



**CAMPBELLTOWN**  
CITY COUNCIL

# **ORDINARY BUSINESS PAPER**

**8 APRIL 2025**

## COMMON ABBREVIATIONS

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



01 April 2025

You are hereby notified that the next Ordinary Council Meeting will be held at the Civic Centre, Campbelltown on Tuesday 8 April 2025 at 6:30 pm.

Lindy Deitz  
Chief Executive Officer

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## **1. OPENING**

### **Australian National Anthem**

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

### **Acknowledgement of Country**

I would like to acknowledge the Dharawal people whose ongoing connection and traditions have nurtured and continue to nurture this land. I pay my respects and acknowledge the wisdom of the Elders – past, present and emerging and acknowledge all Aboriginal people here tonight.

### **Council Prayer**

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

### **Disclaimer**

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

Nil at time of print.

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

#### **3.1 Minutes of the Ordinary Meeting of Council held 11 March 2025**

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

That the Minutes of the Ordinary Meeting of Council held 11 March 2025, copies of which have been circulated to each Councillor, be taken as read and confirmed.

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##### **Report**

That the Minutes of the Ordinary Meeting of Council held 11 March 2025 are presented to Council for confirmation.

##### **Attachments**

1. Minutes of the Ordinary Meeting of Council held 11 March 2025 (contained within this report)

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# CAMPBELLTOWN CITY COUNCIL

## Minutes Summary

Ordinary Council Meeting held at 6:30pm on Tuesday, 11 March 2025.

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**Minutes of the Ordinary Meeting of the Campbelltown City Council held on 11 March 2025**

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**Present**

- Councillor S Berbari
- Councillor M Chowdhury
- Councillor J Cotter
- Councillor K Halabi
- Councillor K Hunt
- Councillor M Khalil
- Councillor D Lound
- Councillor C McEwan
- Councillor W Morrison
- Councillor M Oates
- Councillor A Rahman
- Councillor T Triebels
- Councillor I Wisniewska
- Councillor A Zahra

## **1. ACKNOWLEDGEMENT OF LAND**

An Acknowledgement of Land was presented by the Chairperson .

### **Council Prayer**

The Council Prayer was presented by the General Manager.

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

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

That the apology of Councillor J Rivera be accepted.

**022/2025** The Motion on being Put was **CARRIED**.

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

#### **3.1 Minutes of the Ordinary Meeting of Council held 11 February 2025**

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

That the Minutes of the Ordinary Council Meeting held 11 February 2025, copies of which have been circulated to each Councillor, be taken as read and confirmed.

**023/2025** The Motion on being Put was **CARRIED**.

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

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

#### **Pecuniary Interests**

Nil

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

Nil

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

Nil

#### **Other Disclosures**

Nil

### **5. MAYORAL MINUTE**

### **6. PETITIONS**

## 7. CORRESPONDENCE

### 7.1 Raby Road Congestion

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

That the letters be received and the information be noted.

**024/2025** The Motion on being Put was **CARRIED**.

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### 7.2 Closure of the Community Justice Centres

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

That the letters be received and the information be noted.

**025/2025** The Motion on being Put was **CARRIED**.

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### 7.3 Macarthur Metro

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

That the letters be received and the information be noted.

**026/2025** The Motion on being Put was **CARRIED**.

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### 7.4 Community and Justice Precinct

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It was **Moved** Councillor Wisniewska, **Seconded** Councillor Berbari:

That the letters be received and the information be noted.

**027/2025** The Motion on being Put was **CARRIED**.

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## 8. REPORTS FROM OFFICERS

**Meeting Note:** John Cole and Michael Baker addressed the Council.

### 8.1 Macarthur Grange Planning Proposal, Draft Development Control Plan and Planning Agreement - Post Exhibition Report

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

1. That Council endorse the Macarthur Grange Planning Proposal as amended, at attachment 2.
2. That Council exercise its delegated functions for local plan-making and make the amendment to Campbelltown Local Environmental Plan 2015.
3. That Council adopt the site-specific Development Control Plan (as amended) at attachment 3 and notify its decision within 28 days of the date of this decision.
4. That Council endorse the Planning Agreement (as edited) at attachment 4 and authorise the Chief Executive Officer, on behalf of Council, to execute the Planning Agreement with the owners of Lot 3900 DP1170905 Raby Road.
5. That Council note that work is continuing on the development of the Strategic Framework for the Scenic Hills.

A Division was recorded in regard to the Resolution for Item 8.1 with those voting for the Motion being Councillors M Chowdhury, A Rahman, I Wisniewska, C McEwan, A Zahra, K Halabi, M Khalil, W Morrison, S Berbari, J Cotter and D Lound.

Voting against the Resolution were Councillors K Hunt, M Oates and T Triebels.

**028/2025** The Motion on being Put was **CARRIED**.

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**Meeting Note:** Sumera Danish addressed the Council.

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## **8.2 Macarthur Gardens North - Amendment to Development Control Plan**

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

1. That Council endorse the public exhibition of the draft amendments to the Campbelltown (Sustainable City) Development Control Plan 2015, Volume 2 - Part 16 - Macarthur Gardens North for a minimum period of 28 days.
2. That a further report be provided to Council on the outcome of public exhibition.

A Division was recorded in regard to the Resolution for Item 8.2 with those voting for the Motion being Councillors K Hunt, M Chowdhury, M Oates, A Rahman, I Wisniewska, T Triebels, C McEwan, A Zahra, W Morrison, S Berbari, J Cotter and D Lound.

Voting against the Resolution were Councillors K Halabi and M Khalil.

**029/2025** The Motion on being Put was **CARRIED**.

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**Meeting Note:** Councillor Chowdhury left the chamber at 8:06 pm.

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## **8.3 Planning Agreement – Lot 101 Bensley Road, Ingleburn**

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

That Council authorise the Chief Executive Officer to execute the Planning Agreement with Ankira Projects Croatia Avenue Pty Ltd on behalf of Council.

A Division was recorded in regard to the Resolution for Item 8.3 with those voting for the Motion being Councillors K Hunt, M Oates, A Rahman, I Wisniewska, T Triebels, C McEwan, A Zahra, K Halabi, M Khalil, W Morrison, S Berbari, J Cotter and D Lound.

Voting against the Resolution were Nil.

**030/2025** The Motion on being Put was **CARRIED**.

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## 8.4 Significant Development Applications

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It was **Moved** Councillor Rahman, **Seconded** Councillor Triebels:

That the information be noted.

**031/2025** The Motion on being Put was **CARRIED**.

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**Meeting Note:** Councillor Chowdhury returned to the chamber at 8:09 pm

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## 8.5 Application to Revoke Dangerous Dog Declaration

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

1. That the Menacing Dog Declarations made on 5 June 2019, in respect of a male American Staffordshire Terrier (Microchip Number 900079000103986) be revoked in accordance with provision Section 39(2)(a), (b) and (2A) *Companion Animals Act, 1998*.
2. That Council give notice to the owner of the dog and to the Director General Division of Local Government of the revocation of the Dangerous Dog Declarations referred to in 1 above within 7 days in accordance with the provisions of Sections 39 (3) and 40 (2) *Companion Animals Act, 1998*.

**032/2025** The Motion on being Put was **CARRIED**.

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**Meeting Note:** Councillor Halabi left the chamber at 8:12 pm.

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## 8.6 Six-Month Progress Report of the Delivery Program 2022-2026 and Operational Plan 2024-25: July to December 2024

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

That Council note the 6-month report outlining progress against the Delivery Program 2022-2026 and Operational Plan 2024-25, for the period 1 July 2024 to 31 December 2024.

**033/2025** The Motion on being Put was **CARRIED**.

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**Meeting Note:** Councillor Halabi returned to the chamber at 8:16pm.

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## 8.7 Public Exhibition of Community Strategic Plan 2035, and Community Engagement Strategy

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

1. That Council endorse the draft Community Strategic Plan 2025-2035 for Public Exhibition
2. That Council endorse the revised Community Engagement Strategy for Public Exhibition.

**034/2025** The Motion on being Put was **CARRIED**.

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## 8.8 Investments and Revenue Report - January 2025

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

That the information be noted.

**035/2025** The Motion on being Put was **CARRIED**.

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## 8.9 Cost Shifting Survey 2023-24 Financial Year

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

That the information be noted.

**036/2025** The Motion on being Put was **CARRIED**.

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## 8.10 Reports and Letters Requested

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

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

**037/2025** The Motion on being Put was **CARRIED**.

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## 8.11 Ramadan Nights

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

1. That Council note the outcome of the Stronger Together Council Major Festivals grant applications.
2. That Council note the receipt of an application for a community-led event application to host Ramadan Night Markets from 27-29 March 2025 in Lithgow Street, Campbelltown, and are working through the final steps of approval.
3. That Council endorse the total funds of \$30,000 (in-kind support \$25,000 and a cash contribution of \$5,000) from the City Attraction Program as a one-off, for the community-led Ramadan Night Markets 2025.
4. That Council note a community events grant program is currently being considered for the 2025-26 Operational Plan and budget, to further encourage and support events that are initiated and organised by the community.

**038/2025** The Motion on being Put was **CARRIED**.

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## 9. QUESTIONS WITH NOTICE

Nil

## 10. RESCISSION MOTION

Nil

## 11. NOTICE OF MOTION

### 11.1 Civic Centre Flag Raising Ceremony

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

1. That Council provide a report detailing the itemised costing of the International Mother Language Day flag raising ceremony recently held on 21 February 2025 at the Campbelltown City Council Forecourt.
2. That Council provide an itemised listing of events/ceremonies/memorials funded by the rate payer for the past financial year.

**039/2025** The Motion on being Put was **LOST**.

---

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

That a Councillor briefing be held on the events, ceremonies and memorials program.

A Division was recorded in regard to the Resolution for Item Item 11.1 with those voting for the Motion being Councillors K Hunt, M Chowdhury, M Oates, A Rahman, I Wisniewska, T Triebels, K Halabi, M Khalil and D Lound.

Voting against the Resolution were Councillors C McEwan, A Zahra, W Morrison, S Berbari and J Cotter.

**040/2025** The Motion on being Put was **CARRIED**.

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### 11.2 Letter to Federal Candidates in the up coming Election

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

Councillor Adam Zahra has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 11 March 2025.

1. That Council write a letter to the Macarthur, Werriwa and Hume candidates in the upcoming Federal election seeking their commitment to the duplication of the Raby Rd M31 over pass.
  2. That Council write a letter to the relevant State and Federal Members of Parliament including The Hon Chris Minns MP, Premier of NSW, The Hon Mark Speakman SC MP, Leader of the Opposition, The Hon Catherine King MP, Federal Minister for Infrastructure, Transport, Regional Development and Local Government of Australia, Senator The Hon Bridget McKenzie Shadow Minister for Infrastructure, Transport and Regional Development, The Hon John Graham MLC, Minister for Roads, The Hon Natalie Ward MLC,
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Shadow Minister for Transport and Roads and Mr Greg Warren MP, Member for Campbelltown and Mr Nathan Hagarty MP, Member for Leppington, expressing resident's concerns acute to the Raby Rd M31 overpass and the hazard that the lack of funding to the duplication is causing. Request bipartisan support between Federal and State Governments to invest in funding the duplication of the Raby Rd M31 overpass.

3. That Council provide all relevant documentation from various committees and reports be included with the letter.

**041/2025** The Motion on being Put was **LOST**.

---

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

That Council notes the infrastructure and advocacy priorities determined by Council resolution in December 2024 in the document 'Our call to the Federal Government for support in the 2025' and the advocacy work by the Mayor and CEO with respect to these priorities in the lead up to the election.

**042/2025** The Motion on being Put was **CARRIED**.

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### **11.3 Wait times and emergency surgery spaces at Campbelltown Hospital**

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

That the Council note that the Member for Campbelltown Mr Greg Warren MP has written to the Minister for Health the Hon Ryan Park MP expressing Council's concerns regarding the growing wait times for emergency surgery spaces at Campbelltown Hospital requesting the Government consider additional support for Campbelltown Hospital to improve healthcare services for Campbelltown.

**043/2025** The Motion on being Put was **CARRIED**.

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## 11.4 NSW Seniors Festival

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

1. That a post-event review report be provided to Council on the NSW Seniors Festival, which celebrates the role and contributions of older adults to our local communities, held 3 - 16 March 2025.
2. That Council explore grant opportunities to enhance its existing program and events for seniors, beyond the NSW Seniors Festival.

**044/2025** The Motion on being Put was **CARRIED**.

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## 11.5 Australia Day Awards

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

1. That, Council undertakes a report to incorporate a new category in the annual Australia Day awards for those in our community living with disabilities.
2. That the All Abilities Award category provide an opportunity for nominees to be considered that go above and beyond to achieve personally, or for the community.

**045/2025** The Motion on being Put was **CARRIED**.

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## 11.6 Mobility Scooter Charging Stations

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

1. That Council provides a report on the feasibility of additional charging stations for alternative transportation, such as mobility scooters, e-bikes and e-scooters within the public domain in the LGA.

**046/2025** The Motion on being Put was **CARRIED**.

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## 11.7 Local Charitable Organisations

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

1. That Council undertakes a report exploring ways Council can support existing and future charitable organisations connect to local, state, federal funding and other opportunities to increase their grassroots support to our Campbelltown LGA.
2. That the report outlines possible ways to increase engagement through workshops, programs, forums and digital resources.

**047/2025** The Motion on being Put was **CARRIED**.

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## 11.8 Koala Conservation

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

1. That Council investigates opportunities to deliver a community expo and seminar in collaboration with key stakeholders involved in koala conservation in the Campbelltown LGA that focuses on sharing insights and further educating the community about koalas.
2. That a report be presented to Council that details current koala research, conservation and monitoring initiatives in the Campbelltown LGA including Council's annual projects/programs and community engagement under the Koalatown program.

A Division was recorded in regard to the Resolution for Item 11.8 with those voting for the Motion being Councillors K Hunt, M Chowdhury, M Oates, A Rahman, I Wisniewska, T Triebels, C McEwan, A Zahra, K Halabi, M Khalil, W Morrison, S Berbari, J Cotter and D Lound.

Voting against the Resolution were Nil.

**048/2025** The Motion on being Put was **CARRIED**.

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## Procedural Motion

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

That in accordance with Clause 18.2 of the Code of Meeting Practice the finishing time of the meeting be extended by 30 minutes.

**049/2025** The Motion on being Put was **CARRIED**.

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## 11.9 Wheelie Bins

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

1. That Council investigate and report on the feasibility of introducing images locally designed as wheelie bin stickers for residents to purchase to beautify their street environment and promote our local flora and fauna.
2. That any profit derived from the sale of these stickers be considered as part of the report be directed to conservation or sustainability programs within the LGA.

**050/2025** The Motion on being Put was **CARRIED**.

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## 11.10 Remote Control Toy Vehicle Track

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

1. That a report be presented to Council on the feasibility of installing a basic outdoor remote control toy vehicle race track at an appropriate venue within the LGA.

**051/2025** The Motion on being Put was **CARRIED**.

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## 12. URGENT GENERAL BUSINESS

### 13. PRESENTATIONS BY COUNCILLORS

1. Councillor Karen Hunt attended the launch of *The Precious Book of Affirmations* on Wednesday, 19 February, alongside Mayor Councillor Darcy Lound and the Honourable Dr. Mike Freeland MP, Member for Macarthur. The event, organised by Rainbow Crossing, took place at the Oz Funland venue in Leumeah under the guidance of Brian and Christerine Laul, with support from Wests Leagues Club. As the hostess of the Macarthur Women's Coffee Club, Christerine Laul created the book to inspire confidence and positivity among women through a collection of supportive affirmations contributed by club members. The book aims to provide encouragement and comfort, reinforcing the importance of confidence and mutual support. Copies are available at Oz Funland on Wednesdays during school terms from 10 am, where attendees can also participate in the Macarthur Women's Coffee Club.
2. Councillor Karen Hunt attended the International Mother Language Day flag-raising ceremony on Friday, 21 February 2025, alongside the Mayor, fellow councillors Cr Oates, Cr Chowdhury, Cr Rahman, Cr Khalil, Cr Treibels, and many community members. Held in the forecourt of the council building, the event took place under beautiful weather, bringing together people of all nationalities within the LGA to celebrate the significance of every mother language. This annual ceremony traces its origins to the bravery of Bangladeshi students in 1952, who fought for the right to honour their native language—a legacy that continues to inspire communities worldwide. Councillor Hunt expressed her pride in being part of this meaningful event in Campbelltown.
3. Councillor Karen Hunt attended the International Women's Day picnic on Friday, 7 March 2025, alongside the Mayor. Originally planned for Mawson Park, the event was relocated to the Civic Centre Hall due to the weather. She praised the council's event staff for their outstanding efforts in transforming the hall into a welcoming picnic space, complete with decorations and comfortable cushions. The event featured wellbeing and DIY activities hosted by The Junction Works and The Benevolent Society, while guests enjoyed a delicious brunch provided by Mr Perfect BBQ and Catermaid. Councillor Hunt expressed her appreciation to everyone who attended and thanked the council's event team for organizing such an enjoyable and well-executed event.
4. Councillor Masood Chowdhury on 6 March attended AFAIC's Ramadan, Iftar Dinner at Campbelltown Civic Hall alongside Mayor Councillor Lound and Councillor Khalil. The event brought the community together in the spirit of unity and gratitude, providing an opportunity to break the fast, share a delicious meal, and celebrate the warmth of Ramadan.
5. On 8 March, Councillor Masood Chowdhury attended the EID Exhibition organised by the Sydney Bangalee Community, alongside Councillor Khalil, Councillor Rahman, and Mayor Lound. The event featured a variety of boutique stalls, and Councillor Chowdhury expressed his gratitude to the organisers for hosting such a great event.
6. Councillor Masood Chowdhury on 8 March attended Islamic Charity Project Association's 31<sup>st</sup> Annual Ramadan Dinner. The event was well attended by the Hon Margaret Beazley AC KC, Governor of NSW and many federal members.

7. Councillor Masood Chowdhury attended the Iftar event at Minto Indoor Sports Centre, which showcased a heartwarming display of community spirit and unity. The Australian Muslims Welfare Centre (AMWC) was highly praised for organising such a memorable gathering. Councillor Chowdhury expressed gratitude to everyone who participated, volunteered, and contributed to the event's success. He acknowledged the spirit of Ramadan as a continuing source of unity, kindness, and compassion throughout the year.
8. Councillor Meg Oates on 28 February alongside Councillor Berbari attended the Ingham Institute's 12<sup>th</sup> Annual International Women's Day Luncheon at Wests Leagues Club. Councillor Oates expressed what a great event celebrating women in science and raising money for research for juvenile diabetes, mental health and paediatric research.
9. Councillor Ash Rahman on 20 February, attended the Citizenship Ceremony at Civic Hall alongside the Mayor. He described it as a heartwarming experience to witness many young individuals officially become Australian citizens. Councillor Rahman was honoured to personally congratulate each new citizen and present them with a grass plant as a symbol of new beginnings.
10. On 21 February, Councillor Ash Rahman participated in a special flag-raising ceremony at the Council forecourt to commemorate International Mother Language Day. The event brought together hundreds of community leaders to celebrate linguistic diversity and highlight the importance of preserving native languages. Councillor Rahman described the ceremony as a powerful tribute to cultural heritage and multilingualism.
11. Councillor Ash Rahman On 22 February, attended the Campbelltown Book Fair at Hallinan Park in Ingleburn, celebrating the Silver Jubilee of International Mother Language Day. He was joined by Local MPs, the Mayor Darcy Lound, and fellow Councillors for the event. Councillor Rahman paid tribute to the brave individuals who sacrificed their lives during the 1952 language movement in Bangladesh, acknowledging their courage in defending the Bengali language against oppression. He emphasized that their sacrifice not only preserved their mother tongue but also inspired global recognition of linguistic and cultural diversity. He also commended the Sub-Continent Friends of Campbelltown, A-B Street Library, and Multicultural Community Connect for organizing a well-executed and meaningful event.
12. On 2 March, Councillor Ash Rahman volunteered at Clean Up Australia Day alongside like-minded community members. Working together, they helped clean Macquarie Fields Park, collecting approximately 10 bags of rubbish. The event was organised by Multicultural Community Connect, A-B Street Library, and Kholā Akash, and Councillor Rahman expressed his appreciation for their efforts in bringing the community together for such an important cause.
13. Councillor Ash Rahman on 9 March, was delighted to see many members of the community come together for the Iftar gathering at the Minto Indoor Sports Centre, organized by the Australian Muslim Welfare Centre. The event, held during the holy month of Ramadan, was an inspiring evening that fostered unity, kindness, and shared blessings.

14. On 26 February 2025, Councillor Isabella Wisniewska represented the Mayor at the Youth Action Team Graduation Ceremony. The event provided a valuable opportunity to celebrate the achievements of the Youth Action Team (YAT) and learn more about their advocacy efforts and experiences. Councillor Wisniewska also reviewed the *Youth Action Plan 2024-30*, noting that its goals are both commendable and achievable. She emphasised the importance of this initiative and encouraged young people aged 14-24 to get involved and represent the youth in the community.
15. Councillor Tao Triebels on 2 March attended the Clean Up Australia Day at Fishers Ghost Creek alongside the Mayor Councillor Lound and Councillor McEwan. Councillor Triebels commented that it was small team but a lot was achieved and great to see community spirit.
16. Councillor Tao Triebels recently visited several local reserves and parks and was impressed by the transformations that have taken place.

At Keith Longhurst Reserve, the improvements are noticeable, including the installation of new signage, sandstone blocks around the parking area, rubbish bins, and the addition of security cameras. Councillor Triebels expressed his thanks to the staff for their hard work in making these upgrades.

At Hurley Park, the re-mulching around the trees has enhanced the area's appearance. The park now looks great, and Councillor Triebels once again thanked the staff for their efforts.

Finally, at Kenny Reserve along Kullaroo Ave in Bradbury, the large number of trees planted has been particularly impressive. These trees now provide shade and contribute to the additional tree canopy cover in the Campbelltown area. Councillor Triebels is grateful for the ongoing development of green spaces in the community.

17. Councillor Cameron McEwan attended the Georges Riverkeeper Combined Council Committee AGM and the first committee meeting since the 2024 local election on 27 February. The meeting provided an opportunity to connect with various stakeholders and caretakers of the Georges River and to receive an update on its current condition. As an upstream council, the local water quality remains in a reasonable state; however, there is still significant room for improvement. This is particularly evident after rainfall, when water quality deteriorates, highlighting the need for continued vigilance in preventing rubbish and chemicals from entering the river.
18. On Sunday, 2 March, Councillor Cameron McEwan participated in Clean Up Australia Day, an event organised by Bushcare. He was pleased to see a strong turnout of local residents, including families with children, coming together to clean up the area around Fishers Creek in Bradbury. Councillor McEwan gave special thanks to Councillor Triebels for assisting him in removing a broken shopping trolley from the water and up a hill. He commended all participants for their efforts and encouraged the community to continue picking up litter whenever possible, emphasizing that collective action helps keep Campbelltown clean and enjoyable for everyone.
19. Councillor Adam Zahra on 20 February 2025, attended the Strangers Room at Parliament House in Macquarie Street alongside Councillors Halabi and Berbari to show support for the recent election of General Joseph Aoun as President of the Lebanese Republic. The

- event highlighted the sense of hope and unity this outcome has inspired across various religious groups, community leaders, and the Lebanese community.
20. On 26 February 2025, Councillor Adam Zahra attended the HSC High Achievers Award Ceremony alongside Mayor Lound at the Campbelltown Arts Centre. He commended the council staff for organizing another outstanding event. The ceremony showcased a strong representation of students from high schools across the LGA, highlighting the achievements of Campbelltown's future leaders. Councillor Zahra was especially proud to see 3 students from his former high school, Mount Carmel, among the honourees.
  21. Councillor Masud Khalil attended the launch of *The Precious Book of Affirmations* by the Macarthur Women's Coffee Club, joining other enthusiastic members of the community in celebrating the occasion. The book features uplifting statements and artwork contributed by club members, aiming to inspire and promote confidence. Councillor Khalil expressed gratitude to everyone who attended and contributed to making the event special, particularly Christy and Brian Laul, as well as the fantastic choir from Al Faisal College Minto.
  22. On 2 March 2025, Councillor Masud Khalil joined Sewa Australia at Simmos Beach for Clean Up Australia Day. The event focused on cleaning up the community, improving hygiene, and supporting a sustainable environment. Councillor Khalil thanked all participants for their efforts and highlighted the importance of working together for a cleaner local environment. Students from Al Faisal College also attended and did a fantastic job.
  23. Councillor Morrison attended the Chamber of Commerce event at Rydges Campbelltown and thanked the guest speaker of the evening, US Marine Sergeant Major Max Garcia, who is now based in the Macarthur Region, for his excellent presentation. Councillor Morrison also praised Shefali Pall, the President of the Chamber, for the outstanding work she does.
  24. Councillor Morrison attended the Menangle Park Harness Racing's Miracle Mile alongside the Mayor Councillor Lound. Councillor Morrison expressed what a fantastic night full of fun and excitement. The night featured thrilling racing action and live music, with Thirsty Merc performing. The Hon. Steve Kamper MP was on hand to present the winner's trophy. Councillor Morrison also acknowledged Ally Redondo from C91.3FM, who was hosting the fashions in the field. He expressed his thanks to Chairman Robert Marshall, CEO Bruce Christison, and the Board of Directors for a great evening.
  25. Councillor Seta Berbari on 14 February, attended a beautiful High Tea Charity Event for Youth Solutions. She described it as an incredible experience supporting the organization and praised the dedication and hard work of their amazing team. Councillor Berbari has been proud to support Youth Solutions for a long time and continues to be inspired by the impact they have on the community. She also expressed her heartfelt thanks to Campbelltown Council for their support of the event and to Amanda for being there. Councillor Berbari emphasised her belief that together, we can make a significant difference.
  26. On 20 February 2025, Councillor Seta Berbari along with Councillor Halabi and Councillor Zahra, had the pleasure of attending a special event at NSW Parliament House to celebrate the election of General Joseph Aoun as the new President of Lebanon. The

occasion highlighted the strong ties between the Australian and Lebanese communities. The celebration included speeches from various dignitaries, emphasizing the importance of unity and support for Lebanon's ongoing journey of reform and recovery.

27. Councillor Seta Berbari had the pleasure of attending the Ingham Institute Annual International Women's Day Luncheon at Wests Leagues Club. She extended her thanks to Campbelltown City Council for their support and for the invitation. The event was an inspiring celebration of the incredible achievements of women in the community, while also supporting the vital work of the Ingham Institute.
28. Councillor Seta Berbari had an incredible time connecting with the community at the Seniors Information Expo at Campbelltown Civic Centre. She was delighted to see so many amazing seniors engaging with the wide range of products, services, and community groups designed to support and enrich their lives. Councillor Berbari also expressed her thanks to the wonderful staff who organized such a fantastic event.
29. Councillor Seta Berbari had the honour of representing Mayor Darcy Lound at the International Women's Day Gala Dinner hosted by Camden Council, where the remarkable Edwina Bartholomew from Channel 7 Sunrise shared her life and career journey, highlighting the challenges of balancing work and motherhood. Councillor Berbari thanked the Mayor of Camden, Ashleigh, for the warm welcome. Edwina's powerful messages, such as having confidence in yourself, the importance of hard work over luck, and reserving some smiles for home, resonated deeply with Councillor Berbari. She emphasised the need to preserve kindness, joy, and energy for ourselves, even as we dedicate ourselves to work and family. The event also highlighted the important work of Turning Point Camden Inc., a charity supporting the community. Councillor Berbari reflected on the strength and resilience of women, urging everyone to celebrate and support one another.

## 14. CONFIDENTIAL REPORTS FROM OFFICERS

### Confidentiality Recommendation

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

1. That this Ordinary Meeting of Council be adjourned and reconvened as a meeting of the Confidential Committee for discussion of items 14.1, 14.2 and 14.3 which are considered to be confidential in accordance with Section 10A(2) of the *Local Government Act 1993*, as indicated below:

**Item 14.1 Organisational Structure Review**

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

**Item 14.2 Assignment of Lease on Council Property - Woodbine**

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

**Item 14.3 Surrender of Lease and New Lease - Commercial Property, Campbelltown**

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

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

**052/2025** The Motion on being Put was **CARRIED**.

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**The Ordinary Meeting of Council was adjourned at 10:53 pm and reconvened as a meeting of the Confidential Committee at 10:53 pm.**

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## Recommendations of the Confidential Committee

### 14.1 Organisational Structure Review

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

That Council:

1. Note that in keeping with Local Government Act, the CEO is required to review, and may re-determine, the organisation structure within 12 months after any ordinary election of the council.
2. Note the revised organisational structure as outlined in the report.
3. Notes that the structure strengthens Council's ability to deliver on Council's Plans, responds to changes in Council's external environment and feedback from key stakeholders.

**053/2025** The Motion on being Put was **CARRIED**.

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### 14.2 Assignment of Lease on Council Property - Woodbine

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

1. That Council endorse the assignment of Lease on the subject property located at Woodbine on terms and conditions set out in this paper.
2. That Council delegate authority to the Chief Executive Officer or her authorised delegate to execute all and any documentation relevant to this report under Section 377 of the *Local Government Act 1993*.

**054/2025** The Motion on being Put was **CARRIED**.

---

**14.3 Surrender of Lease and New Lease - Commercial Property, Campbelltown**

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

- 1. That Council endorse the proposed Surrender of Lease of Shop 1, 261 Queen Street, Campbelltown on terms set out in this report.
- 2. That Council endorse the proposed terms of Lease with the new operator for Shop 1, 261 Queen Street, Campbelltown on terms set out in this report.
- 3. That all and any documentation related to this transaction is signed by way of delegated authority by the Chief Executive Officer or her authorised delegate under Section 377 of the *Local Government Act 1993*

**055/2025** The Motion on being Put was **CARRIED**.

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

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

**056/2025** The Motion on being Put was **CARRIED**.

**At the conclusion of the meeting of the Confidential Committee the Open Council Meeting was reconvened at 10:56 pm.**

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

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

**057/2025** The Motion on being Put was **CARRIED**.

There being no further business the meeting closed at 10:59 pm.

Confirmed by Council on <<enter date>>

..... Chief Executive Officer ..... Chairperson

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

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

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

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

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

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

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

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

## **5. MAYORAL MINUTE**

### **5.1 Career Immersion Pathway at Campbelltown City Council's Works Depot**

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#### **Recommendation**

That the information be noted.

Recently, Council's Civil Services team hosted 20 students from MyGateway and Clontarf Academy over two days, teaching them about some of Council's work and showcasing career opportunities.

The students engaged with Council team leaders and staff, learned a range of practical skills – such as constructing a section of footpath – and toured our depot facility to see demonstrations of our plant and machinery, the mechanic workshop and signwriting shop.

I had the pleasure of welcoming the students who were all very excited and willing to learn about Council and the services Council provides and develop important practical skills. They produced some outstanding work with the help of our staff.

I'm very proud that a significant proportion of our workforce is drawn locally from Campbelltown and it was great to see our staff speaking with pride about working for the community and the benefits of being a member of the Council team.

I'd like to thank the Civil Services team who created an exciting program for the students. I'd also like to acknowledge MyGateway and Clontarf Academy for their ongoing efforts to engage with Council and the local business community to provide opportunities for young people to find a career path.

Campbelltown Council has partnered with MyGateway for more than 40 years to provide opportunities for trainees and apprentices. This highly successful partnership plays an important role in connecting local young people to a range of employment opportunities, many of whom have gone on to pursue successful careers with Council.

