLTOWN CITY COUNCIL INVESTMENT PORTFOLIO Summary April 2014

Benchmark UBS Warburg 90 Day Bank Bill Index  
 Portfolio Balance \$87,860,795.60

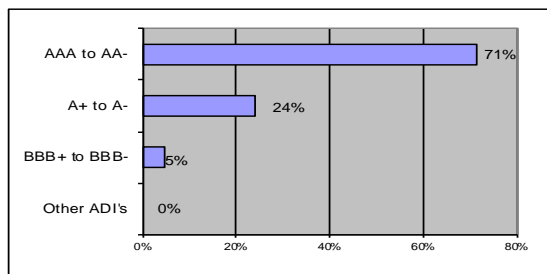
Monthly Performance	Return (mth)	Return (pa)
UBSW 90 Bank Bill Index	0.22%	2.66%
Total Portfolio	0.33%	3.99%
<i>Performance to Benchmark</i>	+ 0.11%	+ 1.34%
Portfolio - Direct Investments	0.33%	4.01%
<i>Performance to Benchmark</i>	+ 0.11%	+ 1.35%
Short Term Call Account	0.24%	2.90%



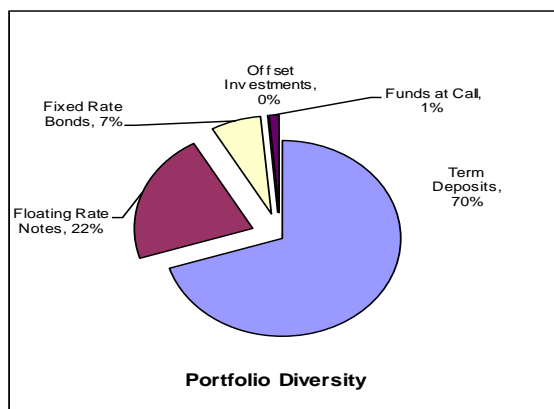
### Year to Date Performance Credit Exposure

Rolling 12 Month Period  
 4.19% Council Managed Funds  
 2.69% Benchmark

Interest Budget to Actual  
 Budget to Period \$3,125,000  
 Accrued to Period \$3,027,467



### Securities Institutions



	Amount Invested	% Portfolio
Funds at Call	\$ 1,193,251.38	1%
NSW Treasury	\$ 2,225,000.00	3%
National Australia Bank	\$ 24,695,537.28	28%
ANZ Bank	\$ 3,500,000.00	4%
Westpac Bank	\$ 10,796,428.67	12%
St George Bank	\$ 3,528,505.06	4%
Commonwealth Bank	\$ 12,500,000.00	14%
Bank Western Australia	\$ 4,216,711.54	5%
AMP Bank	\$ 5,000,000.00	6%
Suncorp Metway	\$ 5,205,361.67	6%
ING Bank	\$ 4,000,000.00	5%
Rural Bank	\$ 3,000,000.00	3%
Bank of Queensland	\$ 4,000,000.00	5%
ME Bank	\$ 4,000,000.00	5%
<b>Total</b>	<b>\$87,860,795.60</b>	<b>100%</b>

## **3.2 Monthly Rates Summary - April 2014**

### **Reporting Officer**

Manager Financial Services

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### **Attachments**

1. Monthly rates summary (contained within this report)
2. Actual to budget result (contained within this report)
3. Rates statistics (contained within this report)

### **Purpose**

To provide details of the 2013-2014 Rates and Charges Levy and cash collections for the month ending April 2014.

### **Report**

Rates and charges levied for the period ending 30 April 2014 totalled \$83,711,224, achieving 99.3% of the current budget forecasts.

Receipts collected to the end of April totalled \$67,869,793. In percentage terms this amount represents 78.9% of all rates and charges due to be paid. In comparison, the amount collected in the same period last year was also 78.7%. This ratio places Council in a good position in minimising the amount due in rates and charges leading up to the end of the financial year. Effort is continually made to ensure that rate payers do not place themselves in a position that becomes increasingly difficult given their financial circumstances.

The fourth instalment notices were issued on 11 April 2014 to the 47,705 ratepayers who have chosen to pay their account in quarterly instalments. In addition 5,455 Housing NSW accounts were issued in an electronic form specified by Housing NSW.

Debt recovery action during the month involved the service of 243 Statements of Claim on accounts that have continued to remain overdue despite requests from Council to either finalise the outstanding balance or enter into a satisfactory arrangement to clear the debt. Officers continue to work with ratepayers experiencing difficulties in finalising their accounts and presently, 368 ratepayers are clearing their accounts through regular weekly, fortnightly or monthly payments.

Ratepayers who purchased property since the issue of the May instalment notice have received a "Notice to New Owner" letter. During the month, 37 of these notices were sent advising the amount raised by Council in annual rates and charges and the balance remaining unpaid.

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**Officer's Recommendation**

That the information be noted.

**Committee's Recommendation: (Lake/Mead)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 3 June 2014 (Dobson/Mead)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 90**

That the Officer's Recommendation be adopted.

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# ATTACHMENT 1

## RATES SUMMARY

### STATEMENT OF ALL OUTSTANDING RATES AND EXTRA CHARGES

RATE - CHARGE	NET ARREARS 1/7/2013	NET LEVY FOR YEAR	PENSION REBATES	EXTRA CHARGES	TOTAL RECEIVABLE	CASH COLLECTED	NET AMOUNT DUE	POSTPONED RATES & INTEREST	GROSS AMOUNT DUE
RESIDENTIAL	2,489,704.10	47,039,187.36	1,362,030.92	686,376.98	48,853,237.52	38,153,198.76	10,700,038.76	355,610.53	11,055,649.29
BUSINESS	468,656.67	15,792,058.54		98,324.14	16,359,039.35	12,960,866.93	3,398,172.42		3,398,172.42
BUSINESS - IND	3,940.83	0.00		123.16	4,063.99	1,492.23	2,571.76		2,571.76
FARMLAND	12,880.47	393,443.20	884.94	1,103.52	406,542.25	297,793.21	108,749.04	157,393.49	266,142.53
MINING	0.00	13,929.61		0.00	13,929.61	13,929.61	0.00		0.00
LOAN	243,314.66	4,109,690.73		11,052.65	4,364,058.04	3,382,952.35	981,105.69	49,637.72	1,030,743.41
F5 ACCESS RAMPS	764.21	0.00		18.51	782.72	106.91	675.81		675.81
MAIN STREET	40.12	0.00		0.00	40.12	0.00	40.12		40.12
<b>TOTAL</b>	<b>\$3,219,301.06</b>	<b>\$67,348,309.44</b>	<b>\$1,362,915.86</b>	<b>\$796,998.96</b>	<b>\$70,001,693.60</b>	<b>\$54,810,340.00</b>	<b>\$15,191,353.60</b>	<b>\$562,641.74</b>	<b>\$15,753,995.34</b>
GARBAGE	735,268.06	15,835,761.57	805,640.30	37,831.37	15,803,220.70	12,314,349.18	3,488,871.52		3,488,871.52
SANITARY	0.00	0.00		0.00	0.00	0.00	0.00		0.00
STORMWATER	51,164.38	900,937.34		2,115.13	954,216.85	745,103.84	209,113.01		209,113.01
<b>GRAND TOTAL</b>	<b>\$4,005,733.50</b>	<b>\$84,085,008.35</b>	<b>\$2,168,556.16</b>	<b>\$836,945.46</b>	<b>\$86,759,131.15</b>	<b>\$67,869,793.02</b>	<b>\$18,889,338.13</b>	<b>\$562,641.74</b>	<b>\$19,451,979.87</b>

Total from Rates Financial Transaction Summary	18,887,353.71
Overpayments	-564,626.16
Difference	0.00

### ANALYSIS OF RECOVERY ACTION

Rate accounts greater than 6 months less than 12 months in arrears	775,904.44
Rate accounts greater than 12 months less than 18 months in arrears	125,680.06
Rate accounts greater than 18 months in arrears	44,454.77
<b>TOTAL rates and charges under instruction with Council's agents</b>	<b>\$946,039.27</b>

## ATTACHMENT 2

### COMPARISON OF BUDGET TO ACTUAL

DESCRIPTION	ORIGINAL BUDGET	REVISED BUDGET	ACTUAL	BALANCE STILL REQD.	% RAISED
RESIDENTIAL	46,699,900	46,863,400	47,039,187	(175,787)	100.38%
BUSINESS	15,792,500	15,792,500	15,792,059	441	100.00%
FARMLAND	415,500	415,500	393,443	22,057	94.69%
MINING	15,000	15,000	13,930	1,070	92.86%
LOAN	4,176,500	4,176,500	4,109,691	66,809	98.40%
TOTALS	67,099,400	67,262,900	67,348,309	(85,409)	100.13%
INTEREST CHARGES	368,900	258,900	168,237	90,663	64.98%
LEGAL COSTS RECOVERED	710,000	710,000	634,237	75,763	89.33%
PENSIONERS - Sec 575	(1,735,300)	(1,735,300)	(1,804,176)	68,876	103.97%
PENSIONERS - Sec 582	0	0	(364,380)	364,380	0.00%
PENSIONERS SUBSIDY	953,500	953,500	992,297	(38,797)	104.07%
SUB TOTAL	67,396,500	67,450,000	66,974,525	475,475	99.30%
DOMESTIC WASTE CHARGES	15,566,800	15,566,800	15,429,376	137,424	99.12%
COMMERCIAL WASTE CHARGES	358,800	358,800	406,386	(47,586)	113.26%
STORMWATER MNGMNT	894,000	894,000	900,937	(6,937)	100.78%
GRAND TOTALS	84,216,100	84,269,600	83,711,224	558,376	99.34%

### COLLECTIONS AS A % OF:

	TOTAL RECEIVABLE	TOTAL LEVIED	TOTAL RECEIVABLE	TOTAL LEVIED
RESIDENTIAL	78.10%	81.11%		
BUSINESS	79.23%	82.07%	RATES	81.38%
FARMLAND	73.25%	75.69%	WASTE	77.76%
LOAN	77.52%	82.32%	STORMWATER	82.70%
ALL RATES	78.30%	81.38%	TOTAL RATES & CHARGES	81.39%

## ATTACHMENT 3

### RATES STATISTICS

No. of documents Issued	July	August	September	October	November	December	January	February	March	April	May	June	Apr-13
Rate Notices	48,779	121		238			165						
Electronic - DoH	5,655									41,705			41,706
Instalment Notices				42,363			42,019						
Electronic - DoH				5,703			6,317			5,455			5,786
Missed Instalment Notices			7,916			6,949			6,411				
- Pensioners > \$15.00			489			436			419				
Notice to new owner	169	91	41	71	41	39	48	21	31	39			24
7-day Letters - Council issued			1,755			1,901			1,785				
- Pensioners > \$500.00			124			99			93				
7-day Letters - Agent Issued			698			522			696				
Statement of Claim	235	31	19	248	20	15	236	22	24	243			251
Judgments	20	81	21	19	65	9	21	38	43	23			21
Writs	23	44	53	9	15	37	16	6	55	31			36
eRates	1,163	1,309	1,327	1,331	1,335	1,337	1,341	1,342	1,345	1,346			1,256
Arrangements	382	297	385	334	277	389	373	303	405	368			398

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### 3.3 Sundry Debtors Report - April 2014

#### Reporting Officer

Manager Financial Services

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#### Attachments

1. Debtors summary to 30 April 2014 (contained within this report)
2. Ageing of sundry debts to 30 April 2014 (contained within this report)

#### Purpose

To provide a report detailing the amount outstanding by type and age for sundry and miscellaneous debts for the period ending 30 April 2014.

#### Report

Debts outstanding to Council as at 30 April 2014 are \$1,012,003, reflecting a decrease of \$403,962 since March 2014. The ratio of outstanding debts to current invoices has increased from 20% in March to the current level of 32%. This debtor management ratio is a measure of the effectiveness of recovery efforts, however is impacted by Council policies as well as economic and social conditions.

#### Invoices raised – March 2014

During the month, 884 invoices were raised totalling \$527,817. The majority of these are paid within a 30 day period, however those that remain unpaid from previous periods for longer than 90 days are detailed at the end of this report. The most significant invoices raised during the month have been in the following areas:

Land and building rentals – \$157,714 – the main invoices relate to:

Crown Castle Australia Pty Ltd - 3GIS land lease for March 2014 - March 2015 at various sites in the local government area	\$27,444
Nuvezo Pty Ltd - monthly rental Dumaresq Street Cinema	\$23,283
Aldi Stores - monthly rental Macquarie Fields	\$22,518
Glenquarie Hotel Pty Ltd - monthly rental Macquarie Fields	\$20,438
Telstra Corporation Ltd - 3GIS land lease for March 2014 - March 2015 at various sites in the local government area	\$15,646
Caltex Oil Australia Pty Ltd - monthly rental Macquarie Fields	\$15,062
Mycorp Group Pty Ltd - monthly rental Macquarie Fields	\$14,048
McDonalds Australia Limited - monthly rental Macquarie Fields	\$7,565
Macarthur Community Options - monthly rental Campbelltown	\$5,958

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Various Sundry Items – \$146,475 – the invoices relate to:

Campbelltown District Netball Association - supply of Cloudmaster universal lighting control system, including supply and installation of floodlight columns	\$46,109
Craftsman Homes Southern Highland Pty Ltd - costs associated with easement over Hurley Park Campbelltown	\$17,547
NSW Community Options - cost recovery for ComPacks Program and reimbursement of Ability Technology invoice for equipment for a client	\$16,412
OSO Fun Amusements Pty Ltd - commission and sales from New Year's Eve and Ingleburn Alive Carnivals	\$14,160
NSW Gaelic Athletics Association - supply and spread of 100 ton of topsoil on the Gaelic sports field at Bob Prenter Reserve	\$5,020
Camden Council - legal advice relating to South West Sydney Council resource recovery project - contract with WSN Environmental Solutions (1/4 share) and three skatepark signs and graffiti proofing at Kirkham	\$5,447
Wingecarribee Shire Council - legal advice relating to South West Sydney Council resource recovery project - contract with WSN Environmental Solutions (1/4 share)	\$4,922
Wollondilly Shire Council - legal advice relating to South West Sydney Council resource recovery project - contract with WSN Environmental Solutions(1/4 share)	\$4,922

Public Hall Hire – \$48,352 – all invoices relate to:

Hire of council halls by various groups	\$48,352
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Waste collection services – \$34,858 – two main invoices relate to:

Remondis Australia Pty Ltd – effluent for March 2014	\$28,705
Veolia Water Network Services – effluent for March 2014	\$6,154

Receipts to the value of \$931,779 have been received during the period, the most notable in the following areas:

Land and building rentals	\$503,025
Waste collection services	\$95,017
Corporate administration	\$71,800
Government and other grants	\$49,500
Various sundry items	\$46,823



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### Sundry debts outstanding – 30 April 2014

Debts exceeding 90 days of age totalled \$172,783 as at 30 April 2014. The major invoices relating to this balance include:

Description	Date Invoiced	Balance
State Emergency Service - operation expenses for Campbelltown State Emergency Services - June 2013 to September 2013. State Emergency Service requested further documentation relating to the invoice. This was provided in March and additional information was provided in April 2014. Payment is now expected in May 2014	02/10/13	\$22,720
Debtor 68316.9 - retaining wall between Lot 1451 DP 703487, 2 and 4 Brownlow Place, Ambarvale. Debtor is maintaining arrangement to pay \$450 per month as approved by Council	09/06/10	\$14,207

Debt recovery action is undertaken in accordance with Council's Sundry Debtor 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 60 days or more are charged a statement administration fee of \$5.50 per statement. Debtors are contacted by telephone, email or in writing to make suitable arrangements for payment of the overdue debt. Where a suitable arrangement is not achieved or not maintained as agreed, a seven day letter is issued referencing referral to Council's debt recovery agents.

Matters referred to Council's recovery agent are conducted in accordance with relevant legislation and the *Civil Procedures Act 2001*. Formal legal recovery commences with a letter of demand (or letter of intent) providing debtors with at least 10 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, 29 accounts progressed to recovery action. The defaulting debtors 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 agents.

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Council's agents were instructed to proceed with one Garnishee for unpaid licence fees.

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

**Officer's Recommendation**

That the information be noted.

**Committee's Recommendation: (Borg/Kolkman)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 3 June 2014 (Dobson/Mead)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 90**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1

### *DEBTORS SUMMARY 1 April 2014 to 30 April 2014*

DEBTOR TYPE/DESCRIPTION	ARREARS AT 31/03/14	RAISED THIS PERIOD	RECEIVED THIS PERIOD	BALANCE AT 30/04/14	% DEBT RATIO
Corporate Administration	125,300	21,188	71,800	74,688	7.38%
Abandoned Items	8,944	0	0	8,944	0.88%
Child Care Debts	18,710	0	0	18,710	1.85%
Community Bus	89	54	0	143	0.01%
Tennis Court Hire	0	0	0	0	0.00%
Sportsground and Field Hire	121,276	6,676	38,726	89,226	8.82%
Government and other Grants	98,010	1,000	49,500	49,510	4.89%
Public Hall Hire	17,978	48,352	36,213	30,117	2.98%
Health Services	350	0	0	350	0.03%
Land and Building Rentals	482,075	157,714	503,025	136,764	13.51%
Healthy Lifestyles	1,879	29,809	28,587	3,101	0.31%
Library Fines and Costs	174,497	0	0	174,497	17.24%
Shop Licence Fees	53,767	17,370	12,844	58,293	5.76%
Pool Hire	24,776	11,102	19,926	15,952	1.58%
Private Works	72,155	348	798	71,705	7.09%
Road and Footpath Restoration	53,673	24,878	1,377	77,174	7.63%
Shop and Office Rentals	26,256	27,993	27,144	27,105	2.68%
Various Sundry Items	59,824	146,475	46,823	159,475	15.76%
Waste Collection Services	115,840	34,858	95,017	55,682	5.50%
	<b>1,415,965</b>	<b>527,817</b>	<b>931,779</b>	<b>1,012,003</b>	<b>100%</b>

## ATTACHMENT 2

### AGEING OF SUNDRY DEBTOR ACCOUNTS - 30 April 2014

Description	Current Charges	Total 30 Days	Total 60 Days	Total 90+ Days	Balance Due	Previous Month 90+ days
Corporate Administration	15,916	4,138	2,534	52,100	74,688	48,863
Abandoned Items	0	0	0	8,944	8,944	8,944
Child Care Debts	18,710	0	0	0	18,710	0
Community Bus	143	0	0	0	143	0
Sportsground and Field Hire	1,290	63,775	5,875	18,286	89,226	19,400
Government and other Grants	1,000	40,810	7,700	0	49,510	16,500
Public Hall Hire	23,362	1,376	1,900	3,479	30,117	5,106
Health Services	0	0	0	350	350	350
Land and Building Rentals	46,240	1,250	84,371	4,902	136,764	4,658
Healthy Lifestyles	2,256	438	58	349	3,101	386
Library Fines and Costs	174,497	0	0	0	174,497	0
Shop Licence Fees	15,132	2,065	16,180	24,916	58,293	27,612
Pool Hire	11,373	2,268	1,086	1,225	15,952	2,118
Private Works	1,189	23,875	23,875	22,767	71,705	23,217
Road and Footpath Restoration	25,542	29,822	1,128	20,682	77,174	17,886
Shop and Office Rentals	18,108	6,459	2,538	0	27,105	0
Various Sundry Items	114,247	24,611	6,762	13,856	159,475	13,187
Waste Collection Services	34,528	20,226	0	927	55,682	9,569
	<b>464,099</b>	<b>221,113</b>	<b>154,008</b>	<b>172,783</b>	<b>1,012,003</b>	<b>197,795</b>

### **3.4 Minutes of the Innovation and Performance Sub Committee held 5 May 2014**

#### **Reporting Officer**

Manager Financial Services

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#### **Attachments**

Minutes of the Innovation and Performance Sub Committee held 5 May 2014 (contained within this report)

#### **Purpose**

To seek Council's endorsement of the minutes of the Innovation and Performance Sub Committee held 5 May 2014.

#### **Report**

Detailed below are the recommendations of the Innovation and Performance Sub Committee. Council officers have reviewed the recommendations and they are now presented for Council's consideration. There are no recommendations that require an individual resolution of Council.

#### **Recommendations of the Innovation and Performance Sub Committee**

##### **Reports listed for consideration**

##### **7.1 Savings/Initiatives**

That the information be noted.

##### **7.2 Energy savings from large scale photovoltaic systems**

That the information be noted.

##### **7.3 Energy savings from energy efficient upgrades at HJ Daley Library**

That the information be noted.

##### **7.4 Using PATH when providing person centred care**

That the information be noted.

##### **7.5 Amarina Early Learning Centre Excellent Rating**

That the information be noted.

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**7.6 Progress Report on Online Kerbside Clean-Up Bookings**

That the information be noted.

**7.7 Specific-Day Kerbside Clean-Up Bookings**

That the information be noted.

**7.8 KP1 Audience Participation Tool**

That the information be noted.

**Officer's Recommendation**

That the minutes be noted.

**Committee's Recommendation: (Borg/Kolkman)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 3 June 2014 (Dobson/Mead)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 90**

That the Officer's Recommendation be adopted.

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## **ATTACHMENT 1**

### **Minutes of the Innovation and Performance Sub Committee**

**Held Monday 5 May 2014 in Committee Room 3**

Meeting Commenced: 6.00pm

#### **1. Acknowledgement of Land**

An Acknowledgement of Land was presented by the Chairperson, Councillor Dobson

#### **2. Attendance and Apologies**

**Attendance:** Councillor Sue Dobson (Chairperson)  
Councillor Clinton Mead  
Councillor Ted Rowell  
Councillor Paul Lake  
Mr Paul Tosi, General Manager  
Mrs Corinne Mears, Manager Financial Services

**Also in Attendance:** Mr Jeff Lawrence, Director Planning and Environment  
Mr Richard Blair, Manager Emergency Management and Facility Services  
Mr Andrew Spooner, Manager Sustainable City and Environment  
Ms Beth Buckley, Executive Assistant

**Apologies:** Councillor George Greiss  
Mr Michael Sewell, Director Business Services  
Mr Cliff Taylor, Acting Manager Business Services

#### **Sub Committee's Recommendation: (Lake/Rowell)**

That the above apologies be accepted.

**CARRIED**

#### **3. Declarations of Interest**

There were no Declarations of Interest made at this meeting.

#### **4. Minutes of the Previous Meeting**

##### **Report**

The Minutes of the Sub Committee Meeting held 7 May 2013 copies of which have been circulated to each Sub Committee member were adopted by Council at its meeting held on 18 June 2013.

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

That the information be noted.

#### **Sub Committee's Recommendation: (Lake/Rowell)**

That the information be noted.

**CARRIED**

#### **5. Business Arising from Previous Minutes**

There was no business arising from previous minutes.

#### **6. Correspondence**

There was no correspondence.