#### **Attachments**

Nil

**6. PETITIONS**

**7. CORRESPONDENCE****7.1 Farrow Road Carpark**

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**Officer's Recommendation**

That the letter be received and the information be noted.

---

1. Letter from the Mayor to The Hon John Graham MLC, Minister for Transport, copied to Mr Greg Warren MP, Member for Campbelltown and Dr Mike Freeland, Federal Member for Macarthur dated 26 February 2025.

**Attachments**

- 7.1.1 Letter from Mayor Darcy Lound to The Hon John Graham MLC re Farrow Road Carpark (contained within this report) [↓](#)

## Office of the Mayor



26 February 2025

The Hon John Graham MLC  
Minister for Transport  
Via portal

Dear Minister,

### Re: Farrow Road Carpark

I understand Council Officers have been liaising with Transport for NSW to resolve the operation and management of the new multideck commuter carpark at Farrow Road, Campbelltown under a Park and Ride model. I am concerned, with the impending completion of the carpark, that this remains unresolved.

Approximately 70% of Transport for NSW customers that currently rely upon the parking facilities at Campbelltown Train Station are not from Campbelltown, rather they are from surrounding LGAs, particularly Camden. This is due to the lack of public transport infrastructure provided to the wider Macarthur region, necessitating commuters from across the Macarthur region to access the Sydney Trains network at Campbelltown.

Council would request that a Park and Ride model be implemented for the benefit of Transport for NSW customers, managed by Transport for NSW with a long term lease over the site. This would enable the cost of maintenance and operations to be borne by the commuters using the facility, rather than Campbelltown ratepayers.

The ownership of the land and physical built structure should not be a barrier to the government providing an equitable, efficient and consistent parking experience for the customers of Transport for NSW, nor should it be a reason to shift the cost of the operation and management of the facility to those that are unlikely to use the facility.

We are on track for practical completion of the multideck carpark by end of March, supported through Australian Government grant funding, and therefore require an urgent solution.

I'd appreciate an opportunity to meet with you urgently to discuss and agree on a resolution with minimal disruption to our community.

Signature removed

Cr Darcy Lound  
**Mayor of Campbelltown**  
DOC-25-47520

CC: Mr Greg Warren, Member for Campbelltown  
CC: Dr Mike Freeland, Federal Member for Macarthur

**Campbelltown City Council**  
91 Queen Street, Campbelltown  
PO Box 57, Campbelltown NSW 2560

**campbelltown.nsw.gov.au**  
T 02 4645 4000  
E [council@campbelltown.nsw.gov.au](mailto:council@campbelltown.nsw.gov.au)



ABN: 31 459 914 087

## **7.2 South West Sydney Community and Justice Precinct**

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### **Officer's Recommendation**

That the letter be received and the information be noted.

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1. Letter from The Hon Mark Dreyfus KC MP, Attorney General of Australia to the Mayor dated 3 March 2025.

### **Attachments**

- 7.2.1 Letter from The Hon Mark Dreyfus KC MP, Attorney General to Mayor re SWSC&JP (contained within this report) [↓](#)



## Attorney-General

Reference: MS24-001645

Cr Darcy Lound  
Mayor  
Campbelltown City Council  
PO Box 57  
CAMPBELLTOWN NSW 2560

By email: [council@campbelltown.nsw.gov.au](mailto:council@campbelltown.nsw.gov.au)

Dear Mayor

Thank you for your correspondence of 26 November 2024 and 20 February 2025 regarding the South West Sydney Community and Justice Precinct (the Precinct). I also congratulate you on your election as Mayor of Campbelltown.

The Australian Government has a strong commitment to ensuring access to justice for all communities across Australia.

Thank you for the update on the Precinct's status, including that you have signed an agreement with the NSW Government. I acknowledge the Campbelltown City Council's interest in the establishment of a Federal Circuit and Family Court of Australia registry at the Precinct, and your request for Commonwealth funding to undertake further investigatory work.

As you may be aware, the Australian Government contributed funding under the Western Sydney City Deal for investigatory work, including the development of the Precinct's strategic business case, master plan and economic modelling. Officials from the Attorney-General's Department remain available to meet to discuss court infrastructure matters more broadly with the Council, as they did with your predecessor. The responsible officer is Mr Liam Demamiel, Assistant Secretary, Federal Courts Branch who can be contacted on Phone removed or at:

Email removed

The Campbelltown City Council and NSW Government may wish to consider making an application for further Commonwealth financial support for the Precinct through the urban Precincts and Partnerships Program (uPPP). The Department of Infrastructure, Transport, Regional Development, Communications and the Arts has established the uPPP to provide funding to eligible applicants for eligible projects to undertake development work (such as preparing specific building designs) of up to \$5 million per project, or to make a direct capital contribution of up to \$50 million per project. Further information about the uPPP program, including the application process and eligibility, is available at:

[www.infrastructure.gov.au/territories-regions-cities/cities/urban-precincts-and-partnerships-program](http://www.infrastructure.gov.au/territories-regions-cities/cities/urban-precincts-and-partnerships-program). The Attorney-General's Department does not assess applications made to the uPPP.

I trust this information is of assistance to you.

Signature removed

3 / 3 /2025

CC. Dr Mike Frelander MP, Member for Macarthur

### **7.3 Spring Farm Parkway**

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

That the letter be received and the information be noted.

---

1. Letter from Mr Greg Warren MP, Member for Campbelltown to The Hon John Graham MLC, Minister for Roads, copied to the Mayor dated 13 March 2025.

#### **Attachments**

- 7.3.1 Letter from Mr Greg Warren MP, Member for Campbelltown to The Hon John Graham MLC, Minister for Roads, cc'ing the Mayor dated 13 March 2025 (contained within this report) [↓](#)

# Greg Warren MP



## MEMBER FOR CAMPBELLTOWN



13/03/25

The Hon. John Graham MLC  
Minister for Roads  
52 Martin Place  
SYDNEY NSW 2001

**By email:** Email removed

Dear Minister

I write on behalf of Campbelltown City Council with regards to a proposal regarding the **Spring Farm Parkway priority project**, a critical infrastructure initiative that will significantly enhance connectivity and economic growth for Campbelltown and the broader Macarthur region.

The **Spring Farm Parkway** is a key east-west transport corridor that will provide essential links between **Wollondilly, Campbelltown, and Camden**, improving regional mobility while reducing congestion on existing road networks. The project is identified as **high priority (Project R7) in the Western Sydney Transport Infrastructure Panel Report (April 2023)**, underscoring its importance in addressing current and future transport challenges.

The benefits of this project are extensive, including:

- **Unlocking regional mobility** by creating direct connections between the **Hume Motorway, Appin Road, Menangle Road, and Camden Bypass**, ensuring efficient travel for residents, businesses, and freight.
- **Supporting housing growth** by enabling access to **over 25,000 new homes** across the Greater Macarthur and South West Growth Areas, helping to accommodate a projected population increase to **over 564,000 residents by 2041**.
- **Boosting the regional economy** by strengthening **Campbelltown as the Metropolitan Centre of Macarthur**, redirecting heavy traffic away from urban areas, and enabling job creation and economic activation.

📍 Shop 3, 72 Queen Street, Campbelltown 📧 PO Box 895, Campbelltown NSW 2560

☎️ (02) 4625 3344 📠 (02) 4626 3640 📧 Campbelltown@parliament.nsw.gov.au

🌐 www.gregwarrenmp.com.au 📺 GregWarrenCampbelltown 📺 @GregWarren\_ 📺 greg\_warren\_mp

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Currently, while **Stage 2** has strategic design underway, there is no funding secured for delivery, and **Stage 3** lacks funding for detailed planning or construction.

Accordingly, given the importance of this critical infrastructure for the broader Macarthur region and to ensure that the region can continue to grow sustainably and remain economically competitive, your appropriate consideration in this matter is greatly appreciated and I look forward to your response at your earliest.

Yours sincerely,

Signature removed

**Greg Warren MP**  
**Member for Campbelltown**



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## **7.4 Closure of the Community Justice Centre**

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### **Officer's Recommendation**

That the letter be received and the information be noted.

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1. Letter from Hugh McDermott MP, Parliamentary Secretary to the Attorney General dated 18 March 2025.
2. Letter from Mayor to The Hon Michael Daley MP, Attorney General dated 3 February 2025.

### **Attachments**

- 7.4.1 Letter from Hugh McDermott MP, Parliamentary Secretary to the Attorney General dated 18 March 2025 (contained within this report) [↓](#)
- 7.4.2 Letter from Mayor to The Hon Michael Daley MP, Attorney General dated 3 February 2025 (contained within this report) [↓](#)

OFFICIAL

**Hugh McDermott MP**

Parliamentary Secretary to the Attorney General



Ref: EAP25/1945

Cr Darcy Lound  
Mayor  
Campbelltown City Council  
91 Queen Street  
CAMPBELLTOWN NSW 2560

By email: Email removed

Dear Cr Lound,

**Closure of the Community Justice Centres**

Thank you for your correspondence of 3 February 2025 to the Attorney General, the Hon. Michael Daley MP on behalf of the Campbelltown City Council about the closure of Community Justice Centres (CJCs) in NSW. I am responding on the Attorney General's behalf.

People in NSW have many avenues to access mediation services that help them resolve their disputes quickly and informally where possible and appropriate. As these have become more widely available, the demand for Community Justice Centres (CJCs) has fallen significantly.

The NSW Government will be closing CJCs from 30 June 2025. The Government will continue to connect people with alternate services and resources that can help them resolve matters outside of the court system, through services such as LawAccess which provides comprehensive information about legal rights and advice about how best to deal with disputes.

While the services provided by CJCs will no longer be available from 30 June 2025, the Department of Communities and Justice will establish a new in-house service to deal with disputes currently required under legislation to be referred to CJCs for mediation (primarily being those under the *Crimes (Domestic and Personal Violence) Act 2007*). This service will be operational by 1 July 2025.

Thank you for writing to the Attorney General about this important issue.

Signature removed

18 MAR 2025

OFFICIAL

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

02 7225 6070  
[nsw.gov.au](http://nsw.gov.au)

1

## Office of the Mayor



3 February 2025

The Hon Michael Daley MP  
Attorney General of NSW  
Via: Online portal

Dear Attorney,

### Closure of the Community Justice Centres

We are extremely disappointed to learn of the Government's decision to close Community Justice Centres (CJCs) on 30 June 2025. The impacts of this closure include the following:

- Local government is one of the highest referrers to the CJC. Campbelltown has the highest referral rate to the CJC in Sydney Metropolitan Region for dispute resolution services.
- Campbelltown CJC has an office and registry in Railway Street Campbelltown co-located with Campbelltown Court. This office is accessible to our community, adjacent to public transport and free timed parking.
- Our correspondence often includes information about the CJC to assist in resolving neighbourhood disputes relating to fences, boundary issues, noise, overgrown land, roaming cats, dogs, trees and similar issues. Our compliance officers refer community members to the CJC on a daily basis.
- The CJC provides free and effective mediation. Our community experiences significant levels of socio-economic disadvantage and will struggle to support private engagement of dispute resolution services following the closure.
- Our compliance team receive calls from members of the community for issues outside Council's remit or regarding situations in which we've exhausted all possible actions under current legislation. In these situations, customers are referred to the CJC for mediation.
- We understand that when matters escalate to court proceedings, it is expected that the parties have attempted to resolve the dispute prior, through the CJC or similar.
- Particularly in Western Sydney, our Court system is burdened by lengthy delays. This closure would result in more impost on the court system, with more un-represented parties that have not been able to access out of court dispute resolution.

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## Office of the Mayor



- With the population growth in the Macarthur region, increasing density, and proximity of dwellings to each other, disputes between neighbours are increasing, particularly with disputes in smaller lots relating to air conditioning noise, water tanks, animals etc.
- The CJC's Facts and Figures 2022-23 reports that 79% of neighbourhood disputes taken to mediation, resulted in agreement and resolution by parties. The closure of the CJC will mean that these disputes will remain unresolved and will inevitably escalate.

We are concerned that the closure of the CJC will lead to an increase in unresolved neighbourhood disputes, resulting in a substantial increase of issues expected to be resolved with assistance from Councils. Local government is not in a position to assist with the resolution of disputes.

We implore the Government to reconsider this decision and support the ongoing service of the Community Justice Centre.

Yours sincerely,

Signature removed

Cr Darcy Lound  
**Mayor of Campbelltown**

CC: Mr Greg Warren MP, Member for Campbelltown

DOC-25-23699



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## 8. REPORTS FROM OFFICERS

### 8.1 Introduction of new Australia Day Award Category

#### Reporting Officer

Executive Manager, Strategic Communications  
City Positioning and Transformation

#### Community Strategic Plan

Objective	Strategy
1 Community and Belonging	1.1.1 Provide initiatives that foster a proud, inclusive, and connected community for all

#### Delivery Program

Principal Activity
PA3 Community Services

#### Officer's Recommendation

That Council note the introduction of the All Abilities Award category as part of the Annual Campbelltown City Australia Day Awards.

#### Purpose

The purpose of this report is to provide Council with an update on the introduction of a new award category as part of the annual Campbelltown City Australia Day Awards.

#### History

The Campbelltown City Australia Day Awards Program has been in place since 1988, providing an opportunity to acknowledge local residents, across a range of categories. The current program includes the following award categories:

- Citizen of the Year
- Young Citizen of the Year
- Senior Citizen of the Year
- Diversity and Inclusion Award
- Community Group Initiative of the Year
- Sports Award
- Environmental Citizen of the Year

At its meeting held on 11 March 2025, Council resolved;

1. That Council undertakes a report to incorporate a new category in the annual Australia Day awards for those in our community living with disabilities.
2. That the All Abilities Award category provide an opportunity for nominees to be considered that go above and beyond to achieve personally, or for the community.

## **Report**

Since the establishment of the Campbelltown City Australia Awards, the award categories have been regularly reviewed and have changed over the years to ensure they are meeting the needs of the program and adapting to our changing and growing community.

Recent introductions to these categories have included Senior Citizen of the Year and Environmental Citizen of the Year, and adjustments to the guidelines for the Sports Award and Community Group Initiative of the Year have been made in recent years to encourage an increase in nominations.

The introduction of this new category provides an opportunity for those in the community living with disability to be considered for a special award that celebrates their individual achievements, and acknowledges those who have gone above and beyond to achieve personally, or for the community as part of a broader activity or initiative.

The introduction of this award does not limit participation in other categories, however, aims to provide an additional opportunity for recognition. The new category will be introduced as part of the 2026 Campbelltown City Australia Day Awards, and as with all categories, will be regularly reviewed to ensure it is continuing to meet the needs of the community and the broader award program.

## **Attachments**

Nil

## 8.2 Macarthur Gardens North Planning Proposal - Council's Submission to the Public Exhibition

### Reporting Officer

Strategic Planner  
City Planning and Corporate Services

### Community Strategic Plan

Objective	Strategy
2 Places For People	2.3.1 Ensure all people in Campbelltown have access to safe, secure, and affordable housing  2.1.1 Provide public places and facilities that are accessible, safe, shaded and attractive

### Delivery Program

Principal Activity
PA Building Development and Controls

### Officer's Recommendation

That Council endorse the submission on the exhibition of the Macarthur Gardens North Planning Proposal, at Attachment 1, with any amendments, and forward it to the Department of Planning, Housing, and Infrastructure, noting that a draft submission has already been sent to the Department.

### Purpose

The purpose of this report is to seek Council's endorsement to a submission in response to the public exhibition of the state assessed Macarthur Gardens North Planning Proposal. This proposal is under assessment by the NSW government who are the planning proposal authority and sole decision maker as to whether this planning proposal should progress.

A copy of the draft submission (attachment 1) has already been submitted on behalf of Council, in order to meet the 7 April 2025 deadline for submissions.

Council does not have the authority to decide whether the proposal is approved.

## History

The Macarthur Gardens North Precinct, owned by Landcom, is situated on the western side of the Macarthur Railway Station, along Goldsmith Avenue in Campbelltown.

Landcom has submitted a Planning Proposal to the Department of Planning, Housing and Infrastructure (DPHI) under the accelerated rezoning pathway which was created by the NSW government to speed up delivery of social and affordable rental housing, in response to the acute housing shortages in NSW.

The DPHI has placed the Macarthur Gardens North Planning Proposal on public exhibition from 11 March 2025 to 7 April 2025.

A draft submission has been prepared and submitted to meet the 7 April deadline. DPHI was advised that a final, Council-endorsed submission incorporating any changes will be sent after this Council meeting. A request to extend the submission deadline to accommodate the Council meeting timing was made to the DPHI in writing. This request was declined.

The related draft DCP was endorsed by Council for public exhibition at its meeting on 11 March 2025, and is currently on public exhibition until 22 April 2025.

## Report

### Site and locality

The Macarthur Gardens North precinct is located on Goldsmith Avenue, Campbelltown, covering approximately 18 ha. The site is situated opposite Macarthur Train Station. Surrounding developments include the Macarthur Square Shopping Centre to the south and the Western Sydney University and TAFE NSW Campbelltown campuses to the north as shown in Figure 1.

The site currently consists of a single registered lot and is primarily zoned 'R4 High Density Residential,' with a small portion zoned 'MU1 Mixed Use' under the CLEP 2015, and the current maximum building height for the site is 32 m.



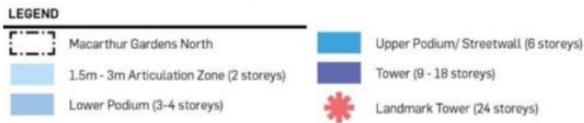
**Figure 1:** Site Context

**The Planning Proposal**

The Planning Proposal (attachment 2) seeks to undertake the following amendments to the CLEP 2015:

- Increase maximum building heights from 9 to 24 storeys in the southern areas
- Increase site capacity from 1,250 dwellings to 1,625 dwellings (375 additional dwellings)
- Allocate 10 per cent of dwellings for affordable rental housing
- Rezone land along the Bow Bowing Creek reserve to RE1 Public Recreation and remove the provision for maximum building heights in the RE1 zone.

The updated master plan/built form strategy for the site is shown in Figure 2, and the 3D modelling of the master plan is displayed in Figure 3.



**Figure 2:** Proposed Revised Master Plan/Built Form Strategy – Macarthur North Precinct



**Figure 3:** 3D Modelling of the proposed redevelopment of the site

### **Draft DCP Macarthur Gardens North**

At the Council Meeting on 11 March 2025, Council endorsed the public exhibition of the draft DCP Part 16 Macarthur Gardens North. The exhibition commenced on 19 March 2025 and will run until 22 April 2025. For details on the proposed changes to the DCP, refer to the Council Report from 11 March 2025 (attachment 3).

### **Council's Submission to the Planning Proposal**

The draft submission to the Planning Proposal raises key concerns that need to be addressed, as outlined below.

- **Pedestrian access**

Connecting the university, TAFE and local residents to Macarthur Train Station is of critical importance to the success of the development. Council seeks a commitment from state agencies that there will be continuous access to the station.

### **Recommendation**

That Council communicate the community's expectation for access in its submission.

- **Transport Impacts and Parking**

The proposal would have significant traffic impacts on the surrounding road network. In particular, the traffic impact on Gilchrist Drive and Goldsmith Avenue must be appropriately addressed. Further there is a need to ensure that sufficient parking is provided for each

subsequent building to ensure that the needs of future residents and commuters are accommodated.

There has been community concern raised in regard to the regularity of bus services and their destinations. Representations continue to be made to the relevant state government agencies on this issue.

### **Recommendation**

Investigations should be undertaken to explore potential upgrades to the surrounding road network, including identifying and securing funding for necessary improvements, such as expanded vehicle turning lanes where required.

- **Affordable rental housing**

The increasing need for affordable rental housing, particularly to support key workers, is acknowledged. Assurance that affordable rental housing remains designated for key workers to ensure access to local employment opportunities is required.

The financial impact of affordable rental housing on ratepayers is significant, particularly due to land rate exemptions for properties managed by Community Housing Providers (CHPs), and the associated impacts on ratepayers. This financial burden falls unequally on Campbelltown ratepayers compared to other local government areas.

### **Recommendation**

That the financial burden of providing affordable rental housing should not be solely carried by the ratepayers of the Campbelltown LGA. A state-wide funding mechanism should be considered to ensure equitable cost-sharing.

Ensure affordable rental housing within the development is provided to key workers within the Campbelltown Local Government Area.

### **Conclusion**

The Macarthur Gardens North Planning Proposal has been submitted by Landcom and is being assessed and determined by the Department of Planning, Housing and Infrastructure under an accelerated rezoning pathway created by the NSW government to expedite the delivery of social and affordable rental housing.

The proposal was placed on public exhibition by the Department of Planning, Housing and Infrastructure from 11 March 2025 to 7 April 2025. Council has also placed the associated Draft Development Control Plan, Part 16 Macarthur Gardens North, on public exhibition from 19 March 2025 to 22 April 2025, to the development control plan to be aligned with the Macarthur Gardens North Planning Proposal should it be approved and finalised by the NSW government.

To meet the submissions deadline, a draft submission prepared by Council staff was submitted to the Department of Planning Housing and Infrastructure addressing concerns relating to traffic and parking, ongoing maintenance and ownership of the pedestrian bridge and affordable rental housing. Subject to Council's meeting outcome and endorsement of the draft

submission, a final submission (attachment 1) will be sent to the Department of Planning Housing and Infrastructure.

## **Attachments**

- 8.2.1 Campbelltown City Council response to Macarthur Gardens North Planning Proposal exhibition (contained within this report) [↓](#)
- 8.2.2 Macarthur Gardens North Planning Proposal (contained within this report) [↓](#)
- 8.2.3 Council Report 11 March 2025 - Macarthur Gardens North - Amendment to DCP (contained within this report) [↓](#)



2 April 2025

Kiersten Fishburn  
The Secretary  
Department of Planning, Housing and Infrastructure  
Sent via: Online Planning Portal

Dear Ms Fishburn,

### **Campbelltown City Council Submission on Macarthur Gardens North Planning Proposal**

Thank you for the opportunity to review and provide feedback on the Macarthur Gardens North Planning Proposal (the proposal).

It is understood the proposal seeks to amend the Campbelltown Local Environmental Plan 2015 (CLEP 2015) by:

- Increasing building heights from 9 to 24 storeys
- Increasing dwelling yield from 1,250 to approximately 1,625 (375 additional dwellings)
- Allocating 10% of dwellings for affordable rental housing
- Rezoning land along Bow Bowing Creek reserve to RE1 Public Recreation and removing the provision for maximum building heights in the RE1 zone.

The proposal is generally supported as the site has both strategic and site-specific merit and the proposal aligns with the objectives of the Greater Sydney Region Plan and the Western City District Plan by providing planned growth and development close to public transport, education and a major shopping centre and economic activity.

As the proposal is an increase in density of an existing approved master plan, the necessary services and infrastructure will need to be re-assessed given the additional pressure on existing services and infrastructure such as local roads.

The key issues we would like to bring to your attention include:

### **Planning Proposal Matters**

#### **1. Height of Building**

The proposed building height of 85 metres for the highest building within the site is supported. However, we would not support any further increase in height should a future development application seek to use the affordable rental housing bonus under Chapter 2 of the *State Environmental Planning Policy (Housing) 2021* (the Housing SEPP), as this would result in a potential building

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height of up to 110.5 metres, which could significantly impact the visual character of the site and reduce or eliminate iconic views of the Scenic Hills.

Given the site already includes an affordable rental housing component, the application of Chapter 2 affordable housing provisions should be excluded for the site.

**Recommendation:**

**That Council support for the proposed height limit is noted and a local provision be included to remove the application of Chapter 2 of the Housing SEPP on this site.**

## 2. Bushfire Risk

The site and the surrounding land are designated as bushfire-prone, but no bushfire assessment report or supporting documents have been provided as part of the proposal.

**Recommendation:**

**Concurrence from the Rural Fire Service and State Emergency Services as part of the finalisation documentation to demonstrate that there will be no risk to life on the site as a result of the increased density.**

## 3. Pedestrian Access

Connecting the university, TAFE and local residents to Macarthur Train Station is of critical importance to the success of the development. Council seeks a commitment from state agencies that there will be continuous public access across the development site to/from the station and the university, TAFE and local residences.

**Recommendation:**

**That continuous and ongoing pedestrian access to Macarthur Railway Station from the site is guaranteed.**

## 4. Affordable Rental Housing

The provision of additional affordable rental housing opportunities in Campbelltown to support the growing need for diverse and accessible housing options for our community, in particular key workers, is encouraged. Council does however seek an assurance that the affordable rental housing dwellings are retained in perpetuity to ensure housing diversity close to employment opportunities. Additionally, the appointed community housing provider should



offer affordable rental housing at 20% below the local market rate, rather than rental rates for the Greater Sydney region.

While Council does support increasing the supply of affordable rental housing, it does come at a significant cost to the Council and those members of our community and own rateable properties. Community Housing providers are exempt from paying land rates as they are defined as Public Benevolent Institutions.

This revenue loss for council is increasing as more public housing shifts to Community Housing Providers, reducing the rateable property base and placing a greater financial burden on other ratepayers.

In addition to the cost of rate exemptions for affordable rental housing, the current supply of affordable rental housing in Campbelltown is notably higher than other parts of Greater Sydney. Campbelltown has 6,475 social and affordable rental housing properties, representing 10.2% of its ratepaying population.

In March 2024, the NSW Standing Committee on State Development launched an inquiry into councils' financial sustainability. It's first recommendation was for the government to review rate exemptions to ensure fairer eligibility criteria. The goal is to balance council funding, community benefits, and equity. Without reform, the growing number of exempt properties will shift the financial pressure onto councils and ratepayers, making it more difficult for councils to provide essential services.

**Recommendation:**

**The developer should provide assurance through binding agreements that the affordable rental housing units included in the development will remain designated for key workers.**

**Recommendation:**

**The Department should request amendments to the Local Government Act so that all land used for a residential or commercial purposes is rateable, so that Council can maintain the infrastructure attributable to this development.**

**Recommendation:**

**There should be a comprehensive review of rate exemptions to deliver a better balance between council financial sustainability, community benefit and the principles of equity.**

**Recommendation:**

**The financial burden of providing affordable rental housing should not be solely carried by the Council ratepayers and a state-wide funding mechanism should be considered to ensure equitable cost-sharing to have affordable rental housing.**

**5. Education Facilities**

The Macarthur Gardens and Macarthur Heights areas are in walking distance of Western Sydney University and the TAFE NSW Campbelltown campus. However, there is no walkable access to a local primary or high school. The site falls within the catchment area of Thomas Reddall High School and Ambarvale Public School, which are approximately 30 and 40 minutes away on foot, respectively. Currently, there are no bus routes that service these schools from Macarthur Heights.

There is a need to assess the availability of schools within this part of the Campbelltown LGA. The provision of a primary school within walking distance of residential development would help reduce vehicle trips during peak times, easing congestion on the already busy Gilchrist Drive.

**Recommendation:**

**Request a school needs assessment of the proposal by Schools Infrastructure NSW be undertaken, and**

**The State Government consider and potentially adopt the recommendations of any schools needs assessment undertaken for this proposal.**

**6. Parking and Traffic**

There are community concerns regarding the car parking controls for the proposal. While the site's proximity to Macarthur train station is acknowledged, additional parking, including visitor parking, should be provided on-site to accommodate the increase in density.

The traffic modelling should be revised to account for future growth up to the year 2035. This revision must include updated forecasts for traffic volumes, peak-hour trips, and road infrastructure demand. The report should be amended to reflect these updated projections, ensuring the long-term effectiveness of traffic management strategies. If the predicted level of service deteriorates compared to existing conditions, appropriate mitigation measures must be identified and incorporated into the development plan to maintain optimal traffic flow and safety. Any road infrastructure upgrades required as a result of this proposal should not be funded by Council.



The design of the future development must include ample space to safely and efficiently load and unload all service vehicles, such as delivery trucks, waste collection vehicles, and emergency vehicles.

**Recommendation:**

**The planning controls be revised to ensure sufficient on-site parking is provided including visitor spaces.**

**Recommendation:**

**Investigations should be undertaken to explore potential upgrades to the surrounding road network, including identifying and securing funding for necessary improvements, such as expanded vehicle turning lanes where required.**

**Recommendation:**

**Updated traffic modelling to reflect 2035 forecasts should be provided.**

## **Development Application and Development Control Plan Matters**

### **7. Noise Impact**

The Noise Impact Statement is brief and only states that the development will comply with the Development Near Rail Corridors and Busy Roads – Interim Guideline. The document suggests that the recommendations from the previously approved development will be sufficient. The approved development (3944/2021) included a full acoustic report, and a new acoustic report should be provided to account for the change in building height.

**Recommendation:**

**To require the acoustic report to consider the increased height and density of the proposal and identify any required acoustic treatments to be provided.**

### **8. Private, Communal and Public Open Space**

While an increase in communal open space is noted, much of it is on rooftops of buildings so there is a need for careful design to ensure these spaces are functional and usable, incorporating elements such as shade and recreation facilities to minimise pressure on nearby public open spaces.

**Recommendation:**



**Ensure the future design of the rooftop communal open spaces are fit for purpose.**

## 9. Biodiversity

The site is affected by the Critically Endangered Ecological Community of Cumberland Plain Woodland. The overshadowing impact diagram indicates that the development will impact this community, potentially affecting its circadian rhythm through changes in light and temperature within the 24-hour day-night cycle.

### **Recommendation:**

**An analysis should be undertaken to assess the effects of the overshadowing on the circadian rhythm of the Critically Endangered Ecological Community Cumberland Plain Woodland, including developmental, physiological, and metabolic processes with diel changes in light and temperature.**

## 10. Flooding

The site adjoins Bow Bowling Creek and one of its tributaries passes through the site. It is essential to assess the risks of flooding during the development application process to ensure safe escape routes and/or a shelter in place strategy is implemented, and reduce the potential for floodwaters to cross Goldsmith Avenue. Any increase in adjacent property flood levels as a consequence of any development on the site should be avoided. On-site detention must manage the increased impervious areas on the proposed site. Proper design and mitigation are crucial to ensure a safe and environmentally responsible development.

The proposal is likely to lead to an increase in the casual use of Gilchrist Oval and there is a concern that the access road under Gilchrist Drive is within the creek's overland flow path, which could result in people isolated on Gilchrist oval.

Suitable warning systems, evacuation routes and site user education should be investigated.

### **Recommendation:**

**Ensure that the risks of flooding are appropriately assessed in the development application and appropriate mitigation measures are put in place.**

## 11. Active Transport

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The proposed active transport network includes a series of shared paths. The proposal should incorporate high-quality, dedicated, and separated cycleways in addition to standard footpaths or shared paths. Given the high volume of the active transport trips assumed in the Transport Assessment, it is essential that infrastructure is designed to be clearly defined and separated where possible. This approach will help minimise conflicts between pedestrians and cyclists, enhancing both safety and efficiency for all users.

**Recommendation:**

**That high quality active transport infrastructure such as shared paths and cycleways be incorporated in the design of the proposal.**

## 12. Design Excellence

The draft DCP was presented to the Campbelltown Design Excellence Panel in February, 2025.

The advice from the Design Excellence Panel to the applicant was that the height increase brings design challenges that need to be considered holistically. The urban form largely aims to provide solar access to the station arrival precinct, however the Panel recommended that further design options be considered to make this space more engaging and connected, with active street frontages extending from Macarthur Station to Goldsmith Avenue, while recognising the importance of Macarthur Square as the main retail hub.