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## **7. Reports**

### **7.1 Savings/Initiatives**

#### **Purpose**

This report is to provide the Sub Committee on savings that have been implemented between Committee meetings.

#### **History**

The Sub Committee was presented with savings at previous meetings to the value of \$9,296,827. A list of savings is attached for the Sub Committee's information.

#### **Report**

The delivery of cost effective services is a priority for all sections of Council. Many cost saving initiatives are identified and implemented by staff on a daily basis. Included in this report are a number of initiatives from various sections across the organisation. In summary, these are:

#### **Energy savings - photovoltaic systems**

The successful partnership with Horizon Solar in a large scale energy efficiency project targeted Council's first and third highest energy consuming facilities, and aimed to reduce their energy consumption from grid-supplied electricity by at least 10%.

The project involved the installation of a 99kW photovoltaic system at Campbelltown Civic Centre and a 95kW photovoltaic system at Campbelltown Arts Centre.

The on-site renewable power generated by each system is expected to reduce Council's carbon dioxide emissions by 361.07 tonnes per year, and its reliance on the electricity grid by 277,741kWh per year. As of March 2014, the systems had collectively saved Council 31% in electricity and 18% in cost and is estimated to have saved \$30,600 since April 2013.

#### **Energy savings from upgrades at HJ Daley Library**

In continuing Council's commitment to energy efficiency, Council's HJ Daley Library received two large-scale energy efficiency upgrades. These initiatives were partly funded by annual State Government payments and included the replacement of the old, inefficient air conditioning system and the installation of a Building Management System. Since their installation, the facility has reduced its energy consumption by 60% and cost by 45% which is estimated to have saved \$59,500 since May 2012.

#### **Using PATH when providing person centred care**

Changes in Aged and Disability Service Provision and Funding has highlighted the role of service providers to empower people with a disability, their families and carers to pursue their own goals and secure effective and cost efficient services through the use of PATH (Planning Alternative Tomorrows with Hope).

#### **Amarina Early Learning Centre Excellence Rating**

As a reflection of high performance, Amarina Early Learning Centre (ELC) was awarded the Excellent rating by the Australian Children's Education and Care Quality Authority (ACECQA). The Centre is the fifth service in the country, the first in New South Wales and the first Council operated service to ever be awarded the Excellent rating by ACECQA. The Excellent rating is the highest rating a service can achieve under the National Quality Framework for Early Childhood Education and Care.

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### 3.4 Minutes Of The Innovation And Performance Sub Committee Held 5 May 2014

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#### **Online Kerbside clean-up bookings**

As an improved customer service initiative, Council introduced an online booking service for kerbside clean-ups. The current trend of 24.7% of kerbside clean-ups booked online equates to over 10,000 less incoming telephone calls per year to Council's switchboard. With an average telephone booking lasting three minutes, this represents a 500 hour per year reduction in time spent on the telephone by Customer Service staff which equates to approximately \$14,300 per year efficiency gains.

#### **Specific day Kerbside clean-up bookings**

Under the new domestic waste collection contract which commenced on 1 April 2014, Council was able to implement specific-day clean-ups as a condition of the contract. Residents are now advised of the specific day that their kerbside clean-up will occur. The provision of kerbside clean-up services on a specified day, the week following the booking, as well as the provision of an online booking facility, arguably represents a higher level of customer service for kerbside clean-ups.

#### **KP1 audience participation tool**

Human Resources recently purchased an audience participation tool which allows for real time anonymous data capture and audience participation at forums, meetings and education sessions. Council's Learning and Development Officer intends to use the tool to streamline training sessions and assessment task questionnaires in a paperless manner as well as obtain course evaluation feedback.

This system will not only improve productivity it will also improve stakeholder engagement.

The reported savings to the Innovation and Performance Sub Committee since its inception is now \$9,401,227.

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

That the information be noted.

#### **Sub Committee's Recommendation: (Rowell/Lake)**

That the information be noted.

#### **CARRIED**

### **7.2 Energy savings from large scale photovoltaic systems**

#### **Purpose**

To provide the Sub Committee with information on the energy and cost savings achieved from the installation of two large scale photovoltaic systems on the Civic Centre and Arts Centre.

#### **History**

In early 2013, Council partnered with Horizon Solar in a large scale energy efficiency project. The project, targeted Council's first and third highest energy consuming facilities, and aimed to reduce their energy consumption from grid-supplied electricity by at least 10%.

The project involved two key components;

1. the installation of a 99 kW photovoltaic system at Campbelltown Civic Centre and a 95kW photovoltaic system at Campbelltown Arts Centre (attachment 1)
  2. the installation of digital educational displays showing the energy being generated and environmental benefit at both facilities.
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### 3.4 Minutes Of The Innovation And Performance Sub Committee Held 5 May 2014

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The on-site renewable power generated by each system is expected to reduce Council's carbon dioxide emissions by 361.07 tonnes per year, and its reliance on the electricity grid by 277,741kWh per year. This is equivalent to providing electricity to 9,258 houses per year. As of March 2014, the systems had been operational for one year and have collectively saved Council 31% in electricity and 18% in cost. In showcasing this achievement, digital educational displays have been installed in the foyers of both facilities providing residents and visitors with real time information regarding the systems.

#### **Report**

##### **Background**

Council is committed to demonstrating leadership and promoting awareness around green technology, green investment and energy efficiency. In recent times, Council has installed:

- solar hot water systems across 32 of its community facilities
- solar pool heating systems at two of its leisure centres, with a third system currently being tendered
- a 9.9 kW photovoltaic system at its Works Depot.

Following on from the success of these initiatives, particularly the photovoltaic initiative at the Works Depot, Council understood (from extensive monitoring and reporting) that real benefits could be achieved. These benefits have already surpassed expectation, demonstrating the effectiveness of the technology and transferability across facility type and purpose.

This project was initiated in response to recommendations made within Council's most current Energy Management Plan, prepared in 2011. Coupled with the Energy Management Plan, the project was made possible through Council's broader vision for sustainability which has been gaining momentum with the realignment of the Sustainability Committee, the development of a Corporate Sustainability Fund and the completion of a Sustainability Accounting Tool making evidence-based project planning/decision-making possible.

The objectives of the project were identified in response to on-ground studies and observations around the performance of the two facilities. The objectives included:

Reduce Council's reliance on the electricity network.

- Provide a minimum 10% reduction on electricity consumption at each facility
- Demonstrate leadership, and promote awareness around green technology, green investment and energy efficiency
- Provide a modest return on investment to be captured by Council's Corporate Sustainability Fund for redistribution into other environmentally significant projects.

##### **Energy and Cost savings**

As with all projects of this nature, Council undertakes extensive monitoring and reporting of the systems effectiveness. This reporting has been made possible through an online educational display which provides real-time information, as well as Council's Sustainability Accounting Tool (SAT). The SAT captures historic data (from 2008-2009) and current consumption and cost information for the following six key areas – electricity, gas, water, paper, fleet and waste. It enables staff to easily see the resource consumption of the organisation or an individual facility, identify trends and anomalies in usage and develop initiatives to improve sustainability performance. The SAT has developed into a combined environmental, property and financial reporting system.

As of March 2014, the photovoltaic systems have been achieving significant reductions in electricity and modest reductions in cost. The system on the Civic Centre has reduced Council's reliance on the electricity grid by 132,328kWh or the equivalent of 12 houses, whilst the system on the Arts Centre has reduced Council's reliance on the grid by 211,566kWh or the equivalent of 19

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### 3.4 Minutes Of The Innovation And Performance Sub Committee Held 5 May 2014

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houses. Collectively this is a reduction of 31% in electricity and 18% in cost. With regard to cost, it is important to note that the cost per kWh for grid electricity has risen, on average, by 28% at the Civic Centre and 34% at the Arts Centre.

#### **Conclusion**

This project, including its development, implementation and evaluation demonstrates strong, sound and balanced leadership. The approaches adopted resulted in a seamless project process with installation occurring on time and in budget. This project is the largest of its kind in the Campbelltown Local Government Area and Macarthur Region. Combined, the systems boast over 776 panels and are almost 200kWp in size. The benefits to the environment and Council have been noteworthy with collective reductions of 26% in electricity and 5% in cost.

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

That the information be noted.

**Sub Committee Note:** It was noted that there was an error within the report under History which should state: 'This is equivalent to providing electricity to 25 houses per year.' The figures were based on a daily average not an annual average.

#### **Sub Committee's Recommendation: (Mead/Rowell)**

That the information be noted.

#### **CARRIED**

### **7.3 Energy savings from energy efficient upgrades at HJ Daley Library**

#### **Purpose**

To provide the Sub Committee with information on the energy efficiency upgrades at the HJ Daley Library.

#### **History**

During April 2012, Council's HJ Daley Library received two large-scale energy efficiency upgrades. These initiatives were partly funded by annual State Government payments and included the replacement of the old, inefficient air conditioning system and the installation of a Building Management System. Since their installation, the facility has reduced its energy consumption by 60% and cost by 45%.

#### **Report**

##### **Background**

Since 2007, Council's energy efficiency targets have been directed by a number of key strategic documents. These documents have provided Council with a range of projects to reduce energy consumption across its top 10 energy consuming facilities.

This project was initiated in response to recommendations made within Council's most current Energy Management Plan, prepared in 2011. Additionally, annual payments received from the State Government under its Waste and Sustainability Improvement Payment (WaSIP) scheme, provided necessary financial assistance.

The HJ Daley Library is typically one of Council's top 10 highest energy consuming facilities, consuming approximately 329,652kWh of electricity during the 2012-2013 financial year. That is equivalent to providing a year's electricity needs to 30 homes. The replacement of the HJ Daley's old inefficient air conditioning system and the installation of a Building Management System were identified to be key initiatives to reducing the electricity consumption and associated maintenance costs of the facility.

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### 3.4 Minutes Of The Innovation And Performance Sub Committee Held 5 May 2014

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**Electricity and cost savings**

As with all projects of this nature, Council undertakes extensive monitoring and reporting of the systems effectiveness. This reporting has been made possible through Council's Sustainability Accounting Tool (SAT). The SAT captures historic data (from 2008-2009) and current consumption and cost information for the following six key areas – electricity, gas, water, paper, fleet and waste. It enables staff to easily see the resource consumption of the organisation or an individual facility, identify trends and anomalies in usage and develop initiatives to improve sustainability performance. The SAT has developed into a combined environmental, property and financial reporting system.

Within the first year of the initiatives replacement/installation, the facility has achieved significant reductions in electricity and cost. When compared to the year prior to the initiatives replacement/installation, Council's reliance on the electricity grid has been reduced by 499,285kWh or the equivalent of 45 houses, and cost of \$51,045. This is a reduction of 60% in electricity and 45% in cost. With 83% of the second year since installation being completed, it is promising to note that the initiatives have continued to reduce electricity and cost.

**Officer's Recommendation**

That the information be noted.

**Sub Committee's Recommendation: (Lake/Mead)**

That the information be noted.

**CARRIED****7.4 Using PATH when providing person centred care****Purpose**

To advise the Sub Committee of progress in the implementation of a person centred approach to service delivery for people with a disability.

**History**

Council at the meeting of 13 March 2012 Community Services Committee Item 2.4 - Changes in Aged and Disability Service Provision and Funding, considered a report outlining changes to the way in which aged and disability services are provided and funded. That report included a brief explanation of person centred care and its implications.

**Report**

Person centred care places the person with disability at the centre of decision making about service types and delivery methods that will be provided. This approach requires service providers to listen very carefully, and to provide support and information that meets the needs as identified by clients.

The role of service providers then is to empower people with a disability, their families and carers to pursue their own goals and secure effective and cost efficient services. This approach is important because it provides people with a disability, their families, and carers with more independence and greater control over their lives.

One popular method is the use of PATH (Planning Alternative Tomorrows with Hope). This involves working with a person to clarify their vision for the future, and representing this graphically. The steps towards the vision are added to the path which takes the form of an arrow, with the

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### 3.4 Minutes Of The Innovation And Performance Sub Committee Held 5 May 2014

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vision at the tip of the arrow. The current situation and impediments are identified along with the people and resources required to make the vision real.

A simple demonstration, showing how a path is created, will be given at the May meeting of the Innovation and Performance Sub Committee.

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

That the information be noted.

#### **Sub Committee's Recommendation: (Rowell/Mead)**

That the information be noted.

#### **CARRIED**

### **7.5 Amarina Early Learning Centre Excellent Rating**

#### **Purpose**

To advise the Sub Committee of the Excellent rating awarded to Amarina Early Learning Centre.

#### **Report**

On 10 December 2013, Amarina Early Learning Centre (ELC) was awarded the Excellent rating by the Australian Children's Education and Care Quality Authority (ACECQA). The Centre is the fifth service in the country, the first in New South Wales and the first Council operated service to ever be awarded the Excellent rating by ACECQA. The Excellent rating is the highest rating a service can achieve under the National Quality Framework for Early Childhood Education and Care.

Amarina ELC demonstrated excellence in the following areas through their innovative approaches:

- Collaborative partnerships with professional, community or research organisations
- Positive workplace culture and organisation values
- Sustained commitment to professional development and support of educators.

Amarina ELC was recognised for its innovative partnership with the Benevolent Society and together implementing the Partnership in Early Childhood (PIEC) program. This program has been running at Amarina ELC for the past seven years. A Child and Family Worker (CFC) implements the PIEC program and works with children, families and the service to provide easy access to information, advice and resources regarding attachment and child development. This PIEC program partnership model is unique in the Education and Care Services sector and ACECQA recognised this innovative approach to collaborative partnerships.

The commitment and support of educators at Amarina ELC was recognised as being outstanding by ACECQA for the implementation of an incentives and rewards program that was developed by Council's Education and Care Services section to improve motivation, increase morale and acknowledge achievements. The incentive and rewards program covers service performance, advanced education, customer feedback, professionalism and innovation. The award categories align with Campbelltown City Council's corporate values.

Professional development and ongoing learning for educators was recognised as being exceptional by ACECQA for the educational assistance budget that allows each educator or staff member to take advantage of up to \$4000 per financial year to assist with upgrading qualifications or undertaking new qualifications.

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The Excellent rating demonstrates Amarina ELC's commitment to continual improvement and innovative approaches to practice.

#### Officer's Recommendation

That the information be noted.

#### Sub Committee's Recommendation: (Lake/Mead)

That the information be noted.

#### CARRIED

### 7.6 Progress Report on Online Kerbside Clean-Up Bookings

#### Purpose

To provide the Sub Committee with updated information regarding the online booking service for kerbside clean-ups.

#### History

At Council's meeting on 28 June 2011, upon considered a report proposing the introduction of an online booking service for kerbside clean-ups, Council resolved:

1. To provide residents with an online booking system for kerbside clean-up services
2. That the online booking system be promoted in Council's Rates notices, the Macarthur Advertiser and Macarthur Chronicle, Council's Compass newsletter and on the home page of Council's website
3. That information about the online booking service be included in the confirmation letter provided to residents who book their clean-up over the telephone, and
4. That this item be drawn to the attention of the Innovation and Performance Committee to highlight the savings made by this initiative.

#### Report

The online booking service became available to residents on Council's website on 13 July 2011. Online kerbside clean-ups are promoted through local newspaper advertisements, Council's 'Compass' community newsletter, and directly to residents who book kerbside clean-ups by telephone.

Shortly before implementation of the service, the agreed target participation rate for online kerbside clean-ups was set at 10% in the first 12 months of the service being available. The graph below shows that the target participation rate was exceeded significantly. The graph further shows that the percentage of kerbside clean-ups booked online has continued to steadily increase.

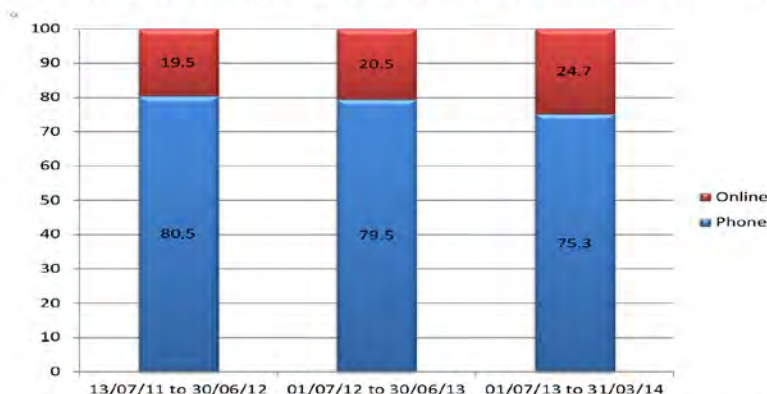


Table 1: Percentage of total Kerbside Clean-up bookings logged online and by telephone

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The current trend of 24.7% of kerbside clean-ups booked online equates to over 10,000 less incoming telephone calls per year to Council's switchboard. With an average telephone booking lasting three minutes, this represents a 500 hour per year reduction in time spent on the telephone by Customer Service staff, or just under two hours per day. This has enabled Customer Service staff to attend more promptly to other customer enquiries.

The customer participation rate for online kerbside clean-up bookings to date is an extremely pleasing result, and has exceeded all expectations. A separate flyer promoting the availability of online bookings was recently introduced. This flyer is now included with all kerbside booking confirmation letters that are sent to residents following telephone bookings. These ongoing community awareness initiatives are expected to result in an even greater proportion of kerbside clean-up bookings being made online in the future.

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

That the information be noted.

#### **Sub Committee's Recommendation: (Mead/Rowell)**

That the information be noted.

#### **CARRIED**

### **7.7 Specific-Day Kerbside Clean-Up Bookings**

#### **Purpose**

To provide the Sub Committee with information regarding enhancements to kerbside clean-up services.

#### **History**

Up to around eight years ago, there were two identified shortcomings in Council's provision of kerbside clean-up services:

- The delay period between a customer booking a kerbside clean-up and its collection was two to three weeks; and
- Customers would be instructed to place their items on the kerbside on a given Sunday afternoon/night, but Council was unable to advise the customer which day of that following week the items would be collected.

Around eight years ago, the first shortcoming was reduced: a clean-up booked up to 4.30pm Friday is now collected the following week (with the exception of a two to three week period over Christmas/New Year when booking numbers increase substantially). However, Council staff continued to be unable to provide customers the day of the week that their clean-up would be collected. Council was unable to provide this information without entering a potentially costly variation to the domestic waste collection contract, (which did not require the contractor to collect clean-ups on specific days per suburb). This enhancement would therefore have to wait until the expiry of that contract.

#### **Report**

A new domestic waste collection contract which commenced on 1 April 2014 enabled Council to require specific-day clean-ups as a condition of the contract.

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Following the recent commencement of the contract, Campbelltown residents who book a kerbside clean-up not only have it collected the following week, but are now also advised of the specific day that it will be collected.

Residents are asked not to put their items on the kerb until the day or evening prior to their scheduled collection. Whilst it is acknowledged that some residents do not comply with this instruction, (instead placing their items out prior to booking a clean-up or on the weekend prior to the scheduled clean-up), compliance with this instruction by the majority of customers will result in less piles of clean-up waste appearing on kerbsides at any one time.

The introduction of specific-day clean-ups required some complex changes to internal workflows and Council's computerised Customer Request booking system. This significant achievement resulted from a joint working partnership between staff from Council's Waste and Recycling Services, Customer Service, and Information Management and Technology sections. Whilst a small number of 'teething problems' are anticipated as the service rolls out, early signs of the success of this initiative are encouraging.

The provision of kerbside clean-up services on a specified day, the week following the booking, as well as the provision of an online booking facility, arguably represents a higher level of customer service for kerbside clean-ups than that provided by any other Council.

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

That the information be noted.

#### **Sub Committee's Recommendation: (Mead/Lake)**

That the information be noted.

#### **CARRIED**

### **7.8 KP1 Audience Participation Tool**

#### **Purpose**

To inform the Sub Committee of the recent purchase and application of an audience participation tool.

#### **History**

Historically course evaluations and audience participation has been completed using manual tools such as paper surveys and counting of hands. This has several draw backs including time taken to collate and publish data, as well as inaccurate data being collected where participants respond without critical evaluation by trying to minimise conflict and reach a consensus decision.

#### **Report**

Human Resources recently purchased an audience participation tool which allows for real time anonymous data capture and audience participation at forums, meetings and education sessions. Council's Learning and Development Officer intends to use the tool to streamline training sessions and assessment task questionnaires in a paperless manner as well as obtain course evaluation feedback.

The tool which operates with Microsoft PowerPoint can be used in a variety of settings including public forums, workshops, business meetings, strategic planning and much more. Through the use of a hand held key pad, audience participants can respond to questions in a range of ways. All the

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data is collected electronically and is instantly available in a graphical display which can be used to focus discussion on the key issues or highlight knowledge gaps. With the ability to collect the data in a quick and confidential manner every interaction with a group of stakeholders can be used to capture data as well as demonstrate the participants understood the information being provided. The wireless system which cost \$6,000 can be used on any computer with minimal setup time, allowing it to be used at a range of venues. Whilst the system has been configured for 60 participants it can be quickly scaled up for use with up to 500 participants through the purchase or hire of additional key pads.

The Emergency Management and Community Safety section have identified several uses for the system including perceptions of safety surveys and roads safety forums. The presentations are quick to develop and can be used repeatedly which saves a significant amount of time for the team not to mention the time saved in transposing data from paper based surveys. The results can be published instantly reducing the opportunity for claims the data has been manipulated.

This system will not only improve productivity it will also improve stakeholder engagement.

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

That the information be noted.

#### **Sub Committee's Recommendation: (Mead/Rowell)**

That the information be noted.

#### **CARRIED**

### **8. General Business**

There was no general business.

Councillor Sue Dobson  
**Chairperson**

Meeting Concluded: 6.20pm

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## **3.5 Cost Shifting Survey 2011-2012**

### **Reporting Officer**

Manager Financial Services

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### **Attachments**

The impact of Cost Shifting on Local Government in NSW (contained within this report)

### **Purpose**

To advise Council of the results of the 2011-2012 cost shifting survey undertaken by Local Government NSW.

### **History**

This survey is a continuation of the cost shifting survey undertaken by the *Independent Inquiry into the Financial Sustainability of the NSW Local Government for 2006* and surveys for the financial years 2005-2006 through to 2010-2011 undertaken by Local Government NSW, formerly LGSA. There were 80 councils that participated in the survey conducted during May to October 2013.

The LGSA survey conducted annually, seeks to establish the extent of cost shifting by the Australian and NSW Government's onto NSW Local Government. It measures the amount of cost shifting for a representative sample of the 152 general purpose councils in NSW, calculates a cost shifting ratio for each council and estimates the total amount of cost shifting onto the whole of NSW Local Government.

### **Report**

According to the survey findings, cost shifting by the Australian and NSW Government's onto NSW Local Government in the financial year 2011-2012 is estimated to amount to 5.63% of Local Government's total income before capital amounts or \$521m.