The Panel also believe that the proposal's scale is an opportunity to create a lasting, sustainable urban legacy for Campbelltown and encourages further development of contemporary design principles, with greater community engagement, particularly with Western Sydney University and TAFE, to ensure the project's ongoing resilience and success as a key social hub.

Attached to this submission are the minutes from the Design Excellence Panel meeting.

**Recommendation:**

**Explore alternative massing to Western block to reduce length of street wall by focusing on more slender tower elements. Explore placing height along Goldsmith Avenue to reduce 'wall of towers' along Bow Bowing Creek.**

**Recommendation:**



**Incorporate water sensitive urban design principles throughout the subject structure plan and incorporate the broader green and blue grid strategy inherent in the University Campus and TAFE college as major land uses adjacent to the site.**

### **Conclusion**

Thank you for the opportunity to provide feedback on the Macarthur Gardens North Planning Proposal.

Council is generally supportive of the proposal however there are opportunities identified within this submission for improvements that would achieve a better outcome for the community.

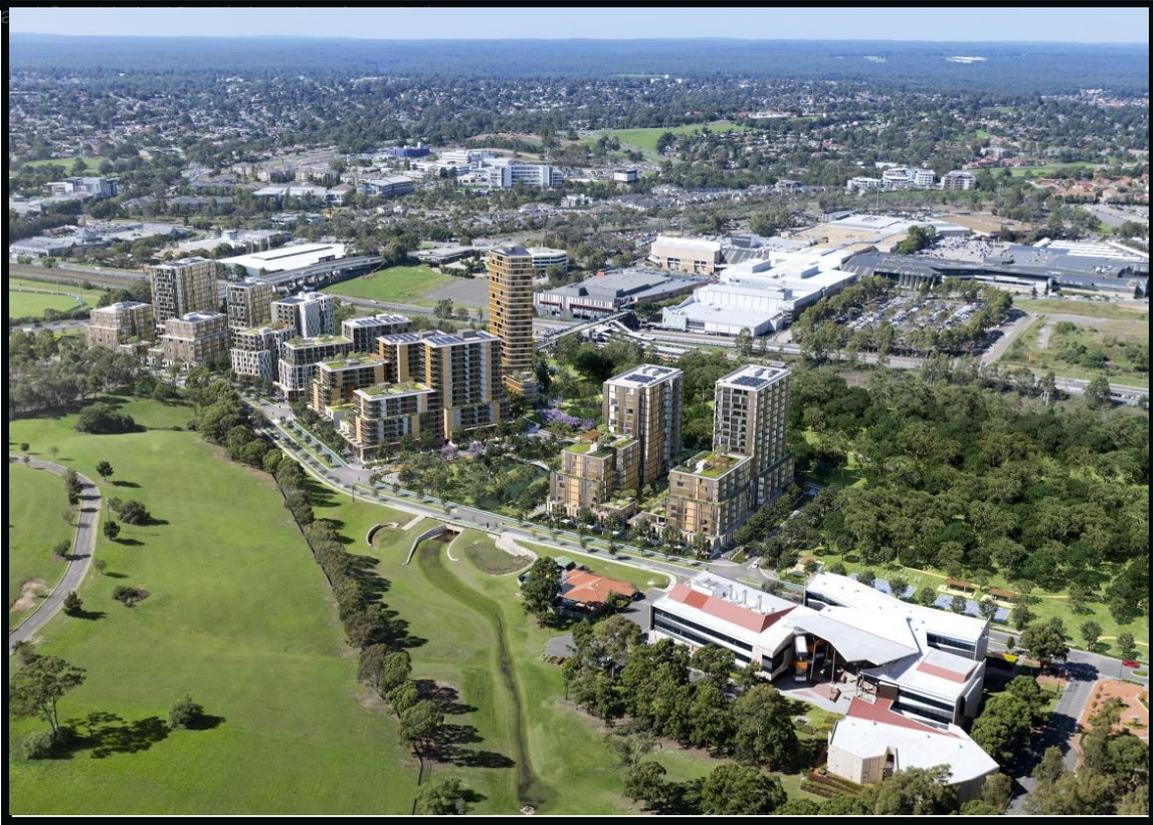
Should you require any clarification or wish to discuss the matters outlined above in further detail, please do not hesitate to contact Council's Executive Manager, Planning & Development. – Mr David Smith – on 02 4645 4598.

### **Attachments**

1. Design Excellence Panel Minutes

Yours sincerely,

**Jai Rowell**  
**Executive General Manager City Planning and Corporate Services**



# PLANNING PROPOSAL

Macarthur Gardens North  
Precinct, Campbelltown

Prepared for  
**LANDCOM**



**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

Director                    Adrian Villella  
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 Project Code              P%52168  
 Report Number            Draft 02



## Acknowledgement of Country

Urbis acknowledges the Traditional Custodians of the lands we operate on.

We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years.

We pay our respects to First Nations Elders, past and present.

The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

Title: Sacred River Dreaming  
 Artist Hayley Pigram  
 Darug Nation  
 Sydney, NSW

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<b>Appendix F</b>	<b>Prleiminary Engagement Report</b>
<b>Appendix G</b>	<b>Revised Site-Specific Development Control Plan</b>
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## EXECUTIVE SUMMARY

This planning proposal has been prepared by Urbis Ltd on behalf of Landcom and seeks to amend the Campbelltown Local Environmental Plan (2015) for the site known as the Macarthur Gardens North Precinct (MGN), located at Goldsmith Avenue, Campbelltown. An existing concept masterplan and approval under DA/3944/2021/DA-SW applies to the MGN Precinct. This concept approval granted consent for a mixed-use development of multiple tower forms, up to 32m in height and with 1,250 dwellings. The site is currently undergoing earthworks to facilitate this. This planning proposal seeks to build on the concept DA by facilitating an uplift to unlock additional housing on the site.

The amendments, alongside the lodgement of a concurrent amending Concept DA with Campbelltown Council, will facilitate the delivery of an additional 375 dwellings, equating to an uplift from 1,250 to 1,625 dwellings in the MGN Precinct. Under this proposal, a minimum of 10% of the total number of dwellings across the entire site, or 162 dwellings, will be allocated to affordable housing.

In light of the NSW Government's and Campbelltown Council's current and recent priorities for housing and TODs, this planning proposal will deliver a precinct that:

- Is aligned with the NSW Government's current strategic planning priorities for the Western City District, the Campbelltown-Macarthur 'collaboration area', and the Macarthur Precinct, as well as more recent and ambitious priorities to deliver greater market rate and affordable housing, particularly through TODs.
- Is underpinned by an enabling planning framework that conserves the existing masterplan while also increasing the supply of market rate and affordable housing in a highly suitable location.
- Capitalises on an opportunity to deliver a genuinely enhanced mixed-use and TOD development around Macarthur station, consistent with the NSW Government's TOD criteria and within 30-minute proximity to employment and key centres such as Campbelltown-Macarthur and other strategic centres in South-west Sydney.
- Is consistent with Campbelltown Council's strategic planning and housing priorities and advocacy, as evidenced by Council's submissions to the Terms of Reference inquiry into the development of the NSW Government's TOD program methodology.
- Is holistic and supported by an approved masterplan and public domain, as well as the necessary enabling infrastructure, including utilities and access infrastructure.

To achieve this vision, the proposal seeks to amend the CLEP 2015 and the CDCP 2015 by:

- Amending the height of the building map in select locations to a range of building heights from 32m to 85m.
- Inserting a new local provision under Part 7 that requires a minimum of 10% of the total dwellings in the MGN Precinct to be allocated for affordable housing.
- Inserting minor amendments to Chapter 16 *Macarthur Gardens North Precinct* under CDCP 2015, to align the existing site-specific development controls with the objectives and intent behind the proposed CLEP 2015 amendments.

In addition to the above amendments, this planning proposal also seeks an amendment to the Land Use Zoning Map, which would zone the land along the Bow Bowing Creek Reserve, south of the collector road, as RE1 Public Recreation. This amendment is administrative in nature only and is only sought to align the land use zoning of the site with the intended land uses under the approved Concept Masterplan, and the executed voluntary planning agreement which includes the dedication of this land to Council for public use. It is also proposed to remove the 32m height of building control that applies to the land (Bow Bowing Creek Reserve), as it would no longer be relevant.

## BACKGROUND

The lodgement of this planning proposal follows preliminary consultation with the Department of Planning, Housing, and Infrastructure, which confirmed that Landcom and the planning proposal are eligible for the accelerated rezoning pathway for social and affordable housing projects, introduced by the NSW Government in May 2024.

This planning proposal has therefore been prepared in accordance with the accelerated rezoning pathway criteria. This follows from the submission of a formal scoping proposal with DPHI on 15 October 2024, where detailed feedback was provided by DPHI on 13 November 2024.

Landcom has also undertaken pre-lodgement engagement with Campbelltown Council and Transport for NSW throughout 2024. Matters raised through pre-lodgement discussions with these agencies, as well as DPHI, have been addressed as part of this planning proposal.

Further, it is to be noted that Landcom has recently executed a Planning Agreement with Campbelltown City Council, dated 11 September 2024 (REF# LAN\_LAN23001\_051). The Planning Agreement relates to the site, legally described as part Lot 1097 in DP1182558.

Under Part 1, clause 7 of the executed Planning Agreement, s7.11 and s7.12 under the EP&A Act 1979 are turned off. However, the application of s7.24 (Provision of Regional Infrastructure) still applies to the Development.

The local Planning Agreement has a value of \$27,620,650, with Schedule 2 of the Agreement setting out the itemised works and value. The identified works will be carried in accordance with the Planning Agreement, and concurrent with the relevant future detailed development application(s) on the site.

## SITE CONTEXT

The MGN precinct is located at Goldsmith Avenue, Campbelltown, and is approximately 18ha in size. It is situated within the Macarthur Precinct, along the T8 Rail corridor, immediately adjoining the Macarthur Train Station. It is located in between many complementary land uses on the periphery of the Campbelltown-Macarthur CBD. Surrounding land uses include the Macarthur Square Shopping Centre to the south and the Western Sydney University and TAFE NSW Campbelltown Campuses to the north.

The site is currently comprised of a single registered lot and is primarily zoned 'R4 High Density Residential', with a small portion zoned MU1 Mixed Use under the CLEP 2015. As discussed above, there are existing approvals that have been granted on the site. The most relevant being the concept development application (DA) 3944/2021/DA-SW (as modified), which was granted consent on 14 December 2022, for a concept masterplan involving a "high density residential and mixed-use development (to be known as Macarthur Gardens North)". Under this concept DA, approval was granted for building envelopes with a maximum height of 32m, as well as subdivision into 10 superlots (lots 10-20).

## PLANNING PROPOSAL

This planning proposal is prepared in accordance with DPHI's 'LEP making guidelines August 2023'.

### Strategic Merit

- The planning proposal responds to the existing strategic planning priorities for the region, including the Greater Sydney Region Plan, the Western City District Plan which identified the Campbelltown-Macarthur Area as a 'collaboration area' to deliver the planning outcomes identified in the Western City District Plan. The planning proposal is also consistent with the growth outcomes under the Macarthur Precinct Plan,
- The planning proposal also aligns with the local strategic planning priorities in the Campbelltown Local Strategic Planning Statement and the materplanning guidance under the 'Re-imagining Campbelltown Masterplan', in particular its building height guidance.
- The NSW Government's priorities around housing and TODs are simultaneously addressed in this planning proposal, as it seeks to deliver an enhanced market rate and affordable housing outcome for the MGN Precinct, in a transit-oriented location.
- The planning proposal is consistent with the relevant State Environmental Planning Policies and Section 9.1 Ministerial Directions, in particular ministerial direction '1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor'.

### Site-Specific Merit

- The proposal is considered to have site-specific merit as it involves the development of land that has been identified for new housing in the Macarthur Precinct and has been previously demonstrated as being urban capable under the approved concept DA.

- The additional technical studies undertaken to support the increased height under the planning proposal demonstrate that the site is readily capable of enabling the additional uplift. The indirect impacts associated with the height, in particular relation to overshadowing, visual impact, and traffic, are acceptable.
- The MGN Precinct is highly accessible and is located along the T8 Rail Corridor and immediately adjacent to Macarthur Station. It is surrounded by various complementary land uses, including education infrastructure and the Campbelltown CBD. The Macarthur Precinct is a key area for growth that will provide new housing to support Campbelltown's population growth.
- The MGN precinct is capable of delivering an additional 375 dwellings under this planning proposal, including affordable housing. The proposed planning framework importantly preserves the approved masterplan for the MGN Precinct, including proposed ground floor activation, public and communal open space.

Accordingly, it is recommended that this Proposal is endorsed to enable a Gateway determination by DPHI.

# 1. INTRODUCTION

## 1.1. OVERVIEW

This report has been prepared in support of a proposed amendment to the Campbelltown Local Environmental Plan (LEP) 2015 (CLEP 2015) for the Macarthur Gardens North (MGN) Precinct located at Goldsmith Avenue, Macarthur, within the Campbelltown Local Government Area (LGA) (the site). The proposal aims to enhance the supply of market rate and affordable housing and facilitate the delivery of a transit-oriented mixed-use development (TOD). The NSW Government considers a TOD to be a land use planning approach that encourages sustainable and mixed-use development around transport and aims to create vibrant and walkable communities.

This planning proposal responds to NSW Government policy priorities around facilitating the delivery of greater market and affordable housing, particularly through sustainable and mixed-use development around transport to create vibrant and walkable communities. In May 2024, the Department of Planning, Housing, and Infrastructure (DPHI) announced an accelerated rezoning pathway for the state's housing agencies for projects that deliver social and affordable housing. More recently, the Minister for Planning and Public Spaces has also written to all Councils and planning panels to *"prioritise the delivery of housing when assessing development applications and rezoning schemes, so that the entire planning system is geared to addressing the housing shortfall."* The Minister further asked that Councils also *"prioritise the opportunity to deliver homes as part of merit considerations where, on balance, dwelling numbers may warrant a scale or built form that is different from or greater than the outcome originally anticipated."*

Landcom is an agency eligible for the accelerated rezoning pathway and, in response to this strategic context, has identified an opportunity to enhance the delivery of market rate and affordable housing within the MGN Precinct. The site is adjacent to Macarthur Train Station, and the existing land use planning approach aligns strongly with NSW Government's broad based TOD criteria and international best practices. The site is strategically positioned to deliver new housing density, including affordable housing, close to public transport, consistent with the criteria for the accelerated rezoning pathway. A formal scoping report was submitted to DPHI on 15 October 2024. Feedback and confirmation that the planning proposal is eligible for the pathway were provided by DPHI on 13 November 2024.

The site is currently comprised of a single registered lot and is primarily zoned 'R4 High Density Residential,' with a small portion zoned MU1 Mixed Use under the CLEP 2015. Several approvals have been granted on the site, one of which remains critically relevant to this planning proposal. This is the concept development application (DA) 3944/2021/DA-SW (as modified), which was granted consent on 14 December 2022, for a concept masterplan involving a *"high density residential and mixed-use development (to be known as Macarthur Gardens North)."* Under this concept DA, approval was granted for building envelopes with a maximum height of 32m, as well as a subdivision into 10 superlots (lots 10-20). The height is consistent with the existing Height of Building (HOB) Control under the CLEP 2015. Registration of the approved subdivision is expected by June 2025.

In light of the NSW Government's recent emphasis on housing supply (including affordable housing) and TOD opportunities associated with the site, Landcom has identified an opportunity to align the MGN precinct with the progression of strategic planning in the region and the urgency associated with unlocking greater housing supply close to train stations. This necessitates an increase in the HOB applicable to the site. The proposed LEP amendment, therefore, seeks to amend the maximum HOB control from 32m to stepped heights ranging from 32m (9 storeys) to a maximum of 85m (24 storeys). This would facilitate a dwelling yield of 1,625 dwellings (375 additional), of which a minimum of 10% would be allocated to affordable housing in accordance with a site-specific LEP clause.

This planning proposal also seeks to zone the land known as Bow Bowing Creek Reserve, which is intended for public use under the approved concept masterplan, as RE1 Public Recreation. The land was previously zoned as R4 High Density Residential, which is not the accurate and intended use of the land. This change has been informed by ongoing consultation with Council, and the executed voluntary planning agreement that also includes the dedication of this land to Council.

In parallel with the Planning Proposal process, an amending concept DA is also being lodged with Campbelltown City Council in accordance with *Part 3 Division 3.5, Clause 3.39 (Making and consideration of certain development applications)* under the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). The intent of the amending concept DA is to update the existing concept DA approval with new building envelopes that reflect the additional height proposed under this Planning Proposal.

In accordance with the strategic planning context, this planning proposal responds to the strategic planning priorities of the Campbelltown-Macarthur region, which was identified as a ‘collaboration area’ under the Western City District Plan (WCDP). An outcome of this was the adoption of the ‘Re-imagining Campbelltown Masterplan (2020)’ (**Campbelltown Masterplan**). The planning proposal further aligns with Campbelltown Council’s policy priorities and advocacy surrounding TODs, where Council has historically advocated for greater consideration of station precincts within the LGA. Formal recognition of the site in the TOD program is not being sought.

## 1.2. PROJECT OBJECTIVES

The Planning Proposal and amended concept DA are interlinked, and therefore the below objectives are shared across both applications.

- **Increased housing supply, including affordable housing:** The project aims to increase the maximum building height, which will enable the creation of 375 additional dwellings, from the previous concept DA. These new homes will be conveniently located adjacent to the Macarthur Train Station, promoting transit-oriented living. A minimum of 10% of the overall MGN precinct is proposed to be allocated to d affordable housing. Under this planning proposal the amount of affordable housing delivered on the site would therefore increase proportionately.
- **Preserve the existing masterplan:** By lodging an amended concept DA, the project intends to maintain the components of the existing masterplan that aren't directly affected by the proposed building height amendments. This includes preserving the subdivision layout, landscaping and other detailed work components associated with the MGN Precinct. As part of preserving the approved concept masterplan, the land use zoning of Bow Bowing Creek Reserve will be amended to RE1 Public Recreation.
- **Enable Future Development Applications:** The project will pave the way for future detailed DAs. These will align with the amended concept DA, ensuring future developments are in harmony with the revised planning provisions.

## 1.3. REPORT STRUCTURE

This Planning Proposal request has been prepared in accordance with *Section 3.33* of the EP&A Act 1979 and the Department of Planning, Housing and Infrastructure’s ‘*Local Environmental Plan Making Guidelines*’, dated August 2023.

The report is structured as follows:

- **Section 2:** Overview of the site history, description of the site and it’s context.
- **Section 3:** Comprehensive overview of the MGN project history
- **Section 4:** Outline of the statutory context and existing planning controls
- **Section 5:** Outline of the existing strategic policy context
- **Section 6:** Description of the proposed vision and alignment with concurrent Concept DA.
- **Section 7:** Statement of the objectives and intended outcomes of the proposal, explanation of the provisions and summary of the justification of the proposal, including an environmental assessment.
- **Section 8:** Conclusion and justification.

## 1.4. PROJECT TEAM

This Planning Proposal has been prepared through significant collaboration with the project team and is supported by a range of technical inputs as shown in **Table 1** below.

Table 1 Planning Proposal Project Team

Technical Input	Consultant	Appendix
Urban Design Report (including Visual Impact Assessment)	Urbis	Appendix A

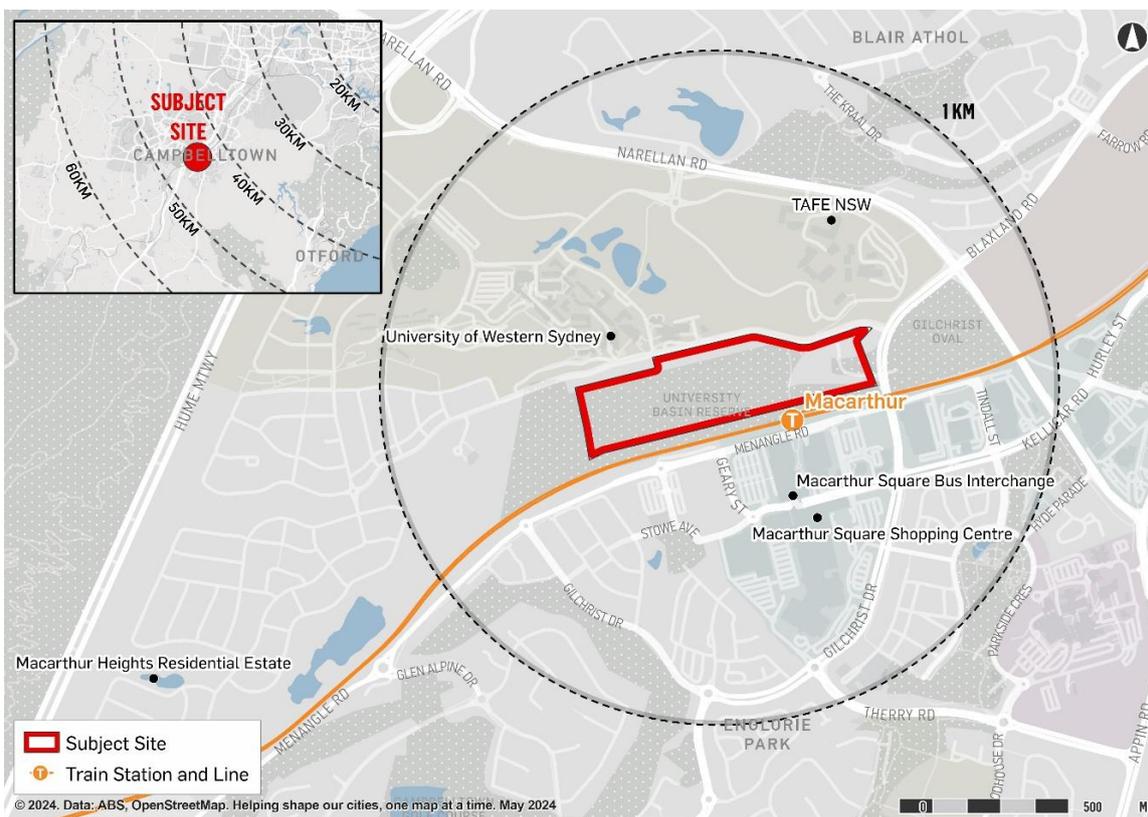
<b>Technical Input</b>	<b>Consultant</b>	<b>Appendix</b>
<b>Traffic and Transport Assessment</b>	SCT Consulting	<b>Appendix B</b>
<b>Community Needs Assessment</b>	Urbis	<b>Appendix C</b>
<b>Noise Impact Statement</b>	Renzo Tonin & Associates	<b>Appendix D</b>
<b>Utilities Report</b>	IDC Consulting	<b>Appendix E</b>
<b>Preliminary Engagement Report</b>	WSP	<b>Appendix F</b>
<b>Revised site specific DCP</b>	Urbis	<b>Appendix G</b>
<b>Biodiversity Compliance Letter</b>	Ecological	<b>Appendix H</b>
<b>Flood Compliance Letter</b>	J. Wyndam Prince	<b>Appendix I</b>

## 2. SITE ANALYSIS

### 2.1. SITE LOCATION

The Planning Proposal relates to land at Goldsmith Avenue, Campbelltown, which is legally described as Lot 1097 DP 1182558 (or the site). A new subdivision layout was approved under 3944/2021/DA-SW (as modified) and is expected to be registered over the site by June 2025.

Figure 1 Regional Context Map



Source: Urbis

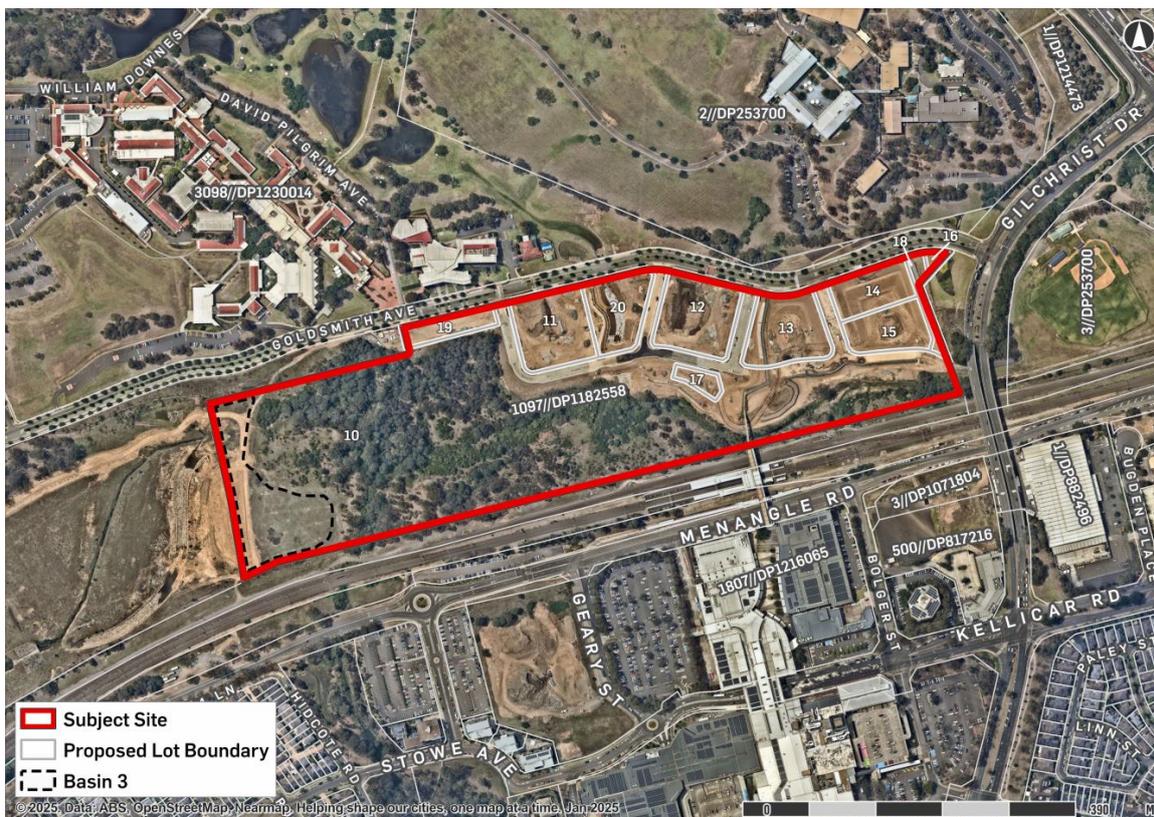
### 2.2. SITE DESCRIPTION

This site is rectangular in shape and is approximately 18ha in size.

It is also partly occupied by a detention basin (referred to nominally as **Basin 3**) located along the western boundary of the site. Basin 3 is associated with sporting fields to the west and an operable consent under DA/845/2015. Basin 3 is of no relevance to this planning proposal and is not considered part of the MGN Precinct.

An aerial of the site is shown below in **Figure 2**. The aerial notes the existing legal description and boundaries of the site, as well as the approved lots 3944/2021/DA-SW (not yet registered). Site details including adjoining land uses are provided in **Table 2**.

Figure 2 Aerial Photograph



Source: Urbis

Table 2 Site Description

Site Characteristic	Description
Country	Dharawal
Local Government Area (LGA)	Campbelltown
Legal Description (Title Particulars)	<ul style="list-style-type: none"> <li>▪ Existing Registered Lot: Lot 1097 DP 1182558</li> <li>▪ Proposed Super Lots: Lot 11-20</li> </ul>
Number of existing lots	1
Site Ownership	Landcom
Site Area	<ul style="list-style-type: none"> <li>▪ Site total - 18ha</li> <li>▪ MGN Precinct (excluding Basin 3)– 16.58ha</li> </ul>
Site Frontage	<p>The site is partly rectangular in shape, with frontages to the following:</p> <ul style="list-style-type: none"> <li>▪ Goldsmith Avenue – 695m</li> <li>▪ Gilchrist Drive – 162m</li> <li>▪ The T8 Rail Corridor – 875m</li> </ul>
Topography	<p>The site has been undergoing enabling and bulk earthworks in accordance with a consent under 1571/2015/DA-CW. The intent of which has been to facilitate the level changes necessary to accommodate the future development of the MGN Precinct.</p> <p>The site, prior to disturbance sloped down from an RL of 79m at Goldsmith Avenue to an RL of 68.0m at Bow Bowling Creek River.</p>
Vehicular/Site Access	<p>The site is currently accessible from multiple points. It is partly accessible from Macarthur Station via an uncovered pedestrian footpath that traverses through the Precinct, towards Goldsmith Avenue, and which serves as the main pedestrian link</p>

Site Characteristic	Description
	between the station and the Western Sydney University and TAFE NSW Campbelltown campuses.
	There is also an existing vehicular access point from Goldsmith Avenue
Adjacent land uses North	To the north is Hume Highway and the Narellan Road inter-junction. Northwest of the site is the Western Sydney University Campbelltown Campus, and then to the northeast is the Campbelltown TAFE NSW Campus. Further northeast is the Mount Annan Botanic Gardens
Adjacent land uses South	Immediately south, is Macarthur Station and the T8 Rail Corridor. Across the T8 Rail Corridor, and further south, is the Macarthur Square Bus Interchange and the Macarthur Square regional shopping centre. Extensive residential land uses and Campbelltown Private Hospital are situated further south.
Adjacent land uses East	To the immediate east of the site, across Gilchrist Drive is Gilchrist Oval Approximately 2km to the northeast along the T8 Rail Corridor is the Campbelltown CBD which is characterised by a variety of commercial, civic, residential and some light industrial uses.
Adjacent land uses West	To the west of the site after Basin 3 is land identified for future sporting fields. Following the sport fields is the proposed Campbelltown Sports and Health Centre of Excellence. Macarthur Heights Residential Estate is located further northwest along the alignment of the Hume Motorway
Infrastructure & Services	<p>In summary, the site benefits from surrounding transport, health and education infrastructure, including:</p> <ul style="list-style-type: none"> <li>▪ The Hume Motorway and Narellan Road</li> <li>▪ T8 Rail Corridor and Macarthur Station</li> <li>▪ Macarthur Bus Interchange</li> <li>▪ WSU Campbelltown Campus</li> <li>▪ TAFE NSW Campbelltown Campus</li> <li>▪ Campbelltown Private Hospital</li> <li>▪ Campbelltown Arts and Cultural Centre</li> <li>▪ An existing Sydney Water sewer line traverses the southern portion of the site. There is also an existing 11kV transmission line traversing north south and bisecting the precinct. Potable water can be made available to the MGN Precinct.</li> </ul>

## 2.3. SITE CONTEXT

### 2.3.1. Regional Context

The site is strategically located in Macarthur immediately adjacent to Macarthur Station. It is also located immediately adjacent to the Campbelltown-Macarthur Central Business District (CBD) and is approximately 55km from Parramatta CBD and 30km south from the future Western Sydney Airport (WSA) and Aerotropolis.

Macarthur train station provides train services along the T8 Rail Corridor direct to Central Station in Sydney CBD.

The site is located within and in proximity to several strategic and local centres, most of which were identified under the Greater Macarthur Growth Area (GMGA) program and have since been established as priority planning precincts. These centres include the following:

- **Macarthur Precinct**

The Macarthur Precinct (Macarthur) was initially identified under the ‘*Macarthur to Glenfield Urban Renewal Corridor Strategy*’. Macarthur is a complementary centre to Campbelltown CBD, which together form the Campbelltown Macarthur Regional City Centre. Macarthur is a major destination for retail, tertiary education and health services, including Macarthur Shopping Centre, Campbelltown Private Hospital, and the WSU and TAFE NSW Campbelltown campuses, and lower density housing.