The survey for 2011-2012 continues to include two cost shifting examples introduced in the survey for 2009-2010 which are contained in question 24 (revenue raising restrictions on council managed Crown lands) and question 25 (shortfall in cost recovery for assessing development applications as a result of fee regulation). Inclusive of those two new examples, cost shifting is estimated to amount to 6.28% (6.37% in 2010-2011 and 6.38% in 2009-2010) of Local Government's total income before capital amounts or \$582m.

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This ratio is consistent with ratios established for previous financial years, however in absolute terms, cost shifting is estimated to have increased significantly from \$380m in 2005-2006 to \$521m in 2011-2012. For metropolitan councils, a ratio of 6.82% resulted for the sample (including the new examples 24 and 25) compared to 6.96% for 2010-2011. The survey findings found that metropolitan councils are more affected by cost shifting than rural councils. This can be attributed to cost shifting associated with the waste levy (question 21) and the provision of public libraries (question 5).

It is important to note that any estimate of cost shifting also needs to include cost shifting associated with the NSW Electoral Commission (NSWEC) being fully responsible for the Local Government elections from 2008. Election costs increased significantly in comparison to the 2004 elections and there are significant concerns over the lack of disclosure and explanation of the costs charged to the councils by the NSWEC. In total, this amounts to cost shifting associated with the 2008 Local Government elections of \$9,050,150, equalling \$2,262,537 annually over the four year electoral cycle. This annual amount is to be added to the amount of cost shifting identified in the survey of \$579,981,213 taking the total amount of cost shifting to \$582,243,750 (ratio of 6.28%).

Campbelltown City Council's total amount of cost shifting in 2011-2012 was \$5.79m equating to 4.58% of total income. Major areas of cost shifting include:

- Contribution to NSW Fire Brigade of \$908,328
- Contribution to Rural Fire Service of \$200,891
- Contribution to NSW State Emergency Service \$118,293
- Pensioner rates rebate of \$768,593
- Public Library operations of \$2,003,500
- Administration of the *Companion Animal Act (NSW) 1998* of \$245,000
- Waste Levy of \$469,922.

The 2011-2012 cost shifting amount has a significant impact on councils' finances. Local Government NSW notes that 'while the Local Infrastructure Renewal Fund worth \$100 million over five years appears to be a step in the right direction, it's completely inadequate in light of an annual cost shifting amount of \$520 million and an infrastructure renewal backlog which the Department of Premier and Cabinet place at \$7.4 billion'.

Contributions to the NSW Fire Brigade, NSW Rural Fire Service and NSW State Emergency Service, lack of adequate funding for public libraries and the NSW Government's failure to reimburse for mandatory pensioner rebates for rates are major examples. Councils are also not given sufficient financial resources for their responsibilities to regulate companion animals, manage contaminated land, control noxious weed, manage flood controls, or administer environmental regulation.

It is important to note that the survey excluded any capital expenditure related to the functional areas. Comments were provided by many councils that the inclusion of capital expenditure would significantly increase the amount of cost shifting.

The survey results help quantify the extent of cost shifting onto NSW Local Government and support Local Government's argument for that practice to end.

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Local Government NSW has also advised that they will not be conducting a cost shifting survey for the financial year 2012-2013. The survey is to resume next year covering the financial year 2013-2014 and, thereafter, is to be conducted every second year.

**Officer's Recommendation**

That the information be noted.

**Committee's Recommendation: (Borg/Kolkman)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 3 June 2014 (Dobson/Mead)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 90**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1



The Impact of Cost Shifting on NSW Local  
Government: A Survey of Councils  
- Financial Year 2011/12 -

Report by Local Government NSW

2013

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## KEY FINDINGS

### **Survey baseline (questions 1 to 23)**

According to Local Government NSW (LGNSW)'s cost shifting survey, cost shifting by the Australian and NSW Government on to NSW Local Government in the financial year 2011/12 is estimated to amount to 5.63% of Local Government's total income before capital amounts or \$521 million.<sup>1</sup>

This ratio is consistent with ratios established for previous financial years (5.72% for the financial year 2010/11; 5.74% for 2009/10 and 2008/09; 5.92% for 2007/08; 5.95% for 2006/07; and 5.84% for 2005/06). In absolute terms, cost shifting is estimated to have increased significantly from \$380 million in 2005/06 to \$521 million in 2011/12.

### **Survey baseline plus additional questions 24 and 25**

The survey for 2011/12 continues including two cost shifting examples introduced in the survey for 2009/10 which are contained in question 24 (revenue raising restrictions on council managed Crown lands) and question 25 (shortfall in cost recovery for assessing development applications as a result of fee regulation). Inclusive of those two new examples, cost shifting is estimated to amount to 6.28% (6.37% in 2010/11 and 6.38% in 2009/10) of Local Government's total income before capital amounts or \$582 million.<sup>2</sup>

## INTRODUCTION

The LGNSW cost shifting survey is an annual survey which seeks to establish the extent of cost shifting by the Australian and NSW Governments on to NSW Local Government. The survey measures the amount of cost shifting for a representative sample of the 152 general purpose councils in NSW, calculates a cost shifting ratio for each council in the sample and for the whole sample and extrapolates, from the sample ratio, an estimate of the amount of cost shifting on to the whole of NSW Local Government.

This report provides the findings of LGNSW's cost shifting survey for the financial year 2011/12. 80 councils participated in the survey which was conducted during May to October 2013. The LGNSW would like to thank all councils and the staff involved for their participation.

The survey is a continuation of the cost shifting survey for the financial year 2004/05 undertaken by the *Independent Inquiry into the Financial Sustainability of NSW Local Government* in 2006<sup>3</sup> and the surveys for the financial years 2005/06, 2006/07, 2007/08, 2008/09, 2009/10 and 2010/11 undertaken by LGNSW.<sup>4</sup>

The survey is based on the work of the *Independent Inquiry into the Financial Sustainability of NSW Local Government* which recognised that more "hard data" about cost shifting was required. Recommendation 4 of the inquiry recommended that LGNSW build on its work and undertake an annual survey of all councils to measure and monitor the total amount of cost shifting on to NSW Local Government. Accordingly, LGNSW commenced undertaking an annual cost shifting survey, with the first survey undertaken for the financial year 2005/06.

The survey results help quantify the extent of cost shifting onto NSW Local Government and support Local Government's argument for that practice to end. It also assists in monitoring compliance with the national *Intergovernmental Agreement Establishing Principles Guiding Intergovernmental Relations on Local Government Matters, (2006)*.

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<sup>1</sup> Includes cost shifting associated with the 2008 Local Government election, see below.

<sup>2</sup> Ibid.

<sup>3</sup> Independent Inquiry into the Financial Sustainability of NSW Local Government, *Final Report: Findings and Recommendations*, (2006), page 66-72.

<sup>4</sup> See for survey reports the LGNSW website at [www.lgnsw.org.au/policy/finance/cost-shifting-survey](http://www.lgnsw.org.au/policy/finance/cost-shifting-survey).

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## WHAT IS COST SHIFTING?

Cost shifting describes a situation where the responsibility for, or merely the costs of, providing a certain service, concession, asset or regulatory function are "shifted" from a higher sphere of government on to a lower sphere of government without the provision of corresponding funding or the conferral of corresponding and adequate revenue raising capacity.<sup>5</sup>

The definition adopted for the survey is based on the definition used in the survey undertaken for the *Independent Inquiry into the Financial Sustainability of NSW Local Government in 2006*.<sup>6</sup> The following cost shifting scenarios are covered:

- (The cost related to) the imposition of responsibility for providing a certain service, asset or regulatory functions upon Local Government by other spheres of government (Australian or State Government) without the provision of corresponding funding or compensation or the conferral of corresponding and adequate revenue raising capacity.
- (The cost related to) the transfer of responsibility to Local Government for funding a certain service or function (including concessions and rebates) where the responsibility for funding of which lies with other spheres of government.<sup>7</sup>
- (The cost related to) the situation where Local Government agrees to provide a service/function on behalf of another sphere of government but funding is subsequently reduced or stopped, and Local Government is unable to withdraw because of community demand for the service/function.
- (The cost related to) the situation where, for whatever reason, another sphere of government ceases to provide or provides insufficient levels of a service/function it is responsible for and Local Government steps in because of community of demand for the service/function.

## PARTICIPATION

The survey for 2011/12 was provided online and was accessible to all 152 general purpose councils in NSW during a period of about ten weeks during May, June and July 2013. 80 councils completed the survey.

During August to November 2013, returned surveys were assessed and issues clarified with councils. Seven returned surveys were rejected from the sample. Rejection took place in the following circumstances:

- Returned surveys were incomplete;
- Doubtful data could not be satisfactorily clarified with council; or
- Cost estimates could not be provided in more than 25 per cent of the 26 functional areas.

Of the 73 councils included in the final sample, 22 are classified metropolitan; 29 urban regional and 22 rural.<sup>8</sup>

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<sup>5</sup> This description does not necessarily address the question of which sphere of government should be assigned a particular expenditure function.

<sup>6</sup> *Independent Inquiry*, op cit, pages 67 to 70; Moege S, *The Impact of Cost Shifting on Local Government in NSW - A Survey of Councils*, (2006).

<sup>7</sup> Mere price increases (as long as they are appropriate and apply to all service recipients equally) are not considered cost shifting. In the context of payments to state government agencies, cost shifting can only occur where cost related to a service/function are transferred onto Local Government even though responsibility for funding lies with other spheres of government (e.g. pensioner rate rebates). This is not the case where Local Government pays for a service like all other recipients.

<sup>8</sup> The classification is based on the Australian Classification of Local Government. Metropolitan councils include the sub-classifications "capital city" (UCC), "metropolitan developed" (UD...), and "fringe" (UF...) if within the Sydney metropolitan area; urban regional councils include the sub-classifications "regional town/city" and "fringe" if outside the Sydney metropolitan area; rural councils include all rural sub-classifications (R...).

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## METHODOLOGY

The survey establishes the following figures:

### **Cost shifting amount for each participating council**

The survey establishes the total amount of cost shifting based on the council estimates of the net ongoing cost (excluding capital expenditure) for each of the 26 functional areas identified by the survey. Councils were invited to add further financially significant examples of cost shifting. These additional examples were accepted where they were considered consistent with the survey's approach towards cost shifting. A list of the 26 functional areas can be found as appendix A to this report.

Two new cost shifting examples continue being included since the survey for 2009/10:

- *Question/example 24 - Revenue limitations on crown reserve land under council management*  
Cost in \$ associated with limitations imposed by the State Government on revenue raising ability on council managed crown reserve land or requirements to transfer revenue from council managed crown reserve land to the State Government.
- *Question/example 25 - Processing of development applications*  
Cost in \$ of processing development applications under the *Environmental Planning and Assessment Act (NSW) 1979* and associated regulations less any revenue related to this function (e.g. development application fees, state government payments/subsidies).

Net ongoing costs generally refer to the total annual cost of providing the service or function (operational and administrative, excluding capital expenditure) less any annual revenue related to the provision of the service or function, (e.g. grants or subsidies from the NSW or Australian Government, fees or contributions collected by councils).

For consistency purposes, councils were asked to exclude corporate overheads and base their estimate of the direct net ongoing costs only.

In the instance that councils were unable to provide an actual estimate they were given two following options which both received a cost value of "zero":

- "n/a" (not applicable) if the functional area does not apply; or
- "unable" (unable to reliably estimate) if the functional area applies to council but council is unable to reliably estimate the cost.

### **Cost shifting ratio for each council**

As a second step, the survey establishes the cost shifting ratio for each individual council by dividing the cost shifting amount established for the council by the council's total income from operations before capital amounts.<sup>9</sup>

### **Cost shifting ratio for sample**

As a third step, the survey establishes the cost shifting ratio for the sample councils by dividing the cost shifting amount established for the sample of councils by the sample's total income from operations before capital amounts.

### **Cost shifting amount for all councils in NSW**

Finally, the survey extrapolates the total amount of cost shifting on to NSW Local Government in NSW by applying the established cost shifting ratio for the sample to the total income from operations before capital amounts of all NSW councils.

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<sup>9</sup> Total income from continuing operations less grants and contributions provided for capital purposes, less profit from disposal of assets, and less profit from interests in joint ventures & associates as shown in the income statement of council's financial statements.

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**FINDINGS**

Table 1 below shows the survey findings for individual councils and council groups for the financial year 2011/12.

**Table 1: Proportion of cost shifting in relation to total ordinary revenue for the sample of 73 NSW councils, 2011/12**

Council	ACLG Cl.	Total income from operations before capital amounts in \$	Excluding questions 24 and 25		Including questions 24 and 25	
			Total amount of cost shifting in \$	Proportion of cost shifting in relation to total income	Total amount of cost shifting in \$	Proportion of cost shifting in relation to total income
Metropolitan						
Ashfield Council	UDM	32,189,000	3,793,322	11.78%	4,357,139	13.54%
Bankstown City Council	UDV	136,100,000	14,590,469	10.72%	15,822,663	11.63%
Blacktown City Council	UDV	237,985,000	10,970,381	4.61%	11,277,405	4.74%
Botany Bay City Council	UDM	46,837,000	2,480,455	5.30%	4,130,455	8.82%
Burwood Council	UDM	39,197,000	2,906,451	7.41%	3,412,028	8.70%
Camden Council	UFM	64,906,000	3,925,784	6.05%	3,925,784	6.05%
Campbelltown City Council	UFV	126,494,000	5,763,156	4.56%	5,790,261	4.58%
Canada Bay City Council	UDM	67,461,000	3,765,195	5.58%	4,131,413	6.12%
Hornsby Shire Council	UFV	111,806,000	7,913,706	7.08%	8,982,700	8.03%
Hunters Hill Council	UDS	12,587,000	1,096,722	8.71%	1,440,552	11.44%
Kogarah City Council	UDL	43,150,000	3,745,300	8.68%	3,745,300	8.68%
Ku-ring-gai Council	UDM	98,425,000	6,842,775	6.95%	6,939,512	7.05%
Lane Cove Council	UDM	36,953,000	3,404,393	9.21%	4,764,393	12.89%
Leichhardt Municipal Council	UDM	76,792,000	4,470,457	5.82%	5,817,876	7.58%
Liverpool City Council	UFV	141,779,000	9,143,684	6.45%	9,270,411	6.54%
Parramatta City Council	UDV	179,130,000	9,129,285	5.10%	12,559,449	7.01%
Penrith City Council	UFV	179,499,000	9,981,137	5.56%	11,463,774	6.39%
Pittwater Council	UDM	67,780,000	6,036,639	8.91%	6,476,539	9.56%
Randwick City Council	UDV	117,315,000	9,289,466	7.92%	10,381,351	8.85%
Sutherland Shire Council	UDV	189,306,000	17,038,679	9.00%	17,257,517	9.12%
Sydney City Council	UCC	481,762,630	11,619,527	2.41%	15,893,110	3.30%
Warringah Council	UDV	138,273,000	9,134,320	6.61%	11,156,426	8.07%
<b>Summary Metropolitan</b>		<b>2,625,726,630</b>	<b>157,041,303</b>	<b>5.98%</b>	<b>178,996,058</b>	<b>6.82%</b>

Council	ACLG Cl.	Total income from operations before capital amounts in \$	Excluding questions 24 and 25		Including questions 24 and 25	
			Total amount of cost shifting in \$	Proportion of cost shifting in relation to total income	Total amount of cost shifting in \$	Proportion of cost shifting in relation to total income
Urban Regional						
Bathurst Regional Council	URM	72,428,000	1,982,431	2.74%	2,105,936	2.91%
Bega Valley Shire Council	URM	81,327,000	2,673,204	3.29%	3,451,650	4.24%
Blue Mountains City Council	UFL	95,723,000	5,718,192	5.97%	6,932,172	7.24%
Broken Hill City Council	URS	31,505,000	1,293,648	4.11%	1,363,648	4.33%
Cessnock City Council	URM	59,141,000	9,090,597	15.37%	10,286,597	17.39%
Clarence Valley Council	URM	111,096,000	4,827,157	4.35%	5,603,625	5.04%
Coffs Harbour City Council	URL	128,278,000	3,907,428	3.05%	4,381,514	3.42%
Dubbo City Council	URM	80,917,000	2,678,601	3.31%	3,139,859	3.88%
Gosford City Council	UFV	230,654,000	7,318,352	3.17%	7,423,352	3.22%
Greater Taree City Council	URM	56,080,000	4,085,638	7.29%	4,487,786	8.00%
Griffith City Council	URS	48,519,000	1,147,889	2.37%	1,147,889	2.37%
Hawkesbury City Council	UFM	59,702,000	4,819,929	8.07%	4,962,262	8.31%
Kempsey Shire Council	URS	51,821,000	3,369,714	6.50%	3,951,605	7.63%
Kiama Municipal Council	URS	48,311,000	1,636,812	3.39%	1,739,312	3.60%
Lake Macquarie City Council	URV	175,285,000	17,278,216	9.86%	18,082,216	10.32%
Mid-Western Regional Council	URS	51,686,000	1,849,113	3.58%	2,343,668	4.53%
Newcastle City Council	URV	211,197,000	13,742,011	6.51%	13,796,967	6.53%
Orange City Council	URM	77,566,000	2,691,339	3.47%	3,582,366	4.62%
Port Macquarie-Hastings Council	URL	121,203,000	4,914,612	4.05%	4,914,612	4.05%
Port Stephens Council	URM	95,529,000	4,445,194	4.65%	5,245,194	5.49%
Shellharbour City Council	URM	66,017,000	6,211,090	9.41%	6,350,266	9.62%
Shoalhaven City Council	URL	177,482,000	10,014,352	5.64%	12,178,810	6.86%
Tamworth Regional Council	URM	113,220,000	3,252,986	2.87%	3,348,881	2.96%
Tweed Shire Council	URL	153,944,000	4,931,296	3.20%	4,931,296	3.20%
Wagga Wagga City Council	URM	108,133,000	2,832,367	2.62%	3,391,367	3.14%
Wingecarribee Shire Council	URM	76,866,000	2,922,335	3.80%	3,096,728	4.03%
Wollondilly Shire Council	UFM	40,132,000	2,608,569	6.50%	2,827,863	7.05%

Council	ACLG Cl.	Total income from operations before capital amounts in \$	Excluding questions 24 and 25		Including questions 24 and 25	
			Total amount of cost shifting in \$	Proportion of cost shifting in relation to total income	Total amount of cost shifting in \$	Proportion of cost shifting in relation to total income
Wollongong City Council	URV	218,708,000	21,974,661	10.05%	24,877,276	11.37%
Wyong Shire Council	UFV	223,364,000	18,423,527	8.25%	19,423,086	8.70%
<b>Summary Urban Regional</b>		<b>3,065,834,000</b>	<b>172,641,260</b>	<b>5.63%</b>	<b>189,367,803</b>	<b>6.18%</b>
Rural						
Bland Shire Council	RAL	24,213,000	832,154	3.44%	832,154	3.44%
Blayney Shire Council	RAL	13,877,000	454,873	3.28%	602,181	4.34%
Bourke Shire Council	RAM	19,626,000	795,922	4.06%	795,922	4.06%
Cabonne Shire Council	RAV	35,428,000	1,388,586	3.92%	1,448,586	4.09%
Cootamundra Shire Council	RAL	15,785,000	550,233	3.49%	632,233	4.01%
Dungog Shire Council	RAL	13,340,000	739,718	5.55%	1,109,562	8.32%
Gloucester Shire Council	RAL	11,614,000	889,690	7.66%	954,507	8.22%
Gunnedah Shire Council	RAV	34,687,000	1,156,199	3.33%	1,631,091	4.70%
Inverell Shire Council	RAV	33,962,000	1,450,148	4.27%	1,803,122	5.31%
Junee Shire Council	RAL	13,052,000	476,630	3.65%	476,630	3.65%
Leeton Shire Council	RAV	23,807,000	803,181	3.37%	908,955	3.82%
Liverpool Plains Shire Council	RAL	19,561,000	725,308	3.71%	725,308	3.71%
Moree Plains Shire Council	RAV	55,046,000	950,433	1.73%	971,522	1.76%
Narromine Shire Council	RAL	18,817,000	671,625	3.57%	671,625	3.57%
Snowy River Shire Council	RAL	24,591,193	569,821	2.32%	772,744	3.14%
Tumut Shire Council	RAV	30,421,000	1,098,100	3.61%	1,098,100	3.61%
Upper Hunter Shire Council	RAV	33,453,000	1,313,027	3.92%	1,313,027	3.92%
Upper Lachlan Shire Council	RAL	25,777,000	835,586	3.24%	845,086	3.28%
Urana Shire Council	RAS	9,462,000	352,135	3.72%	366,335	3.87%
Warren Shire Council	RAM	14,219,000	442,341	3.11%	501,823	3.53%
Warrumbungle Shire Council	RAV	33,144,000	1,098,755	3.32%	1,108,564	3.34%
Yass Valley Council	RAV	25,646,000	1,254,821	4.89%	1,373,237	5.35%
<b>Summary Rural</b>		<b>529,528,193</b>	<b>18,849,286</b>	<b>3.56%</b>	<b>20,942,314</b>	<b>3.95%</b>
<b>Total sample</b>		<b>6,221,088,823</b>	<b>348,531,849</b>	<b>5.60%</b>	<b>389,306,175</b>	<b>6.26%</b>

## DISCUSSION OF FINDINGS

### *Survey findings*

As shown above, the cost shifting ratio for the complete survey sample is 5.60% of total income before capital amounts. This ratio is consistent with ratios established for previous financial years (5.70% for 2010/11; 5.72% for 2009/10 and 2008/09; 5.92% for 2007/08 5.95% for 2006/07 and 5.84% for the financial year 2005/06). Including the new examples contained in questions 24 and 25, the ratio increases to 6.26% (6.34% in 2010/11 and 6.35% in 2009/10) with question 25 alone adding \$39,668,264 to the sample cost shifting amount.

The findings for each of the three groups of councils (metropolitan, urban regional and rural) are reasonably consistent in the last four financial years. For 2011/12 the cost shifting ratio is:

- 5.98% for the sample of metropolitan councils (6.82% including the new examples 24 and 25; 6.96% in 2010/11 and 6.98% for 2009/10) compared to 6.20% in 2010/11, 6.30% for 2009/10, 6.21% for 2008/09, 6.62% for 2007/08, 6.3% for 2006/07 and 6.1% for 2005/06;
- 5.63% for the sample of urban regional councils (6.18% including the new examples 24 and 25; 6.06% in 2010/11 and 6.09% for 2009/10) compared to 5.49% in 2010/11, 5.47% for 2009/10, 5.44% for 2008/09, 5.63% for 2007/08, 6.0% for 2006/07 and 5.9% for 2005/06; and
- 3.56% for the sample of rural councils (3.95% including the new examples 24 and 25; 4.23% in 2010/11 and 4.45% for 2009/10) compared to 3.88% in 2010/11, 4.04% for 2009/10, 4.11% for 2008/09, 4.22% for 2007/08, 4.5% for 2006/07 and 4.5% for 2005/06.

This group comparison shows that metropolitan councils and, to a lesser extent, urban regional councils suffer more from cost shifting than rural councils. This can be explained by a number of factors including the greater exposure of urban regional councils and, particularly, metropolitan councils to cost shifting associated with the waste levy (question 21) and the provision of public libraries (question 5). The table in appendix B shows the cost shifting ratio for each council group in the sample for each individual question.

By applying the established cost shifting ratio of 5.60% to the figure of total income from operations before capital for 2011/12 for all NSW councils (\$9,268,064,244),<sup>10</sup> the amount of cost shifting onto Local Government in NSW (i.e. all 152 general purpose councils) is calculated as being \$519,236,368. Including the new examples contained in questions 24 and 25, the amount of cost shifting onto Local Government in NSW (i.e. all 152 general purpose councils) is calculated as being \$579,981,213 (ratio of 6.26%).

Only a small portion of cost shifting can be attributed to the Australian Government (0.18% of total cost shifting or just over \$712,000 for immigration and citizenship ceremonies (question 12); about 0.30% of total cost shifting or just over \$1,164,000 for half of the funding shortfall in the flood mitigation program (question 16) and an unidentified proportion of the funding shortfall in community and human services which represent 3.04% of total cost shifting or just over \$11,830,000 (question 20)).<sup>11</sup> The remainder is attributed to the NSW Government.

### *Election cost*

Any estimate of cost shifting also needs to include cost shifting associated with making the NSW Electoral Commission (NSWEC) fully responsible for the provision of, and implementing a full cost recovery model for, the Local Government elections in 2008.<sup>12</sup> Election costs increased

<sup>10</sup> The NSW Department of Premier and Cabinet, Division of Local Government provided data on the total income from continuing operations before grants and contributions provided for capital purposes, gains from asset sales, and gains from interests in joint ventures as shown in the statement of financial performance of all 152 NSW general purpose councils for the financial year 2011/12 on 15 October 2013.

<sup>11</sup> Calculation based on baseline plus questions 24 and 25 scenario.

<sup>12</sup> In 2003/2004, following review of the State Electoral Office by the NSW Council on the Cost and Quality of Government, the NSW Government required the NSWEC to charge the full cost of providing Local Government elections. As part of this change the NSWEC became fully responsible for the provision of elections. This commenced after the 2004 Local Government elections with Local Government by-elections from that point being conducted by the NSWEC on a full cost recovery basis. The 2008 Local Government elections were the first occasion the full cost recovery model was implemented across NSW in a general Local Government election. With the election of the O'Farrell Government this policy was changed and council can run election again by themselves as of June 2011. Calculated election costs will therefore only be included over the four relevant financial years 08/09, 09/10, 10/11 and 11/12.

significantly in comparison to the 2004 elections and there are significant concerns over the lack of disclosure and explanation of the cost charged to councils by the NSWEC.<sup>13</sup>

For the purpose of estimating the cost shifting involved in the running of the 2008 elections, the survey firstly focussed on selected items in the NSW Electoral Commission's expenditure<sup>14</sup> that appear either not to have been necessary and/or efficient or lack transparency as to whether they were necessary and/or efficient. The following expenditure items were included:

- Overcharging associated with the NSWEC Administration Fee: \$1,200,635  
The NSWEC charged councils an administration fee of \$2,295,890. According to the NSWEC, this fee was based on resources of 18 staff for 19 weeks and 35 hours a week<sup>15</sup>, i.e. an hourly staff rate of 191.80. Apart from the fact that it is unclear what this fee was charged for, it appears to be overstated. The average hourly staff rate of NSWEC staff, according to its annual report 2008/09, was \$91.50 which the survey assumes as efficient cost.<sup>16</sup> Applying the efficient hourly staff rate of \$91.50, the administration fee should have been \$ 1,095,255. This amounts to an overcharging of \$1,200,635.
- Overcharging associated with payroll processing: \$293,440  
According to the NSWEC, the cost for payroll processing was \$293,440. However, it is assumed that the cost of processing of payroll should be covered by the administration fee mentioned above. Therefore, the total amount is considered cost shifting.
- Unnecessary charging for maintenance of electoral rolls: \$367,740  
Electoral rolls are maintained for federal and state election. No further costs are involved in using these rolls for Local Government elections.<sup>17</sup>

Secondly, the survey also considers as cost shifting the failure to return revenue from penalty notices to Local Government, amounting to \$7,188,335. Revenue from penalty notices should be returned to the Local Government area they were issued in as the NSWEC is to fully recover its cost from charging councils and does not require any additional revenue for the running of Local Government elections. Revenue from penalty notices has not been returned and neither NSWEC nor NSW Treasury has provided any information on revenue collected. According to the NSWEC, 398,489 penalty notices were issued and 130,697 of those referred to the State Debt Recovery Office<sup>18</sup> with the penalty amount being \$55 per notice.<sup>19</sup> Assuming 130,697 recoverable penalty notices, this represents potential gross revenue of \$7,188,335. In the absence of any disclosure of actual revenue from penalty notices by the NSWEC, the full gross amount is regarded as cost shifting.

In total, this amounts to cost shifting associated with the 2008 Local Government elections of \$9,050,150. Spreading this amount over the electoral cycle of four years, the annual amount is \$2,262,537.<sup>20</sup> This annual amount is to be added to the amount of cost shifting identified in the survey of \$519,236,368 (\$579,981,213 including the new questions 24 and 25) taking the total amount of cost shifting to \$521,498,905 (ratio of 5.63%) or \$582,243,750 including the new questions 24 and 25 (ratio of 6.28%).

<sup>13</sup> See LGSA, Submission to the Inquiry into 2008 Local Government Election, (June 2009) and supplementary submission (September 2009).

<sup>14</sup> Total itemised expenditure for the 2008 Local Government Election was not available from the NSWEC and was calculated by LGNSW on the basis of individual council invoices and expenditure items therein as disclosed in NSWEC, Report on the Local Government Elections 2008, (2008), appendix 14.

<sup>15</sup> Letter from the NSWEC to LGNSW of 28 July 2008.

<sup>16</sup> See for the methodology: LGNSW, Submission to the Inquiry into 2008 Local Government Election, (2009), pages 10ff. Total employee related expenses for the NSWEC in 2008/09 amounted to \$5.995m with 36 permanent staff employed (NSWEC, Annual Report 2008/09, pages 62 and 85). This represents an hourly staff rate of \$91.50 (52 weeks and 35 hours per week).

<sup>17</sup> It needs to be noted that Local Government already carries the cost of maintaining non-residential rolls (i.e. register of land owners who do not reside in council area) and thus participate in the cost for electoral rolls.

<sup>18</sup> See NSWEC, Report on the Local Government Elections 2008, (2008), page 127. According to this report, across NSW 672,794 electors failed to vote at the 2008 Local Government elections (page 126).

<sup>19</sup> See section 314 of the *Local Government Act (NSW) 1993* and section 17 of the *Crimes (Sentencing and Procedure) Act (NSW) 1999* and section 120C of the *Parliamentary Electorates and Elections Act (NSW) 1912*.

<sup>20</sup> It needs to be noted that the calculation of cost shifting associated with the 2008 Local Government elections does not take into account in kind contributions by councils for work that should have been performed by the NSWEC.

**Final results**

Table 2 outlines the results of the surveys undertaken so far by LGNSW (financial years 2005/06, 2006/07, 2007/08, 2008/09, 2009/10, 2010/11 and 2011/12).

**Table 2: Ratio and total amount of cost shifting onto NSW Local Government**

Financial year	Sample size (no. of councils)	Total income from operations before capital amounts for all NSW councils	Ratio and total amount of cost shifting Survey baseline (questions 1 to 23)	Ratio and total amount of cost shifting Baseline plus 2008 election cost shift	Ratio and total amount of cost shifting Baseline plus questions 24 and 25	Ratio and total amount of cost shifting Baseline plus questions 24 and 25 and 2008 election cost shift
2011/12	73	9,268,064,244	5.60% \$519,236,368	5.63% \$521,498,905	6.26% \$579,981,213	6.28% \$582,243,750
2010/11	76	\$8,723,492,462	5.70% \$497,038,850	5.72% \$499,301,387	6.34% \$553,033,109	6.37% \$555,295,646
2009/10	84	\$8,209,306,141	5.72% \$469,191,741	5.74% \$471,454,278	6.35% \$521,626,171	6.38% \$523,888,708
2008/09	69	\$7,664,066,547	5.72% \$438,007,674	5.74% \$440,270,211	n/a**	n/a**
2007/08	65	\$7,280,361,566	5.92% \$431,284,746	n/a*	n/a**	n/a**
2006/07	84	\$6,928,487,164	5.95% \$412,244,986	n/a*	n/a**	n/a**
2005/06	84	\$6,502,482,000	5.84% \$379,744,949	n/a*	n/a**	n/a**

\*Cost shifting associated with the 2008 Local Government election is distributed among the relevant financial years 08/09, 09/10, 10/11 and 11/12.

\*\*Questions 24 and 25 were included for the first time in the survey for 09/10.

As table 2 shows, in absolute terms, cost shifting on to NSW Local Government is estimated to have increased significantly from approximately \$380 million in 2005/06, \$412 million in 2006/07, \$431 million in 2007/08, \$440 million in 2008/09, \$471 million (\$524 million including the new questions 24 and 25) in 2009/10, and \$499 million (\$555 million including the new questions 24 and 25) in 2010/11 to approximately \$521 million (\$582 million including the new questions 24 and 25) in 2011/12.

**Others**

Finally, the cost shifting ratio and amount established by the survey can be regarded as conservative for several reasons:

- Although councils were encouraged to add financially significant examples, councils basically worked within the 26 functional areas identified in the survey.
- The survey asked councils to exclude corporate overheads from the individual cost estimates for each cost shifting area. The addition of corporate overheads could increase costs by around 10% based on the average corporate overheads ratio established by the Independent Inquiry into the Financial Sustainability of NSW Local Government in a separate survey.<sup>21</sup>
- If councils were not able to reliably estimate the cost of individual areas of cost shifting these areas got a zero costing.<sup>22</sup>
- Lastly, and importantly, the survey, for most functional areas questioned, excluded any capital expenditure related to the functional areas and comments were provided by many councils that the inclusion of capital expenditure would significantly increase the amount of cost shifting.

<sup>21</sup> DG & AB Maxwell, *Corporate Overheads of Local Government*, (2006), page 14; Local Government Inquiry, *Interim Report: Findings and Options*, table 10.2, page 201.

<sup>22</sup> Unless returned surveys were rejected because cost estimates could not be provided in more than 25 per cent of the 26 functional areas.

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**APPENDIX A - LIST OF THE 26 FUNCTIONAL AREAS**

1. Contribution to Fire and Rescue NSW.
  2. Contribution to NSW Rural Fire Service.
  - 2a. Contribution to NSW State Emergency Service.
  3. Pensioners rates rebates.  
Net cost in \$ incurred due to mandatory pensioners rebates for rates and charges (total amount of mandatory concession minus state reimbursement). Please do not include in your calculation rebates for water supply and sewerage charges as these charges are subject to a separate fund and cost can be recovered across all users.  
  
NSW is the only state that requires councils to fund approximately half the cost of mandatory pensioner concessions (ss575-584 of the Local Government Act (NSW) 1993).
  4. Voluntary conservation agreements  
Net cost in \$ incurred due to rate exemptions as a result of voluntary conservation agreements.  
  
Pursuant to section 555 of the *Local Government Act (NSW) 1993*, land (or the proportion of the landholding) that is subject to a voluntary conservation agreement between the landowner and the relevant NSW Minister (environment portfolio) under section 69 of the *National Parks and Wildlife Act (NSW) 1974* is exempt from all council rates.
  5. Public library operations.  
Cost in \$ representing the proportion of operational expenditure that was not funded by the State Government but would have been funded had the original funding arrangement of a State Government subsidy of half the amount expended by council on the operation of libraries been applied (i.e. shortfall between actual State Government subsidies (prescribed amount pursuant to s13(4)(b) Library Act (NSW) 1939 and the regulation) and the subsidy council would have been eligible for pursuant to s13(4)(a) Library Act (NSW) 1939 (the original funding arrangement of a state subsidy of half the amount expended by council on the operation of libraries from rate income).  
  
Do not include capital expenditure. Do not enter the total operational expenditure for libraries. Please explain if your figure is larger than half the expenses from continuing operations for public libraries in special schedule 1 of your financial statements.
  6. Shortfall in cost recovery for regulation of on-site sewerage facilities.  
Cost in \$ of services/functions less any revenue related to them (fees, state government payments/subsidies). Please only include necessary costs that cannot be recovered as a result of regulatory constraints. Do not include capital expenditure.  
  
Councils are required to regulate the installation, approve and monitor the operation and keep a register of all on-site sewage management systems (Local Government Act (NSW) 1993).
  7. Shortfall in cost recovery for administration of the Companion Animal Act (NSW) 1998.  
Cost in \$ of services/functions less any revenue related to them (fees, state government payments/subsidies). Do not include capital expenditure.  
  
Councils' role was expanded from a pure enforcement role to a regulatory body with functions including preparation of companion animal management plan, operation of lifetime registration system, separation of cats and dogs, maintaining facilities,
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enforcement, and the collection of fees for the Department of Local Government which returns only a small proportion of those fees to Local Government.

8. Shortfall in cost recovery for administration of Contaminated Land Management Act (NSW) 1997.

Cost in \$ of regulatory services/functions less any revenue related to them (fees, state government payments/subsidies). Do not include capital expenditure.

Councils are required to respond to contaminated land issues, undertake the administration, registration and mapping of contaminated sites not regulated by the NSW Environment Protection Authority, develop policies, and consider contamination in land-use planning processes.

9. Shortfall in cost recovery for functions under the Protection of the Environment Operations Act (NSW) 1997.

Cost in \$ of services/functions less any revenue related to them (fees, state government payments/subsidies).

Councils are required to administer the licensing system and enforce protective regulation (issuing of environmental notices, prosecution of environmental offences, undertaking of environmental audits) in relation to all non-scheduled activities not regulated by the NSW Environment Protection Authority.

10. Shortfall in cost recovery for functions as control authority for noxious weed.

Cost in \$ of regulatory services/functions less any revenue related to them (fees, state government payments/subsidies; e.g. grants from the NSW Department of Primary Industries) or cost in \$ of net contributions to other authorities for reasonably necessary regulation of noxious weeds on land other than council land and council managed Crown land. Do not include cost of other environmental weeds control or general bushland care. Do not include capital expenditure.

Councils are required to regulate and control noxious weeds pursuant to the Noxious Weeds Act (NSW) 1993 and s183 of the Local Government Act (NSW) 1993.

11. Functions under the Rural Fires Act (NSW) 1997.

Cost in \$ of services/functions less any revenue related to them (fees, state government payments/subsidies). Do not include capital expenditure. Please do not include the contributions to the Rural Fire Service and NSW Fire Brigade covered in questions 1 and 2.

Councils are required to administer and remedy complaints about fire hazards on council property, and to map and administer bushfire prone land (e.g. asset protection work, fire trails). Please include net cost of assistance provided to the Rural Fire Service to fight bushfires declared under s44 of the Rural Fires Act (NSW) 1997 on any land within the council area.

12. Immigration services and citizenship ceremonies.

Cost in \$ of providing these services less any revenue related to them (fees, state government payments/subsidies).

13. Shortfall in cost recovery for administering food safety regulation.

Cost in \$ of services/functions less any revenue related to them (fees, state government payments/subsidies). Please only include necessary costs that cannot be recovered as a result of regulatory constraints.

Councils are required to undertake registration and inspection of food and food premises under the Food Act (NSW) 2003.

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14. Provision of educational services.

Net cost in \$ of providing educational services due to the State Government's withdrawal from providing educational services that should be state government responsibility (e.g. sporting facilities used by public schools, education programs, classes for disadvantaged children in youth centres, but not child care as such). Do not include capital expenditure.

Please do not include council education programs the state government would not be responsible for (e.g. waste and sustainability education).

Where facilities are used by other governments (e.g. public schools) please estimate the proportion of operation and maintenance cost allocated to the use by the other level of government (not the total cost of operating the facility).

15. Crime prevention/policing.

Net cost in \$ of crime prevention/policing services in public spaces necessary because of insufficient services by other levels of government (e.g. CCTV surveillance, security patrols, crime prevention programs).

Please note that this only applies to crime prevention or policing activities that should have been undertaken by the state government (e.g. police). It should not include council activities to protect community from other risks (e.g. surfer and swimmer injuries (beach patrols), safety at council events, or security of council facilities). Do not include capital expenditure.

16. Flood Mitigation program.

Cost in \$ representing the proportion of expenditure that was not funded by other spheres of government but would have been funded had the original funding arrangement been applied (originally the Australian Government and State Government provided 80% of the required funds; whereas now the Australian Government provides one third and the State Government is required to provide another one third, and the rest has to be made up by council). Please estimate shortfall in actual funding from other spheres of government in comparison with what council would have obtained under the original funding arrangement.

Please only include activities that are eligible for or receive funding from other spheres of government under the flood mitigation program. Please include in your calculation funding for infrastructure projects.

17. Transfer of responsibilities for roads under RMS road reclassification reviews.

Net cost (only operational) in \$ inherited due to reclassification of regionally important roads as local roads or state-important roads as regional or even local roads (starting with the significant reclassifications in the early 1990s). Please deduct any compensation associated with a reclassification.

18. Medical services.

Net cost in \$ of providing medical services necessary because of insufficient services by other spheres of government (e.g. retaining general practitioners, nurses and dentists; aboriginal and other medical services required by the community). Do not include capital expenditure.

19. Road safety.

Net cost in \$ of road safety officer/road safety program necessary due to the NSW Government's (RMS) withdrawal of funding or cost of net contribution to other authorities that provide such officer/program. Do not include capital expenditure.

20. Community and human services.

Net cost in \$ of all programs necessary to the community where other spheres of government have initiated the program and initially provided adequate funds but now

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provide inadequate funds or have withdrawn completely; e.g. State Government contribution do not increase in line with these actual costs (e.g. employment cost); i.e. the shortfall between adequate and actual funding for such programs that were initiated by other spheres of government. Do not include capital expenditure.

Community and human services include children service program, aged and disabled care programs, community development/liaison programs, youth development programs, aboriginal community programs, cultural development programs etc.

21. Waste levy.

Cost in \$ of paying levy to the State Government dependant on the amount of waste produced by council less any amounts recovered through meeting waste performance criteria (section 88 of the Protection of the Environment Operations Act (NSW) 1997 and Protection of the Environment Operations (Waste) Regulations (NSW) 2005).

The waste levy applies to the Sydney metropolitan area; the Illawarra, Hunter and Central Coast area (extended regulated area); and the area including the Blue Mountains, Wollondilly and local government areas along the coast north of Port Stephens to the Queensland border (regional regulated area).

Please provide estimate of net costs with respect to the 2011/12-scheme with a levy of \$82.20 per tonne (Sydney metro), \$78.60 (extended regulated area), and \$31.10 (regional regulated area).

22. Sewerage treatment system license fee.

Cost in \$ of license fee, load based and administrative, to be paid to State Government in relation to sewer effluent discharge.

Councils are required to pay this fee as polluter under the Protection of the Environment Operations Act (NSW) 1997.

23. Waste management site license fee.

Cost in \$ of license fee (administrative fee, no load based fee) to be paid to State Government.

Councils are required to pay this fee council as polluter under the Protection of the Environment Operations Act (NSW) 1997.

24. Taking away of revenue from crown reserve land under council management

Cost in \$ associated with the NSW Government taking over allowable revenue raising activities on council managed crown reserve land or with requirements to transfer revenue from council managed crown reserve land to the NSW Government Please note that this does not represent the total net cost of managing (maintaining) crown lands. Please do not include in your calculations transfers associated with the caravan park levy.

Under the Crown Land Act (NSW) 1989, councils have full responsibility to maintain crown reserves under council management and are expected to subsidise shortfalls in maintenance cost from general revenue. This is considered appropriate as the benefits from crown reserves under council management generally accrue to the local community. However, as a result, councils should also be entitled to any current or potential revenue from crown reserves that is required to cover maintenance and improvement cost (e.g. revenue from refreshment facilities, telecommunication facilities). Any action by the State Government to limit revenue raising capacity or require the transfer revenue to the State Government are considered cost shifting.

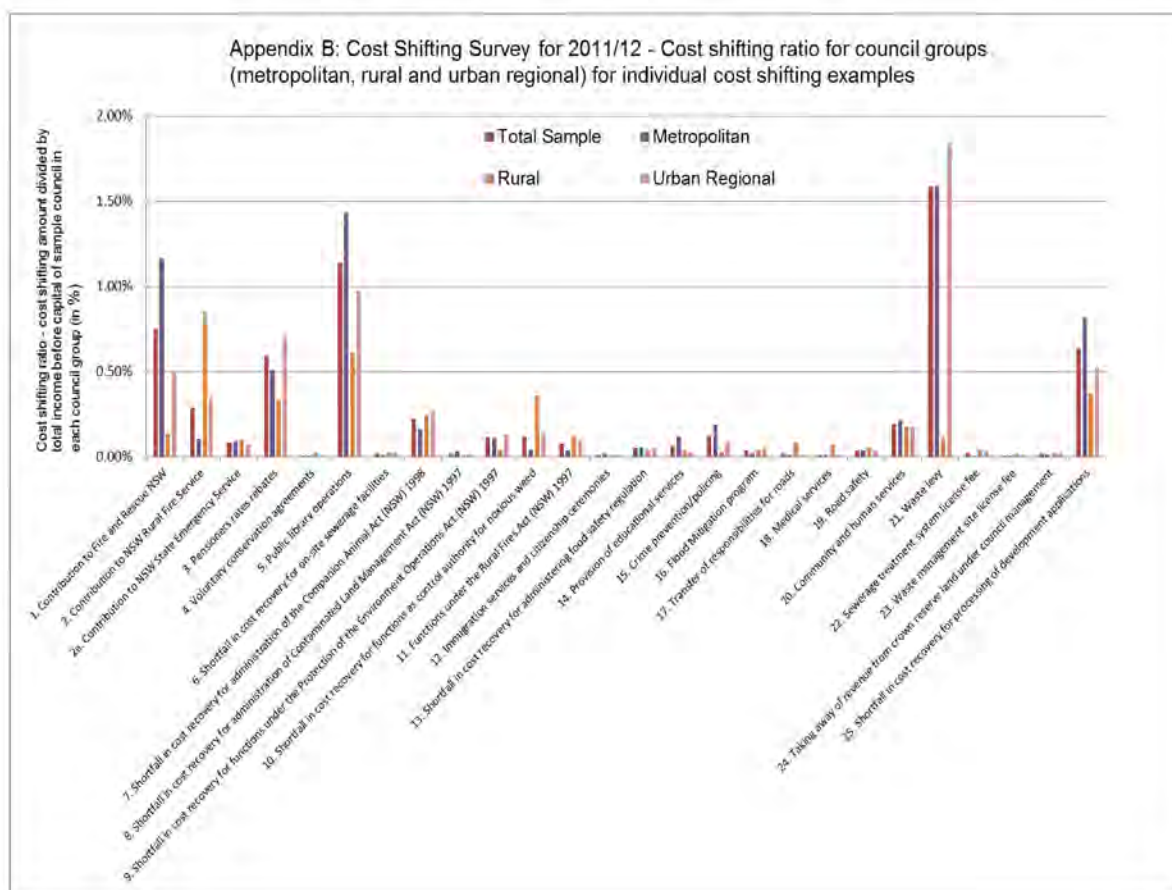
Please do not include in your calculation any surplus revenue over and above the total amount of maintenance and improvement cost for all of your crown reserve land.