Macarthur is framed by two main road corridors, including the Hume Motorway to the Northwest and Narellan Road to the Northeast. Both of which converge alongside the alignment of the T8 Rail Corridor to the east and west of the site.

Macarthur is anchored by Macarthur Station. The boundary of the Macarthur Precinct is nominally based on an 800m-1.5km catchment around Macarthur Station. By 2036, an additional 4,650 dwellings and 4,200 jobs are forecast to be delivered in the precinct.

- **Campbelltown Central Business District**

Campbelltown CBD is located approximately 44km south west of Sydney CBD, with Campbelltown Station providing direction connections to Sydney CBD and other major local and strategic centres to the north of Campbelltown. The precinct is forecast to accommodate 3,600 additional dwellings and 6,650 additional jobs by 2036.

Campbelltown CBD is the major business and cultural centre for the region and supports a range of land uses including commercial, retail, civic and residential. The Campbelltown CBD is also anchored by a train station (Campbelltown Train Station) which splits the CBD into an eastern and western portion. The eastern side consists of a mix of retail, commercial, civic and residential uses, while light industrial and bulky good uses predominantly make up the western side.

- **Leumeah to Glenfield**

In addition to Macarthur and Campbelltown CBD, there are a number of local centres along the T8 rail corridor. These centres include Macquarie Fields, Ingleburn, Minto, Leumeah, and Glenfield, all of which are intended to support new housing in the GMGA.

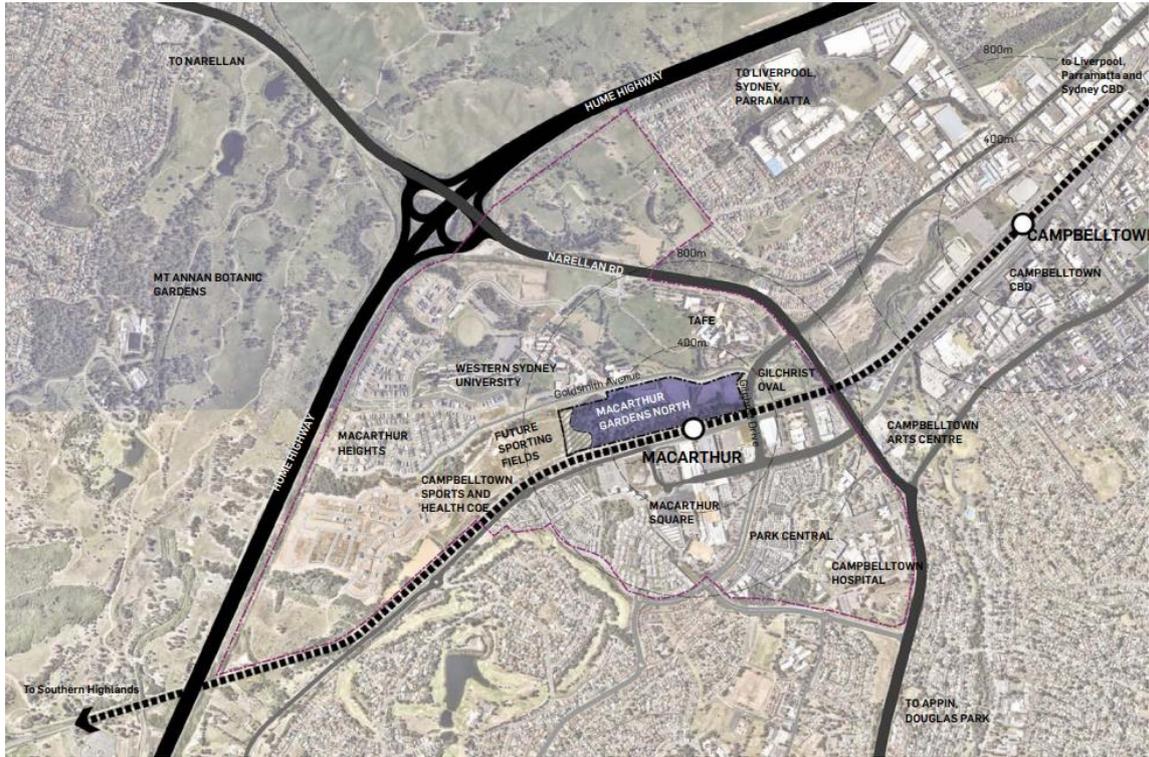
Notably, Glenfield is intended to become a regional sporting and education destination. It was rezoned on 16 July 2021 and will support 7,000 new dwellings and 2,900 jobs alongside playfields and the upgrade of the Hurlstone Agricultural High School.

- **Western Sydney Airport – Badgerys Creek Aerotropolis**

The site will have direct access and connectivity to the WSA and Aerotropolis to the north. The Aerotropolis will consist of various land uses and precincts that will surround the WSA, and that will benefit and develop in parallel with the future operation of the Airport. It will function as an economic hub, which is forecast to create 200,000+ jobs for the region.

**Figure 3** below provides an overview of the site's context and surrounding land uses.

Figure 3 Site Context



Source: Urbis

### 3. BACKGROUND

#### 3.1. PROJECT HISTORY

The site has an extensive development history, which is tied to the ongoing development of the MGN Precinct. An overview of these DAs is provided directly below (Refer **Table 3**). Outlined in red is 3944/2021/DA-SW (as modified) which is the approved concept DA for the MGN Precinct.

Table 3: Development History

DA Reference	Description	Status
293/2013/DA-CW	<i>Stage 1 Bulk earthworks comprising the re-contouring of part of the MGN site with excess material from the Macarthur Heights Stage 1 Subdivision and Major Estate Works</i>	Activated and works completed.
1594/2015/DA-CW	<i>Interim bulk earthworks across the MGN site to enable future subdivision</i>	Activated and works completed.
1571/2015/DA/CW	<i>Bulk earthworks involving clearing of land, cut and fill, realignment of Bow Bowing Creek and revegetation</i>	Was activated until 30 August 30, 2023. Surrendered in accordance with Condition 37 of DA-3944/2021/DA-SW, discussed directly below
3944/2021/DA-SW	<i>Concept master plan for a high density residential and mixed-use development (to be known as Macarthur Gardens North), and construction of stage 1 of the master plan, encompassing roads, parks, civil works, landscaping and subdivision of the site into superlots.</i>	Original concept DA for the MGN Precinct and enabling works. Consent for masterplan and works proposed to be surrendered following the approval of the concurrent LEP amendment and new concept masterplan DA.
3944/2021/DA-SW/A	<i>Modification of an existing master plan consent for a high density residential and mixed-use development (to be known as Macarthur Gardens North), and construction of stage 1 of the master plan, encompassing roads, parks, civil works, landscaping and subdivision of the site into superlots.</i>	Modification to the existing concept DA, and in effect is proposed to be surrendered following the approval of the LEP amendment and concurrent concept masterplan DA

#### 3.2. APPROVED CONCEPT DA FOR MGN (3944/2021/DA-SW)

##### Summary of Approval:

This section provides an overview of the approved concept DA, in order to highlight the extent of the proposed changes under this planning proposal.

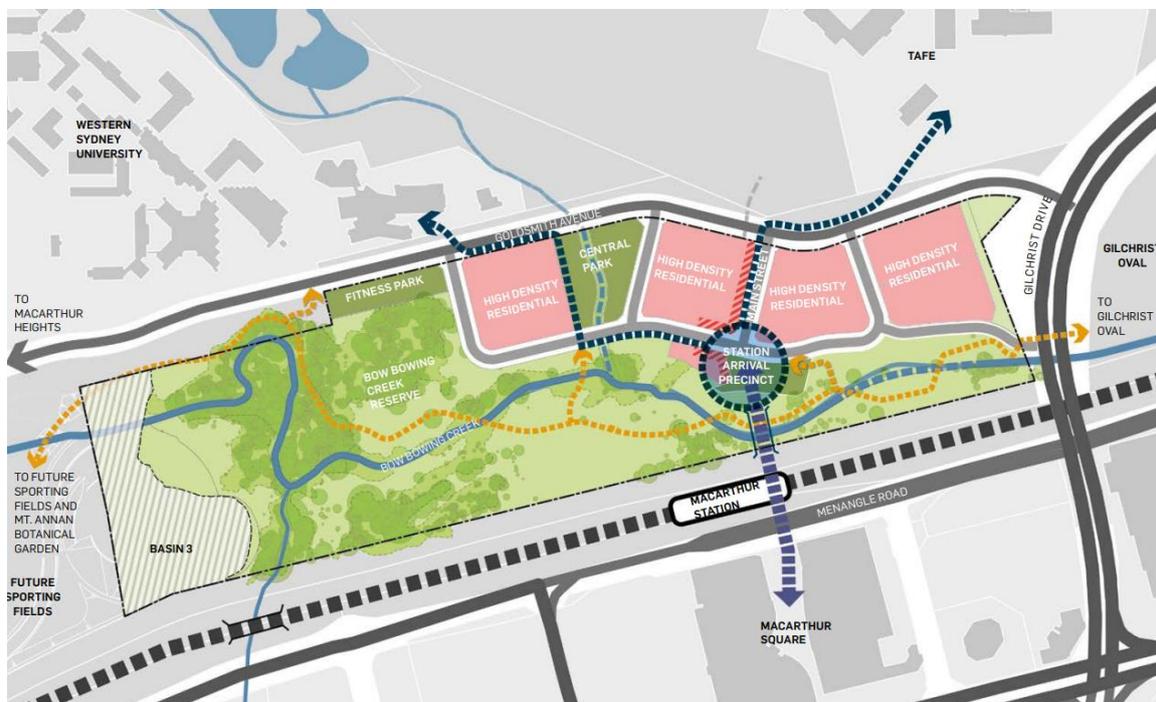
In summary the approved concept DA (as modified) sought the following:

- Six building envelopes of varying heights, ranging in heights, up to 32m (ranging from 3-9 storeys in steeped heights)
- 1,250 apartment dwellings, with 10% allocated to affordable housing units, equating to 100,527m<sup>2</sup> of residential floor space, and 1,960m<sup>2</sup> of non-residential floor space.
- Provision of two basement levels, accommodating approximately 1,145 residential and 21 non-residential car parking spaces, together with eight car-share vehicle spaces, and approximately 517 bicycle parking spaces.
- Provision of 1.98ha of active open space comprising three parks (including Station Arrival Plaza), and a further 9.67ha of passive open space (Bow Bowing Creek Reserve).

- Construction of widened pedestrian bridge to Macarthur Station (subject to a separate approval).

An extract of the approved masterplan is shown in **Figure 4** below. No material changes to this masterplan are sought

Figure 4 Approved Concept Masterplan



Source: Urbis

### **Approved Building Envelopes**

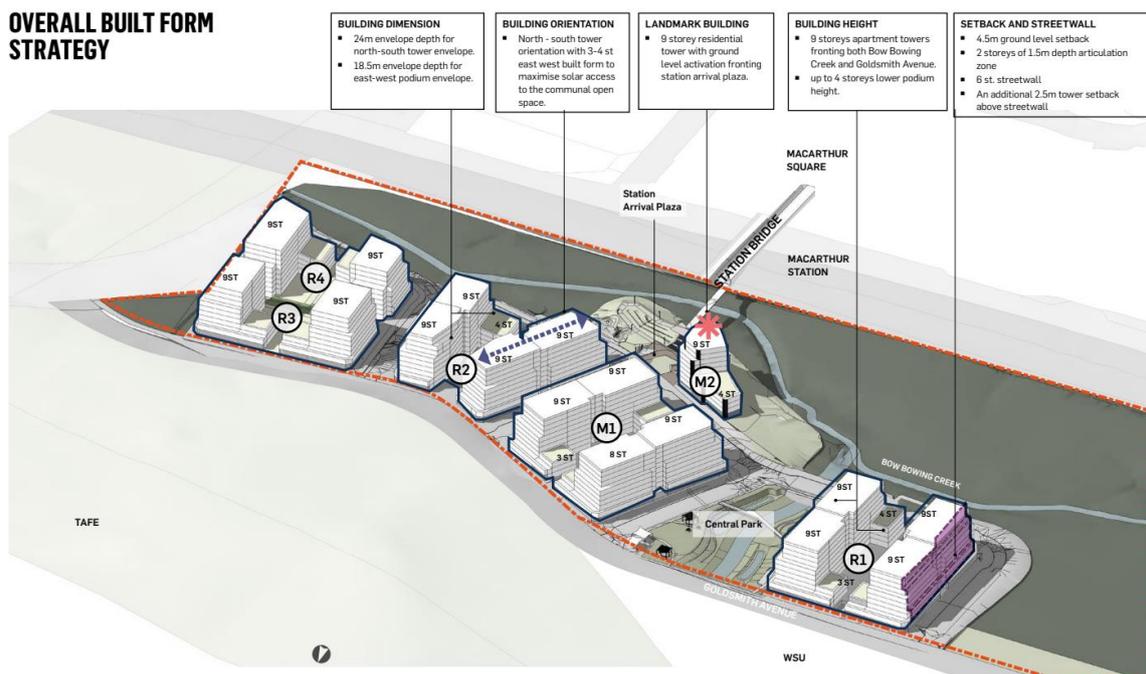
Alongside the masterplan, the approved concept DA also involved the approval of six (6) building envelopes.

For reference the plans referred to each building envelope as a 'Residential Lot' or 'Mixed-Use Lot' (shortened as i.e., R1 or M1). This was in reference to the building footprint and its nominal land use and was for ease of identification only. These labels had no bearing on the actual proposed lot on which they would be located. For consistency, the use of these building footprint references (i.e., R1 and M1) have been carried over into this planning proposal submission and the concurrent concept DA.

The 6 building envelopes averaged 9 storeys in height, with a mix of 3-4 storey podiums. A Station Arrival Plaza and a slim 9 storey building envelope functioned as the gateway to the precinct from Macarthur Station.

The approved concept building envelopes (with their accompanying building reference) are shown in **Figure 5** below.

Figure 5 Approved concept building envelope plans



Source: Urbis

Under the approval, the maximum height achieved on the site was 32m. A summary of the maximum height achieved by the building envelopes is provided below in **Table 4**. A note has been made against each building envelope as to whether a change is proposed under this planning proposal.

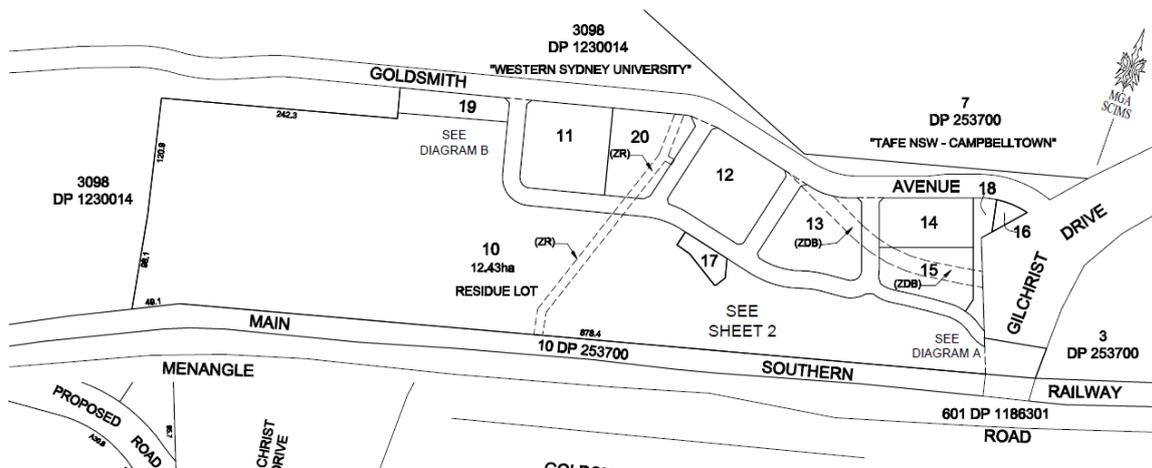
Table 4 Approved Concept Building Envelope Summary

Building Reference	Approved Height	LEP amendment proposed
Residential Lot 1 (R1)	32m	Yes
Residential Lot 2 (R2)	32m	Yes
Residential Lot 3 (R3)	32m	No
Residential Lot 4 (R4)	32m	Yes
Mixed Use Lot 1 (M1)	32m	Yes
Mixed Use Lot 2 (M2)	32m	Yes

**Approved Subdivision**

Alongside the above, approval was also granted for the subdivision of the site into various super lots which would accommodate the proposed building footprints. The site was subdivided into superlots 10-20. An extract from the proposed subdivision plan is provided below (Refer to **Figure 6**).

Figure 6 Proposed Subdivision (under 3944/2021-SW-DA)



Source: Landcom

Registration of these superlots are expected by June 2025. Therefore, the legal description of the site with the Land Registry Services (LRS) has not yet been changed. For reference, a breakdown of the approved lots and the approved building envelopes they correspond with are shown below (Table 5).

A note is made as to whether this planning proposal applies to the approved building envelope and superlot.

Table 5 Summary of proposed lots

Proposed Lot	Corresponding Building	LEP amendment proposed
Lot 10	N/A	N/A
Lot 11	Residential 1 (R1)	Yes
Lot 12	Mixed Use 1 (M1)	Yes
Lot 13	Residential 2 (R2)	Yes
Lot 14	Residential 3 (R3)	No
Lot 15	Residential 4 (R4)	Yes
Lot 16	N/A	N/A
Lot 17	Mixed Use 2 (M2)	Yes
Lot 18	N/A	N/A
Lot 19	N/A	N/A
Lot 20	N/A	N/A

Despite the above lots not yet being registered with the LRS, reference is made to these lots throughout this planning proposal.

No changes are sought to the subdivision under the concurrent concept DA.

## 4. PRE-LODGE MENT

Prior to the lodgement of the planning proposal, Landcom and representatives from the project team have held meetings with the DPHI, TfNSW and Council to discuss the planning proposal. The purpose of these meetings has namely been to discuss the preparation of the planning proposal and likely potential built and environmental impacts.

A summary of the matters discussed are provided in the tables below.

### 4.1. PRE-LODGE MENT CONSULTATION WITH DPHI

#### Preliminary Consultation with DPHI

Prior to lodgement of this planning proposal, various meetings were held with DPHI to discuss the proposal. Meetings were held between throughout 2024, including a project briefing, inception and formal pre lodgement meeting in October. A summary of the initial inception meetings in June is provided below.

Table 6 Pre-Lodgement Discussions

Matter	Section of this Report
<b>Inception Meeting – 14 June, 2024</b>	
<u>Scoping Report</u> Scoping Report and TfNSW Scoping memo provided to DPHI. No issues or concerns were raised.	This planning proposal incorporates feedback and advice provided to the scoping report. This has led to the refinement of the proposal.
<u>Planning approach</u> Landcom noted that a planning proposal and amended concept DA are being lodged concurrently over the site in accordance with Clause 3.39 (Making and consideration of certain development applications) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).	An amended concept DA is being lodged concurrently over the site. However, as mentioned, for the DA to be permissible, an LEP amendment is required.  Therefore, this planning proposal has been prepared in accordance with Clause 3.39 of the EP&A Act 1979. Detail on how this planning proposal aligns with the concept DA is discussed in Section 8, while the LEP controls that require amending, are explained in Section 9.1 and 9.2
<u>Technical matters</u> Key technical matters may need to be re-investigated as part of the planning proposal, including traffic, infrastructure capacity, acoustic and visual impact	The key technical matters identified and discussed in the meeting with DPHI have been re-considered and assessed in <b>Section 7.3</b>
<u>Priority Rezoning Pathway</u> The priority rezoning pathway for is available to Landcom if it facilitates affordable housing. Landcom has committed to allocating 10% of the residential floor space within the MGN Precinct to affordable housing .	The planning proposal allocates 10% of the proposed residential dwellings to affordable housing. The commitment and proposed site-specific affordable housing clause is outlined in <b>Section 7</b> .

#### Accelerated Rezoning Pathway for social and affordable housing projects

A meeting was also held with DPHI on 15 October, 2024, to review Landcom’s eligibility for the accelerated rezoning pathway. The completed candidate profile to assess Landcom’s eligibility for the pathway is attached for information purposes as **Appendix J**.

In this meeting, detailed feedback was provided by DPHI on the scoping report. A letter was issued on 13 November 2024, confirming the planning proposal qualifies for the accelerated rezoning pathway, and detailed the matters to be addressed prior to lodgement of the planning proposal.

Matter	Section of this Report
<u>Traffic Modelling and Report</u> The proposal includes a draft Traffic and Transport Assessment. It is requested that an update to the assessment be completed to address the following:	The Traffic modelling and report that has been prepared to date, in support of this planning proposal is attached as <b>Appendix B</b> .

Matter	Section of this Report
<ul style="list-style-type: none"> <li>▪ Update the traffic and transport assessment with revised yields, including any mitigation measures needed to manage potential operational impacts on the surrounding and State Road network such as queuing;</li> <li>▪ Utilise the SIDRA modelling adopted with the approved development consent to inform the increased yield scenario, and including SIDRA modelling summaries</li> <li>▪ Include the status of the proposed pedestrian bridge and concept design for this (if available)</li> <li>▪ Include analysis and commentary on built-form outcomes of additional height and whether this may interact with Sydney Trains operations</li> <li>▪ Undertake further consultation with TNSW and Campbelltown Council’s Strategic Transport Officer on the proposal and amend the modelling and report to address issues and requirements raised, and to include consultation outcomes.</li> </ul>	<p>The findings of the report are discussed in <b>Section 7.3.3</b> of this planning proposal.</p>
<p><u>Flooding</u>                      A high-level review and memo of the previous study prepared to support the existing Concept DA consent is requested to be included in the planning proposal package to address flooding impacts on the site and support the proposal.                      The proposal states that flooding has been resolved during the current consent assessment. However, the DA consent for 3944/2021/DA-SW shows there are potentially unresolved flooding impacts.                      The review of the flood study will also need to address the suitability of the site for any sensitive uses such as the proposed childcare.</p>	<p>Flooding impacts have been reconsidered as part of the planning proposal and the proposed height increase. A high level flooding compliance letter has therefore been prepared by J.Wyndham, and is attached as <b>Appendix I</b>. The findings of the letter are considered in <b>Section 7.3.3</b> of this planning proposal.</p>
<p><u>Noise Study</u>                      A revised environmental noise/acoustic assessment should be undertaken to confirm that the proposal is consistent with ‘Development near Rail Corridors and Busy Roads’.                      The revised assessment should also provide any noise mitigation measures in designing the building including but not limited to building orientation, setbacks, and acoustic treatments.</p>	<p>Following consultation with DPHI, the draft Noise Impact Statement prepared by Renzo Tonin &amp; Associates for the scoping proposal was updated to note compliance with the ‘Development near Rail Corridors and Busy Roads’ interim guidelines. The letter is attached as <b>Appendix D</b> and is considered in <b>Section 7.3.3</b> of this planning proposal.</p>
<p><u>Development Control Plan</u>                      The current proposal does not reference or include a site-specific Development Control Plan (DCP). In consultation with Council, it is recommended that a revised site-specific DCP be prepared and exhibited with the planning proposal.                      The intent of the site-specific DCP is to:</p> <ul style="list-style-type: none"> <li>▪ Safeguard building height articulation under the proposed maximum height of building (HOB) provisions;</li> <li>▪ Safeguard solar access to public domain/public open spaces; and</li> <li>▪ Provide for public cross-site links to improve accessibility and access (east-west through super lots).</li> </ul> <p>In consultation with Council, it is recommended that a revised site-specific DCP be prepared and exhibited with the planning proposal. In the event that the Council does not require a DCP to be prepared, a clause would be introduced to the LEP to require a revised site-specific DCP to be prepared.</p>	<p>Administrative amendments to the site-specific development control plan that currently applies to the MGN precinct, is proposed. The amended draft site-specific DCP is attached as <b>Appendix G</b>.</p> <p>Given that there is already a site-specific DCP in force over the site, there is no requirement to provide a LEP clause that requires the provision of a site-specific DCP.</p> <p>The existing site-specific DCP provides safe guards for building heights an public cross-site links. However, amendments to the Section 16.7 of the DCP are proposed so safeguard solar access to the public domain, in particular public open space.</p> <p>Consultation regarding updates to the site-specific DCP with Council are live and ongoing, with the DCP expected to be resolved concurrent to the planning proposal process with DPHI.</p>

Matter	Section of this Report
<p><u>Biodiversity and Ecology</u>                      A biodiversity report has not been provided in the initial scoping study. The report published in support of the existing Concept DA consent (for 3944/2021/DA-SW) highlights the site contains endangered and critically endangered plant species and identifies the presence of the Cumberland Plain Land Snail as well as assumed Myotis Macropus bats on the site. The additional heights have not had an ecological impact assessment completed. An amendment to this study is required to assess ecological impacts of the proposal.</p>	<p>Following consultation with DPHI, a Biodiversity Compliance Letter has been prepared by EcoLogical and is attached as <b>Appendix H</b>. The letter considers the indirect overshadowing impacts that result from the proposed increase in height, which are discussed in <b>Section 7.3.3</b> of this planning proposal.</p>
<p><u>Affordable Housing Requirement</u>                      It is recommended that a clause be introduced into the LEP requiring the provision of 10% affordable housing for the site as indicated in the proposal.                      It is noted that according to the urban design study Building R3 provides for 175 dwellings and Building R4 provides for 164 dwellings.                      Further detail is required on the strategy proposed for affordable housing including a timeline for provision, mechanisms for delivery, and proposed approach/strategies for ongoing management.                      More information is needed on this strategy, such as:</p> <ul style="list-style-type: none"> <li>▪ Length of tenure as affordable housing</li> <li>▪ Distribution of affordable housing</li> <li>▪ Ownership</li> <li>▪ Proposed construction of which affordable homes i.e. will this/these be constructed by Landcom, built by others under contract and/or management of Landcom, or constructed by others?</li> <li>▪ Dedication i.e. is the intent to provide an entire building to the Council or an accredited Community Housing Provider (CHP) at no cost?</li> <li>▪ Who will manage the affordable homes?</li> <li>▪ Has Landcom commenced consultation with these groups on the proposal?</li> </ul>	<p>A site-specific LEP clause is proposed under this planning proposal, which will require the provision of a minimum of 10% affordable housing in the MGN Precinct. The proposed provision is outlined in <b>Section 7.2</b> of this planning proposal.</p>
<p><u>Urban Design Study</u>                      Both the proposal and Urban Design Report are required to be updated to address the following:</p> <ul style="list-style-type: none"> <li>▪ <b>Strategic alignment:</b> Further detail on alignment with strategic policies and 9.1 Ministerial Directions</li> <li>▪ <b>Approach to delivery of additional communal open space:</b> Further clarity around the strategy to increase communal open space if the base building configuration is retained as per the consent (the proposal states there is a proposed increase of 4,071m<sup>2</sup>). The revised concept plan illustrates this appears to be provided by new north-facing accessible roof-level communal spaces. The provision of these new communal open spaces is required to be reflected in the revised site-specific DCP.</li> <li>▪ <b>Confusing content:</b> Clarity is needed on the statement, or removal of the statement, on page 10 "Given the alignment of the CLEP 2015 with strategic planning directions, and the almost 20-year time frame back to the CLEP 2002 controls, it is considered that the outcomes for the site identified within the CLEP 2015 are most relevant to the site"</li> </ul>	<p>The Urban Design Report, attached as <b>Appendix A</b> to this planning proposal has been updated to address DPHI commentary, where necessary.</p> <p>Ongoing clarification can be provided to DPHI during assessment as to how the comments have been addressed.</p> <p>Strategic alignment, specifically consistency with Section 9.1 Ministerial Directions is demonstrated in this planning proposal.</p>

Matter	Section of this Report
<ul style="list-style-type: none"> <li>▪ <b>Floor to floor height assumptions and alignment with proposed HOB:</b> Further detail is to be provided on the assumptions for land uses, proposed floor-to-floor heights, and closer alignment with the proposed new HOB provisions.</li> <li>▪ <b>Safeguarding height variation in super lots:</b> The intent to deliver varied tower heights along the southern façade of the super lots is clearly illustrated in the urban design study and revised Concept Plan. Further work is required to safeguard this proposed height articulation, such as the inclusion of a finer grain height map/provisions in the site-specific DCP controls.</li> <li>▪ <b>Building separation:</b> Further clarification is needed on building separation between R3 and R4. This is shown to be 21m and does not strictly comply with the Apartment Design Guidelines (ADGs) at the upper levels. As this is north facing (in the case of R4) it is likely that this facade will be habitable. Further detailed testing of the proposal against the ADG is recommended in this area.</li> <li>▪ <b>Cross ventilation:</b> Given some of these apartments are single aspect the ability to deliver natural cross ventilation is queried. It is recommended that this is reviewed and confirmed.</li> <li>▪ <b>Solar access:</b> While solar access to the proposed communal open spaces with the development is demonstrated, additional detail and analysis is needed on solar access impacts to the public domain and public open spaces (i.e. outside the super lots). It is recommended that this includes a comparison between the original Concept DA and the revised proposal and quantifies the solar access for key sections/elements of the open space network.</li> <li>▪ <b>Visual impacts:</b> Further justification of proposed tower heights in relation to the existing topography and view lines as highlighted in the Reimagining Campbelltown City Centre master Plan, with particular regard to the 24-storey tower and its impacts on the relationship to the horizon and hilltops. It is also recommended that the visual analysis include some shorter-distance views, such as from the rail bridge, public open spaces, and Goldsmith Avenue.</li> <li>▪ <b>Through site links and increased permeability:</b> Provision of increased east-west permeability through public mid-block connections through super lots to improve public access.</li> </ul>	
<p><u>Education and Childcare</u></p> <p>The amended proposal's incoming population will include approximately 152 primary school aged children and 94 high school students.</p> <p>Although these numbers in isolation do not constitute the need for a new school, additional schools will be</p>	<p>Consultation and coordination with SINSW will occur as required as part of the lodgement of this planning proposal.</p>

Matter	Section of this Report
<p>required to service broader growth. Consultation and coordination with Schools Infrastructure NSW is required to discuss how the incoming populations needs for school places could be met through existing school capacity or through school upgrades or new schools in surrounding areas.</p>	
<p><u>Utilities</u></p> <p>The utilities report provided to support the scoping proposal appears to be based on infrastructure and servicing needs for an additional 275 dwellings, representing an increase from 1,250 to 1,560 dwellings. This does not align with the proposal which seeks to provide 375 additional dwellings representing an increase from 1,250 to 1,625 dwellings.</p> <p>Accordingly, the utilities assessment will need to be updated to align with the proposed increase in dwellings, including a review of the following:</p> <ul style="list-style-type: none"> <li>▪ Capacity of 250mm diameter trunk main located along Goldsmith Avenue</li> <li>▪ Proposed water demand calculations</li> <li>▪ Proposed sewer network calculations, equivalent population and capacity of Bow Bowling Carrier, and</li> <li>▪ Electrical demand Calculated Diversified Load and supply of additional feeder and relocation of underground and overhead powerlines.</li> </ul> <p>In addition, further consultation with relevant agencies is required to support the proposal and outcomes of consultation included in the revised utilities report.</p>	<p>The figures quoted in the utilities report have been corrected. The updated utilities report is attached as <b>Appendix E</b>. To clarify, utility and infrastructure capacity in the MGN precinct is sufficient to support the additional 375 dwellings.</p>
<p><u>Agency and Council Consultation</u></p> <p>Further agency consultation is required with the following key agencies before exhibition of the planning proposal:</p> <ul style="list-style-type: none"> <li>▪ Schools Infrastructure NSW: regarding existing capacity and need for upgrades given the increase of dwellings.</li> <li>▪ Transport for TNSW: engagement regarding alignment with strategic policy, modelling, upgrades to the surrounding road network, and to inform updated transport and traffic report.</li> <li>▪ Utility providers: consultation with relevant utility providers to review and validate utilities and servicing capacities, planned upgrades, infrastructure delivery timing, and to inform updated utilities report.</li> <li>▪ Campbelltown City Council: to review and support strategic alignment, address visual sensitivity and design issues, and in relation to the new/revised site-specific DCP. Consultation on traffic and transport matters is also required with Council's Strategic Transport Officer.</li> </ul>	<p>Preliminary consultation with Transport for NSW and Council has occurred as part of the pre-lodgement of this planning proposal.</p> <p>Consultation with TfNSW and Council, as well as Schools Infrastructure NSW and relevant utility providers will occur as part of the lodgement of this planning proposal.</p>

## 4.2. CONSULTATION WITH COUNCIL

Landcom has had two meetings with Campbelltown City Council, with an inception meeting initially in November 2023. The purpose of the meetings was to discuss detailed design matters, related to the amending concept DA, specifically the pedestrian footbridge and proposed uplift in density at the site. These

detailed design matters, while a DA matter, are the outcomes that the planning proposal intends to facilitate. Therefore, consultation with Council in regard to the DA are included below for information.