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25. Shortfall in cost recovery for processing of development applications

Cost in \$ of processing development applications under the Environmental Planning and Assessment Act (NSW) 1979 and associated regulations less any revenue related to this function (e.g. development application fees, state government payments/subsidies).

Please estimate the amount of costs of processing development applications that cannot be recovered through development application fees or any other related income. Please include costs associated with services by other agencies (e.g. initial fire safety reports from the NSW Fire Brigades, s144 of the Environmental Planning and Assessment Regulation (NSW) 2000).



## **3.6 Reset of Loan Borrowings from 2008-2009 Loan Borrowing Program**

### **Reporting Officer**

Manager Financial Services

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### **Attachments**

Nil

### **Purpose**

To advise Council of the requirement to reset loan borrowings from the 2008-2009 Loan Borrowing Program.

### **Report**

In adopting the 2008-2009 Budget, Council requested a loan allocation of \$2.5m from the Office of Local Government. At the Council meeting on 9 June 2009, taking into consideration the uncertainty of interest rates and the economic climate at the time, Council resolved that it would be more prudent to accept the fixed interest rate quote from the Commonwealth Bank of 7.43% as a five year renewal loan, with repayments equivalent to a 10 year loan, with the residual loan balance to be refinanced. This approach would allow market conditions to be reassessed at the end of the five year period to ensure Council was not committed to a 10 year loan at a high interest rate.

This loan is now due to be refinanced on 25 June 2014 and as such the Commonwealth Bank was asked to provide revised indicative interest rates in order to assess the next term of renewal on both a fixed and floating rate basis for the remaining balance of \$1.4m.

The indicative rates provided by the Commonwealth Bank are a fixed rate of 4.80% or a floating rate of 4.15%, with the floating rate being based on the bank bill swap rate as at 16 April 2014 of 2.71% plus an additional bank funding margin of 1.44%. A revised quote for a fixed interest rate was sought from the Commonwealth Bank of 9 May 2014 to which the bank provided an indicative rate of 4.65% inclusive of the funding margin which is unchanged from the initial quote.

In consultation with Council's Financial Advisor, Spectra Financial Services, taking into account the continuing uncertainty in economic conditions coupled with relatively low interest rates at present, it is recommended that Council endorse renewing the loan for the remaining term of five years on a fixed rate. Council's approach of a renewal/refinance facility when entering into this loan has provided a successful outcome for Council and will realise interest savings in the vicinity of \$110,000 over the remaining five year period.

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### **Officer's Recommendation**

That Council endorse the reset of the loan with the Commonwealth Bank for the remaining term of five years on a fixed interest rate and source a final quote on this basis prior to the expiration of the current loan term on 25 June 2014.

### **Committee's Recommendation: (Lake/Mead)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 3 June 2014 (Dobson/Mead)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 90**

That the Officer's Recommendation be adopted.

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## **3.7 Local Government Remuneration Tribunal**

### **Reporting Officer**

Manager Financial Services

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### **Attachments**

Nil

### **Purpose**

To advise Council that the Local Government Remuneration Tribunal has made a determination on the minimum and maximum fees payable to mayors and councillors for 2014-2015.

### **History**

The Local Government Remuneration Tribunal was established to determine the categories for councils and the fees paid to mayors and councillors.

In accordance with Section 241 of the *Local Government Act 1993* (the Act), the Tribunal is required to make an annual determination on the fees payable to mayors and councillors to take effect from 1 July 2014. Sections 248 and 249 of the Act require councils to fix and pay an annual fees based on the Tribunal's determination.

### **Report**

In accordance with Section 239 of the Act, the Tribunal is required to determine the categories of councils at least once every three years. The Tribunal last undertook a fundamental review of the categories in 2012 and will next consider this matter in 2015.

Due to the significant work being undertaken by both NSW Government and local councils to drive and deliver local government reform, the Local Government Remuneration Tribunal did not call for submissions from individual councils as part of the 2014 Annual Review. General submissions were not required however, the Tribunal did advise councils that they were still able to raise any issues of concern relevant to the review. The Tribunal met with representatives of Local Government NSW (LGNSW) in similar terms.

The Tribunal received two submissions from individual councils which sought consideration of the following:

- Determine the maximum statutory increase of 2.5%
  - Benchmark mayoral and councillor fees with State Members of Parliament
  - Introduce a professional remuneration structure for councillors to improve accountability and performance.
-

A submission was also received from LGNSW requesting that councillor and mayoral remuneration be increased by the full 2.5%.

LGNSW continues to advocate that elected representatives face increasing challenges, associated with managing council workload, family responsibilities and paid work, and that significant time involvement is not appropriately recompensed through the current remuneration levels.

The Tribunal found that the roles and responsibilities of councillors and mayors, as outlined in the legislation, have not significantly changed since the commencement of the *Local Government Act* in 1993. There have been adjustments in categories of councils and the level of fees, however these have not been significant.

The Tribunal is now required to have regard to the Government's wages policy when determining the increase to the minimum and maximum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5%.

During the determination process, the Tribunal reviewed key economic indicators, including the Consumer Price Index and Wage Price Index, and found that the full increase of 2.5% is warranted. Therefore, pursuant to Section 241 of the *Local Government Act 1993*, the annual fees to be paid to Metropolitan Centre category councillors and mayors ranges from \$12,210 - \$22,800 per annum for councillors, and an additional \$25,950 - \$60,580 per annum for the position of mayor, effective 1 July 2014.

### **Officer's Recommendation**

1. That Council adopt the councillor and mayoral remuneration increase of 2.5% effective 1 July 2014, as recommended by the Local Government Remuneration Tribunal.
2. That Council fix the remuneration fee for councillors at \$22,800 per annum representing an increase of 2.5% for the 2014-2015 financial year effective 1 July 2014.
3. That Council fix the remuneration fee for the mayor at an additional \$60,580 per annum representing an increase of 2.5% for the 2014-2015 financial year effective 1 July 2014.

### **Committee's Recommendation: (Lake/Kolkman)**

That the Officer's Recommendation be adopted.

**CARRIED**

### **Council Meeting 3 June 2014 (Dobson/Mead)**

That the Officer's Recommendation be adopted.

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### **Council Resolution Minute Number 90**

That the Officer's Recommendation be adopted.

Councillor Mead asked that his name be recorded in opposition to the resolution regarding Item 3.7 - Local Government Remuneration Tribunal.

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## **3.8 Financial Assistance Grant Funding Changes**

### **Reporting Officer**

Manager Financial Services

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### **Attachments**

Nil

### **Purpose**

To provide information to Council on Financial Assistance Grant Funding changes announced in the Federal Budget 2014.

### **Report**

The Commonwealth provides financial assistance through State Grants Commissions, to assist Councils with the provision of Local Government services and infrastructure to their communities. Funding is made up of general purpose and roads components, both of which are untied, and can be spent according to each council's own priorities.

Financial assistance grants are adjusted annually based on an escalation factor determined by Treasury in accordance with population growth and the Consumer Price index (CPI).

Council has received significant funding from the financial assistance grant over a number of years and is heavily reliant on this funding. For the 2014-2015 budget, Council expects to receive \$8.750m in general purpose funding and \$1.619m in roads funding which equates to approximately 8% of operating revenues.

In the Federal Budget announced on 13 May 2014, the Treasurer revealed that indexation of financial assistance grants to Local Government will be frozen for three years, meaning no increases in line with population growth and CPI.

This loss of indexation increases, which amounts to a total loss of financial assistance funding for local government in the vicinity of \$925m, will affect the ability of local councils to maintain infrastructure such as roads, bridges, parks, swimming pools, libraries and community halls as well as provide services to meet community needs.

The Commonwealth has, however, remained committed to the existing Roads to Recovery (R2R) and Blackspot Programme funding with the announcement of an additional \$350m in R2R funding and \$200m in new Blackspot Programme funding.

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**Officer's Recommendation**

That the information be noted.

**Committee's Recommendation: (Borg/Kolkman)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 3 June 2014 (Dobson/Mead)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 90**

That the Officer's Recommendation be adopted.

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## **4. HUMAN RESOURCES**

### **4.1 Revised Child Protection Policy**

#### **Reporting Officer**

Manager Human Resources

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#### **Attachments**

Child Protection Policy (contained within this report)

#### **Purpose**

To seek Council's endorsement of the revised Policy.

#### **History**

In response to the recommendations of the 1997 Wood Royal Commission into the New South Wales Police Service, a range of legislation was introduced to protect children from abuse. In accordance with this legislation Council was required to develop and implement a Child Protection Policy, which was adopted by Council on 25 July 2000.

This Policy was subject to a briefing to Councillors on Tuesday 13 May 2014 where it was recommended by Councillors that the Policy be resubmitted to the next Corporate Governance Committee meeting for consideration.

#### **Report**

The Child Protection policy has been revised in accordance with Council's Record Management Policy and the adopted procedure for Policy Development and Review.

The impetus for this policy review was recent changes to Applicable Child Protection Legislation. These changes include:

- the introduction of new legislation the *Child Protection (Working with Children) Act 2012* and the *Child Protection (Working with Children) Regulation 2013*). This legislation provided for significant change to the Working with Children Check (WWCC) screening process for new and existing child-related workers
  - new definitions and changes to existing definitions under the applicable legislation.
-

In reviewing the policy to include these legislative changes all amendments were made in consultation with Sparke Helmore Lawyers. Their advice has been incorporated as follows:

- reference to the “Employment Screening” Policy was changed to “Working With Children – Worker Screening” Authorised Statement in the ‘Related Documentation’ section
  - links to the Office of Communities Commission for Children and Young People website and the Office of the Children’s Guardian website have been included under “Related Documentation”
  - any reference to ‘Occupational Health and Safety’ has been changed to Work Health and Safety to reflect the new *Work Health and Safety Act 2011*
  - any reference to ‘employees’ has been changed to ‘workers’ to reflect the new *Work Health and Safety Act 2011*
  - the “Objectives” have been further clarified to better meet the intent of the Applicable Legislation
  - changes to definitions have been made as follows:
    - new definitions include:
      - applicable child protection legislation
      - commission
      - disciplinary action
      - finding of misconduct involving children
      - ombudsman
      - serious physical assault
      - sexual misconduct
      - worker
      - WWCC status
      - WWCC verification system
      - young person
    - amended definitions include:
      - child (the definition of child varies under applicable legislation)
      - child or young person at risk of significant harm (previously “Child at Risk of Harm”)
      - child-related work (previously child-related employment)
      - mandatory reporter
      - reportable allegation
      - reportable conduct
      - working with children check
  - numerous other changes to the Applicable Legislation have been reflected in the “Principles”.
  - the policy has been amended so as not to use language and terminology that is absolute (for example, rather than committing Council to ‘ensure’ that something occurs, rephrasing the statement to say ‘take all reasonable steps to allow....’). The purpose of this is to avoid creating additional and unreasonable obligations for Council under the policy.
-

The above changes have been highlighted in the attached policy.

**Officer's Recommendation**

1. That the revised Child Protection Policy as attached to this report be adopted.
2. That the Policy review date be set at 30 June 2016.

**Committee's Recommendation: (Lake/Mead)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 3 June 2014 (Dobson/Mead)**


That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 90**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1

		<b>POLICY</b>
Policy Title	Child Protection	
Related Documentation	Working with Children – Worker Screening Policy Office of Communities Commission for Children & Young People website ( <a href="http://www.kids.nsw.gov.au">www.kids.nsw.gov.au</a> ) Office of the Children’s Guardian website ( <a href="http://www.kidsguardian.nsw.gov.au">www.kidsguardian.nsw.gov.au</a> ) Commission for Children and Young People publication – Information for Reporting Bodies: Reporting Certain Misconduct Involving Children, September 2013 ( <a href="http://www.kids.nsw.gov.au/Working-with-children/New-Working-With-Children-Check/Resources">www.kids.nsw.gov.au/Working-with-children/New-Working-With-Children-Check/Resources</a> )	
Relevant Legislation/ Corporate Plan	Ombudsman Act 1974 (NSW) Commission for Children & Young People Act 1998 (NSW) Children & Young Persons (Care & Protection) Act 1998 (NSW) Child Protection (Offender’s Registration) Act 2000 (NSW) Child Protection (Working with Children) Act 2012 (NSW) Child Protection (Working With Children) Regulation 2013 (NSW) Work Health and Safety Act 2011 (NSW) Code of Conduct	
Responsible Officer	Manager Human Resources	

Policy details may change prior to review date due to legislative changes, therefore this document is uncontrolled when printed.

### Objectives

1. To build a workforce committed to child protection through a range of policies and work practices designed to ensure that services are provided to children in a safe and caring environment.
2. To support Council’s commitment to protecting children and young persons from child abuse & risks to their health, safety and welfare in accordance with Applicable Child-Protection Legislation.
3. To facilitate Council’s obligation to report to the Ombudsman or the Commission when children and young persons may be at risk of significant harm.
4. To encourage the fair investigation of allegations of inappropriate conduct by workers.
5. To assist in selecting and maintaining a workforce comprising of persons suitable for engagement in child-related work.

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<b>Division:</b> Business Services <b>Section:</b> Human Resources <b>DW:</b> 1747595	<b>Adopted Date:</b> 25/7/00 <b>Revised Date:</b> 2/9/08 <b>Minute Number:</b> 438 <b>Review Date:</b> 30/7/11	<b>Page:</b> 1 of 7 <b>Print Date:</b> 18/03/14

## Policy Statement

Council is committed to being a child-safe organisation and to managing the risks associated with caring for children by implementing child-safe and child-friendly policies.

### Scope

This policy applies to all **workers** performing work for Council.

### Definitions

**Allegation** means a claim of reportable conduct or of potential misconduct that may involve reportable conduct. Allegations may be written or verbal and may be made anonymously. An allegation may relate to:

- A current worker or a person that was a worker at the time of the conduct forming the basis of the allegation.
- A child or young person at the time of the alleged behaviour. The alleged victim may be an adult now and the alleged behaviour may have occurred years before.

**Applicable Child-Protection Legislation** includes the following (as may be amended from time to time):

- a) *Commission for Children & Young People Act 1998* (NSW)
- b) *Children & Young Persons (Care & Protection) Act 1998* (NSW)
- c) *Ombudsman Act 1974* (NSW)
- d) *Child Protection (Offenders Registration) Act 2000* (NSW)
- e) *Child Protection (Working With Children) Act 2012* (NSW)
- f) *Child Protection (Working With Children) Regulation 2013* (NSW)

**Child:** under the *Ombudsman Act 1974* means a person who is under 18 years of age.

**Child:** under the *Children and Young Person (Care and Protection) Act 1998* mean a person under the age of 16 years.

**Note:** This act refers to 'Children and Young People' – see definition of Young Person below

**Child or young person at risk of significant harm** is defined in accordance with the *Applicable Child-Protection Legislation* (see the *Children and Young Persons (Care and Protection) Act 1998* (NSW)). Generally, it means a child or young person in relation to whom there are current concerns for their safety, welfare or well-being because of the presence, to a significant extent, of any one or more of the following circumstances:

- The child's or young person's basic physical or psychological needs are not being met or are at risk of not being met;
- The parents or other caregivers have not arranged or are unable or unwilling to arrange for the child or young person to receive necessary medical care;
- In the case of a child or young person who is required to attend school by law, the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education.
- The child or young person has been, or is at risk of being, physically or sexually abused or ill-treated;
- The child or young person is living in a household where there has been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm;
- A parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm.

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**Child-Related Work** means work (paid or unpaid) involving direct contact by a worker with children as defined in the Applicable Child-Protection Legislation (including but not limited to mentoring and counselling services; child protection services; health care, education and child care services; sporting, cultural or entertainment venues; transport services). See section 5 of the *Child Protection (Working With Children) Act 2012* (NSW).

**Commission** means the *Commission for Children and Young People*.

**Conviction** means a charge proven in court and recorded as such, including a finding that the charge for an offence is proven, or that the person is guilty of an offence, even though the court does not proceed to a conviction.

**Disciplinary action** means steps taken against a worker for improper or unauthorised conduct by Council, the Commission or by a professional body that supervises the professional conduct of the worker. In the event that a worker is found to have engaged in misconduct, they may be subjected to punishment in the form of a caution, a written warning, suspension or termination of their engagement by Council.

**Finding Of Misconduct Involving Children** is defined in accordance with the Applicable Child-Protection Legislation and includes a finding of misconduct (by Council or other authoritative body) following an investigation, regarding:

- sexual misconduct committed against, with or in the presence of a child, including grooming a child
- any serious physical assault of a child

(See *Child Protection (Working with Children) Act 2012* (NSW))

**Investigation** means any preliminary or full inquiry into, or examination of an alleged matter such as a Reportable Allegation, Reportable Conduct or Reportable Conviction.

**Mandatory Reporter** is defined in accordance with the Applicable Child-Protection Legislation and includes a worker engaged in paid child care work and a worker who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children.

(See section 27 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW))

**Neglect** means the harm inflicted on a child or young person due to the failure to provide them with basic physical and emotional necessities of life. For example, failure to provide or arrange for adequate and proper food, supervision, nursing, clothing, medical attention or lodging for a child or young person.

**Notification** means the requirement to notify or inform a third party such as the Ombudsman or Commission under the Applicable Child-Protection Legislation.

**Ombudsman** means the NSW Ombudsman.

**Reportable Allegation** is defined in accordance with the *Ombudsman Act 1974* (NSW) and means an allegation of **Reportable Conduct** against a **person** or an allegation of misconduct that may involve **Reportable Conduct**

**Reportable Conduct** is defined in accordance with the *Ombudsman Act 1974* (NSW) and includes:

- any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material
- any assault, ill-treatment or neglect of a child, or

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- any behaviour that caused psychological harm to a child, whether or not, in any case, with the consent of the child.

**Reportable Conviction** is defined in accordance with the *Ombudsman Act 1974* (NSW) and includes a conviction (including a finding of guilt without the court proceeding to a conviction), in this State or elsewhere, of an offence involving reportable conduct.

**Serious physical assault** means touching or physical acts which:

- results in a child being injured, beyond a type of injury like a minor scratch, bruise or graze; or
- had the potential to result in a serious injury; or
- the injury suffered may be minor, but the assault is associated with aggravating circumstances (such as inhumane or demeaning behaviour).

(See resource of the Commission entitled "Information for Reporting Bodies: Reporting Certain Misconduct Involving Children" September 2013)

**Sexual misconduct** means conduct that is sexual in nature and involving, or in connection with, a child. This may include:

- indecent assault
- sexual assault
- aggravated sexual assault
- sexual intercourse and attempted sexual intercourse
- possession/dissemination/production of child pornography or child abuse material
- using children to produce pornography
- grooming or procuring children for unlawful sexual activity
- deemed non-consensual sexual activity on the basis of special care relationships
- crossing professional boundaries
- sexually explicit comments and other overtly sexual behaviour.

(See resource of the Commission entitled "Information for Reporting Bodies: Reporting Certain Misconduct Involving Children" September 2013)

**Worker** means any person who is engaged in work in any of the following capacities:

- a) as an employee (paid or unpaid)
- b) as a contractor or sub-contractor
- c) as a volunteer, or
- d) as a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience).

**WWCC** means a Working With Children Check conducted in accordance with applicable child protection legislation.

**WWCC status** means the classification of an individual and/or WWCC application which are detailed in the WWCC Verification System. The status may be classified as one of the following:

- a) **Application in progress** which means the individual has completed the application process but that a determination has not yet been made declaring them as cleared.
- b) **Cleared** means the individual has been given a clearance and is cleared to work with children until their WWCC expires.
- c) **Barred** means the individual has been barred and cannot work with children. It is an offence to engage a barred person in child-related work.
- d) **Interim Bar** means the individual has been barred and cannot work with children pending the outcome of a risk assessment conducted by the Commission. It is an offence to engage a barred individual in child-related work.

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- e) **Not found** means the individual has not been located in the WWCC Verification System (for example, due to incorrect information, an application being withdrawn or terminated without outcome or the application process not being completed).

**WWCC Verification System** means the system operated and administered by the Commission to verify an individual's WWCC status.

**Young Person** is defined in accordance with the *Children and Young Persons (Care and Protection) Act 1998* (NSW): and means a person who is aged 16 years or above but who is under the age of 18 years.

### Legislative Context

*Commission for Children & Young People Act 1998* (NSW)  
*Children & Young Persons (Care & Protection) Act 1998* (NSW)  
*Ombudsman Act 1974* (NSW)  
*Child Protection (Offenders Registration) Act 2000* (NSW)  
*Child Protection (Working With Children) Act 2012* (NSW)  
*Child Protection (Working With Children) Regulation 2013* (NSW)

### Principles

#### Roles and Responsibilities

1. The General Manager (or their authorised delegate) shall notify the Ombudsman of the following:
  - any Reportable Allegation, or Reportable Conviction, against a worker of which the General Manager becomes aware
  - whether or not Council proposes to take any disciplinary action or other action in relation to the worker and the reasons for this decision
  - any written submissions made concerning any such an allegation or conviction that the worker concerned wished to have considered in determining what (if any) disciplinary or other action should be taken.
2. In accordance with the *Ombudsman Act 1974* (NSW), the notification shall be made as soon as practicable after the General Manager becomes aware of the allegation or conviction (ideally within 30 days or within such other period as may be agreed to by the Ombudsman).
3. The General Manager (or their authorised delegate) shall notify the Commission of any worker against whom an investigation has been completed and a Finding Of Misconduct Involving Children has been made.
4. Any notifications to be made by the General Manager (or their authorised delegate) to the Commission and Ombudsman shall be in the form and method approved by these bodies (for example, online via the respective websites or by telephone).
5. It is the responsibility of Directors, Managers and Supervisors to report any allegations of Reportable Conduct to the General Manager (or their authorised delegate) and to assist in carrying out any subsequent investigation.
6. It is the responsibility of all workers to notify their supervisor immediately if they witness, or have a reasonable basis to suspect or become aware of, a Reportable Allegation, Reportable Conduct or a Reportable Conviction by another worker
7. All workers shall notify their supervisor if they witness, or have a reasonable basis to suspect that, a child is at a significant risk of harm (either at the child's home or at the workplace).