Table 7 Summary of Consultation with Campbelltown City Council

Matter	Response
<b>Meeting 03/11/23</b>	
<p><u>Building Heights</u> Council emphasised the need to consider the landscape, being a 'city in a valley'. The proposal should also identify the RLs for the tall buildings and ensure the heights do not impact the view towards the scenic hills and that they have a relationship with the surrounding hills.</p>	<p>The planning proposal has considered and justified the proposed building heights in alignment with the 'city in a valley' setting and design guidance under the Campbelltown Masterplan.</p>
<p><u>Public Reserve Overshadowing</u> Proposal should consider overshadowing impact to the existing Bow Bowing Creek public reserve. Its anticipated the impact would be minimal.</p>	<p>The planning proposal has considered overshadowing impacts within the Urban Design Report, attached as <b>Appendix A</b>. These impacts are also discussed in <b>Section 7.3.3</b> of this planning proposal.</p>
<p><u>Retail floor space</u> Proposal should review the retail floor space demand. Its anticipated that the change would likely and could be accommodated within the rezoned land and existing retail floor space.</p>	<p>The quantum of retail floor space was reconsidered under this planning proposal. It was determined that the increase in dwellings was too minimal to justify a re-assessment of the retail floor space and a further increase. The quantum of retail floor space, as approved, has been retained.</p>
<p><u>Planning Pathway</u> Three building design scenarios were presented to Council. Scenario 3, which the proposal is nominally aligned with would, require a planning proposal. Council raised that the proposal should consider traffic, design excellence and amendments to the VPA.</p>	<p>A planning proposal is being submitted in accordance with Council's advice. The design quality of the proposal and traffic have been reconsidered in in <b>Section 7.3.3</b>. No amendments to the planning agreement executed on title were determined necessary.</p>

### 4.3. CONSULTATION WITH AGENCIES AND STAKEHOLDERS

In accordance with the pre-lodgement process, the following NSW Government agencies provided preliminary responses to the Scoping Proposal.

Table 8 Summary of NSW Government Agency Consultation

Matter	Section of this report
<b>TfNSW – 20/03/24</b>	
<p><u>Scoping Report</u> The proponent and TfNSW discussed the requirements for the Transport Scoping proposal. These requirements included (but were not limited to):</p> <ul style="list-style-type: none"> <li>▪ Car parking rates</li> <li>▪ Detailed traffic assumptions</li> <li>▪ Identification of existing transport hubs and connections</li> </ul>	<p>Car parking rates, assumption, methodologies and existing transport connections were clarified in the revised Transport Scoping Proposal sent to DPHI, which is attached as <b>Appendix B</b>.</p> <p>The final outcomes of the Traffic and Transport Assessment, prepared by SCT Consulting and are discussed within <b>Section 7.3.3</b></p>
<p><u>Intersection upgrades</u> TfNSW require clarification around what traffic amelioration measures would be required. Landcom noted that future upgrades by Council/TfNSW would ameliorate any traffic impacts from the additional yield.</p>	<p>As part of the of the revised Traffic and Transport Assessment, the need for further intersection upgrades was considered. This is discussed within <b>Section 7.3.3</b>, which concludes that the additional traffic impacts are acceptable and do not necessitate any physical improvements to existing intersections.</p>

#### **4.4. ONGOING CONSULTATION**

It is anticipated that ongoing consultation with the relevant state agencies and service providers will occur post-gateway and during the assessment of the planning proposal ahead of public exhibition.

Discussions between Campbelltown City Council, DPHI and Landcom remain live and ongoing. In particular with relation to the site-specific DCP amendments, Campbelltown City Council are looking to progress this concurrent with the planning proposal process.

In accordance with ongoing consultation that has occurred with Council and DPHI, the planning proposal has since been updated to incorporate a proposed land use zoning change. Specifically, the planning proposal now seeks to amend the Land Use Zoning Map, to zone the land known as Bow Bowing Creek Reserve from R4 to RE1 Public Recreation. This would also reflect the execution of the voluntary planning agreement, which includes the dedication of said land to Council.

## 5. PLANNING FRAMEWORK

### 5.1. STRATEGIC PLANNING CONTEXT

The Planning Proposal is consistent with and supports a range of strategic planning outcomes established by Council and the NSW Government.

This section provides a brief overview of the strategic planning policies governing development in NSW and how the vision and intended outcomes under this planning proposal will implement or otherwise be consistent with the relevant plans and policies.

Detailed consistency of the proposal with the relevant State and local strategic planning documents is demonstrated in **Section 6** of this report.

#### 5.1.1. Government priorities

The Commonwealth and NSW Government's current strategic imperatives are focused on addressing the housing crisis and facilitating greater well-located housing supply. On a National level, the Commonwealth Government has established a National Housing Accord, which sets an aspirational target of building \$1.2 million well located homes over 5 years from mid-2024.

In response, the NSW Government has set a five-year housing completion target of 377,000 new well-located homes to be built by FY 29. The increased emphasis on housing supply is also evidenced in the NSW Government's various housing policy reforms, in particular through the introduction of the accelerated rezoning pathway for NSW Government housing agency projects that deliver affordable housing, and amendments to the State Environmental Planning Policy (Housing) 2021 to facilitate greater market rate, affordable housing supply, particularly around train stations.

The greater emphasis on housing supply is expected to be reflected in updated planning priorities and housing targets set in the 'Greater Sydney Region Plan' and corresponding 'District Plans'. Updates to these plans are understood to have commenced in early 2024. In the interim the Minister for Planning and Public Spaces has written to all Council's and planning panels to "prioritise the delivery of housing when assessing development applications and rezoning schemes, so that the entire planning system is geared to addressing the housing shortfall".

While the site is not formally identified under the NSW Government's TOD Program, it is consistent with the government's TOD criteria. Further, it aligns with Campbelltown Council's TOD policy priorities and advocacy as evidenced in their written submission on 28 March 2024 during the NSW Legislative Council's terms of reference inquiry into the development of the TOD program methodology. Their submission noted that "Campbelltown Local Government Area is well-placed to accommodate high-quality density along its railway corridor, sustainably and affordably."

#### 5.1.2. Greater Sydney Region Plan: A Metropolis of Three Cities

A Metropolis of Three Cities: Greater Sydney Region Plan (The Region Plan), provides a 40-year vision to 2056 and establishes a 20-year plan to manage growth and change for the Greater Sydney region. The Region Plan is built on a vision of three cities – The Western Parkland City, the Central River City and the Eastern Harbour City – "where most residents live within 30 minutes of their jobs, education and health facilities, services and great places".

The site is located within the Western Parkland City, which The Region Plan identifies as an emerging new city, that is expected to grow from 740,000 residents in 2016 to 1.1 million residents by 2036. The vision for the Western Parkland City is for it to be anchored by the WSA and Aerotropolis, Liverpool, Greater Penrith and the Campbelltown-MacArthur region. Together these will form the Western Economic Corridor. The city will also be supported by city-shaping transport infrastructure, including direct connections to Wollongong and Canberra and more broadly, north-south and east-west mass transit connections to the WSA and Aerotropolis. It's intended that north-south train connections will incorporate the health and education infrastructure within Campbelltown-MacArthur, into the Western Economic Corridor.

Notable strategic directions and objectives for the Greater Sydney Region, include the following:

- **Direction 2: A Collaborative City**
  - Objective 5: Benefits of growth realised by collaboration of governments, community and business

- **Direction 4: Housing the City**
  - Objective 10: Greater Housing Supply
  - Objective 11: Housing is more diverse and affordable
- **Direction 6: A well-connected city**
  - Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities

The proposal aligns with the aims of the Region plan as it intends to contribute to the delivery of greater housing supply and housing diversity in the Western Parkland City through new apartment dwellings and affordable housing.

### 5.1.3. Western City District Plan

The Western City District Plan builds on the directions and objectives established in the Region Plan, at a district level. It sets out the planning priorities and actions for achieving a liveable, productive and sustainable future district that will improve the quality of life for existing and future residents,

The site is located within the Western City District, an additionally demarcated city within the Western Parkland City (**Figure 7**). The Western City District is expected to accommodate 464,450 new residents, 370,200 jobs and 184,500 dwellings by 2026. The district will accommodate and support growth through the release of new land and development within the growth areas, and in economic and transport corridors. It will also be anchored by the WSA and Aerotropolis, with several planning and transport initiatives to support its integration with the district.

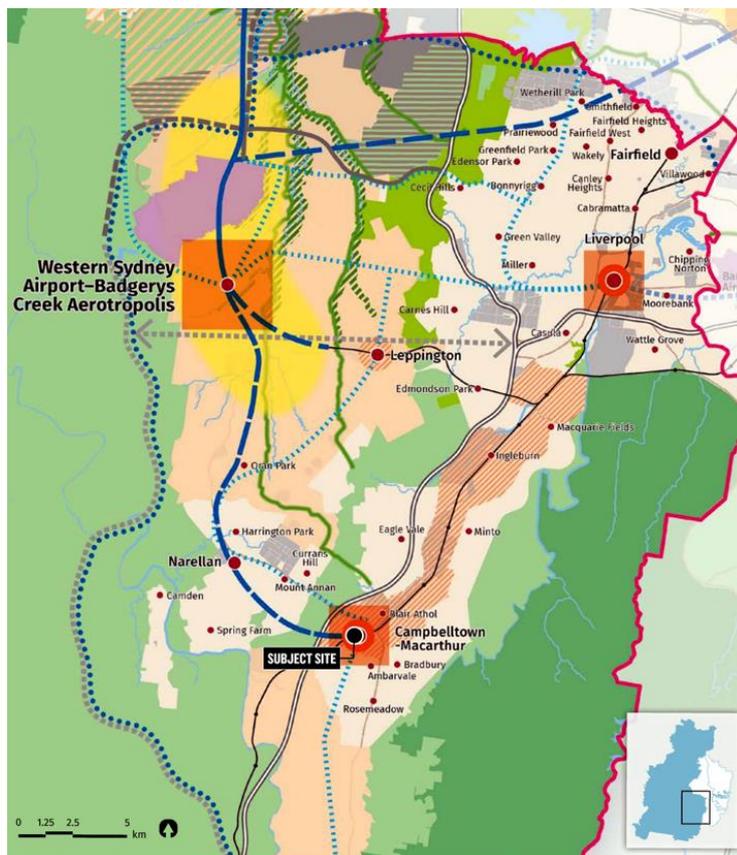
In the district, the site is located within a ‘*collaboration area*’, which are areas identified (formerly by the Greater Sydney Commission) for place-based collaboration through cross-stakeholder involvement (i.e., various government agencies, organisations and the community). The relevant planning priority for collaboration areas are – “**Planning Priority W2: Working through collaboration, with the objective being to have the benefits of growth realised by collaboration of governments, community and business.**”

The site is also located on the periphery of the Greater Macarthur Growth Area and further, within the Glenfield to Macarthur Renewal Corridor which has been identified to accommodate new housing supply. Further relevant planning priorities include the following:

- **Planning Priority W5:** Providing housing supply, choice and affordability, with access to jobs, services and transport.
- **Planning Priority W7:** Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City Growing and strengthening the metropolitan cluster.

The proposal aligns with the District Plan as it provides housing supply and choice for the growing Western Parkland City, in an identified growth corridor. It also builds on the strategic planning for the Campbelltown-Macarthur Collaboration Area.

Figure 7 Western City District Plan Structure Plan extract



Source: Urbis

### 5.1.4. Greater Macarthur 2040 (interim plan 2018)

The Greater Macarthur 2018 Interim Plan (the Interim Plan) is a framework for the future development of the GMGA and the development of the release areas, from Glenfield to Macarthur. The interim plan establishes a vision for the region, guided by principles associated with the themes of place, landscape, built form, land use and movement. These themes are guided by the objectives and planning priorities of the Region and District Plan.

The interim plan identifies the Campbelltown-Macarthur area as metropolitan cluster that will provide substantial housing and employment for the Western City District. To achieve this, the interim plan identifies various goals, objectives and principles against each of the above discussed themes. These include:

- **Place:** A range of building heights, the retention of Gilchrist’s character, and a large floor plate campus style office park west of the station.
- **Landscape:** the provision of an integrated open space and street network with walking and cycling opportunities. Biodiversity values are protected. Buildings are water and energy efficient and embed ESD principles.
- **Built form:** precinct planning should take a place-based approach, that is designed for people, is aesthetically pleasing and welcoming, and is focused on environmental sustainability.
- **Land Use:** Macarthur was initially envisaged to complement Campbelltown with world class health facilities, integrated educational establishments, more diverse housing, a premier retail precinct and attractive public spaces. Around 4,650 new dwellings were initially targeted.

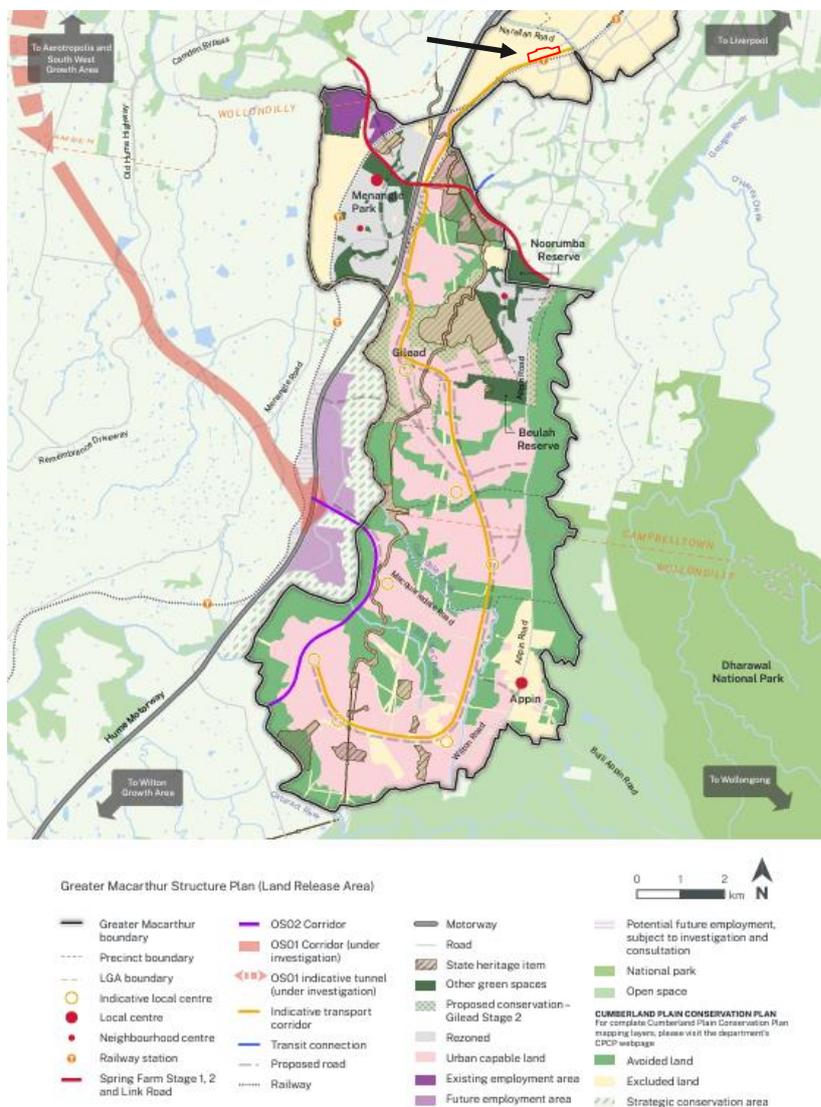
Precinct planning for the MGN Precinct is generally consistent with the design principles under each theme discussed above. It's noted that the 4,650 dwellings forecast targeted for Macarthur, has been refined. This is discussed in **Section 5.1.10**.

The interim plan is further superseded by the Greater Macarthur Growth Area Structure Plan and Guide, 2022 discussed directly below. The proposed additional 375 dwellings none-the-less contribute to this previous target.

### 5.1.5. Greater Macarthur Growth Area Structure Plan 2022 & Guide

The Greater MacArthur Interim Plan 2018 was superseded by the Greater Macarthur Structure Plan (Structure Plan) & Guide published in 2022. The Structure Plan and guides build on the Interim Plan and provides an updated strategic and land use framework for the Greater Macarthur Growth Area. The more detailed Structure Plan now encompasses the area of the GMGA stretching from Menangle Park to Appin in the South. The Macarthur Precinct is 'excluded' from the Structure Plan and Guide update.

Figure 8 Greater Macarthur Growth Area Structure Plan 2022 ('excluded' site)



Source: Greater Macarthur Growth Area Structure Plan 2022

Following the rezoning of the Glenfield to Macarthur Precinct, more detailed precinct planning responsibilities were returned to Campbelltown City Council. Consistency with the Macarthur Precinct Plan and Council's

relevant precinct planning policies, such as the Campbelltown Masterplan are demonstrated further within this planning proposal.

### 5.1.6. Future Transport 2056 (2022 version)

The Future Transport Strategy (Future Transport) was released 5 September 2022 and is intended to replace Future Transport 2056: Shaping the Future (Future Transport 2056), which was published in 2018. The intention of this new strategy is to take into account events, such as the Covid-19 Pandemic, drought, bushfires, floods and global upheaval which has altered the trajectory of many social, economic and cultural trends in NSW. Future Transport also considers the recent strategic re-imagining of the 'Metropolis of Three Cities' into a 'Six Cities Region' underpinned by the three additional cities of the Lower Hunter and Newcastle City, the Illawarra-Shoalhaven City and the Central Coast City.

Future Transport therefore provides a "refreshed" take on the vision established under Future Transport 2056 and outlines a vision and strategy for the management of transport services and infrastructure across NSW. Future Transport's vision for Greater Sydney is similarly built around the concept of a 30-minute city, characterised by an integrated network of city-shaping, city-serving, and centre servicing corridors. The vision now consists of three transport outcomes, underpinned by 14 strategic directions with associated actions to realise these directions and outcomes. These outcomes are:

- Connecting our customers' whole lives
- Successful places for communities
- Enabling Economic Activity

These outcomes will be used to guide transport services and infrastructure in Greater Sydney to 2056. Transport networks in the Western Parkland City will continue to be developed in order to support economic activity and job creation, successful and sustainable places, and an integrated 30-minute city.

Under the outcome of *'connecting our customers whole lives'*, a key transport response is to *"enhance 30-minute metropolitan cities"*. The intent of this response is to encourage less reliance on cars and to improve access to employment and infrastructure by public transport

The plan identified that strategic transport corridors which include city-shaping, city-serving and centre-serving networks will integrate the city with 30-minute connections to strategic and metropolitan centres. The WSA and Aerotropolis will be a key economic enabler for the region, with the city integrated through existing and planned north-south and east-west rail connections.

### 5.1.7. Staying Ahead: NSW State Infrastructure Strategy 2022-2042

The NSW Infrastructure Strategy 2022-2042 (SIS) sets out Infrastructure NSW's independent advice to the NSW Government on the state's infrastructure needs and strategic priorities. It is framed around 9 long-term objectives, and 57 recommendations aimed at improving outcomes and living standards across the state. Objective 10 of the SIS seeks to Integrate infrastructure, land use and service planning. Key strategic directions under this objective are to coordinate integrated land use planning to address future housing, employment and industry needs and regularly update planning regulation and land use controls to reflect current circumstances.

A key recommendation and immediate priority that emerged from the SIS is to *"deliver more housing, jobs, amenities and services in location where there is spare capacity in existing and planned infrastructure"*. This includes directing planning and growth around existing and planned transport networks, including public transport infrastructure such as passenger rail stations and interchange hubs.

The MGN Precinct is located immediately adjacent to an existing rail station. Its additionally benefited by a bus interchange located to the south of the site. The Campbelltown-Macarthur Region and CBD is being supported by investments in transport infrastructure and north-south connections, in particular potential rapid bus networks that will link Campbelltown with the WSA and Aerotropolis.

### 5.1.8. Campbelltown Local Strategic Planning Statement

The Campbelltown Local Strategic Planning Statement (CLSPS) adopted in March 2020, sets out the strategic vision for the LGA. It identifies the land use planning directions for Campbelltown over the next 20 years, to 2040. The four key themes which underpin the land use vision are: a vibrant, liveability city; a respected and protected natural environment; a thriving, attractive city; and a successful city.

Under the CLSPS, it is forecasted that the population will grow from 233,000, up to 275,778 people by 2040.

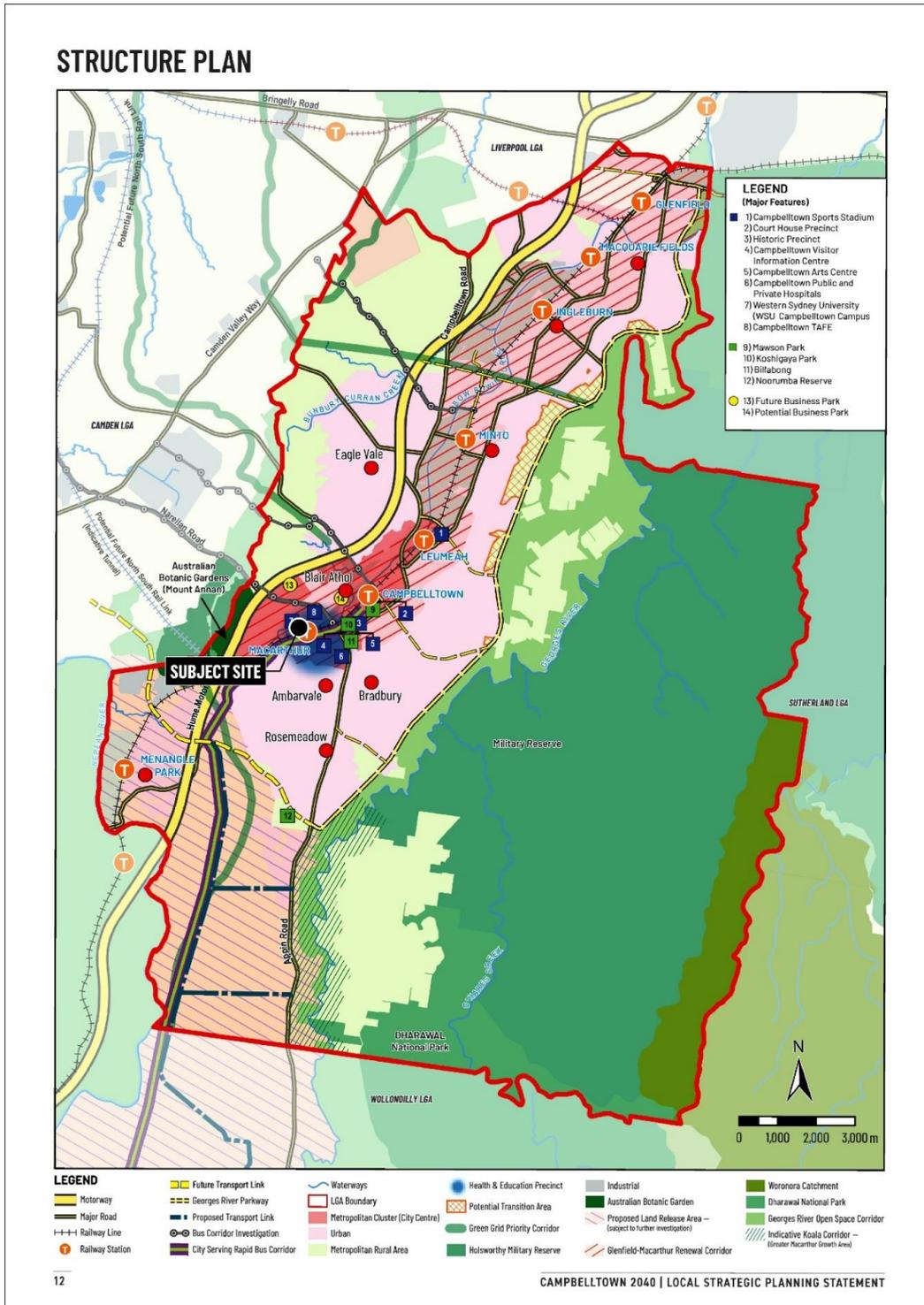
Under the CLSPS Structure Plan (**Figure 9**) the site is located within the Macarthur-Campbelltown Centre, which is considered the regional centre for south-west Sydney. It provides jobs and high order facilities for the Macarthur Region and functions as one the key metropolitan centres for the Western Parkland City. It further outlines the urban structure for the Glenfield to Macarthur Growth Corridor and associated precincts.

Within the Glenfield to Macarthur Growth Corridor, the site is located in the Macarthur Precinct. Under the Structure Plan, the Macarthur Precinct is intended to accommodate 4,650 dwellings. It is also identified alongside parts of the Campbelltown and Leumeah Precincts, as a Metropolitan City Centre. This is more broadly referred to as the Metropolitan City Cluster. Relevant planning prioritise for the Macarthur Precinct and site, including the following:

- **Planning Priority 1:** Creating a great place to live, work, play and visit
- **Planning Priority 2:** Creating high quality, diverse housing – with projections indicating a longer-term demand for 26,700 dwellings by 2036

The LEP amendment contributes to the renewal of the Glenfield to Macarthur Renewal Corridor, and the strengthening of the Campbelltown-Macarthur Metropolitan Cluster.

Figure 9 Campbelltown LSPS Structure plan extract



Source: Campbelltown LSPS

### 5.1.9. Glenfield to Macarthur Urban Renewal Corridor Strategy

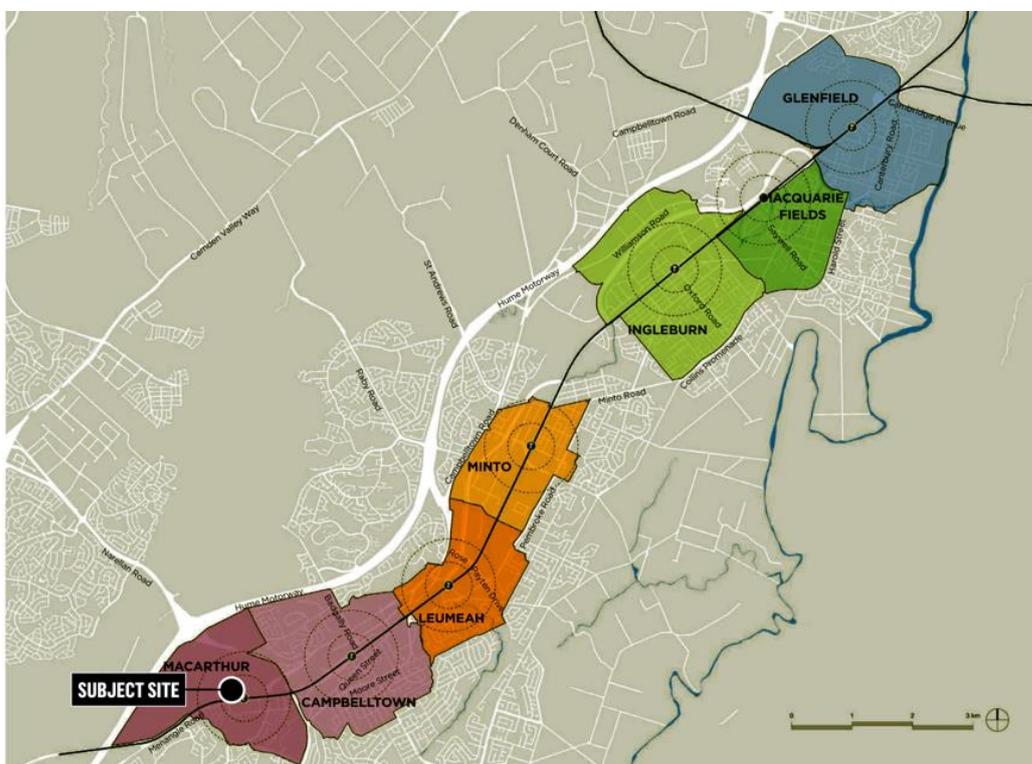
The Glenfield to Macarthur Urban Renewal Corridor Strategy (Glenfield to Macarthur Strategy) was a previous urban renewal strategy for the region adopted in 2015. It sought to outline the future vision and character for a number of precincts within the Campbelltown LGA over the next 20 years. These in particular were Glenfield, Macquarie Fields, Ingleburn, Minto, Leumeah, Campbelltown and Macarthur.

The vision for Macarthur was for it to form a broader regional centre with Campbelltown CBD, guided by certain urban design and planning principles. At the time, it was anticipated that a variety of housing types, totalling 5,000, would be built within the corridor by 2036.

The vision for the site under the Glenfield to Macarthur Strategy was primarily for medium density residential land uses, as well as mixed use, retail and residential land uses around the station pedestrian link.

The strategy ultimately established the framework for the later implementation of the Macarthur Precinct Plan, discussed directly below. The Glenfield to Macarthur Strategy has since been superseded by the Macarthur Precinct Plan.

Figure 10 Glenfield to MacArthur Urban Renewal Strategy



Source: Glenfield to Macarthur Urban Renewal Strategy

### 5.1.10. Macarthur Precinct Plan

The Macarthur Precinct Plan (the Precinct Plan), implemented in 2017, builds on the Glenfield to Macarthur Strategy, published in 2015. The Glenfield Macarthur Urban Renewal Strategy was a strategic planning framework developed in coordination between DPHI and Council, for a number of train station precincts between Glenfield and Macarthur. Following consultation in late 2015, planning was finalised for six of the seven precincts, including the Macarthur Precinct.

The Precinct is defined by major key road corridor, including the Hume Motorway to the North and Narellan Road to the east. The precinct boundary extends to a radius of 800m-1.5m around Macarthur Station.

The precinct is anchored by Macarthur Station as well as other key landmark developments, including Macarthur Saure Shopping Centre, Campbelltown Public and Private hospital, as well the Western Sydney University and TAFE NSW Campbelltown Campus.

key aspects of the vision for the precinct include the following:

- **Housing:** provide a variety of housing types within walking distance of the station to cater for all members of the community.
- **Built form:** provide a range of building heights, with increased heights close to the station to maximise pedestrian activity and increase trade for local businesses.
- **Built form:** provide opportunities for high-rise mixed-use development along Kellicar Road, close to the station.
- **Open space and public domain:** enhance the activity around Macarthur Station with pedestrian friendly streets, outdoor dining, street tree planting, inviting public gathering spaces and attractive street furniture.
- **Open space and public domain:** strengthen connections between the station and the University and TAFE.
- **Movement:** improve connectivity and pedestrian movement to the train station and other areas in the precinct

The Precinct Plan outlines the envisioned land uses and character for specific sites within the precinct. It identifies the site for primarily medium rise (3-6 storeys) and part mixed retail and residential development (7 storeys and over). It anticipates that around 4,650 additional dwellings could be delivered in the precinct by 2036, which equates to 230 dwellings per year.

It is noted that ultimately that *“the underlying demand for new dwellings in Macarthur remains strong”* and that *“over time, there is likely to be increasing demand for medium and high rise residential housing close to the station”*. This may suggest that demand may increase beyond the forecasts established in the precinct plan.

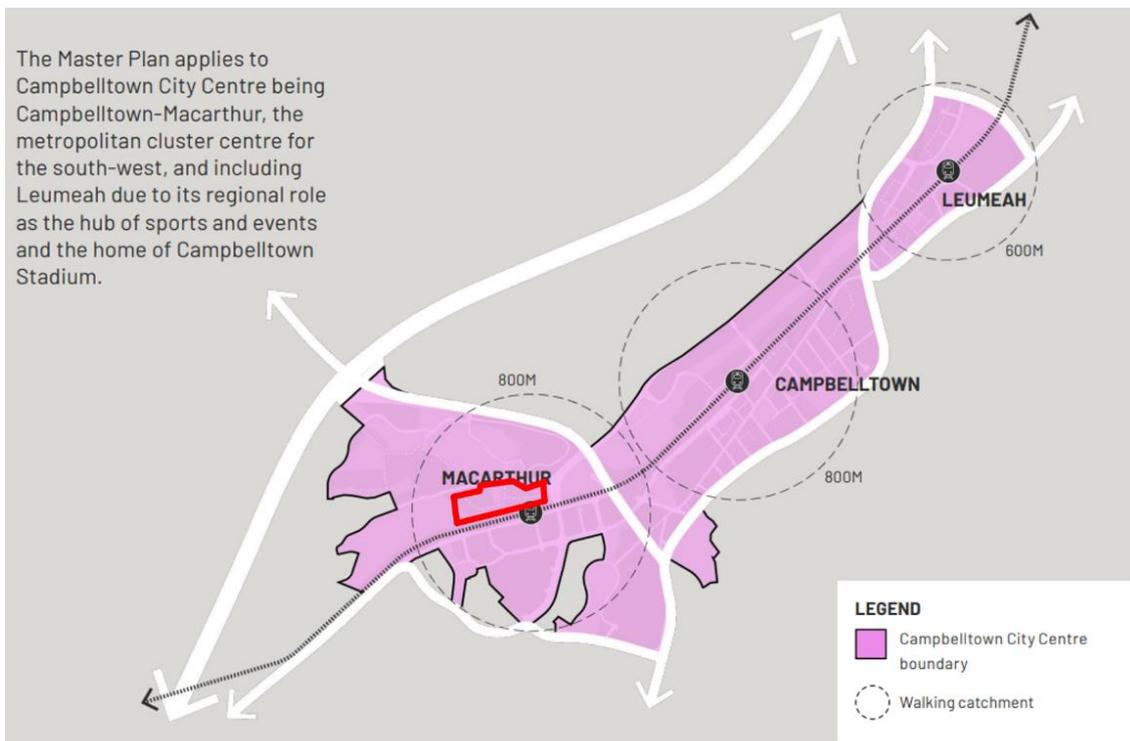
### 5.1.11. Re-Imagining Campbelltown Masterplan 2020

The Re-Imagining Campbelltown Masterplan 2020 (the Campbelltown Masterplan) following the Campbelltown-Macarthur region being identified as a collaboration area under the Western City District Plan. It was prepared in concert with the Campbelltown-Macarthur Place Strategy, in order to identify actions requiring a high degree of multi-stakeholder collaboration to fully implement the outcomes for the collaboration area under the Western City District Plan. The Campbelltown Masterplan outlines actions that can be solely led by Council to implement the vision and outcomes for Campbelltown-Macarthur.

Under the Campbelltown Masterplan, the Campbelltown-Macarthur region is anticipated to deliver approximately 15,509 new homes in Macarthur and the broader LGA expected to deliver approximately 28,000 additional homes by 2040. This equates to approximately 27% of this additional growth in Macarthur. As a result, the Campbelltown Masterplan outlines a series of ‘growth pillars’ and 25 commitments which will underpin Council’s decision-making process and approach to guiding growth in the city centre.

The Campbelltown Masterplan outlines the key areas within the city centre which Council will focus on to guide spatial interventions and decision making. These centres include Campbelltown CBD; The Macarthur Health & Innovation District and Leumeah. The site is located within the Macarthur Health & Innovation District (the Macarthur District). These individual precincts, as well as the site’s location within the Macarthur District, is shown below.

Figure 11 Extract from Campbelltown Masterplan



Source: Campbelltown Masterplan

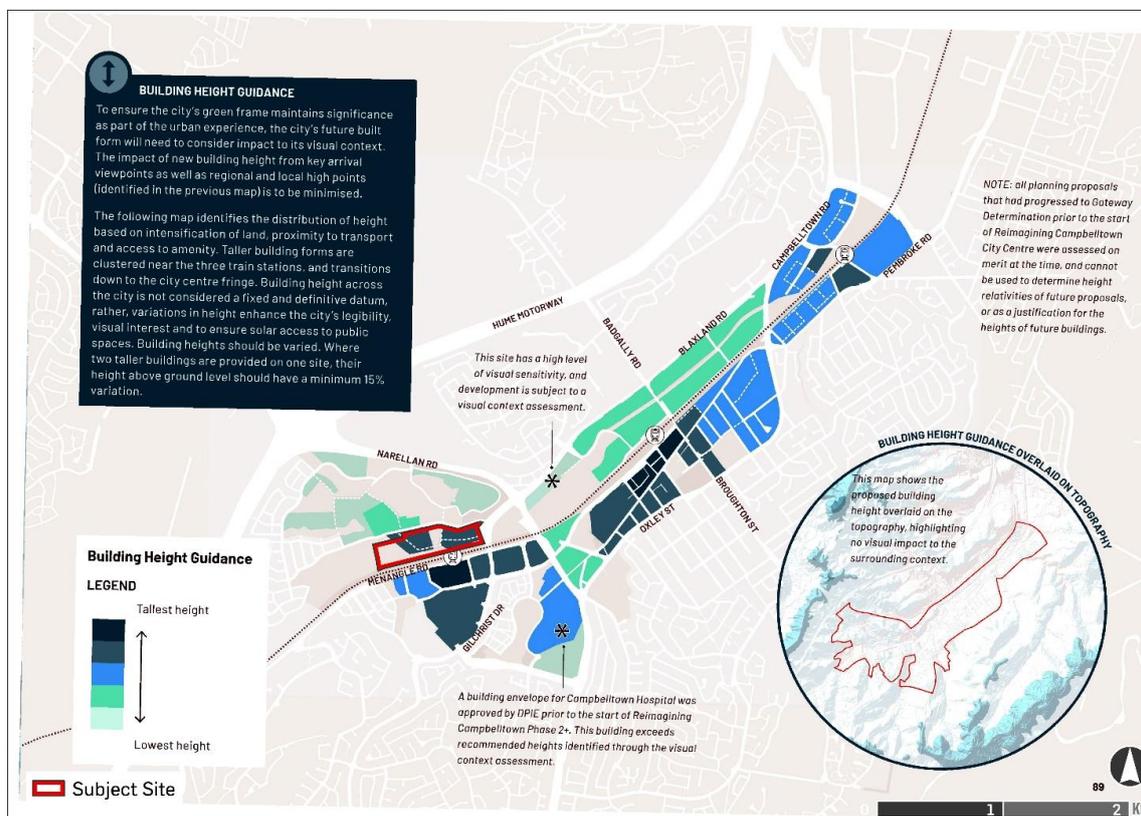
The vision for the Macarthur District is for it to be a mixed-use precinct, with high density residential living and a new connection across the rail corridors. It's also intended to foster wellbeing and recreation, particularly through its incorporation of Bow Bowling Creek.

One of the most relevant growth pillars includes – *Pillar 5 – City & Bush*: the aim of which is to “embrace growth for a vibrant, compact and diverse city centre, infused in green”. For each growth pillar, including Pillar 5, there are a series of more specific commitments and outcomes that intended to help realise the aims of the pillar. The relevant commitment under Pillar 5 includes the following:

- Commitment 5.3: Create a memorable, legible and green built form which celebrates its ‘City Centre in a Valley’ setting. A key outcome under commitment 5.3 is – a city skyline framed in green – where “The City Centre’s skyline is varied and diverse, with buildings heights contributing to visual interest and overall legibility”...“Towers are slim form and building separation allows views through the buildings to the hills beyond.”

Under the Campbelltown Masterplan, building height guidance (refer **Figure 12**) for the Macarthur District is also provided in order to achieve the intended commitments and outcomes. Its notes that guidance on building height is more specially provided to “ensure the city’s green frame maintains significance as part of the urban experience”, where “building forms are clustered near the three train stations, and transitions down to the city centre fringe.”

Figure 12 Building Height Guidance Map



Source: Campbelltown Masterplan

The Planning Proposal provides building heights that are consistent with the building height guidance map. It proposes a cluster of taller buildings due to its location around the train station. The buildings step down in height towards Goldsmith Avenue and the city fringe to the north.

Variations in building height are also proposed, i.e., 32-85m and will therefore create visual interest along the Campbelltown skyline, and will provide a landmark building adjacent to the train station.

### 5.1.12. Campbelltown Local Housing Strategy

The Campbelltown Local Housing Strategy (LHS) outlines the strategic vision for the LGA to 2040, in alignment with the themes of the Region and District Plan, and the CLSPS. It provides guidance on the likely future housing requirements for the medium and long term. Key objectives of the LHS under its housing framework are:

- To set out a strategy for meeting the housing needs of the future population noting up to 36,000 additional dwellings will be needed by 2036.
- To encourage the provision of new housing in locations that support the 30-minute city principle established by the Greater Sydney Commission<sup>30</sup> and the vitality of local centres and Campbelltown regional centre
- Facilitate the urban renewal of walkable catchments in the Glenfield to Macarthur Corridor to increase housing diversity and maximise the efficient use of existing infrastructure

- Support housing growth in the Campbelltown CBD consistent with the vision of Reimagining – Campbelltown City Centre Master Plan

The LHS establishes a framework for housing delivery as well suggested courses of actions. It notes an estimated capacity for 4,800 dwellings in the LGA and the existing target for 4,650 additional dwellings as per the Precinct Plan (discussed above).

It acknowledges that the initial vision under DPHI’s Glenfield to Macarthur Strategy (now the Precinct Plan) had a “growth potential for **8,250 dwellings for the Campbelltown, Macarthur and Leumeah precincts**”. However Council’s Campbelltown Masterplan conversely notes that “*is likely that Campbelltown may ultimately need to accommodate a population in the order of 120,000 to 180,000 people in the City Centre*” and that there is capacity to actually deliver an “*additional 15,609 homes across the three centres of Macarthur, Campbelltown and Leumeah by 2040*”.

The LHS ultimately recommends that Council continue to plan for housing delivery in Macarthur, consistent with the recommendations of *Reimagining – Campbelltown City Centre Master Plan*. This is what has ultimately prompted Landcom to reconsider the design for the MGN, and to align it with the recommendations of the current Campbelltown Master Plan and the current housing need to address the housing shortfall in accessible and well serviced locations.

## 5.2. STATUTORY PLANNING CONTEXT

The following provides an overview of the existing statutory context, relevant legislation, policies and applicable environmental planning instruments (EPI). These include the following:

- *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*
- *Environmental Planning and Assessment Regulation 2021 (EP&A 2021)*
- *Section 9.1 Ministerial Directions*
- *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC 1999)*
- *Biodiversity Conservation Act 2016 (BCA 2016)*
- *Campbelltown Local Environmental Plan 2015 (CLEP 2015)*

### 5.2.1. Relevant Legislation

The following provides an overview of the relevant legislation, excluding the CLEP 2015:

Table 9 Relevant Legislation

Legislation	Description
NSW EP&A Act 1979	<p>The EP&amp;A Act 1979 is the principal piece of legislation for planning and development assessment in NSW. It promotes orderly and economic use and development of land, with good amenity and design, within a framework of ecologically sustainable development.</p> <p>It is noted that nothing in the EP&amp;A Act 1979, as per Clause 3.39 – Making and consideration of certain development applications, prohibits an applicant from lodging a DA concurrent with a planning proposal, specifically if the approval of the DA would require an LEP amendment to permit the development.</p> <p>In light of this, the Planning Proposal has been prepared in respect of all the matters requiring consideration through a state assessed Planning Proposal. Accordingly, this Proposal is made to DPHI and has been prepared in accordance with Section 3.33 of the EP&amp;A Act 1979 and the guidelines published by the DPHI, specifically, a ‘A Guide to Preparing Local Environmental Plans’ (September 2022).</p>
Environmental Planning and Assessment Regulations 2021	The Regulations are the accompanying legislation to the EP&A Act. It prescribes the regulations for the functioning and administering of the EP&A Act across NSW.
Section 9.1 Ministerial Directions.	The Section 9.1 Ministerial Directions under the EP&A Act 1979 requires planning proposal authorities to address a range of matters when seeking to rezone land. A

Legislation	Description
	direction may require planning proposals to be strictly consistent or substantially consistent with the terms of the direction.  It is noted that ultimately, a Planning Proposal cannot be prevented from being made or otherwise affected on the basis of anything in a Ministerial Direction.
Environmental Protection and Biodiversity Conservation Act 2016	The EPBC Act 1999 is the Commonwealth's central framework for the protection of the Australian environment. It provides for the conservation and protection of biodiversity and natural and cultural places and heritage. It further promotes the principles for ecologically sustainable development which are achieved through conservation and sustainable resource use.
Biodiversity Conservation Act 2016	The BC Act 2016 is the NSW Government's principal framework the protection of the environment across NSW. The framework provides mechanisms to protect and conserve biodiversity and eco-systems, and similar to the EPBC Act, it promotes the use of the ecologically sustainable development principles.

### 5.2.2. Campbelltown Local Environmental Plan 2015

The CLEP 2015 is the principal EPI applying to the site and the Planning Proposal.

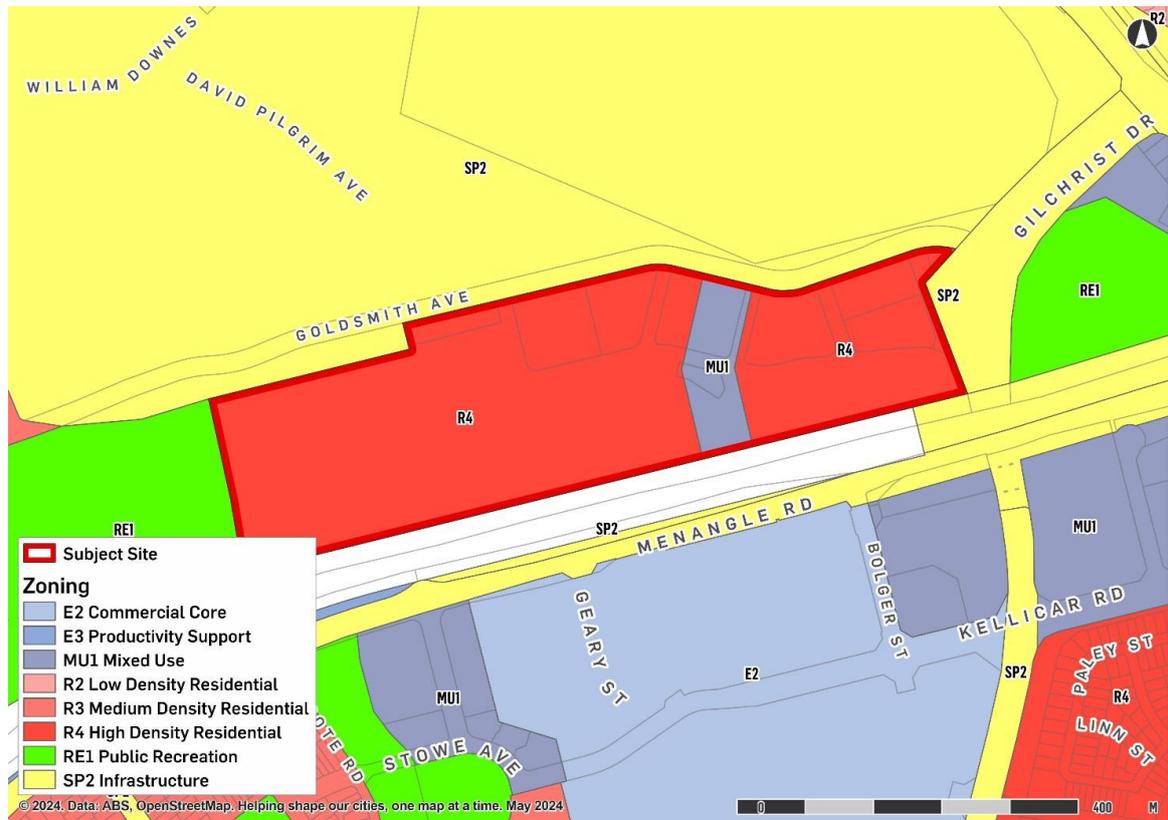
#### 5.2.2.1. Land Use Zoning

The site is zoned primarily R4 High Density Residential and Part MU1 Mixed Use (refer **Figure 11**). The relevant zone objectives include:

Table 10: Zone Objectives

R4 Zone Objectives	MU1 Zone Objectives
<ul style="list-style-type: none"> <li>▪ To provide for the housing needs of the community within a high-density residential environment.</li> <li>▪ To provide a variety of housing types within a high-density residential environment.</li> <li>▪ To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>▪ To encourage high density residential development in close proximity to centres and public transport hubs.</li> <li>▪ To maximise redevelopment and infill opportunities for high density housing within walking distance of centres.</li> <li>▪ To enable development for purposes other than residential only if that development is compatible with the character and scale of the living area.</li> <li>▪ To minimise overshadowing and ensure a desired level of solar access to all properties.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.</li> <li>▪ To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.</li> <li>▪ To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>▪ To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</li> <li>▪ To encourage the timely renewal and revitalisation of centres that are undergoing growth or change.</li> <li>▪ To provide a focal point for commercial investment, employment opportunities and centre-based living.</li> </ul>

Figure 13 Land Use Zoning Map



Source: Urbis

The proposed changes to the Land Use Zoning Map are detailed in **Section 7.4**.

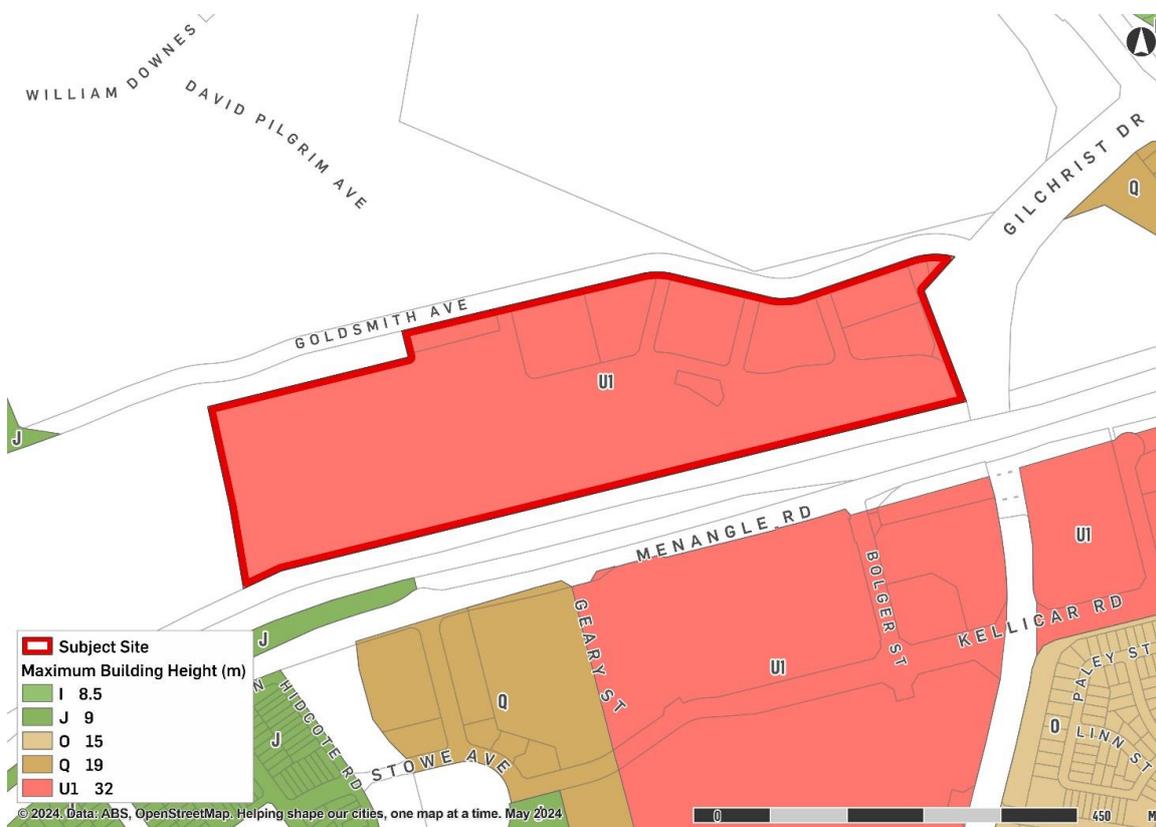
**5.2.2.2. Building Height**

The site has a maximum building height of 32m (refer **Figure 12**), which applies to the entirety of the site. The objectives of the height of building control:

- to nominate a range of building heights that will provide a transition in built form and land use intensity across all zones,
- to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity to employment centres and transport facilities,
- to provide for built form that is compatible with the hierarchy and role of centres,
- to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.

The proposed changes to the Height of Building Map are detailed in **Section 7.4**.

Figure 14 Height of Building Map



Source: Urbis

**5.2.2.3. Floor Space Ratio**

The site has no maximum FSR.

No change is proposed.

**5.2.2.4. Heritage**

The site is not identified as a local heritage item, nor is it located within a heritage conservation area. However, there are several local heritage items and a heritage conservation area within the locality as listed below.

No change is proposed

#### **5.2.2.5. Terrestrial Biodiversity**

The site is mapped as containing Terrestrial Biodiversity. Under Clause 7.20 of the CLEP 2015 the following pre-condition is noted:

- 4) development on land to which this clause applies unless the consent authority—
  - (a) has taken into account the objectives of this clause, and
  - (b) is satisfied that the development is sited, designed, constructed and managed to avoid adverse impacts on native biodiversity or, if an adverse impact cannot be avoided—
    - (i) the development minimises disturbance and adverse impacts to remnant vegetation communities, threatened species populations and their habitats, and
    - (ii) measures have been considered to maintain native vegetation and habitat parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors, and
    - (iii) the development includes measures to offset the loss of biodiversity values.

No change is proposed.

## 6. PROPOSED DEVELOPMENT OUTCOME

### 6.1. VISION

The vision for the MGN precinct is to facilitate the development of a transit-oriented development that encourages sustainable and mixed-use community centred around Macarthur Station. While the MGN is not formally recognised as a TOD precinct under the NSW Government's TOD Program, its land use and planning approach strongly aligns with general TOD principles. Ultimately, the MGN Precinct will be strategically positioned to deliver new housing density and retail uses close to public transport.

It intends to build on the vision established under the approved MGN concept masterplan and to facilitate an enhanced transit-oriented and mixed-use development outcome that delivers greater market rate and affordable housing in a highly suitable location.

Key design principles that have underpinned the planning proposal are to mainly introduce a variation of heights that ascend closer to the train station, and to create a varied and diverse skyline, where building heights contribute to visual interest, overall legibility, and placemaking.

Figure 15 MGN Precinct CGI



Source: Urbis

### 6.2. BUILT FORM STRATEGY

A key part of the vision is to also align the site with the commitments made under the Campbelltown masterplan. Specifically, *commitment 5.3 – Create a memorable, legible and green built form which celebrates its ‘city centre’ in a valley’ setting*, in which “*The City Centre’s skyline is varied and diverse, with buildings heights contributing to visual interest and overall legibility*”. The incorporation of additional height onto the building envelopes has been informed by a detailed built form strategy, which can be summarised through the following design outcomes:

- **Transition podium height:** Maintenance of a 1.5m deep articulation zone on the first 2 storeys which delineates and creates a terrace typology and frontage across the whole MGN Precinct. An additional

2.5m setback is maintained above the 6<sup>th</sup> storey to define the street wall and provide a transition to the tower element of the building.

- **North-south oriented residential blocks and sensible height:** Continue orientating all residential blocks north-south length ways to ensure residential units achieve internal amenity. Heights are varied across the MGN Precinct from 3 to 24 storeys in response to the urban context, amenity and potential impacts. A limit of 4 storeys has been placed on the east-west longitudinal podiums to maximum solar access to communal open space
- **Landmark building:** A maximum 24 storey (85m) landmark residential building adjacent to the 'Station Arrival Plaza', a key public open space under the approved concept masterplan, to define a bold arrival into the MGN Precinct and to provide a visual landmark within the urban fabric.
- **Building envelope dimension and separation:** Continue to provide building separation in accordance with ADG criteria and approved concept masterplan.

The above design outcomes are illustrated in the built form strategy extract below.

Figure 16 Built Form Strategy



Figure 11 Built Form Strategy



Source: Urbis

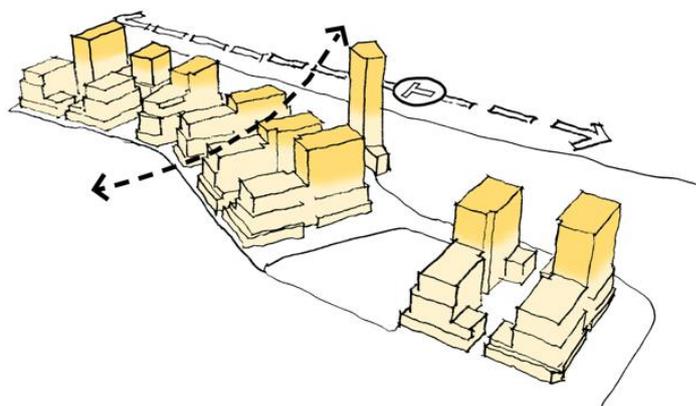
Therefore, the vision of the proposal aligns with the Campbelltown Masterplan as it:

- **Respects and responds to the natural environment**, maintaining views to surrounding hills and treetops.
- **Creates a varied skyline**, with varying building heights to create visual interest.
- **Uses a tall building to create a landmark** for wayfinding, with lower buildings also used to provide solar access
- Provides **building heights that are tallest towards Macarthur Train Station**, consistent with the Building Height Guidance map under the Campbelltown Masterplan.

Conceptual drawings from the Urban Design Report, which illustrates the proposal's alignment with the above points is shown below.

Figure 17 Built form strategy -varied heights

### VARIED HEIGHTS ASCENDING TOWARDS TRAIN STATION



### VARIED SKYLINE



Source: Urbis

## 6.3. REFERENCE SCHEME (KEY METRICS)

In support of the proposed amendments to the LEP and the associated height of building development standard, detailed building envelope plans (or a **reference scheme**) has been prepared by Urbis as part of the Urban Design Report (**Appendix A**). In summary, the reference scheme demonstrates a mixed-use development, with high density residential and ground floor non-residential land uses, including communal, passive and active open space.

The planning proposal does not propose a change in the land use zoning or configuration of the land use as approved under 3944/2021/DA-SW. The planning proposal only seeks to intensify the residential land uses on the site. These would be distributed across the approved building envelopes. The intensity of the non-residential uses, more specifically the ground floor retail and commercial uses is not being changed.

The following table provides a summary of how the additional residential height and associated residential land uses have been distributed across the individual building envelopes and the MGN Precinct.

Table 11 Individual building envelope summary

Building Ref	Footprint m <sup>2</sup> (% of site)	Land Use	Height (and storeys)	Residential GFA m <sup>2</sup>	Commercial GFA m <sup>2</sup>	Indicative Unit Mix
M1	8, 101 (4.9%)	High density residential & ground floor non-residential	56 (16)	29,981	1,608	45 x studio 128 x 1 bed 161 x 2 bed 39 x bed Total: 373
M2	1,208 (0.7%)	High density residential &	85 (24)	11,331	352	24 x 1 bed 82 x 2 bed

Building Ref	Footprint m <sup>2</sup> (% of site)	Land Use	Height (and storeys)	Residential GFA m <sup>2</sup>	Commercial GFA m <sup>2</sup>	Indicative Unit Mix
		ground floor non-residential				22 x 3 bed Total: 128
R1	7,885 (4.8%)	High density residential	62 (18)	34,438	N/A	33 x studio 104 x 1 bed 197 x 2 bed 70 x 3 bed Total: 404
R2	7,336 (4.4%)	High density residential	49 (14)	26,699	N/A	36 x studio 143 x 1 bed 138 x 2 bed 26 x 3 bed Total: 343
R3	4,895 (3.0%)	High density residential	32 (9)	12,585	N/A	6 x studio 64 x 1 bed 53 x 2 bed 21 x 3 bed Total: 144
R4	4,995 (3.0%)	High density residential	62 (18)	21,203	N/A	17 x studio 48 x 1 bed 97 x 2 bed 71 x 3 bed Total 233

## 6.4. DENSITY AND HEIGHT

The building height increases from 32m in select locations to part 49m, 56m, 62m, and 85m. The transition in height across the MGN Precinct and building forms becomes more pronounced towards Macarthur Train Station. The perceived bulk and scale along the Gilchrist Drive frontage is minimised, through the continued use of the approved 3-4 storey podium envelopes and the capping of the building heights along this frontage to 32m, in accordance with the approved concept DA.

As the built form transitions south, the R1, M1, R2 and R4 buildings only then increase in height to 49m, 56 and 62m. The M2 Building, which is closest to Macarthur Station, presents as a slenderer tower that reaches a height of 85m, and serves as the landmark building for the MGN Precinct.

The below cross section (**Figure 18**) provides an indicative illustration of the transition in heights from the M1 building to the M2 building. It demonstrates the transition and varying of heights across the MGN precinct, which are accentuated through building setbacks, separation and recessing of the built form.

Figure 18 Cross Section of MGN Precinct



Source: Urbis

The height increase therefore ranges from 17m (at the podiums along Gilchrist Drive), to a maximum of 85m for the M2 building. It is only concentrated in selected parts of the southern parts of the MGN Precinct. The below figure specifically the select parts on the building envelopes where the additional height, and therefore intensification of land uses and distribution is occurring (Refer **Figure 19** overleaf).

The additional height results in an increase in 375 apartment dwellings, inclusive of 162 affordable housing dwellings. This equates to an increase in the residential GFA from 100,527m<sup>2</sup> to 136,237m<sup>2</sup>, which is a net addition of 35,710m<sup>2</sup> of residential GFA. The density of non-residential uses on the site does not change.

Figure 19 Proposed change to height of building



Source: Urbis

## 6.5. LAND USE

No changes are proposed to the intended land uses under the approved concept masterplan for the MGN Precinct. However, the Bow Bowing Creek Reserve land, south of the internal collector road is currently zoned R4 High Density Residential. In accordance with the approved concept masterplan, the intended use

of the land is for passive open space, and the function of the riparian corridor. Ultimately it will be dedicated to Council in accordance with the executed voluntary planning agreement.