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8. In the event that a worker, who is a Mandatory Reporter, becomes aware or has a reasonable basis to suspect a child is at a significant risk of harm (either at the child's home or at the workplace), they should discuss this matter as soon as possible with their Director, Manager and/or Supervisor to determine whether the matter needs to be reported to the Police, the Commission, the Ombudsman and/or another entity.
9. It is the responsibility of Human Resources to provide advice and support to all workers in relation to their obligations under this policy. They shall also assist in implementing and educating workers on this policy. .
10. Other parties may be involved during these processes including the Union, the Employee Assistance Program Counsellors and Contact Officers, and their role is to advise and support workers.

#### **Rights of all Parties**

1. Any child that is the subject of alleged Reportable Conduct has the right to be in a secure and safe environment. Any worker under investigation may be removed from that environment or placed on alternate duties until the investigation is complete.
2. Council shall endeavour to afford procedural fairness in any investigation conducted into any Reportable Allegation, Reportable Conduct or Reportable Conviction.
3. Council shall also endeavour to maintain confidentiality over information obtained in the course of any investigation under this policy.
4. Council may deny a person access to, or limit their access to, records kept if they consider it would jeopardise an investigation or place a child at risk.

#### **Confidentiality**

1. All workers involved in the reporting or investigating of allegations of Reportable Conduct shall be mindful of the sensitive nature of the issue and take all reasonable steps to maintain confidentiality and respect the privacy of those involved. Nothing in this statement is to be taken as mitigating against the obligation of workers to report incidents or allegations of Reportable Conduct.
2. All information relating to investigations will be secured in Human Resources separately from personnel files, unless the investigation results in disciplinary action. If this is the case, the following details will be kept on the worker's personnel file under a confidential code in ECM:
  - That an allegation was made;
  - That an investigation was conducted;
  - What the finding was;
  - What action was taken
3. Any person who makes an allegation of reportable conduct may be protected under Council's Public Interest Disclosures Policy.

#### **Unsubstantiated Allegations**

1. Where an allegation is clearly wrong or unsubstantiated, the person who is the subject of the allegation shall be supported by Council. The nature of the support shall be reasonable and appropriate to the circumstances of the case. It may include access to specialist counselling services, legal services or special leave.
2. Any worker who is found to have made a malicious, vexatious or baseless allegation may be subject to disciplinary action.

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**Prevention and Education**

1. All current and prospective workers in child-related work shall be screened in accordance with Council's Working with Children – Worker Screening Policy to ensure their suitability to work with children.
2. All workers shall be educated on the applicable child-protection legislation and how it impacts on them in terms of the position they hold and their responsibilities.
3. Workers shall be educated to a level appropriate to the position they hold. Specifically, the level of education relates to the following categories of workers:
  - Child care staff, who have a 24 hour/day responsibility;
  - Other identified positions, which have a workplace only responsibility;
  - Contractors, volunteers and work experience participants;
  - “Investigators” – Directors, Managers and Supervisors;
  - Mandatory Reporters.
4. Council's induction program shall include information on the Applicable Child - Protection Legislation.

**END OF POLICY STATEMENT**

**DOCUMENT HISTORY AND VERSION CONTROL RECORD**

**Contact for inquiries and proposed changes**

<b>Name</b>	Barry Clarence
<b>Position/Section</b>	Manager Human Resources
<b>Contact Number</b>	46454228

<b>Version Number</b>	<b>Revised Date</b>	<b>Authorised Officer</b>	<b>Amendment Details</b>

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## **5. INFORMATION MANAGEMENT AND TECHNOLOGY**

**No reports this round**

## **6. GENERAL BUSINESS**

### **6.1 Reversing Sensors for Council Vehicles**

Councillor Lake referred to a number of campaigns that have been promoted by Council with regard to safety of children when reversing vehicles and suggested that Council investigate the feasibility of the installation on four reverse sensors being included on all new Council vehicles.

#### **Committee's Recommendation: (Lake/Borg)**

That a report be presented investigating the feasibility, safety benefits and costs associated with the installation of four reverse sensors being included on all new Council vehicles.

**CARRIED**

#### **Council Meeting 3 June 2014 (Dobson/Mead)**

That the Committee's Recommendation be adopted.

#### **Council Resolution Minute Number 90**

That the Committee's Recommendation be adopted.

#### **Confidentiality Motion: (Borg/Kolkman)**

That the Committee in accordance with Section 10 of the *Local Government Act 1993*, move to exclude the public from the meeting during discussions on the items in the Confidential Agenda, due to the confidential nature of the business and the Committee's opinion that the public proceedings of the Committee would be prejudicial to the public interest.

**CARRIED**

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## **21. CONFIDENTIAL ITEMS**

### **21.1 Broughton Street - Campbelltown**

#### **Reason for Confidentiality**

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

### **21.2 Confidential Information relating to an item in Corporate Governance**

#### **Reason for Confidentiality**

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

There being no further business the meeting closed at 5.59pm.

S Dobson  
CHAIRPERSON

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## **REPORTS FROM OFFICERS**

### **8. REPORT OF GENERAL MANAGER**

**No reports this round**

### **9. REPORT OF DIRECTOR BUSINESS SERVICES**

#### **9.1 Reports Requested**

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#### **Attachments**

Status list of reports requested (contained within this report)

#### **Report**

Attached for the information of Councillors is a status list of reports requested of Council as at 6 May 2014.

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

That the information be noted.

#### **Council Meeting 3 June 2014 (Kolkman/Lake)**

That the Officer's Recommendation be adopted.

#### **Council Resolution Minute Number 91**

That the Officer's Recommendation be adopted.

# ATTACHMENT 1

## Reports Requested as at 6 May 2014

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
14.2.12 RK 3494184	CCS20.1 - Report on the proposal to establish a Trust to facilitate future bequests and donations to the Campbelltown Arts Centre. <b>Comment:</b> A briefing was held on 19.11.13. Awaiting advice from Council's Solicitors.	CS	June 2014
26.2.13 PH 3326065	CG8.2 - Report on the feasibility of renaming the Macquarie Fields Swimming Centre (when all works are complete) or other places of significance in honour of Kevin Wheatley VC or Ray Simpson VC.	CS	June 2014
26.3.13 PL 3356012	CS6.4 - That a detailed report be presented outlining the quality and possible need for an upgrade on the current lighting (including current environmental lighting) of all sporting fields in the Campbelltown LGA and that the report include total costing.	CS	August 2014
18.6.13 GB 3450837	CS6.1 - report on the Poseidon Drowning Detection System (currently in use by Blacktown Council at the Stanhope Gardens Leisure Centre) in relation to its cost, benefits for saving lives and the possibility of fitting/retrofitting the system in Councils leisure facilities <b>Comment:</b> Reported Item 6.4 of the Community Services Committee meeting held 27/05/2014.	CS	
16.7.13 MO 3483181	CS3.1 - Further report analysing the impact of the changes to the Arts Funding Program when information becomes available.	CS	November 2014
13.8.13 PH 3512590	CG8.1 - Report outlining feasibility of renaming Campbelltown showground.	CS	June 2014
10.9.13 MO 3547252	CS6.1 - Report updating the status for the installation of No Smoking signage at sporting and public places where smoking is prohibited and also include other educational initiatives that Council could undertake.	CS	June 2014
13.8.13 TR 3512711	CS4.2 - Report exploring the feasibility of alternate models of temporary fencing that are more robust yet removable within 24 Hours which may present a compromise to address the concerns of both sporting groups and the local community.	CS	June 2014
12.11.13 GB 3560252	CCS20.1 - Further report within 12 months reviewing progress and advising Council of further means of adapting to the new funding agreements for Aged and Disability funding.	CS	November 2014
10.12.13 WG 3650256	CS3.4 - Further report analysing the impact of the 'Arts and Cultural Policy' when information becomes available in 2014.	CS	November 2014



<b>*Date of Decision *Mover *DocSet</b>	<b>Item/Comments</b>	<b>Div.Resp</b>	<b>Comp Date</b>
10.12.13 CM 3650066	CG8.1 - Report regarding the possibility of a naming rights sponsorship for Campbelltown Sports Stadium.	CS	May 2014
11.02.14 FB 3707460	NoM15.1 - That a report be presented to Council on the feasibility of providing library services across all areas of the local government area.	CS	July 2014
11.02.14 MO 3714105	CCS20.1 - That a report be presented at the end of the 2014 season comparing the financial returns with the previous returns from 2013 regarding the Wests Tigers proposed hire fee.	CS	November 2014
11.03.14 GG 3747859	CG6.4 - That a report be presented outlining the feasibility of compiling short video clips to be loaded on Council's website to promote Council's outstanding recreational facilities.	CS (CG)	June 2014
06.05.14 DL 3814234	CS6.1 - That a further report be presented to Council once successful projects for Round Two of the 2013-2014 Participation and Facility Grant Program have been announced by the Office of Communities - Sport and Recreation.	CS	August 2014
06.05.14 DL 3814232	CS6.3 - That a further report be presented to Council once projects have been confirmed and applications submitted to the NSW Government through the Office of Communities - Sport and Recreation.	CS	August 2014

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
16.10.12 PL 3197155	<p>CG8.4 - Report examining the feasibility of installing CCTV capabilities in the Campbelltown CBD, with installation locations to be determined in conjunction with Campbelltown Police. The report to also outline the costs associated with the installation, maintenance and monitoring of the system and detail any government grants available to assist in the installation of a CCTV system.</p> <p><b>Comment:</b> Council has been successful in obtaining a grant for the funding of CCTV in the Campbelltown/Ingleburn CBD areas. The grant will not be provided until the 2014-2015 financial year and the documentation is currently being prepared for lodgement.</p>	CW	July 2014
21.5.13 WG	<p>CW5.2 - Report investigating the implementation of new signage detailing Council contact telephone numbers and incorporating area reference numbers for its parks and recreation areas along with the cost and timeframe to implement it.</p> <p><b>Comment:</b> Reported Item 2.1 of the City Works Committee Meeting held 27 May 2014.</p>	CW	
13.8.13 MO 3512874	<p>PE5.1 - Report regarding the location/condition of the current suburb signage and investigating the potential of extending the program to other suburbs that were not included in the initial program.</p>	CW	July 2014
12.11.13 WG 3563387	<p>CW1.2 - Further report on the findings of the Expressions of Interest for footpath reconstruction in Queen St Campbelltown.</p>	CW	August 2014
06.05.14 PL 3815091	<p>CW5.2 - That a report be presented outlining the feasibility and cost of purchasing and erecting electronic signs in the Campbelltown Local Government Area along major transport corridors, to promote Council and other community events.</p>	CW	August 2014

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
26.2.13 PL 3326067	CCG21.2 - Report in regard to a Licence Agreement with the Town Hall Theatre Group Incorporated for the use of the Town Hall Theatre.	BS	Sept 2014
18.6.13 PL 3450946	CG3.1 - Further report following expressions of interest on the ground lease in Blaxland road.	BS	Nov 2014
10.9.13 PH 3547390	CG8.1 - Report investigating the feasibility of establishing a Civil Engineering Scholarship at UWS for students who reside in the Campbelltown LGA called the JE Hely Scholarship.	BS	June 2014
15.10.13 CM	CG2.2 - Further report on alternatives for the conduct of the 2016 Local Government Election.	BS	September 2014
10.12.13 CM 3650065	CG8.2 - Report regarding the potential of opening a café or similar outlet at the HJ Daley Library premises and more broadly any other potential commercial ventures which could be collocated within existing Council services.	BS	July 2014
11.02.14 PH 3689752	CG4.9 - That a further report be presented to Council following the submission being lodged regarding the review of prices for land valuation services provided by Valuer-General to councils.	BS	June 2014
06.05.14 PH 3815092	CW5.1 - That a report be presented to Council outlining the feasibility of purchasing banners/flags for the 100 year Anzac Anniversary with a view for the banners/flags to be able to be displayed on each Anzac day thereafter.	BS	July 2014
06.05.14 PL 3816537	CG6.1 - That a report be presented outlining the feasibility and cost of operating the carpark located at Carberry Lane, Campbelltown for 24 hours each day.  <b>Comment:</b> Reported Item 2.1 of the Corporate Governance Committee Meeting held 29 April 2014	BS	

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
13.12.11 BT 3421776	2.4PE - Further Report detailing the outcome of all submissions received as a result of the public exhibition of all Menangle Park documentation.	PE (EP)	August 2014
13.12.11 RK 3421767	2.5PE - Report following the exhibition period detailing all submissions and the outcomes of the exhibition - Draft Macarthur Precinct DCP.	PE (EP)	October 2014
5.6.12 RK 3068270	PE5.2 - Report outlining the role, procedures and limits of authority of the Land and Environment Court in so far as they affect amendments to development applications made as part of the Court proceedings.	PE (DS)	July 2014
18.12.12 AM	PE2.5 - Further report on outcome of the public exhibition of proposal to name reserve within the 'Vista' development, Glenfield.	PE (EP)	December 2014
18.6.13 RK 3451045	PE2.4 - Report identifying what impact the creation of the Local Land Services will have on the Campbelltown LGA.	PE (EP)	October 2014
16.7.13 RK 3483315	PE4.1 - Further report to review implementation of the draft Swimming Pool Barrier Inspection Program including the cost and resourcing implications after 12 months of the programs implementation.	PE (CS)	December 2014
12.11.13 RK 3598138	PE4.3 - Further report on establishment of the Alcohol Free Zones in Glen Alpine and Minto (Zone 2) following receipt of submissions.	PE (CS)	June 2014
10.12.13TT R 3650360	PE2.6 - Further report re proposed amendment to LEP 2002 re No 194 Campbelltown Road Denham Court.	PE (EP)	June 2014
10.12.13 GG 3650347	PE4.2 - Further report to consider the adoption of the Second Hand Clothing Bin Policy following Public Exhibition.  <b>Comment:</b> Reported Item 4.3 of the Planning and Environment Committee Meeting held 1 April 2014	PE (CS)	
11.02.14 BT 3714449	PE5.2 - That a detailed report be presented: i. outlining the entire history of the Interim Occupation Certificate that was issued to Nustas Demolition and Excavation, Ingleburn. ii. detailing all complaints and actions that Council has taken in regards to the complaints.  <b>Comment:</b> Reported Item 18.1 of the Confidential Planning and Environment Committee Meeting held 1 April 2014	PE (CS)	

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
11.03.14 WG 3747995	PE2.5 - That Council be provided with a further report providing for the inclusion of a further street name of Rayene Stewart Simpson V.C in the Bardia Precinct.	PE (EP)	June 2014
11.03.14 GG 3747637	NofM15.1 - That a report be presented to Council in relation to authorised and unauthorised wrecking yards and dismantling of vehicles undercover which exist in the Campbelltown Local Government Area and include information regarding planning and compliance controls and any other associated matters relating to these types of activities.	PE (CS)	June 2014
08.04.14 MO 3782969	PE2.4 - That at the conclusion of the public exhibition, a report be provided to Council on the outcome of the public exhibition of the draft Campbelltown (Sustainable City) Development Control Plan 2014 Volume 1.	PE (EP)	July 2014
11.03.14 CM 3747858	CG6.2 - That a report be presented detailing Council regulations, forms and processes that not-for-profit and charities are typically required to complete to run public activities and fundraisers in Campbelltown. The report should also include:  i. aspects such as cost, required notice time/typical time to approve, and whether such regulations are mandated by law at the discretion of council.  ii. suggestions for ways that Council could streamline its processes and regulation to reduce any burden on charities/not-for-profits operating in Campbelltown	PE	August 2014
06.05.14 TR 3814671	PE2.3 - That a report addressing the submissions received in response to the consultation process and the status of the "outstanding" acquisition authority matter be presented after the conclusion of the exhibition/consultation period.	PE (EP)	November 2014

## **9.2 Councillors Strategic Planning Days**

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### **Attachments**

Nil

### **Report**

The 2014 meeting calendar identified four Councillor strategic planning days to be held in March, June, September and November 2014. The strategic planning day for the 28 June 2014 needs to be cancelled due to the unavailability of several Councillors.

It is now proposed that a strategic planning day be held on Saturday 9 August 2014 and that the strategic planning day to be held on 13 September 2014 be cancelled. It is proposed that the strategic planning day identified for the 22 November 2014 will at this stage take place pending the availability of Councillors.

### **Officer's Recommendation**

That Council hold Councillor strategic planning days on Saturday 9 August 2014 and Saturday 22 November 2014.

### **Council Meeting 3 June 2014 (Mead/Kolkman)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 92**

That the Officer's Recommendation be adopted.

## **10. REPORT OF DIRECTOR CITY WORKS**

### **10.1 City Works Activity Report**

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#### **Attachments**

Activity Report (contained within this report)

#### **Report**

Works activities are proceeding to program and on demand and are outlined in the Activity Report. Statistics on graffiti are also presented in the Activity Report. It should be noted that the Activity Report continues to be reviewed to better reflect the areas and program/projects being undertaken by Council.

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

That the information be noted.

#### **Council Meeting 3 June 2014 (Borg/Lake)**

That the Officer's Recommendation be adopted.

#### **Council Resolution Minute Number 93**

That the Officer's Recommendation be adopted.

# ATTACHMENT 1

## GRAFFITI

The schedule below provides details of the number of square metres of graffiti removed from Council's public facilities in the various suburbs by Council's contractor.

Facility	Jan to Mar 2013	April to June 2013	July to Sept 2013	Oct to Dec 2013	Jan to Mar 2014	April 2014	May 2014
Campbelltown	137	219	232	159	134	0	12
Ruse	169	3	21	86	57	0	0
Kentlyn	0	0	0	0	0	0	0
Airds	851	347	1230	1541	270	0	0
St Helens Park	0	12	60	0	0	0	0
Rosemeadow	45	16	37	120	111	0	8
Ambarvale	23	34	39	122	132	0	0
Woodbine	70	0	0	0	0	0	0
Claymore	12	59	22	171	0	0	37
Eschol Park	59	13	10	58	47	0	0
Kearns	0	0	0	0	0	0	0
Raby	116	0	0	65	0	0	0
St Andrews	22	0	49	143	0	62	0
Bow Bowing	0	0	0	0	0	0	0
Minto	766	309	176	832	110	97	0
Ingleburn	738	702	648	436	368	30	74
Macquarie Fields	253	215	213	530	243	130	0
Glenfield	397	498	310	215	251	43	30
Blair Athol	0	0	0	0	0	0	0
Bradbury	0	82	45	40	0	0	0
Total m <sup>2</sup>	3658	2510	3092	4518	1723	362	161

During the reporting period 11 Graffiti Removal Kits have been requested by the Community.

Jan to Mar 2013	April to June 2013	July to Sept 2013	Oct to Dec 2013	Jan to Mar 2014	April 2014	May 2014
26	22	11	15	13	5	11

Council's Graffiti Action Teams have undertaken a number of tasks in addition to the above activity information. In reference to the Operational Maintenance Area map in this report, the Graffiti Action Team has for the period undertaken the following graffiti tasks to various Council assets.

Area	Jan to Mar 2013	April to June 2013	July to Sept 2013	Oct to Dec 2013	Jan to Mar 2014	April 2014	May 2014
Area 1	1290	1830	1860	2366	1573	836	715
Area 2	1254	2155	2064	1645	1169	458	771
Area 3	585	617	487	552	435	35	174
Area 4	1660	1836	2142	1199	887	808	789
Total	4789	6438	6553	5782	4044	2137	2449



**OPERATIONAL SERVICES SECTION (Reporting period 21 April to 18 May 2014)**

**OPEN SPACE**

<b>Activity</b>	<b>Area 1</b>	<b>Area 2</b>	<b>Area 3</b>	<b>Area 4</b>	<b>Total</b>
Servicing of Parks and Reserves Sites	122	19	19	32	192
Road Verges – Sites	57	29	12	33	131
Community/Childcare Centre's - Sites	7	10	0	0	17
Servicing Laneways – Sites	96	45	11	0	152
Litter/Rubbish Pickup	136	33	8	3	180
Herbicide Spraying (hrs)	42.5	25.5	0	25.5	93.5
Mulching (cm <sup>3</sup> )	0	0	0	0	0
Garden Maintenance	0	0	0	0	0
Garden Refurbishment	0	0	0	0	0
Top Dressing (hrs)	0	0	0	0	0
Aeration of Fields	0	0	0	0	0
Sharps Pickup	0	0	0	0	0
Pathway Requests	14	2	0	0	16
Tractor Road Verge (Sites)	12	10	11	11	44
Tractor Servicing Parks and Reserves (Sites)	22	31	37	14	104
Cemetery	0	0	0	0	0
Fire Hazard Reduction	1	1	0	0	2
Road Crews Servicing Parks	0	0	0	0	0
Refilling of Sandpits	0	0	0	0	0

**HORTICULTURE**

<b>Activity</b>	<b>Area 1</b>	<b>Area 2</b>	<b>Area 3</b>	<b>Area 4</b>	<b>Total</b>
Servicing of Parks and Reserves Sites	28	34	29	28	119
Road Verges – Sites	1	42	0	0	43
Community/Childcare Centre's – Sites	1	1	1	1	4
Cemetery	0	0	0	0	0
Tractors Servicing Sporting Fields	25	17	10	12	64
Litter/Rubbish Pickups (hrs)	34	28	32	32	126
Herbicide Spraying (hrs)	27	26	30	27	110
Mulching – Quantity M <sup>3</sup>	270	110	130	0	510
Garden Maintenance – Sites	31	5	42	28	106
Garden Refurbishment – Sites	3	1	3	0	7
Top Dressing – Sites (tonne)	9	12	0	6	27
Aeration of Fields – Sites	4	5	3	4	16
Sharps Pickups – Quantity	0	0	0	0	0
Miscellaneous Requests (hrs)	23	13	21	33	90
Refilling of Sandpits	0	0	0	0	0
Plumbing	13	11	15	13	52
Fit Goal post sleeves	0	0	4	0	4
Cricket Wicket Maintenance	0	0	0	0	0

## HORTICULTURE ACTIVITIES

### Weed Control

Council's weed control contractor recently carried out selective weed control on the Buffalo lawn areas situated at the Art Centre. Weed control on the Englorie Park Drive landscaped median is 85% complete.

### Car Park Landscaping Marsden Park

The planting of garden areas adjacent to the newly constructed car park area has been carried out. 4 super advanced Ornamental Pears, 42 advanced Lilly Pilli's and 80 groundcover species were planted.

### National Tree Day 2014

An order has been placed for the supply of 3,000 assorted native seedlings for school donations and 1000 Cumberland plain native species for planting at Council's Minto Basin planting area. Delivery of the seedlings is programmed for mid-July.

### City Entrance Landscaping Campbelltown Road

Additional landscape planting has been carried out on the embankment area opposite Rose Payten Drive. The landscaping involved the planting of approximately 500 advanced shrubs to provide a screen for the rear of residential properties that back onto Campbelltown Road in the vicinity of the above location.

The landscaping was confined to the area above the recently constructed retaining wall on the western side of Campbelltown Road.

### Memorial Garden Landscaping Ingleburn

Red and white flower carpet roses are currently on order for the planting out of the newly constructed garden within the above area, situated on Memorial Avenue Ingleburn.

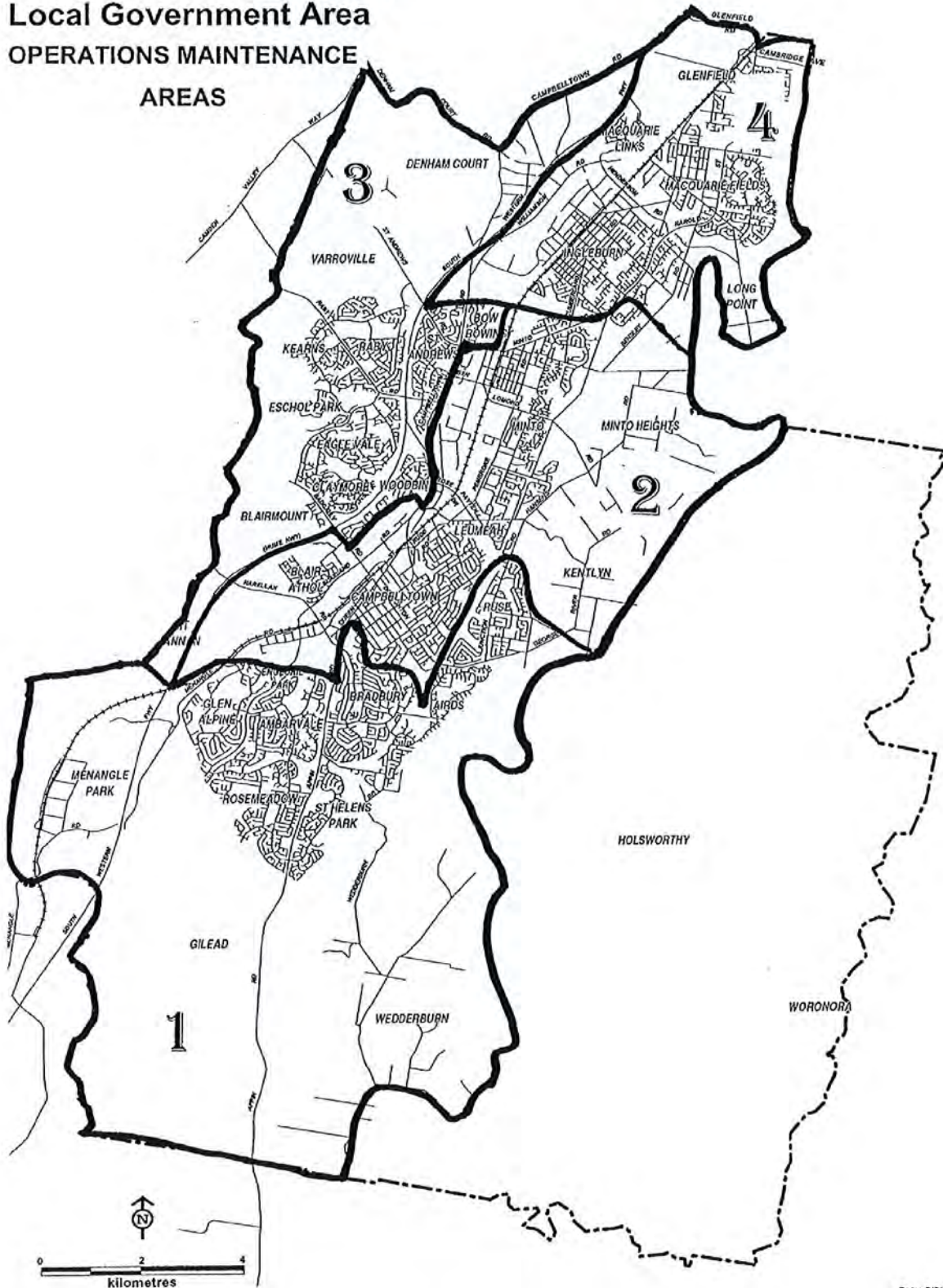
## COUNCIL TREE INSPECTIONS

Activity	Area 1	Area 2	Area 3	Area 4	Total
Contract	12	5	18	10	45
Council	40	55	35	41	171
Termites	0	2	0	1	3
Plumber - Sewer Chokes	0	0	0	0	0
N/A	10	3	8	6	27
HOLD	2	3	3	3	11
Total	64	68	64	61	257

## PRIVATE PROPERTY TREE INSPECTIONS

Activity	Area 1	Area 2	Area 3	Area 4	Total
Private Trees	7	5	12	6	30

# Campbelltown City Council Local Government Area OPERATIONS MAINTENANCE AREAS



## ROADS AND DRAINAGE

### A. HEAVY PATCHING - Roads And Footpaths

This resource has been heavy patching for the month of May. 12 tons of road base was used during this period on various road works.

Activity	Area 1	Area 2	Area 3	Area 4	Total
Road repairs (heavy patching) m <sup>2</sup>	90	396	140	89	715
Road restorations m <sup>2</sup>	3	36	0	6	45
AC Base Course Total (tonne)	13	72	26	20	131

### B. MINOR PATCHING - Roads And Footpaths

Activity	Area 1	Area 2	Area 3	Area 4	Total
Pot holes (number)	163	757	60	173	1153
Edge breaks m <sup>2</sup>	12	71	23	12	118
Restorations m <sup>2</sup>	0	0	0	6	6
Car parks pot holes	43	0	0	0	43
Trip hazard footpaths	8	6	7	14	35
Total	226	834	90	205	1355

### C. ROADS RESERVE OPENING & RESTORATIONS

Activity	Area 1	Area 2	Area 3	Area 4	Total
Vehicle crossings constructed	7	4	6	20	37
Telstra inspections	4	2	3	7	16
Sydney Water inspections	3	4	9	10	26
Integral inspections	1	0	4	2	7
Gas Inspections	2	8	8	1	19
Customer requests	0	1	2	0	3

### D. COMMUNITY RESPONSE

Activity	Area 1	Area 2	Area 3	Area 4	Total
Cleaning of gross pollutant trash racks	0	5	1	1	7
Pits cleaned by hand or suction	274	147	81	56	558
Tail out drains/headwalls	3	3	5	1	12
Removal of waste matter (cubic)	5	9	3	33	50
Flushing of stormwater lines(linear)	2230	710	520	400	3860
Underpass (drainage) cleaning	0	0	0	0	0
Trip hazards/footpath hazards	9	10	0	10	29
Dead animals removed	1	7	3	20	31
Parra webbing drainage	2	1	0	6	9
Sign retrievals and straightening	0	7	0	1	8
Syringes	13	185	0	35	233
Deliver and set up at venues	0	0	2	2	4
Paver repairs m <sup>2</sup>	0	0	0	0	0
Oil/ Paint Spill/Debris on Road	1	4	2	0	7
Median Cleaning/Poisoning	156	62	62	1172	1452
Guide Posts	0	8	10	0	18
Total	2694	1158	689	1737	6278

**E. STREET ACCESSORIES - Sign Manufacturer**

Activity	Area 1	Area 2	Area 3	Area 4	Total
Regulatory	1	11	1	2	15
Street signs	6	5	3	6	20
Community signs	0	39	0	0	39
Ordinance signs	1	5	0	10	16
Various council signs	0	9	2	0	11
Warning signs	5	3	0	0	8
Council special events	0	3	0	0	3
Directional	0	0	0	0	0
Banners	0	3	0	0	3
Various Stickers	0	38	0	0	38
Total	13	116	6	18	153

**Sign Erection**

Activity	Area 1	Area 2	Area 3	Area 4	Total
Works orders (traffic)	1	4	0	1	6
Bollards replacement and repair	3	4	2	5	14
Street signs	11	11	2	7	31
Community signs	0	5	0	0	5
Ordinance	11	7	4	3	25
Regulatory	35	28	13	46	122
Graffiti removal m <sup>2</sup>	2	3	3	3	11
Warning Signs	21	11	10	3	45
Install various banners	2	2	1	14	19
Line marking/car park	0	6	0	0	6
Directional	12	10	2	2	26
Total	98	91	37	84	310

**F. FOOTPATH RECONSTRUCTION PROGRAM 2013 – 2014**

Stage 3 - 85% complete

**G. NEW FOOTPATH CONTRUCTION PROGRAM 2013- 2014**

Stage 1 - 95% complete

Stage 2 – Quotations underway

**H. KERB AND GUTTER RECONSTRUCTION 2013 – 2014**

Stage 3 – 80% complete

**I. ROAD REHABILITATION PROGRAM 2013 – 2014**

Stage 4 - 30% complete

**J. STORMWATER AND LINTEL PROGRAM**

20% complete

## K. OPERATIONS MINOR WORKS

### City Entrance Program - Retaining Wall Extension and Associated Landscaping Campbelltown Road

100% complete

### Airds and Culverston Road Roundabout Improvements

100% complete

### Macquarie Fields Pool Carpark Reconstruction

100% complete

## L. CAPITAL WORKS

### Parkside Crescent Car Park and Road Widening

Stage 5 – 75% complete

Stage 6 – 30% complete

### Bradbury Park Culvert Extension

60% complete

### Redfern Creek Weed Removal and Bank Stabilisation

Stage 1 - 95% complete

Stage 2 – 10% complete

### Bradbury Basket Ball Courts Upgrade

10% complete

## PLUMBERS ACTIVITIES REPORT

Irrigation Works - Council's irrigation team has been involved in maintenance activities and system checks across the LGA, works have involved changing sprinkler heads, repairing leaks, pump systems, damaged pipes, and wiring problems and testing of systems.

## WORKSHOP ACTIVITIES REPORT

Vehicles/Plant and Equipment, reported here, are items that have accrued abnormal downtime due to awaiting parts/service from suppliers or priorities.

Plant No	Item	Reason - Area of Repair	Repairer	Down Time Hrs
9758.01	Hino Dutro	Seat belts	CCC Workshops and Supplier	32hrs
9580.02	Ford Tractor	Air conditioning	CCC Workshops and Supplier	40hrs
9703.02	Ford tractor	Broken rear window	CCC Workshops and Supplier	40hrs

The following is a breakdown of the work performed since the last report **21 April 2014 – 18 May 2014**.

9758.01	New seat belts were sourced and fitted on the Hino Dutro ute.
9580.02	The Ford tractor has a seized air conditioning compressor. Awaiting delivery of parts, expected end of May 2014.
9703.02	The Ford tractor has a broken rear window. Awaiting delivery of parts from overseas.

All previous reported repairs have been completed and vehicles/plant are back in service.

Tyre Repairs	48
Services carried out	32
Repairs to trucks	72
Repairs to heavy plant	8
Repairs to trailers	32
Tractors/implements	46
SES repairs	2
RFS repairs	2
Small plant repairs	33
Repair to cars	13
Repairs to mowers	56
Repairs to sweepers	17
Pathway requests (completed)	11

Of the reported repairs above 38 were out in the field.

Workshops solar panels have currently added **40,364** kWh back to the grid.

The Workshop has also carried out the following duties:

- Repair of gates, locks and lock boxes around Campbelltown
- Manufacture and fit various pit covers and repairs
- Repairs to various fences
- Repairs to BBQ door at Minto

## **HAZARD REDUCTION PROGRAM**

### **Hazard Reduction Burning**

NSW National Parks and Wildlife Service, in conjunction with the NSW Rural Fire Service, undertook hazard reduction burning along Blackburn Road, Wedderburn, with 35.5 hectares of bushland treated with a low intensity controlled burn.

### **Asset Protection Zones (APZ)**

Manual APZ maintenance has been undertaken in the following locations:

- Carrington Circuit, Smiths Creek (58 hours)
- Cook Park, Ruse (57 hours)
- Freeman Circuit, Ingleburn (44 hours)
- Canberra Crescent, Smiths Creek initiated

### **Mechanical Works**

21 hazard reduction slashing sites were completed in the reporting period, totalling an area of 13.87 hectares with over 453 assets protected.

## **ASSETS AND SUPPLY SERVICES**

### **Procurement and Contract Management Services**

#### **Tenders/Quotes/Expressions of Interest and Agreements:**

##### **Currently being prepared**

- T14/10 Smash Repairs
- T14/12 Cleaning of Public Toilets, Park Toilets and Sporting Ground Amenities
- T14/13 Synthetic Turf Lynwood Park
- Q14/11 Supply 5 Trucks including bodies (Quotations sought through Local Government Procurement Panel Contract)
- Q14/12 Supply Wide Area Mower (Quotations sought through Local Government Procurement Panel Contract)
- Q14/14 Supply and Delivery of Sweeper (Quotations sought through Local Government Procurement Panel Contract)
- Q14/15 Supply and Deliver Truck (Waste) (Quotations sought through Local Government Procurement Panel Contract)
- Q14/17 Design and Engineering of Skate Park
- Q14/19 Alarm Monitoring
- EOI14/03 3d Modelling
- EOI14/05 Queen Street Footpath Reconstruction

##### **Currently Advertised**

- EOI14/02 Aerial Photography

##### **Currently Under Evaluation**

- Q14/07 Pavement Investigation and Design
- Q14/08 Solar Heating Macquarie Fields Pool
- Q14/09 Cash Collection Services
- Q14/10 Supply of 5 mowers (Quotations sought through Local Government Procurement Panel Contract)
- Q14/18 Supply and Deliver 2 Tractors (Quotations sought through Local Government Procurement Panel Contract)
- T13/22 Management of the Animal Care Facility
- T14/07 Agency Payments



## **ASSET MANAGEMENT**

### **Roads**

- In-house Road Roughness survey is 56% completed for 2013-2014.
- Asphalt Re-sheeting Program on Georges River Road and Nursery Road is 100% completed.
- Mill and Fill for Railway Parade, road and bridge approaches in Glenfield is 100% completed.

### **Car Parks**

- Resealing work on Fullwood Reserve Car Park is 100% completed.
- Resealing work on Leumeah West Car Park is 100% completed.
- Sealing work on Macquarie Fields Swimming Pool Car Park close to Ingleburn Tennis Court is 100% completed.

### **Bridges and Culverts**

- Level 1 Inspection for road bridges, pedestrian bridges and major culverts is 100% completed for 2013-2014.
- Level 2 Inspection for 6 road bridges and 10 pedestrian bridges is 100% completed for 2013-2014.

### **Kerb and Gutter**

- Stage 3 Kerb and Gutter 2013-2014 reconstruction program is 80% completed.

### **Stormwater**

- 263 pits and pipes at Minto Heights have been inspected and entered into Council's Asset Management System and Map Info.
- Stage 2 Pit related kerb and gutter, pit and headwall maintenance program is 64% completed.
- Channel and Headwall maintenance program is 15% completed.

### **Footpath Reconstruction**

- Footpath Reconstruction Program Stage 3 has been issued with 85% of work completed.
- During May a total of 30.8km of footpaths were re-inspected with condition, defects and actions updated in Council's Asset Management system, including Cleopatra Drive, Anthony Drive and Harthouse Road.

### **Parks and Public Spaces**

- Inspections have been carried out at Hallinan Park with all condition and actions updated in Council's Asset Management system.

### **Building Inspections**

- Building inspections have been carried out at the following locations: Gordon Fetterplace Aquatic Centre, HJ Daley Library, Campbelltown, Civic Centre Administration Building, Macquarie Fields Indoor and Swimming Centre with all actions entered in Council's Asset Management system.

### **Playground Equipment**

- Playground repairs have been carried out at Cook Park, Marsden Park and Bellevue Reserve.
- Playground Refurbishment of Campbelltown Bike and Educational Centre by Council's contractor commenced 26 May and will be completed by early June 2014.

### **Internal Assets– Electrical Testing and Tagging**

- Electrical equipment has been tested and tagged at Depot Sign Shop, Civic Centre lower ground, MACROC and HJ Daley Library, with all items updated into Council's Asset Management system.

### **Asset Management System, Grants and Reports**

- Fuel efficiency and utilisation report for April 2014 has been prepared.
- New Building Valuation data has been imported in Council's Asset Management Live Database.

## **BUILDING MAINTENANCE/CONSTRUCTION PROGRAM**

### **Building Program Maintenance**

- Briar Cottage veranda repairs are now completed.
- Macarthur Community Options electronic gate installation is now completed.
- New strip drains for Eagle Vale Central showers have been installed.
- HJ Daley Library – Male, Female and Disabled Toilets refurbishment. Works are now completed.
- Old Town Hall – Repainting of exterior walls is now completed.
- Ground floor- installation of extra lighting over the reception desk is now completed.
- Meals on Wheels- new painting works and the laying of carpet in the office area is now completed.
- Woodbine Neighbourhood Centre toilet refurbishment has commenced.
- Macquarie Fields Triathlon track awning is now completed.
- Civic Hall disable toilet refurbishment is due to commence 5 June, 2014. Works will be conducted after hours.
- Ground Floor office modifications (both Children's Services and Customer Service) have commenced. Works will continue over the weekend.
- Macquarie Fields Indoor Sports complex- works to replace front doors with automatic glass sliding doors are due to commence 2 June, 2014.

## **Projects**

- Hazlet Oval awning slab has been poured. Quotations to construct an awning over slab have been received. Works are due to commence 15 June, 2014.
- Ingleburn Tennis Club kitchen refurbishment has commenced. This includes new kitchen/ cupboards, windows/ roller shutter and dishwasher.

## **Reactive Maintenance Requests**

- 480 building maintenance requests were received and actioned during the month of April/May, 2014.

## **11. REPORT OF DIRECTOR COMMUNITY SERVICES**

**No reports this round**

## **12. REPORT OF DIRECTOR PLANNING AND ENVIRONMENT**

### **12.1 South West Rail Link Extension**

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#### **Attachments**

Brochure – South West Rail Link Extension – Public transport corridor protection (contained within this report and also available via the below weblink)

<http://www.transport.nsw.gov.au/sites/default/files/b2b/projects/swrl-extension-brochure.pdf>

#### **Report**

##### **Background**

Councillors would be aware that the Federal Government announced its support for a second Sydney airport at Badgerys Creek earlier in April this year. It is anticipated that the airport will be in operation by 2025 servicing in the order of 3 million passenger movements each year. Documentation released by the Government indicated that some 35,000 jobs would be generated by airport operations by 2035 and 60,000 by 2060.

Also in April, a joint announcement was made by the Federal and NSW Governments concerning the Western Sydney Infrastructure Plan (WSIP) which set out a range of infrastructure planning and funding proposals to upgrade/construct key elements of the regional road network valued at a total of \$3.5 billion over 10 years to:

- Building and assisting population and economic growth in Western Sydney
- Boost productivity in Western Sydney by reducing congestion and time spent travelling
- Building on economic development opportunities created by the Badgerys Creek airport (passengers, freight and employees).

The main elements of the roads package (80% funded federally and 20% state funded) described in the WSIP include:

- Upgrade of Bringelly Road from Camden Valley Way to the Northern Road
- Upgrade of the Northern Road from Narellan Road to the M4 Motorway
- New four lane motorway to be constructed linking the M7 Motorway to the Northern Road (Elizabeth Drive extension)
- Interchange upgrades connecting the Northern Road and Elizabeth Drive
- \$200m for strategic local road upgrades.

The Western Sydney Infrastructure Plan also gave an indication of a proposed extension to the South West Sydney Rail Link stretching from Leppington to the proposed Badgerys Creek Airport and including a southwards leg south to Narellan and northwards towards St Marys.

It is the intention of the Federal and NSW Governments that the Badgerys Creek airport will be accessed by new roads and road upgrades, park and ride facilities and bus services in the short term. It is intended to supplement this access by rail into the longer term.

### **The South West Rail Link Extension – Project Description**

On 28 April 2014, the NSW Government announced that it was commencing community consultation over a proposed rail corridor representing an extension of the recently constructed South West Rail link from Leppington.

Councillors were briefed on the South West Rail Link extension on 13 May 2014.

The proposed corridor is proposed to accommodate heavy rail in the longer term (potentially accounting for between 2-4 tracks and number of stations). A diagram which illustrates the broad rail corridor path is shown as Attachment 1.

The diagram at Attachment 1 depicts a corridor extending from the recently constructed South West Rail Link west from Leppington connecting to Bringelly and then northwards to Badgerys Creek Airport, the proposed Broader Western Sydney Employment Area and thence connecting to the Western Rail Line near to St Marys. The corridor also includes a southern leg that extends from Bringelly to Oran Park Major Centre and Narellan.

A number of key (core) stations have been nominated along the corridor and include:

- Rossmore
- Bringelly
- North Bringelly
- Badgerys Creek Airport
- Oran Park
- Narellan.

The Minister for Transport, the Hon. Gladys Berijiklian is quoted as part of public information relating to the South West Rail Link Extension as stating:

“The corridor will connect communities, businesses, jobs and services and provide transformative cross regional connectivity across Sydney’s west”.

It is understood that the rail corridor extension will have a pivotal role in connecting:

- population growth areas in western Sydney to the nominated regional cities (Liverpool, Parramatta and Penrith) and major centres
- employment hubs with each other, including the Badgerys Creek Airport, the Broader Western Sydney Employment Area, and jobs /services/facilities located in western Sydney’s regional cities).

Notwithstanding that the rail extension is unlikely to be constructed for many years, It is important that the corridor alignment and station envelopes are progressed to a point where land affectation can be identified and statutory protection of affected lands put into place.

### **Planning Process for the Rail Corridor**

Transport for NSW has commenced an extensive community consultation program covering the South West Rail Link Extension including briefing sessions/workshops with key stakeholder groups including Chambers of Commerce, as well as more general community information sessions.

Submissions have been invited on the Corridor proposal which must be received by Transport for NSW by 6 June 2014.

Once consultation feedback has been received and evaluated, the project will proceed to detailed technical design investigation of options for rail corridor alignment and core station envelope identification. It is understood that this will be followed by further community consultation over a preferred corridor alignment and station sites.

### **Implications for Campbelltown and the Macarthur Region**

There is little doubt that a proposal to extend the South West Rail Link to facilitate more convenient and direct public transport access across Western Sydney, has the potential to benefit the residents, employees and businesses within the Macarthur Region and the Campbelltown Local Government Area.