To provide greater certainty to Council and the public of the intended land use, it is therefore necessary to zone the land as RE1 Public Recreation. The eastern stormwater basins and the Station Arrival Plaza to the south of the collector road will retain the R4 zoning, to avoid potential permissibility issues within the RE1 zone.

This change is considered administrative in nature and does not represent a fundamental change to the approved land uses in the MGN Precinct.

## **6.6. OPEN SPACE**

No fundamental changes are proposed to the design or provision of public and communal open space approved under 3944/2021/DA-SW. However, as a result in the increase of building height, a proportionate increase in 0.14ha of communal rooftop and podium communal open space will be provided, taking the approved communal open space from 1.19ha to 1.60ha. This will improve access to open space for future residents.

The overall provision of 108,747m<sup>2</sup> of public open space is maintained. This includes the retention and revegetation of Bow Bowing Creek Reserve and riparian corridor, which will enhance the natural amenity of the MGN Precinct and occupy 57.0% (9.4ha) of the site. Bow Bowing Creek Reserve will also include a 1.2km pedestrian and cycle way along the riparian corridor alignment. The intent to retain the open space and riparian corridor within Bow Bowing Creek Reserve, is further demonstrated through Landcom's intent to zone it as RE1 Public Recreation.

The approved active open space in the form of the Station Arrival Plaza, Central Park South and the Fitness Park are also retained. Each of the approved building envelope footprints contains a minimum of 7% deep soil within the communal open space, in accordance with the site-specific DCP and ADG.

## **6.7. AFFORDABLE HOUSING STRATEGY**

In accordance with the planning proposal's qualification for the accelerated rezoning pathway for social and affordable housing projects in NSW, the planning proposal will facilitate the delivery of a minimum 10% of the 1,625 dwellings as affordable housing.

This equates to a minimum 162 affordable housing dwellings once the planning proposal is gazetted. Under the previous concept DA, a minimum of 125 affordable housing dwellings were to be delivered. Therefore, as a result of the planning proposal, an addition of 37 (at minimum) affordable housing dwellings will be delivered on the site.

The intended outcome for affordable housing on the site, is for the affordable housing dwellings to be concentrated primarily within the 'R3' Building (approx. 144 units) with the remainder being (approx. 18) to be located in a yet to be determined building on site. The preparation of a DA for the R3 building is currently underway, noting that the existing controls that apply to that portion of the site, remain unchanged.

The intent is for the affordable housing dwellings to be dedicated to and managed by a Community Housing Provider. The specific provider has not yet been determined. Its Landcom's understanding that the provider will construct and operate the affordable housing dwellings for a minimum of 15 years. Other strategies for their initial construction are currently not being considered.

Consultation with a community housing provider, will occur in due course. Landcom will look to leverage off its current strong relationships with various community housing providers.

To demonstrate Landcom's overall commitment to enabling affordable housing on the site, a site-specific affordable housing clause is proposed to be inserted into the CLEP 2015. This clause is discussed further in **Section 7**.

## **6.8. PLANNING AGREEMENTS AND DEVELOPER CONTRIBUTIONS**

Landcom has recently executed a Planning Agreement with Campbelltown City Council, dated 11 September 2024 (REF# LAN\_LAN23001\_051). The Planning Agreement relates to the site, legally described as part Lot 1097 in DP1182558.

Under Part 1, clause 7 of the executed Planning Agreement, s7.11 and s7.12 under the EP&A Act 1979 are turned off. However, the application of s7.24 (Provision of Regional Infrastructure) still applies to the Development.

The local Planning Agreement has a value of \$27,620,650, with Schedule 2 of the Agreement setting out the itemised works and value. The identified works will be carried in accordance with the Planning Agreement, and concurrent with the relevant future detailed development application(s) on the site.

## **6.9. DEVELOPMENT CONTROL PLAN AMENDMENT**

As part of the preparation of this planning proposal, the Campbelltown (Sustainable City) Development Control Plan 2015, Volume 2, Part 16: Macarthur Gardens North will be amended (Refer to **Appendix G**). This includes the relevant updates to the relevant sections, to reflect the uplift and revised building heights. This includes all figures that use the masterplan and illustrate building overshadowing, and key metrics for the MGN Precinct.

Considering the above, the proposed amendments to the Site-specific DCP are purely administrative and do not fundamentally alter the objectives and scope of the existing controls. The site-specific DCP will continue to provide design guidance around the following:

- The vision and objectives
- Natural systems
- Access and movement
- Built form
- Residential flat buildings and mixed-use development
- Landscape and public domain
- Ecologically sustainable development

## 7. THE PLANNING PROPOSAL

The Planning Proposal request has been prepared in accordance with *Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act)* and DPHI LEP Making Guidelines, dated August 2023.

This section addresses each of the matters to be addressed as outlined in the guidelines, including:

- Objectives and intended outcomes
- Explanation of provisions
- Justification including need for proposal, relationship to strategic planning framework, environmental, social and economic impacts and State and Commonwealth interests.
- Draft LEP maps which articulate the proposed changes
- Likely future community consultation

### 7.1. PART 1: OBJECTIVES AND INTENDED OUTCOMES

The primary objective of the planning proposal is to facilitate the uplift of the MGN precinct, which is a key site within the Campbelltown-Macarthur region as envisioned under strategic planning context.

The key objectives and intended outcomes of the planning proposal are:

- To be consistent with the existing R4 Zone and MU1 Zone objectives
- Align the MGN Precinct with NSW Government's growing policy emphasis on housing supply and TODs, and Council's strategic priorities for housing and growth in Macarthur, as well as the masterplan guidance within the Campbelltown Masterplan.
- Unlock new market rate and affordable housing, specifically 375 additional dwellings, through the proposed additional height
- Introduce a site-specific provision to ensure the delivery of affordable housing across the entire MGN precinct, however this is to be applied in the context of the overall number of dwellings delivered, and not on a building-by-building basis.
- Conserve the existing masterplan and enhance the approved building envelopes on the site
- Enable future detailed DAs that are consistent with the density and height envisaged for the site
- Provide a land use planning framework that clearly aligns with the intended uses and outcomes of the approved concept masterplan and the executed voluntary planning agreement.

### 7.2. PART 2: EXPLANATION OF PROVISIONS

#### 7.2.1. Intended Provisions

The objectives and intended outcomes of the Planning Proposal will be achieved through the following amendment:

- Increase the maximum height of building on the site in select locations, to a maximum height of 85m.
- Amend the Land Use Zoning Map to zone the part of the site known as Bow Bowling Creek Reserve (excluding the eastern stormwater basins and Station Arrival Plaza), as RE1 Public Recreation. Accordingly, it is also sought to amend the Height of Building Map by removing the 32m maximum height control across the Bow Bowling Creek Reserve land.
- Insert a site-specific clause under Part 7: Additional local provisions, with the following wording:

*7.32 Residential development in Macarthur Gardens North*

*(1) The clause applies to Land identified as Area X on the Clause Application Map.*

(2) *The consent authority must not grant development consent to development to which this clause applies **unless it is satisfied that at least 10%** of the proposed dwellings on the Land are used for the purposes of affordable housing.*

The intended provisions are illustrated on the proposed LEP mapping in **Section 7.4** of this report.

**7.2.1.1. Rationale for Proposed LEP Amendments**

The LEP amendment seeks to align the MGN precinct with the strategic planning priorities of the State and Council, as well as Council’s masterplan guidance under the Campbelltown Masterplan. The below provides a summary of the rationale for each proposed LEP amendment

- **Height of Building:** The LEP amendment to the height of building map is required to facilitate the height increase and to make permissible the concurrent amending concept DA. Therefore, this planning proposal is being lodged concurrently with the concept DA in accordance with *Division 3.5, Clause 3.39 (making and consideration of certain development application)* under the *EP&A Act 1979*.
- **Land Use Zoning:** The LEP amendment to the Land Use Zoning Map is required to align it with the approved concept masterplan, as well as the executed voluntary planning agreement which includes the dedication of this land to Council. The amendment is considered administrative.
- **Affordable Housing:** The rationale for the site-specific affordable housing clause is to ensure a minimum quantum of affordable housing dwellings are delivered on the site as a whole, under future DAs.

**7.3. PART 3: JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT**

The LEP Making Guideline identifies that the Minister (or delegate) must be satisfied that the proposal has strategic and site-specific merit and that identified potential impacts can be readily addressed during the subsequent LEP making stages.

Consistent with the assessment criteria outlined in the LEP Making Guidelines, **Table 12** below outlines an assessment against the criteria for strategic and site-specific merit.

Table 12 Strategic and site-specific merit assessment

Assessment Criteria	Response	Consistency
<b>Strategic merit – does the proposal:</b>		
<i>Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site.</i>	<p>The planning proposal gives effect to the Region and District Plan, as well as the Macarthur Precinct Plan. It will facilitate the delivery of greater housing supply and housing diversity, including affordable housing in the Western Parkland City.</p> <p>It builds on and responds to the actions identified for the Campbelltown-Macarthur collaboration area, specifically by implementing the masterplan guidance under the Campbelltown Masterplan.</p>	Yes
<i>Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan.</i>	<p>The planning proposal is consistent with the LSPS and other local strategic planning documents, including the local housing strategy and Campbelltown Masterplan.</p> <p>In particular it contributes to the renewal of the Glenfield Macarthur Renewal Corridor and will facilitate market rate and affordable housing consistent with the local housing strategy and design guidance of the Campbelltown Masterplan.</p> <p>In addition, the planning proposal is consistent with Council’s view that the train stations in the Campbelltown LGA demonstrate strong alignment with general TOD principles.</p>	Yes

Assessment Criteria	Response	Consistency
<i>Respond to a change in circumstances that has not been recognised by the existing planning framework.</i>	<p>This planning proposal is consistent with the existing strategic framework.</p> <p>The planning proposal simultaneously recognises and is consistent with the NSW Government's recent priorities around housing and TODs.</p> <p>It acknowledges the anticipated updates to the Region and District Plan, and the Minister for Planning and Public Space's recent correspondence to Councils and planning panels around prioritising projects in the Greater Sydney Region that address the housing crisis and deliver increased housing supply.</p>	N/A
<b>Site-specific merit – does the proposal give regard and assess impacts to:</b>		
<i>The natural environment on the site to which the proposal relates and other affected land.</i>	<p>Matters for consideration relating to the natural environment were assessed and considered in detail under 3944/20201/DA-SW. This includes consideration of matters such as biodiversity, bushfire, flooding and contamination.</p> <p>Regardless, additional technical assessments have been undertaken where necessary, including with biodiversity, flooding, visual impact, and traffic. The assessments determined that the land remains suitable for the proposed mixed-use development of the site.</p>	Yes
<i>Existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates.</i>	<p>The planning proposal builds on the approved concept masterplan and building envelopes on the site under 3944/2021/DA-SW, while proposing a strategically aligned level of uplift.</p> <p>The planning proposal is consistent with the Campbelltown Masterplan and is therefore generally consistent with the envisaged future character, uses and density of the Macarthur Precinct and the Campbelltown Masterplan.</p>	Yes
<i>Services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</i>	<p>Essential public utilities, including electricity, water and sewer remain available for the MGN Precinct. Capacity for public utilities servicing has been previously demonstrated under 3944/2021/DA-SW.</p> <p>Given the proposed increase in density, infrastructure servicing and capacity has been reconsidered. There is sufficient capacity for electricity, water and sewer connections to be reticulated to the additional dwellings in the precinct.</p>	Yes

### 7.3.1. Section A – Need for the Planning Proposal

**Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?**

**Yes.**

The proposal is consistent the strategic directions and guidance of the Campbelltown Masterplan, in particular the need to deliver an additional 15,609 dwellings (part of which in Macarthur) by 2040. This is opposed to the 8,250 formerly identified under DPHI's Glenfield to Macarthur Strategy. This also builds upon the vision for the Campbelltown-Macarthur Collaboration Area, established under the Western City District Plan.

More specifically and in accordance with the Campbelltown Masterplan, the proposal seeks to enable an uplift of the MGN Precinct, in alignment with the building height guidance, and outcomes around a 'City

*Centre in a Valley Setting*’ under commitment 5.3. The uplift will result in 375 additional dwellings, including affordable housing.

The Campbelltown Masterplan is a key local strategic planning document that seeks to implement the outcomes of the broader Region and District Plan. Therefore, the proposal will give effect to the following documents:

- Greater Sydney Region Plan – A Metropolis of Three Cities
- Western City District Plan
- Campbelltown Local Strategic Planning Statement.
- Campbelltown Local Housing Strategy
- Macarthur Precinct Plan
- Re-imagining Campbelltown Masterplan

The alignment of this planning proposal with the objectives of these documents is discussed further below.

**Q2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

**Yes.**

This planning proposal which seeks to increase the maximum height of building is consistent with government policy approaches to planning proposals and is considered the best means of achieving the objectives and intended outcomes.

A clause 4.6 variation was initially considered to vary the maximum height of building development standard on the site. The maximum height currently permitted is 32m, with the maximum increase sought being 85m. This represents a 162.625% increase and variation to the development standard. The variation was considered too significant to consider as a viable planning pathway.

Given that the proposed increase in height would align with the vision under the Campbelltown Masterplan, it was considered more appropriate to rezone the site to reflect the natural progression in strategic planning for the Campbelltown-Macarthur CBD and region. It was further considered that a DA-specific proposal would not create certainty for future development of the site, and that an LEP amendment was appropriate and consistent with the objectives of the EP&A Act, for facilitating orderly and economic development.

### **7.3.2. Section B – Relationship to Strategic Planning Framework**

**Q3. *Will the planning proposal give effect to the objectives and actions of the applicable regional, of district plan or strategy (including any exhibited draft plans or strategies)?***

**Yes.** The Planning Proposal will give effect to the objectives and actions of the applicable regional and district planning strategies described in **Section 4.1** of this report and detailed below:

Table 13 Relationship to Strategic Planning Framework

<b>Objective</b>	<b>Assessment</b>	<b>Consistency</b>
<b>Government Priority</b>		
<b>Government Housing Priorities</b>	<p>The commonwealth and NSW Government's current strategic imperatives are focused on addressing the housing crisis and facilitating greater and well-located housing supply. This has led to the establishment of the National Hosing Accord, where in response to this, the NSW Government has set a 5-year housing completion target of 377,000 new homes by FY29.</p> <p>As a result, the NSW Government has been undertaking reforms to facilitate projects that deliver increased market rate and affordable housing supply. In May 2024 the NSW Government also established an accelerated rezoning pathway for NSW Government housing agencies that seek to deliver social and affordable housing. Landcom and this planning proposal have successfully qualified for this</p>	Yes

Objective	Assessment	Consistency
	<p>accelerated rezoning pathway, with this planning proposal having been prepared in accordance with DPHI's selection criteria.</p> <p>The planning proposal provides an enhanced housing outcome on the site, over the previous concept approval. The uplift and commensurate 375 new dwellings, as well as the proportionate increase in affordable housing will contribute to the NSW Government's existing and new housing targets. The planning proposal is further consistent with the Minister for Planning and Public Space's recent correspondence to Council's and planning panels, instructing them to prioritise and deliver greater housing supply.</p> <p>The MGN Precinct while not formally identified under the NSW Government's TOD Program, nonetheless, strongly aligns with general TOD principles and the government's priorities around locating housing supply around train stations. This view is equally shared by Campbelltown Council, as evidenced by their 28 March 2024 submission to the Terms of Reference TOD Program inquiry.</p>	
<b>Greater Sydney Region Plan: A Metropolis of Three Cities</b>		
<b>Direction 2: A collaborative city</b>		
<b>Objective 10:</b> Benefits of growth realised by collaboration of governments, community and business	<p>The planning proposal responds to the design guidance of the Campbelltown Masterplan. The Campbelltown Masterplan in part relates to an outcome of the Campbelltown-Macarthur Collaboration Area, which was identified under the Region and District Plan, and which sought to outline strategic actions that can be solely Council-led and don't require a high-degree of multi-stakeholder collaboration.</p> <p>The planning proposal more specifically responds to the commitments and design guidance under the place framework of the Campbelltown Masterplan.</p>	Yes
<b>Direction 2: Housing the City</b>		
<b>Objective 10:</b> Greater housing supply	<p>This objective relates to the NSW Government's aim to provide ongoing housing supply and a range of housing types in the right locations. Specifically, 725,000 additional dwellings by 2036. The GMGA will contribute towards these targets. In accordance with these targets and the need for additional housing supply in the GMGA, the planning proposal will facilitate the delivery of an additional 375 dwellings, in addition to the concept approval.</p>	Yes
<b>Objective 11:</b> Housing is more diverse and affordable	<p>This objective relates to the delivery of greater housing supply that is affordable and diverse. Affordable housing refers to housing for lower income households, particularly moderate, low and very low-income households. Government agencies such as Landcom and Property NSW are identified as agencies that will need to play an active role of facilitating affordable housing supply and social infrastructure in accordance with this objective. The planning proposal maintains the commitment to deliver 10% of the MGN Precinct as affordable housing. The proposed LEP provision reflects this commitment.</p> <p>The planning proposal also supports the delivery of diverse housing for the Campbelltown-Macarthur region, including the addition of 375 new apartment dwellings ranging from studios, to 1–3-bedroom dwellings. This will complement the predominantly existing stock of low density and detached housing the LGA.</p>	Yes
<b>Direction 6: A well-connected city</b>		
<b>Objective 14: A Metropolis of Three Cities</b>	<p>This objective relates to the delivery of a 30-minute city, where the benefits of integrated land use and transport planning are fully realised, where jobs, services, and quality public spaces are in easy reach of people's homes.</p> <p>The site's strategic location will deliver on the 30-minute city vision by delivering an in-principle TOD, with housing supply close to amenities, goods and services and proximity to quality public spaces.</p>	Yes

Objective	Assessment	Consistency
<b>Western City District Plan</b>		
<b>Planning Priority W2:</b> Working through collaboration	Under Planning Priority 2, several ' <i>collaboration areas</i> ' were established in the Western City District to implement the intended outcomes of the District Plan. The preparation and adoption of the Campbelltown Masterplan represents a key outcome of this process. This planning proposal adopts the design guidance under the place framework of the Campbelltown Masterplan and is therefore consistent with this planning priority.  In accordance with this planning priority, the MGN Precinct therefore represents an appropriate level of multi-lateral collaboration between Landcom and DPHI, as well as with Campbelltown Council.	Yes
<b>Planning Priority W5:</b> Providing housing supply, choice and affordability with access to jobs, services and public transport	This planning priority gives effect to Objective 10 and 11 of the Region Plan. More specifically it identifies the Glenfield to Macarthur Corridor, including the precinct of Campbelltown and Macarthur as opportune locations to deliver more housing close to public transport. The planning proposal is consistent with this planning priority as it will provide for further high-density housing, approximately 375 additional dwellings close to Macarthur Train Station. Housing affordability is also addressed, as the planning proposal maintains the commitment to deliver 10% affordable housing. As a result of this planning proposal, there is an increase from 125 to 162 affordable housing dwellings on the site.	Yes
<b>Planning Priority W7:</b> Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City	The planning proposal maintains the integrated land use and transport structure for the MGN precinct. It will facilitate the delivery of additional residential density in the form of 375 dwellings in a transit and well-connected location.  The MGN precinct is anchored by an approved, integrated and pedestrian oriented urban structure which connects residents to Macarthur Train Station, passive and active recreation space within and adjacent to the site. The urban structure is also supported by approved pedestrian connections to northern and southern land uses, including WSU and TAFE NSW to the north, and Macarthur Square Shopping Centre and the broader CBD to the south.  The planning proposal does not alter the MGN precinct's approved integrated transport and land use planning structure. By maximising residential density on the site, It enhances the benefit of the integrated land use and transport structure.	Yes

**Q4. Is the planning proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?**

**Yes.** The Planning Proposal is consistent with the following relevant local strategy and planning studies as described in **Section 5** of this report and detailed below:

Table 14 Relationship to Local Strategic Plans

Planning Priority	Consistency
<b>Campbelltown Local Strategic Planning Statement</b>	
<b>Planning Priority 1:</b> Creating a great place to live, work, play and visit	This priority aims to provide a high-quality lifestyle for the existing and future community of Campbelltown. This will be achieved through improved social infrastructure, services and high-quality and a desirable public realm that responds to Campbelltown's natural and rural landscapes.  Key actions under this planning priority are to collaborate with the NSW Government and agencies in delivering, as well to deliver on the Campbelltown Masterplan. The planning proposal does not alter the approved provision of infrastructure, services and open space in the MGN Precinct. Landcom remains committed to collaborating with Council to deliver the MGN Precinct and contribute to the renewal of the Glenfield Macarthur Renewal Corridor in accordance with the Campbelltown Masterplan.

Planning Priority	Consistency
<b>Planning Priority 2:</b> Creating high quality, diverse housing	<p>Under Planning Priority 2, demand forecasts indicate a longer-term demand for 26,700 dwellings by 2036, with a higher growth scenario indicating a potential need for 40,000 additional dwellings. The delivery of the required housing supply is targeted in part for the GMGA, and other growth precincts such as the Macarthur Precinct.</p> <p>Housing supply will also need to be diverse and affordable housing in accordance with the needs of the growing and socially diverse population.</p> <p>The planning proposal adds 375 apartments dwellings, including affordable housing to the existing approval for the MGN Precinct.</p>

**Campbelltown Local Housing Strategy 2041**

<b>Objective 2:</b> To focus new housing within the existing urban area and designated growth areas to protect the important semi-rural character of the LGA and the Metropolitan Rural Area.	The MGN Precinct is not within a semi-rural area of the Metropolitan Rural Area. The planning proposal will provide for an additional 375 dwellings within the approved building footprints of the MGN Precinct. The MGN Precinct is within the Macarthur Precinct, which is an existing urban area, and is within an established growth precinct.
<b>Objective 3:</b> To provide a diversity of housing types to meet the needs of all households within the Campbelltown LGA community.	The 375 additional dwellings range in typology from studio to 1-3 bedroom apartment dwellings. The apartment dwellings will add to the supply and diversity of housing choice within the LGA. This includes affordable housing which will be proportionately increased in the MGN Precinct as a result of this planning proposal.
<b>Objective 4:</b> To encourage the provision of new housing in locations that support the 30-minute city principle established by the Greater Sydney Commission and the vitality of local centres and Campbelltown regional centre	<p>The 375 additional dwellings are located immediately adjacent to Macarthur Station and the broader Campbelltown-Macarthur CBD.</p> <p>Macarthur Station provides connections to other notable centres to the north, including Liverpool, and Parramatta. The proximity to existing public transport and a metropolitan centre will support the creation of a 30-minute city.</p>
<b>Objective 6:</b> Support housing growth in the Campbelltown CBD consistent with the vision of Reimagining – Campbelltown City Centre Master Plan	The planning proposal will facilitate building envelope amendments through a concurrent concept DA, which strongly aligns with the design guidance and strategic directions of the Campbelltown Masterplan.

An assessment against Council’s and other relevant local strategies is provided below.

Table 15 Relationship to relevant local strategies

Local Strategy	Consistency
<b>Macarthur Precinct Plan</b>	
Housing	The planning proposal provides new apartment dwellings within immediate walking distance of the Macarthur Station.
Built form	The planning proposal contributes to the diversity of building heights within the MGN Precinct. The buildings heights, such as on the ‘M2’ building are greatest next to Macarthur Station.
Open space and public domain	The planning proposal does not alter the approved open space network and public domain within the MGN Precinct, nor does it alter the connections between Macarthur Station, WSU and the TAFE.
Movement	The planning proposal does not alter the approved movement network and connectivity between Macarthur Train Station and other areas in the Macarthur Precinct.

Local Strategy	Consistency
<b>Re-Imagining Campbelltown Masterplan 2020</b>	

**Commitment 5.3: Create a memorable, legible and green built form which celebrates its 'city centre in a valley' setting.**

A city skyline framed in green The Campbelltown Masterplan provides building height guidance to ensure the city's green frame maintains significance as part of the urban experience. The intent is to ensure the city centre's skyline is varied and diverse, with building heights contributing to visual interest and overall legibility. It notes that towers should also be 'slim' with building separation that allows for views to the hills beyond. Taller buildings should also be concentrated towards existing train stations.

The planning proposal and the proposed 375 additional dwellings over the existing approval enhances the variety of heights across the MGN Precinct. The northern portions of the R1, M1, R2 and R4 buildings are capped at 32m and then transition south, towards the train station to heights of 49, 56 and 62m. The M2 building which is located closest to Macarthur Station and adjacent to the Station Arrival Plaza presents as a tall and more slender tower form, that reaches a height of 85m.

The proposed building envelopes for the buildings have been designed in a way to conserve views to the hills and ridgeline beyond the precinct. This includes the use of building separation between the R1, M1 and R2 and R4 building in accordance with the ADG. Furthermore, the massing of the individual buildings is broken up with separations starting at 18m (for the building elements that are 5-8 storeys) and up to 31m (for the building elements that are 9 stores and above). This results in a permeable built form which provides considerable sightlines between and within the individual buildings.

The Visual Impact Assessment prepared by Urbis as part of the Urban Design Report (**Appendix A**) notes in particular that the tallest tower form on the site (the M2 building) presents as a 'slim' tower form that ultimately does not project above the distant ridgeline when viewed from viewpoint 03, a sensitive and key distant view. The permeability and sightlines through the built form are also most evident when viewed from Narellan Road West (View 04) and when looking North-west from Appin and Therry Road.

The planning proposal evidently contributes to a variety of building heights, with a high degree of permeability. The height of the M2 building further allows it to function as a landmark building for the MGN precinct as well as Macarthur Train Station.

Building separation and setbacks remain in accordance with the existing concept approval. The slenderness of the M2 tower form is maintained to provide view corridors towards the scenic hills and surrounding landscape.

Place responsive buildings and spaces to navigate the city centre The Campbelltown Masterplan emphasises that buildings and places within Campbelltown should respond to place and contribute to the city centre's legibility and way finding.

The planning proposal maintains the approved design of the public domain and provision of passive and active open space. Buildings have also been oriented to maximise amenity and solar access to the communal open space and the public domain.

The building envelopes also use human scale and varied podium heights ranging from 3-9 storeys (max 32m) along the Goldsmith Avenue frontage and along the frontage of Bow Bowing Creek towards Macarthur Station. Additional recessing, ground level and street wall setbacks ranging from 1.5-4m are used to transition the building heights.

The varied heights and use of a landmark building at the Station Arrival Plaza also enhances the legibility of the skyline and Campbelltown CBD. It will ultimately function as a way-finding marker in the pedestrian network.

The addition in height therefore enhances the MGN Precinct's commitment to a place-based outcome that responds to its context and existing environmental features.

**Q5. Is the planning proposal consistent with applicable State and regional studies or strategies?**

The planning proposal is consistent with a number of applicable state government strategies. Consistency with these plans is summarised in the below table

Strategic Plan	Assessment	Consistency
Future Transport 2056 (Future Transport)	<p>A key outcome of Future Transport 2056 is the creation of 30-minute cities, and to incentivise less private vehicle use and greater public transport patronage.</p> <p>The planning proposal contributes to the creation of 30-minute cities by maximising density on a site with immediate proximity to Macarthur Station, which is along the T8 Rail Corridor. The T8 Rail Corridor provides direct connections through Macarthur to Central Station in the Sydney CBD, as well as other regional centres in south and south western Sydney.</p>	Yes
NSW Infrastructure Strategy 2022-2042 (SIS)	<p>The planning proposal aligns with the strategic directions and recommendations from the SIS under the objective of integrating infrastructure, land use and service planning.</p> <p>A key strategic direction is to “regularly update planning regulation and land use controls to reflect current circumstances”. The planning proposal seeks an amendment to the land use controls to align with the current NSW Government’s priorities around housing and TODs whilst also remaining consistent with the strategic directions under the Region and District Plan.</p> <p>A recommendation and immediate priority from the SIS is to “deliver more housing, jobs, amenities and services in location where there is spare capacity in existing and planned infrastructure”. This includes directing and planning growth around existing public transport infrastructure such as rail station. The MGN Precinct is located immediately adjacent to Macarthur Station and is additionally benefited by a bus interchange located to the south of the site, which is part of the Macarthur Square shopping centre.</p> <p>The gazettal of this planning proposal and approval of the concurrent DA will allow for further delivery of housing around public transport, consistent with this recommendation.</p>	Yes
The Macarthur Precinct Plan (Precinct Plan)	<p>The Precinct Plan is the planning framework for the development and growth of the Glenfield Macarthur Urban Renewal Corridor. The planning proposal does not alter the MGN Precinct’s consistency with the precinct plan as it will:</p> <ul style="list-style-type: none"> <li>▪ Facilitate the delivery of further housing within walking distance of Macarthur Train Station</li> <li>▪ Enable a range of building heights, in particular a taller building close to Macarthur Station</li> <li>▪ Not alter the provision of public space and pedestrian networks around the MGN Precinct.</li> </ul> <p>The Precinct Plan envisages building heights in the range of 3 to 7 storeys and over, with an anticipated dwelling forecast of 4,650 dwellings by 2036. These projections have since been refined in the Campbelltown Masterplan. Council’s local housing strategy directs housing delivery to be facilitated in accordance with the Campbelltown Masterplan.</p> <p>The Campbelltown Masterplan ultimately notes that an additional 15,609 homes across the three centres comprising of Macarthur, Campbelltown and Leumeah are required by 2040. Therefore, while the Macarthur Precinct Plan initially envisaged building heights of only 3-6 storeys and part 7 storeys and over across the MGN Precinct, this vision has since been built upon by the design guidance and dwelling forecasts of the Campbelltown Masterplan and housing strategy.</p>	Yes

Strategic Plan	Assessment	Consistency
	<p>The greater housing outcome on the site is also supported by the Minister for Planning and Public Space’s written instructions to all Councils and planning panels to consider rezoning applications on merit, particularly when proposals are greater than the outcome originally anticipated. However, in the case of the MGN Precinct a greater housing outcome has been established for the site under the Campbelltown Masterplan and housing strategy. In the instance of a perceived inconsistency, planning proposals should regardless be considered on the basis of merit on whether they are geared towards addressing the housing shortfall.</p> <p>The planning proposal is consistent with the Campbelltown Masterplan and through the addition of 375 new dwellings over the concept approval, contributes to addressing the housing shortfall in NSW.</p>	

**Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

**Yes.** The Planning Proposal is consistent with relevant State Environmental Planning Policies (SEPP) as identified and discussed in **Table 16** below.