Notwithstanding such potential benefits, there are a number of issues of strategic importance attached to this project that are worthy of Council's consideration. These include:

- There is no rail connection proposed between Narellan and Campbelltown/Macarthur Regional City Centre
- The proposed rail corridor as exhibited, would be likely to have the effect of drawing much of the SW Growth Centre population away from Campbelltown/Macarthur Centre to the north and north east linking them to Liverpool, Parramatta and more indirectly, Penrith
- This is despite the significant public and private investment already made in Campbelltown/Macarthur as reflected in major facilities such as Campbelltown Public Hospital, UWS, Campbelltown TAFE, Macarthur Square Regional Shopping Centre, and Campbelltown Private Hospital. Some of these facilities are already established and are currently being enhanced to accommodate population growth, including new communities settling in the SW Growth Centre. (e.g. Campbelltown Public Hospital Expansion)
- The absence of a direct rail connection between the SW Growth Centre and Campbelltown/Macarthur would represent a missed opportunity to strengthen the capability to grow future business investment and employment growth within Campbelltown/Macarthur

- Campbelltown/Macarthur is the 'natural' regional city centre for the Macarthur and deserves an improved public transport (via rail) connection to the South West Growth Centre population base. This outcome would be consistent with the aims of the SW Rail Link Extension Project, especially as they apply to building greater connectivity between population growth areas and regional centres/places of employment
- The chance to better link (perhaps reinforced by the establishment of new stations) the Mt Annan Botanic Gardens and UWS, to the Badgerys Creek Airport would be an additional tourism/visitor based economic development opportunity that could enhance Campbelltown's access to jobs growth stemming from the Government's decision to proceed with Badgerys Creek Airport
- The residents of Campbelltown, now and in the future (and also taking account of proposed major growth areas at South Campbelltown, Wilton and Appin with an estimated population in the order of 100,000 people) should be able to depend upon the availability of direct rail access to the Badgerys Creek Airport and the Broader Western Sydney Employment Area. A short extension of the rail corridor from Narellan to Campbelltown/Macarthur would deliver such an opportunity.

### **Potential Opportunities**

Ignoring the potential benefits of connecting the SW rail link extension through to Campbelltown/Macarthur from Narellan appears to be contrary to one of the fundamental project goals to improve cross regional connectivity.

The establishment of a rail connection directly to the Badgerys Creek Airport, the Broader Western Sydney Employment Area and the South West Growth Centre would add to the significance of Campbelltown/Macarthur's positioning as a Regional City Centre.

The extension of the South West rail link southwards from the Airport beyond Narellan is a major economic and employment development opportunity that should not be overlooked.

An extension of the rail corridor to Campbelltown/Macarthur would give rise to the further potential to connect (maybe even by light rail) future development in the southern parts of Campbelltown and beyond, to higher order services, facilities and employment in the Campbelltown/Macarthur regional city centre.

Taken together with a link between Narellan and Campbelltown/Macarthur, key stations/destinations could possibly include the Mt Annan Botanic Garden; UWS/Maryfields Business Park; the Gleenlee Employment Lands Precinct/TABC Corp Park/Menangle Park Urban Release Area; the Mt Gilead Urban Release Area, the Campbelltown South Urban Release Area, Appin and Wilton Junction.

Initial desktop investigations by Council staff have revealed that there are possible rail corridor options that do exist to potentially facilitate the extension of the rail link from Narellan to Campbelltown/ Macarthur (e.g. adjacent to/or possibly as part of the Narellan Road Corridor, and making use of the existing (but recently abandoned) Glenlee rail spur and the alignment of the Spring Farm Arterial Road Link).

Importantly, certain land related to these options could be compromised by likely future development in the short – medium term. Accordingly, they should be examined as a matter of some urgency, as part of the current project and not deferred.

## **Conclusion**

This report seeks Council's acknowledgement of the strategic importance, particularly in terms of improving regional interconnectivity as well as driving economic and employment development, of an extension of the proposed South West Rail Link corridor from Narellan to the Campbelltown/Macarthur Regional City Centre.

An opportunity is afforded by the current community consultation program being conducted by Transport for NSW, for Council to advocate a position calling for the NSW Government to support the extension.

Further, it is recommended that in its submission Council request that the extension be investigated as part of the current rail corridor investigations as a matter of urgency, and not be deferred, particularly given that options for an extended rail corridor connection between Narellan and Campbelltown/Macarthur, could be compromised or at the least constrained, by emerging development pressures.

## **Officer's Recommendation**

1. That Council make a submission to Transport for NSW seeking the NSW Government's urgent consideration of planning for the establishment of a rail connection between Narellan and Campbelltown/Macarthur Regional City Centre as part of current investigations for the South West Rail Link Extension.
2. That the submission at item 1 above, address the matters raised in the above report, including the need for Government to work in partnership with Campbelltown Council and Camden Council to examine potential corridor options for the Narellan – Campbelltown/Macarthur connection.
3. That Council seek the support of MACROC to advocate to Transport for NSW for planning for the establishment of a rail connection between Narellan and Campbelltown/Macarthur Regional City Centre.
4. That Council write to the NSW Premier as a matter of urgency seeking Government support to ensure:
  - (i) metropolitan and regional planning recognises the regional city centre status of the Campbelltown/Macarthur business centre, and that includes a commitment to direct and strategic road, rail, and public transport connections between the centre and the:
    - a. Badgerys Creek Airport
    - b. Broader Western Sydney Employment Area
    - c. South West Growth Centre.
  - (ii) that current investigations for the South West Rail Link Extension Project (public transport corridor protection) consider an extension of the proposed rail corridor from Narellan to the Campbelltown/Macarthur Regional City Centre.

## **Council Meeting 3 June 2014 (Lake/Borg)**

That the Officer's Recommendation be adopted.

## **Council Resolution Minute Number 94**

That the Officer's Recommendation be adopted.



# ATTACHMENT 1

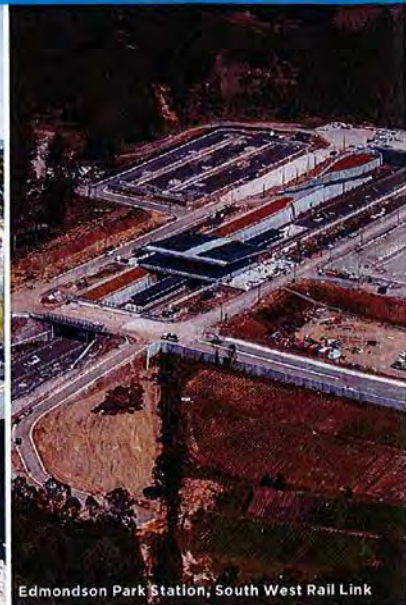
## SOUTH WEST RAIL LINK EXTENSION Public transport corridor protection



View of Badgerys Creek from Luddenham



Glenfield Station South



Edmondson Park Station, South West Rail Link

### CONNECTING WESTERN SYDNEY

The population of Western Sydney is growing rapidly. The State Government is planning ahead to secure infrastructure and services for the future.

The NSW Government has identified the need to secure an additional public transport corridor through Sydney's west - helping people to access jobs and services.

The corridor will connect with the South West Rail Link and into the existing rail network. Planning is underway to determine a specific alignment for the corridor.

Protecting a transport corridor now ensures we are future proofing Western Sydney's public transport needs.

The long-term extension of the South West Rail Link will support jobs and population growth in Western Sydney, including the new airport at Badgerys Creek.

  
**300,000**  
new residents in the South West Growth Centre

  
**50%**  
of Sydney's population will live in Western Sydney in 2031

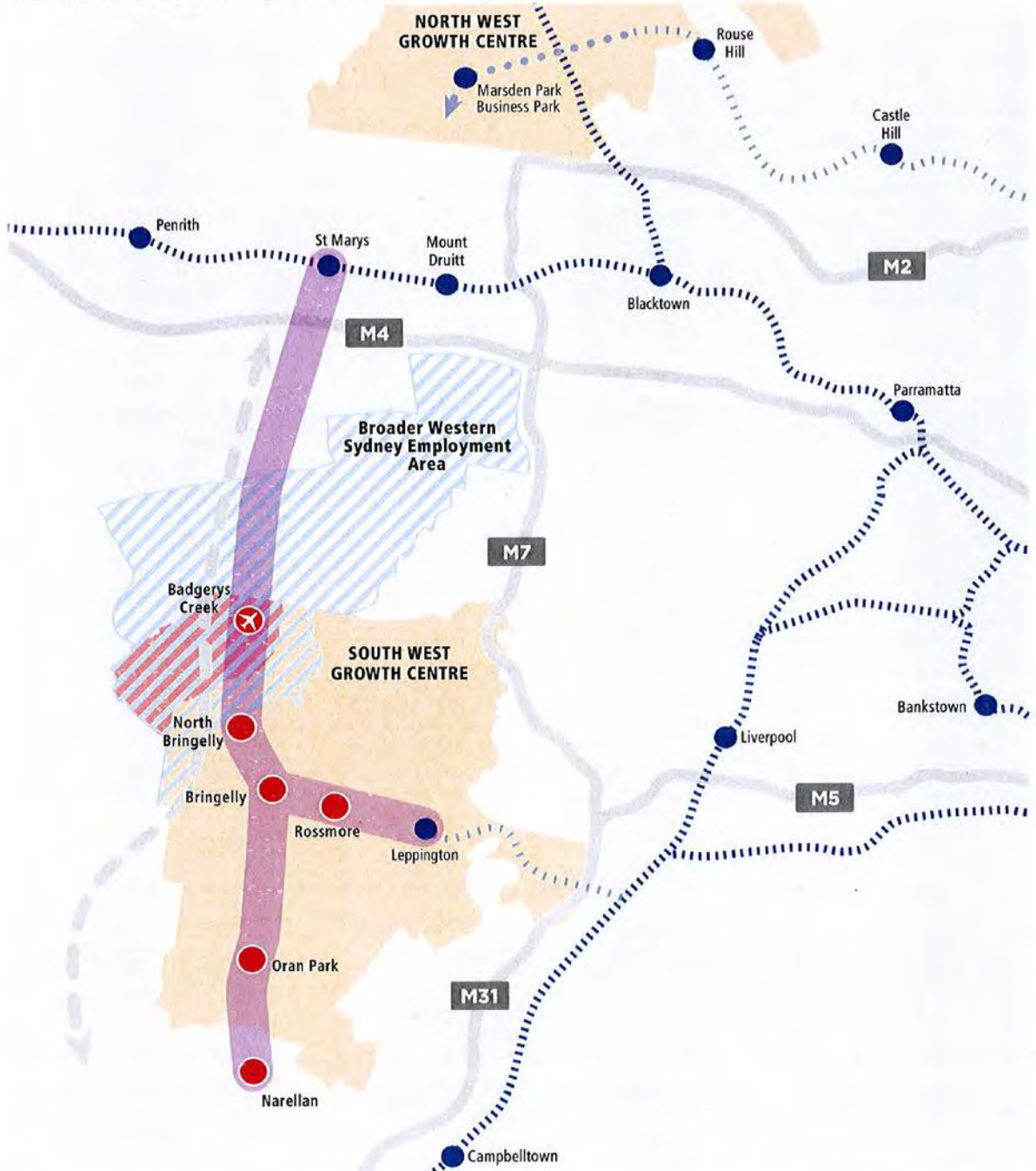


Transport  
for NSW



The new state  
of business

South West Rail Link extension - proposed corridor and core stations



	Proposed core station*		Growth centres		Rail - under construction
	Second Sydney Airport		Motorways - existing network		Protected public transport corridor
	SWRL extension - proposed public transport corridor		Outer Sydney Orbital		Commonwealth land
			Rail - existing network		

\*Additional station opportunities will be explored.

## CONNECTING WESTERN SYDNEY

### Growth in Western Sydney

Western Sydney is growing strongly. The NSW Government is committed to realising the potential of Western Sydney – a place where people can find jobs, progress careers and raise families. By 2031, half of Sydney's population will call Western Sydney home.

- The Broader Western Sydney Employment Area will be the largest employment area in Sydney.
- The South West Growth Centre is Sydney's largest residential land release area with a planned population of over 300,000.
- The Australian Government has announced it will build an airport at Badgerys Creek.

### Transport: the big picture

The NSW Long Term Transport Master Plan sets the direction for Transport in NSW over the next 20 years. The Master Plan identifies 19 major transport corridors across Sydney that need to be protected to meet future transport requirements.

### Protecting the corridor

It makes good transport and planning sense to identify and protect transport corridors before they are needed – to ensure the government is ready to deliver infrastructure and services in line with Sydney's growth.

Securing a corridor now will reduce the cost of providing transport infrastructure in the future. It ensures a better fit between essential services such as transport and the design of town centres as well as the location of key community facilities such as schools.

### What corridor protection means

Existing planning powers will be used to protect the corridor for future public transport use.

Protecting the corridor this way ensures development within or near the corridor will not impact the corridor's future use for public transport.

The NSW Government will eventually acquire all land required for public infrastructure purposes when a specific project has been approved.

## SECOND SYDNEY AIRPORT

Protecting the corridor for the South West Rail Link extension would support the development of Western Sydney and in the long term serve the proposed second Sydney airport at Badgerys Creek.

The Australian Government has decided that the location of the second Sydney airport will be at Badgerys Creek. It is now undertaking detailed planning that would see the commencement of passenger flights by around 2025.

The NSW Government is working with the Australian Government on an infrastructure package to support the needs of the airport as travel demand grows over time.

Detailed forecasts for the demand for travel at the second Sydney airport will be developed by the Australian Government in consultation with the aviation industry.

Preliminary estimates prepared for the Australian Government indicate that demand at Badgerys Creek could be

around 3 million annual passengers initially – comparable with Canberra and Hobart and well below the annual passenger figures of Perth (13 million) and Melbourne International Airport (30 million).

Melbourne International Airport is an example of a major airport with significant public transport demands that are met by a fleet of express buses. Perth, Canberra and Hobart airports also rely on buses for their public transport needs.

In the short term, access to the second Sydney airport could be provided through road upgrades, park and ride facilities and new bus services directly linking to major centres in Western Sydney.

The Australian Government will also preserve a rail corridor and station box at the airport site during construction for future use.

In the longer term, an extension of the South West Rail Link would provide mass transit access to realise the airport's full benefits for Western Sydney.

## STEPS TO IDENTIFY CORE STATIONS AND PROTECT THE CORRIDOR

Protecting the South West Rail Link extension corridor involves a range of land use, engineering and environmental studies, together with two stages of community and stakeholder consultation.



### HAVE YOUR SAY

We are asking the community about the location of the transport corridor, to help us best plan for the future public transport needs of Western Sydney.

#### Stage one

Between 28 April and 6 June 2014, community members and stakeholders have the opportunity to provide feedback on the station locations and proposed public transport corridor.

#### Stage two

After the initial community feedback has been received and more detailed alignment work completed, we will be inviting community members and stakeholders to comment on specific alignment options for corridor protection.

### COMMUNITY INFORMATION AND FEEDBACK SESSIONS

Information about the proposal to protect the South West Rail Link extension corridor will be on display at upcoming community information and feedback sessions.

We will publish dates and times for the information sessions in the local media. In the meantime, please visit [www.transport.nsw.gov.au/projects-swrl-extension-corridor-protection](http://www.transport.nsw.gov.au/projects-swrl-extension-corridor-protection) to register your interest for project updates and to access further information about the proposal.



### For more information

on the South West Rail Link extension corridor protection project, please visit [www.transport.nsw.gov.au/projects-swrl-extension-corridor-protection](http://www.transport.nsw.gov.au/projects-swrl-extension-corridor-protection), call 1800 263 882 or email [swrlecp@transport.nsw.gov.au](mailto:swrlecp@transport.nsw.gov.au)

## 13. QUESTIONS WITHOUT NOTICE

### 13.1 Questions Without Notice

1. Councillor Oates requested a status update on the refurbishment of Raith House, Bradbury. Councillor Oates noted that she has had a number of complaints from residents indicating that the perimeter fencing is damaged, doors appear to be open and the tarp on the roof is damaged and it is feared that these issues may lead to further deterioration of the property.

Council's Director Planning and Environment advised that he would investigate the matter and advise Councillors of a status update in the weekly memo.

2. Councillor Oates noted that on this June long weekend, due to rail maintenance, there will be no trains from Macarthur to the City. Councillor Oates asked if there was a possibility of Council liaising with CityRail regarding future maintenance schedules with a view to ensuring that the maintenance programs do not clash with major events such as the Vivid Light Show in Sydney and the major netball carnival at Minto which are both being held this weekend.

Council's Acting Director City Works advised that CityRail usually provides minimal notice of their maintenance schedule and that he will raise this matter with CityRail to endeavour to alleviate the issues raised by Councillor Oates.

3. Councillor Kolkman referred to Council's previous successful campaign to have the 40km/hr school zone speed limit removed from Narellan Road where it was not needed as access to the school was from a private road which meant that students were dropped off and collected within the school grounds. Councillor Kolkman asked if investigations could be undertaken seeking a similar result for the same reasons at Broughton College on Menangle Road.

Councillor Hawker advised that the reason the 40 km/hr school zone speed limit exists on Menangle Road adjacent to Broughton College is to facilitate the safe entry of buses and vehicles from the school on to Menangle Road which generally has a 100km/hr speed limit.

Council's Acting Director City Works advised that Menangle Road is a Roads and Maritime Services managed road and that this matter would be raised during the planning proposal for the Menangle Road upgrade.

4. Councillor Brticevic referred to previous requests for consideration of the construction of footpaths and asked if the sites detailed below could be revisited:
  - Koala Park link from Holy Family school to Currawong Street, Ingleburn
  - North of Eschol Park Public School and South of Albillo Place, Eschol Park linking the bike track to Eschol Park Drive
  - Missing link in Nadoo Street, Ingleburn leading towards Ingleburn Town Centre.

Council's Acting Director City Works advised that these requests would be revisited and Councillor Brticevic would be advised of the outcome by way of memo.

5. Councillor Lake noted that the Campbelltown Arts Centre was successful today in obtaining \$30,000 for the Indigenous Experimental Arts Fund and congratulated all staff involved in the initiative.
6. Councillor Lake asked if contact could be made with the Roads and Maritime Services regarding the urgent need to remove rubbish and blackberry bushes, trim trees that are blocking signs and generally clean up the areas adjacent to the M31 motorway within the Campbelltown Local Government Area.

Council's Acting Director City Works advised that he would make the appropriate representations to the Roads and Maritime Services regarding this matter.

7. Councillor Lake referred to an extreme amount of rubbish that is continually dumped at the M31 entrance at St Andrews and asked if investigations could be undertaken to see if Council installed mobile CCTV cameras in this area to catch dumpers, could they be prosecuted using the captured footage as evidence.

Council's Acting Director City Works advised that he would investigate the matter and advise the outcome by way of memo.

8. Councillor Greiss asked to be advised of the current status of Campbelltown's Draft LEP.

Council's Director Planning and Environment advised that the Draft LEP would be placed on public exhibition on 12 June for a period of eight weeks, a website will be established, information sheets made available and information sessions will be held with the community and relevant stakeholders. Council's Director Planning and Environment advised that he would provide Councillors with an information pack regarding the Draft LEP in the weekly memo.

9. Councillor Brticevic asked if an audit could be conducted in Eschol Park with a view to identifying and removing graffiti in the area. Councillor Brticevic asked if particular attention could be given to electric boxes, light poles and signage.

Council's Acting Director City Works advised that Council's Graffiti Action Team would investigate this matter with a view to cleaning up the area as requested.

## **15. NOTICE OF MOTION**

### **15.1 Freeze on Federal Assistance Grants**

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Councillor Oates has given Notice in writing of her intention to move the following Motion at the next meeting of Council on 3 June 2014.

That this Council calls upon Local Government NSW to join with its counterparts across Australia to urgently and actively campaign against the Federal Government's budget decision to freeze Federal Assistance Grants at 2014 levels for the next three years.

#### **Council Meeting 3 June 2014 (Oates/Kolkman)**

That this Council calls upon Local Government NSW to continue its campaign against the Federal Government's budget decision to freeze Federal Assistance Grants at 2014 levels.

#### **Council Resolution Minute Number 95**

That the above Council Recommendation be adopted.

## **15.2 Section 18C of the Racial Discrimination Act**

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Councillor Kolkman has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 3 June 2014.

That Campbelltown City Council join with the numerous other Local Government Authorities across New South Wales to call upon Senator George Brandis, Federal Attorney General, to abandon his publicly stated intention to repeal Section 18C of the Racial Discrimination Act.

### **Council Meeting 3 June 2014 (Kolkman/Brticevic)**

That Campbelltown City Council join with the numerous other Local Government Authorities across New South Wales to call upon Senator George Brandis, Federal Attorney General, to abandon his publicly stated intention to repeal Section 18C of the Racial Discrimination Act.

### **LOST**

Councillor Mead asked that his name be recorded in opposition to the recommendation for Item 15.2 - Section 18C of the Racial Discrimination Act.



## **15.3 Cost Shifting**

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Councillor Brticevic has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 3 June 2014.

That this Council call upon Local Government New South Wales to conduct a public campaign drawing the attention of all ratepayers across New South Wales to the fact that, at a time when the current New South Wales Government is calling for austerity, the Government is perpetuating the practice of cost shifting. The campaign should specifically highlight the fact that the Government is not merely transferring responsibility to ratepayers functions traditionally undertaken by the State Government but that the financial impact is well in excess of the national inflation rate.

### **Council Meeting 3 June 2014 (Brticevic/Kolkman)**

That this Council call upon Local Government NSW to continue its campaign against cost shifting.

### **Council Resolution Minute Number 96**

That the above Council Recommendation be adopted.

# RESOLUTIONS FROM THE CONFIDENTIAL SECTION OF THE ORDINARY MEETING OF COUNCIL HELD 3 JUNE 2014

## Confidentiality Recommendation

It was **Moved** Councillor Hawker, **Seconded** Councillor Lake that the Council in accordance with Section 10 of the *Local Government Act 1993*, resolve to exclude the public from the meeting during discussions on the items in the Confidential Agenda, due to the confidential nature of the business and the Council's opinion that the public proceedings of the Committee would be prejudicial to the public interest.

## Planning and Environment Committee

### 18.1 Confidential Report Directors of Companies

#### Reason for Confidentiality

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

#### Council Meeting (Lake/Borg)

That the information be noted.

#### Council Resolution Minute Number 98

That the information be noted.

## City Works Committee

### 19.1 Confidential Report Directors of Companies

#### Reason for Confidentiality

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

#### Council Meeting (Lake/Mead)

That the information be noted.

#### Council Resolution Minute Number 98

That the information be noted.

## **Community Services Committee**

**No reports this round**

## **Corporate Governance Committee**

### **21.1 Broughton Street - Campbelltown**

#### **Reason for Confidentiality**

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

#### **Council Meeting (Borg/Lound)**

1. That Council approve the purchase of the subject properties being Lot 1 DP 799564 and Lot 3 DP 1105436 on the terms as outlined in this report.
2. That all documentation associated with the purchase of the subject properties be executed under the Common Seal of Council if required.
3. That Council classify subject properties if purchased as 'operational' land.

#### **Council Resolution Minute Number 98**

1. That Council approve the purchase of the subject properties being Lot 1 DP 799564 and Lot 3 DP 1105436 on the terms as outlined in this report.
2. That all documentation associated with the purchase of the subject properties be executed under the Common Seal of Council if required.
3. That Council classify subject properties if purchased as 'operational' land.

### **21.2 Confidential Information Relating to an item in Corporate Governance**

#### **Reason for Confidentiality**

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

#### **Council Meeting (Hawker/Lake)**

That the information be noted.

#### **Council Resolution Minute Number 98**

That the information be noted.