Table 16 Consistency with SEPPs

SEPP	Assessment	Consistency
<b>State Environmental Planning Policy (Precincts — Western Parkland City) 2021</b>	Not applicable to this planning proposal. The CLEP 2015 is the applicable EPI over the site.	N/A
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>	<p><u>Chapter 2 vegetation in non-rural areas</u></p> <p>The aims of this chapter are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of these areas through the preservation of trees and other vegetation.</p> <p>Tree removal on the site has already been carried out in accordance with the approval under 3944/2021/DA-SW and other associated consents, including 1571/2015/DA-CW, which covered tree removal and excavation. A Biodiversity Assessment Report prepared for 3944/2021/DA-SW concluded that the proposal will not significantly impact the existing Cumberland Plain Woodland Community.</p> <p>As part of the approved revegetation and open space plan under 3944/2021/DA-SW, tree canopy coverage on the site will increase from 26.75% to 53.6%. This planning proposal will not alter that improvement.</p> <p>Chapter 3 &amp; 4 Koala Habitat Protection 2021 (and 2020) The site is located under the Koala Development Application Map. Campbelltown Council has an operational Koala Plan of Management (KPoM). As a result, the controls under Chapter 3 and 4 do not apply and an assessment against the Council’s KPoM would be required. In accordance with the above, the Biodiversity Assessment Report, prepared as part of 3944/2021/DA-SW also assessed the MGN Precinct in accordance with Chapter 3 and 4 and Council’s KPoM.</p> <p>It concluded that the proposed development is consistent with the aims of the KPoM, given the minor reduction of potential feed trees, absence of previously mapped core Koala habitat, few historical records and the severe fragmentation of the site.</p> <p>The planning proposal scope relates to an increase in building heights only. No further impacts in regard to Koala habitat are anticipated.</p>	Yes

SEPP	Assessment	Consistency
<p><b>State Environmental Planning Policy (Resilience and Hazards) 2021</b></p>	<p><u>Chapter 4 remediation of land</u></p> <p>Clause 4.6 requires, in the event of a change of land use, the planning authority to consider whether the land is contaminated, and if the land can be suitably remediated for the proposed use.</p> <p>Previous investigations at the site prepared by JBS&amp;G Australia Pty Ltd, under 3944/2021/DA-SW, found no indicators of significant or widespread contamination. Some minor environmental management activities were recommended, including removal of scattered litter and validation of stockpiles, and removal and off-site disposal of remaining material.</p> <p>These environmental management activities have been undertaken under 3944/2021/DA-SW. The site has therefore been made suitable for the proposed residential uses and broader development.</p>	<p>Yes</p>
<p><b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b></p>	<p><u>Chapter 2 Infrastructure</u></p> <p>This chapter aims to facilitate the effective delivery of infrastructure across the state by, among other things, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure and transport infrastructure.</p> <p>Under Clause 2.100, the proposal is for development adjacent to a rail corridor that is likely to be adversely affected by rail noise or vibration. A Noise and Vibration Impact Assessment was previously prepared by Renzo Tonin and Associates in support of 3944/2021/DA-SW. A Statement from Renzo Tonin &amp; Associates has been prepared, verifying the validity and applicability of the recommendations under the previous Noise and Vibration Impact Assessment. They note that the recommendations can be applied to the additional building storeys to be facilitated under this planning proposal and the concurrent amending concept DA.</p> <p>In accordance with Clause 2.122 Traffic Generating Development, the planning proposal will result in the development of 300 or more residential dwellings (specifically the uplift). Therefore, future DAs will require notification with TfNSW in accordance with Schedule 3 of the SEPP. SCT Consulting has already prepared a revised Traffic and Transport Assessment in support of this planning proposal (<b>Appendix B</b>), which considered the additional yield and potential traffic generation. A key finding of this assessment was that background traffic volumes have reduced between the period of 2019 and 2024, and in light of reduced parking requirements, impacts to traffic performance on the surrounding network will be acceptable.</p> <p><u>Chapter 4 Major Infrastructure Corridors</u></p> <p>The aim of this chapter to identify land for future infrastructure corridors and to protect those corridors from development that would adversely impact on the operation of that corridor.</p> <p>The site is located adjacent to land identified as a Major Infrastructure Corridor. The lot boundary of the site is within 25m of the major infrastructure corridor, and therefore under Clause 4.9 of the CLEP 2015, excavation in, above, below or adjacent to future infrastructure corridors needs to be considered at the DA stage. As part of the assessment for 3944/2021/DA-SW, it was determined that the MGN Precinct does not encroach into or undermine the operability of the infrastructure corridor. Further consideration is not warranted until the detailed DA stage.</p>	<p>Yes</p>
<p><b>State Environmental Planning Policy (Housing) 2021</b></p>	<p>In accordance with the SEPP the proposal will:</p> <ul style="list-style-type: none"> <li>▪ Enable the development of diverse housing types</li> </ul>	<p>Yes</p>

SEPP	Assessment	Consistency
	<ul style="list-style-type: none"> <li>▪ Encourage the development of housing that will meet the needs of the more vulnerable members of the community, including very low to moderate income households</li> <li>▪ Ensuring new residents with a reasonable level of amenity</li> <li>▪ Promote the planning and delivery of housing in locations that will make good use of existing and planned infrastructure and services</li> <li>▪ minimise adverse climate and environmental impacts of new housing development; and</li> <li>▪ promote the importance of designing housing in a way that reflects and enhances its locality.</li> </ul>	
<b>State Environmental Planning Policy (Sustainable Buildings) 2022</b>	Detailed compliance for residential and non-residential development under Chapter 2 and Chapter 3 will need to be considered at the detailed DA stage. In accordance with the consent under 3944/2021/DA-SW, a minimum 5 Star Green Star Community Rating is sought to be maintained. This will be documented at the detailed DA stage.	

**Q7** *Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?*

**Yes** – The Planning Proposal is consistent with the Ministerial Directions under section 9.1 of the EP&A Act relevant to the Planning Proposal as identified and summarised in **Table 17**.

This includes consistent with the Ministerial Direction 1.9 Implementation of the Glenfield to Macarthur Urban Renewal Corridor.

Table 17 Consistency with s9.1 Ministerial Directions

Ministerial Planning Directions	Assessment	Consistency
<b>Planning Systems</b>		
<b>1.1 Implementation of Regional Plans</b>	The proposal is consistent with the land use strategy, goals, directions and actions contained within the Metropolitan Regional Plan.	Yes
<b>1.2 Development of Aboriginal Land Council land</b>	Not applicable to this planning proposal. The site is not identified within the land application area under Chapter 3 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> .	N/A
<b>1.3 Approval and Referral Requirements</b>	The direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The proposal responds by amending the CLEP 2015, to enable the concurrent lodgement of a new concept DA	Yes
<b>1.4 Site Specific Provisions</b>	The planning proposal includes a new site-specific provision for the site to reflect Landcom’s commitment to deliver a minimum quantum of affordable housing. This provision does not duplicate an existing development standard or provision under the CLEP 2015. It will ensure the MGN Precinct is developed in an orderly and efficient manner, in accordance with the strategic and housing needs of the community.	Yes
<b>1.4A Exclusion of Development Standards from Variation</b>	No development standards are proposed to be excluded from the application of clause 4.6 in standard instrument local environment plans.	
<b>1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>	The planning proposal is consistent with the precinct plan, planning principles and priorities for the urban renewal area under the Macarthur Precinct Plan.	Yes

Ministerial Planning Directions	Assessment	Consistency
<b>1.14 Implementation of Greater Macarthur 2040</b>	The planning proposal is generally consistent with the principles and objectives of the interim plan. The interim plan has since been superseded by the Structure Plan and Guide 2022 which defers detailed precinct planning for the Glenfield to Macarthur Precincts to Campbelltown City Council. The planning proposal is generally consistent with the relevant strategic and precinct planning policies for the Macarthur Precinct.	Yes
<b>Biodiversity and Conservation</b>		
<b>3.1 Conservation Zones</b>	The proposal does not alter approved mechanisms to protect and conserve Bow Bowing Creek Reserve and Cumberland Plain Woodland.	Yes
<b>3.2 Heritage Conservation</b>	There are no local or state heritage items located within the site, or immediately adjoining.	N/A
<b>3.3 Sydney Drinking Water Catchments</b>	The site is located outside of the Sydney Drinking Water Catchment.	
<b>3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs</b>	Not applicable.	N/A
<b>3.5 Recreation Vehicle Areas</b>	Not applicable.	N/A
<b>3.6 Strategic Conservation Planning</b>	Not applicable	N/A
<b>3.7 Public Bushland</b>	The objective of this direction is to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland is maintained. In accordance with this direction, the proposal does not approved mechanisms to protect and conserve Bow Bowing Creek Reserve and Cumberland Plain Woodland.	Yes
<b>3.8 Willandra Lakes Region</b>	Not applicable.	N/A
<b>3.9 Sydney Harbour Foreshores and Waterways Area</b>	Not applicable.	N/A
<b>3.10 Water Catchment Protection</b>	The planning proposal does not alter the approved water cycle management mechanisms under 3944/2021/DA-SW.	N/A
<b>Resilience and Hazards</b>		
<b>4.1 Flooding</b>	<p>The objective of this direction is 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.</p> <p>As part 3944/2021/DA-SW, it was determined that the site is well clear of the 1% AEP flood extent and that flood levels downstream of the site would not be increased as a result of the development of the MGN Precinct. A flood impact compliance letter has been prepared by J. Wyndham Prince (attached as <b>Appendix I</b>) which confirms that no change to the compliance with flood planning levels is proposed under this planning proposal.</p>	Yes
<b>4.2 Coastal Management</b>	The site is noted located within a coastal zone.	N/A
<b>4.3 Planning for Bushfire Protection</b>	In accordance with this direction, the site has established asset protection zones (APZs) and design mechanisms under	Yes

Ministerial Planning Directions	Assessment	Consistency
	3944/2021/DA-SW which have sought to protect life, property and the environment of bushfire hazards.	
<b>4.4 Remediation of Contaminated Land</b>	Previous investigations at the site, conducted by JBS&G Australia Pty Ltd under 3944/2021/DA-SW, determined that there were no indicators of widespread contamination. Some minor management activities were recommended. Based on these investigations, the site has been deemed suitable for the proposed residential uses and broader development. Therefore, further consideration of contamination is not necessary.	Yes
<b>4.5 Acid Sulfate Soils</b>	It is anticipated that the probability of acid sulfate soils on site is low. It is anticipated that the site can be made suitable for the proposed future development.	Yes
<b>4.6 Mine Subsidence and Unstable Land</b>	Not applicable.	N/A
<b>Transport and Infrastructure</b>		
<b>5.1 Integrating Land Use and Transport</b>	Consistent with this direction, the planning proposal facilitates additional housing supply in a transit-oriented location. The proposal will: <ul style="list-style-type: none"> <li>▪ Improve access to housing, jobs and services by walking, cycling and public transport</li> <li>▪ Reduces dependence on cars</li> <li>▪ Supports the efficient and viable operation of public transport</li> </ul>	Yes
<b>5.2 Reserving Land for Public Purposes</b>	The proposal does not create, alter or reduce existing zonings or reservations of land for public purpose.	Yes
<b>5.3 Development Near Regulated Airports and Defence Airfields</b>	Not applicable.	N/A
<b>5.4 Shooting Ranges</b>	Not applicable.	N/A
<b>Housing</b>		
<b>6.1 Residential Zones</b>	The objectives of this direction are to encourage diverse use and make efficient use of existing infrastructure and services. The planning proposal does not change the residential land use zoning of the MGN Precinct. It will support an additional 375 dwellings on top of the existing approval under 3944/2021/DA-SW. It further makes use of the existing infrastructure and public transport connections adjacent to the site. In total it will support the delivery of 1,625 dwellings in a variety of building typologies including studio, one-, two- and three-bedroom apartments with 10% allocated to affordable housing units.	
<b>6.2 Caravan Parks and Manufactured Home Estates</b>	Not applicable.	N/A
<b>Industry and Employment</b>		
<b>7.1 Employment Zones</b>	The objectives of this direction include to encourage employment growth in suitable locations and support the viability of identified centres. The planning proposal only relates the addition of residential dwellings. However, for clarity and consistency with this direction the planning proposal maintains the provision of non-residential floor space in the Mixed-Use Zone portion of the site, as approved under 3944/2021/DA-SW.	N/A

Ministerial Planning Directions	Assessment	Consistency
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable.	N/A
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	N/A
<b>Resources and Energy</b>		
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable.	N/A
<b>Primary Production</b>		
9.1 Rural Zones	Not applicable.	N/A
9.2 Rural Lands	Not applicable.	N/A
9.3 Oyster Aquaculture	Not applicable.	N/A
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.	N/A

### 7.3.3. Section C – Environmental, Social and Economic Impact

**Q8. *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?***

No. The site is not identified as being environmentally sensitive land with respect of critical habitat or threatened species, populations or ecological communities, or their habitats.

**Q9. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

Built and natural environment impacts from the development of the MGN Precinct were considered under 3944/2021/DA-SW. The increase in the maximum building height under this planning proposal and the concept DA, represents an increase of 375 new dwellings. Therefore, the likely impacts of the proposal have only been considered with respect to the increase in dwellings, which results in an increase from 1,250 to 1,625 dwellings in the MGN Precinct overall. The following environmental effects were reconsidered under this planning proposal.

#### **Solar access**

Shadow diagrams illustrating the additional overshadowing from the increased height are provided in the Urban Design Report, prepared by Urbis at **Appendix A**. The overshadowing impacts on communal open space and the approved public parks in the MGN Precinct were analysed between 9am and 3pm in mid-winter. As part of the analysis, the approved Station Arrival Plaza, Central Park, and Fitness Park in the MGN Precinct were considered. The locations of these approved parks and communal open spaces are not being altered.

It is noted that the land uses to the north are non-residential in nature and relate to educational establishments, including Western Sydney University and TAFE NSW. Regardless, the overshadowing generated by the additional heights is generally cast south across parts of Bow Bowing Creek Reserve and the T8 Rail Corridor (refer to Figure 20).

Under the Apartment Design Guide (ADG), the minimum requirement for solar access is that at least 50% of principal communal open space receives a minimum of 2 hours of sunlight in mid-winter between 9am and

3pm. According to the shadow diagrams in the Urban Design Report, solar access to communal open space will be greater at key hours around midday, between 11am and 1pm.

Figure 20 Shadow Diagrams



Source: Urbis

Overall, the MGN Precinct exceeds the ADG requirement of 50% solar access for communal open spaces, achieving more than 2 hours of sunlight for the majority of these areas. On average, 81.1% of communal open space receives the required solar access. Each building's communal open space meets this requirement individually, with the R3 Building achieving the least at 55.7% and the R4 Building achieving the most at 96.6%. Additionally, 88.4% of all active open spaces, including the Station Arrival Plaza, Central Park, and Fitness Park, receive a minimum of 2 hours of sunlight in mid-winter between 9am and 3pm.

It is noted that the buffer provided by Bow Bowling Creek Reserve and the rail corridor prevents overshadowing of the urban land uses to the south. Therefore, the additional overshadowing within the MGN Precinct is considered acceptable.

**Biodiversity**

EcoLogical previously prepared a Biodiversity Development Assessment Report in support of the approved concept DA under DA/3944/2021/DA-SW (as modified). It assessed impacts to biodiversity values and determined the credit requirements for residual impacts for the DA to PCT 849, PCT 835, PCT 1071, the Southern Myotis and the Cumberland Plain Land Snail. In light of the proposed increase in height, EcoLogical have considered the indirect impacts associated with shading, specifically to the riparian corridor, as a result of the planning proposal and concurrent amending concept DA. This has been considered in a Biodiversity Compliance Letter attached as **Appendix H**.

To assess the indirect impacts, EcoLogical considered best practice guidelines from Sydney's draft guidelines for stormwater infrastructure in the Aerotropolis and Mamre Road Precincts. These guidelines recommend that vegetation in trunk drainage channels receive a minimum 1 hour of solar access to ensure adequate light penetration for vegetation. The shadow diagrams used in this assessment were prepared by Urbis and are appended to the back of that letter.

Ecological noted that shadowing of the riparian corridor will occur, however there will be periods of sunlight in midwinter. Restoration of the riparian corridor is achievable, however species selection for replanting may need to consider which species are best adapted to lower levels of direct sunlight. The assessment has concluded that the increase in yield would not result in additional direct or indirect impacts to native vegetation and no additional offsets are required.

**Flooding**

Flooding impacts were considered as part of the approved concept DA under DA/3944/2021/DA-SW (as modified). As part of the approval, J. Wyndham Prince undertook a Dam Break Assessment and a Flood

Impact Assessment. At the time it determined that the impacts to 'Basin 3' to the west would be 'Very Low' and therefore acceptable. The flood impact assessment also concluded that the MGN precinct would not have an adverse impact upstream and downstream from the site in the 1% AEP storm event.

In light of the proposed increased in height, J.Wyndham Prince have noted in a Flood Compliance letter, attached as **Appendix I**, that the proposed design does not result in a change to the design surface of the MGN masterplan, including the proposed building footprint and road layout, and therefore any flood studies and TUFLOW modelling undertaken for the site previously, remains relevant.

### **Visual Impact**

A visual impact assessment (VIA) was also prepared as part of the Urban Design Report in **Appendix A**. The methodology of the VIA includes the identification of an objective visual baseline, which considers the site and surrounding land uses, and analyses the extent of the visual effect or quantum of changing use visual aids from key locations. It also includes consideration of visual computability with the existing and desired future character of the site.

The VIA acknowledges that the MGN Precinct is located next to Macarthur Train Station and is surrounded by residential communities, a regional retail centre, and significant social and green infrastructure. The visual character of the site can be characterised into two broad areas. The north east is considered a highly modified landscape that is currently undergoing extensive earthworks and has been mostly cleared. The south west contains Bow Bowing Creek Reserve and is relatively undisturbed.

Four view points from the surrounds were considered for the assessment. This included the following:

- **Viewpoint 1: North-west view from Appin Road & Therry Road:** From a distance of 1.45km, this viewpoint is characterised by open expanse of turf, rows of trees, and at the mid-ground, tree canopy and residential roof forms, followed by further tree canopy and the Mount Annan Botanic Garden
- **Viewpoint 2: West from Narellan Road Bridge:** From a distance of 475m, the view includes road and rail corridor in the foreground, the open expanse of Gilchrist Oval in the mid ground, followed by then densely vegetated topography west of the site.
- **Viewpoint 3: South east from Khosa Lookout:** From a distance of 1.75km the foreground is comprised of large mature trees, with distant views characterised by a wide expanse of upper tree canopy and low height building roof form. Some isolated examples of taller built form include Campbelltown Hospital and some residential flat buildings.
- **Viewpoint 4: Narellan Road West:** From a distance of 600m, the foreground is characterised by the undulating turfed topography of the WSU campus, with the distant view characterised by tree canopy and the upper section of development around Macarthur Square, Campbelltown Hospital and distant ridgelines to the south east.

The location of the viewpoints are identified in **Figure 21** below.

Figure 21 Viewpoints 1-4



Source: Urbis

In summary, the assessment found that the proposal is generally viewed in a wide visual composition and does not block views to scenic or highly valued features, nor any heritage items. The overall visual impact from each view point can be summarised as following (refer **Figure 22**):

- Viewpoint 1 – Low impact
- Viewpoint 2 – Low impact
- Viewpoint 3 – Low impact
- Viewpoint 4 - Low-medium impact

The below photos, through the use of computer generated imagery illustrates the proposed visual effects of the planning proposal from each of the viewpoints shown above.

Figure 22 Viewpoints 1-4



Picture 1 Viewpoint 1

Source: Urbis



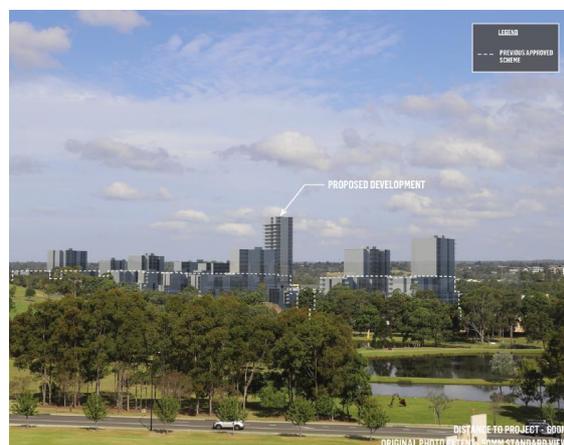
Picture 2 Viewpoint 2

Source: Urbis



Picture 3 Viewpoint 3

Source: Urbis



Picture 4 Viewpoint 4

Source: Urbis

In light of the above the VIA found that the built form of the proposal is not dissimilar in character from the surrounding visual context. The additional height only creates low to medium visual effects (extent of visual change) on the majority of the baseline factors. In conclusion:

- The visual impact for the assessed viewpoints ranges from Low to Low-medium.
- The proposal does not block views to any heritage items or areas of unique scenic quality.
- From distant views the proposal is viewed in a wide visual composition which reduces the visibility and visual impact of the proposal.
- In light of the existing visual context and baseline factors, the level of visual effects of the proposal were ultimately found to be acceptable.

As a result, the level of visual effects generated by the additional height were ultimately found to be acceptable. The taller buildings envisaged under the planning proposal are consistent with similar development located along major transport corridors.

**Traffic and Parking**

SCT Consulting have previously prepared a Transport and Traffic Report (2021) in support of the concept DA under 3944/2021/DA-SW, which was for 1,250 apartments. It assessed road network performance, parking requirements and provision, concluding that the car parking provision would be adequate and that

additional trips generated by the MGN Precinct would have minor impacts on the performance of the surrounding intersections.

SCT were subsequently re-engaged to assess the additional yield proposed under this planning proposal, which takes the yield from 1,250 to 1,625 apartments, including 162 affordable housing dwellings. The report focuses on the net development yield only.

A key outcome of the re-assessment was finding that the overall traffic context, specifically background traffic volumes have generally reduced over the last five years since 2019 and the conducting of the previous Transport and Traffic Report (2021). This was determined by the collection of new traffic volume data at key signalised intersections of Narellan Road & Western Sydney University, and Gilchrist Drive & Goldsmith Avenue. A key finding was that traffic volumes at both intersections had decreased in both the AM and PM peak hours. This was with the exception of the WSU access approach and the Gilchrist Drive approach, which showed that there had been some increase in 'development' traffic.

The need for intersection upgrades as result of the increased dwelling yield was also considered. The previous Traffic and Transport Assessment (2021) indicated that the additional trips generated by the MGN site will have minimal impact on the performance of surrounding intersections by 2029. All assessed intersections are expected to maintain the same Level of Service (LoS) with or without the MGN site, except for the intersections at Narellan Road | Western Sydney University Access Road and Kellicar Road | Gilchrist Drive, where the LoS will change from B to C during the AM peak. This change is still considered acceptable in an urban context.

If future analysis shows an increase in trips, intersection modelling can be updated to reassess performance and identify potential interventions. However, unless the modelling demonstrates a need for physical upgrades, there is no requirement for intersection improvements. Therefore, Landcom will proceed with the previously approved scheme, as the uplift does not justify the financial investment in road network upgrades.

In light of the above context, the transport assessment concluded that:

- **The site has excellent public and active transport accessibility:** Overall a future public and active transport mode share of approximately 40 percent is assumed, reducing the future private vehicle trips from 63 percent to 43 percent
- **The affordable housing component will reduce parking requirements:** While the revised yield increases the requirements for car parking from 1,166 to 1,501, this increase is ultimately minimised given that parking rates for affordable housing are less than market rate housing.
- **Revised trip rates assumptions can be applied:** The Housing SEPP (2021) reduces the parking requirements for affordable housing, consequently generating fewer private vehicle trips compared to market housing). The revised analysis results in a reduction of 15 (AM) and 37 (PM) trips compared to the approved master plan.
- **Revised background growth assumptions can be applied:** Background traffic volumes have generally reduced over the last five years, with overall total intersection flows having been reduced.
- **The SIDRA modelling revealed that network performance is heavily impact by background traffic:** Compared to the approved masterplan, the networks perform better. The planning proposal has negligible impacts on the performance of the surrounding road network and critical intersections.

In summary, while the revised yield results in an additional 375 dwellings for the MGN Precinct, traffic and transport impacts will be minimised.

### **Acoustic**

Renzo Tonin & Associates has previously prepared an environmental noise and vibration assessment in support of 3944/2021/DA-SW. The existing assessment provided acoustic glazing and façade recommendations in two groups, one set of recommendations being for Ground Level, Level 1 and Level 2 where topography and shielding from structures is important, and then another set of recommendations for Level 3 to Level 9, where there is wider exposure and views to surrounding road and rail noise sources.

For Levels 3 to 9, the worst exposure to noise was already considered. Renzo Tonin & Associates note that the addition of new levels above Level 9 are not further noise affected, and that the treatments and facades recommendations applied to Level 3 and 9 can also be applied above Level 9. They further note that the worst exposure to noise was already considered in the level 3 to 9 and that the remaining levels would be compliant with the Development near Rail Corridors and Busy Road – Interim Guideline (December 2008).

### **Ecologically Sustainable Development**

An Ecologically Sustainable Development Report was prepared by WSP in support of 3944/2021/DA-SW (as modified). In this report, it was noted that the MGN Precinct has the potential to achieve (as a minimum) a 5-star green star communities rating, which is demonstrative of 'Australian Excellence'. The green star rating tool recognises good development across five pillars and 31 potential credits, which relate to design, governance, environment, economic and social outcomes at the master planned level.

The MGN Precinct ultimately achieved a greater amount of credit above the 5-star minimum. No change is sought to this target under this planning proposal, and a 5-star green star communities rating remains a commitment of Landcom for the MGN Precinct. Further, Landcom's sustainability team has conducted a review of the revised design and proposal against the ESD targets for the site, to determine whether the uplift in yield from 1,250 to 1,625 will impact the green star outcome. It was noted that there are a limited amount of credits that concern yield, and are mainly related to the liveable housing Australia certification, minimum NatHERS requirements, and energy and water modelling. These requirements are already being achieved and will be carried forward into the design of the additional dwellings.

Regardless, since the project achieved an excess of credits then the 5-star minimum, a hypothetical impact of 1 or 2 credits would ultimately not affect the MGN Precinct's ability to achieve the 5-star minimum. Landcom and the MGN Precinct fully intends to continue supporting the Green Star Community rating into the future. At this point in time, a renewed green star certification is not considered necessary.

#### **Q10. *Has the planning proposal adequately addressed any social and economic effects?***

**Yes.**

The planning proposal will enable the delivery of approximately 375 additional dwelling in the MGN Precinct, taking its total to 1,625 dwellings overall. This will have positive social and economic impacts through the supply of new and diverse housing, including affordable housing .

The MGN Precinct will accommodate additional residents, and therefore potentially increase demand for social infrastructure. Its noted that an assessment was previously prepared by Urbis in support of the concept DA under 3944/2021/DA-SW (as modified). An addendum letter has therefore been prepared by Urbis to assess the implications of the additionally dwellings and residents proposed on the site. It concluded that:

- The amended proposal's increase in population is minimal and will not trigger the need for a community centre of library.
- The amended proposal generates a potential 152 primary school aged children and 94 high school students. As per the 2021, the numbers still no go constitute the need for a new school.
- Demand is generated an addition of 20 spaces, from 76 under the previous proposal. The only requirement is that future detailed planning should consider the inclusion of a childcare centre on the site.
- Demand for two general health practices are generated, which does change from the recommendation under the 2021 assessment.

The proposal will also have positive economic impacts to the economy and employment. The planning proposal notably does not change the MGN Precinct's intended provision of 1,960m<sup>2</sup> of non-residential floor space.

The non-residential floor space will still contribute to the creation of direct and in-direct jobs, and economic growth in the region during its operation. The addition of 375 dwellings over the existing approval will also contribute to further construction activity and employment on the site during construction.

The Planning Proposal will therefore have positive social and economic benefits for the broader community.

### **7.3.4. Section D – Infrastructure (Local, State and Commonwealth)**

#### **Q11. *Is there adequate public infrastructure for the planning proposal?***

The site has been previously zoned for urban purposes. Infrastructure and servicing arrangements for the MGN precinct were approved under 3944/2021/DA-SW (as modified). While a change in the zoning and

approved land use is not proposed, the residential yield will increase as a result of the additional building height..

Therefore, the available public infrastructure for the site has been considered. As part of the concept approval, a Civil Engineering, Service & Infrastructure Report was prepared for the site by Infrastructure & Development Consulting (IDC), dated December 2021. A revised version of this report has been prepared by IDC to reflect the proposed increase in residential density. The revised report also reflects the latest Sydney Water and Endeavour Energy Growth Servicing Plans. The following is noted:

- Electricity: Based on previous assessment, its noted that the existing 11kV feeders have limited capacity and new feeder will still likely be required to support the development can be constructed from the Campbelltown Zone Substation.
- Potable water: The site will still likely be supplied via a 250mm trunk main located in Goldsmith Avenue. A 150-200mm diameter watermain is required and could be provided as a single 200mm main or as a series of smaller mains. Each future lot will be able to have frontage to a water main.
- Wastewater: The site will still only require the equivalent of a 225mm-300mm diameter main to service the development which be accommodated in the existing Bow Bowing Carrier (750mm) in diameter. Each lot will have a frontage to a sewer main.
- The site can also be readily serviced by NBN.co and gas by Jemena. Telstra 5G network coverage is available over the site.

Ultimately, IDC concluded that the increase in residential density on the site, can be readily serviced by the available infrastructure.

### 7.3.5. Section E – State and Commonwealth interests

**Q11. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

The Gateway Determination will advise the public authorities to be consulted as part of the Planning Proposal process. A number of public authorities were consulted as part of the Scoping Proposal and pre-lodgement stage of this planning proposal. Any issues raised will be incorporated into this planning proposal following consultation in the public exhibition period.

The following agencies/stakeholders are expected to be consulted as part of the Gateway process:

- TfNSW
- Council
- Sydney Trains

## 7.4. PART 4: MAPS

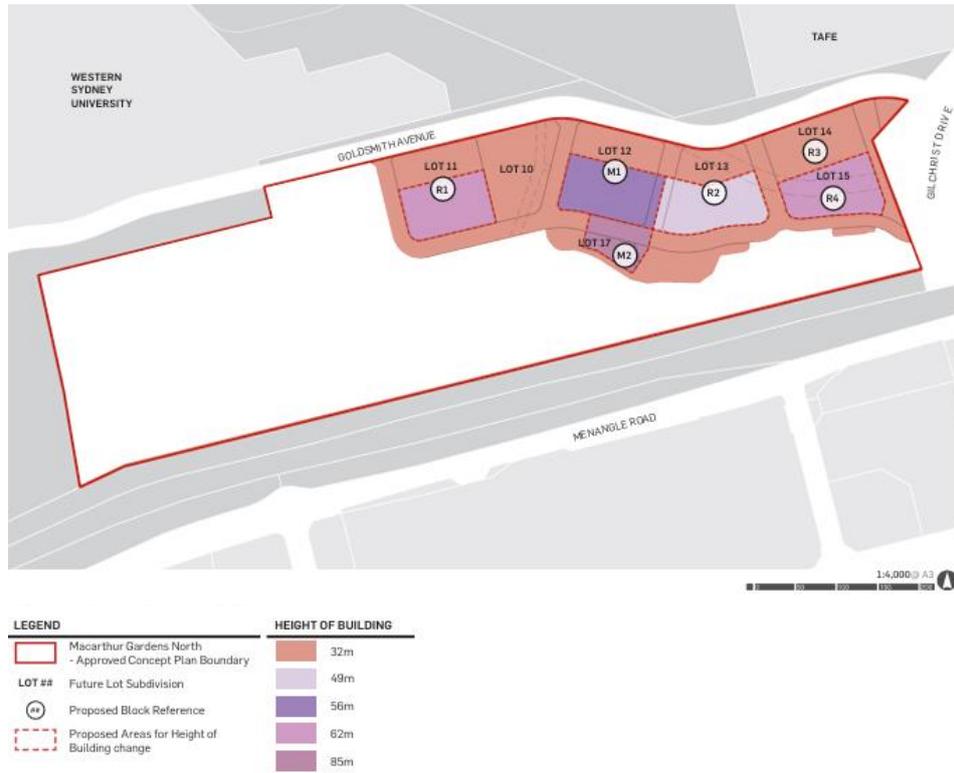
This planning proposal seeks to amend the below maps contained in the Campbelltown Local Environmental Plan 2015. The maps have been prepared to show the new height proposed on the site, and the new RE1 Public Recreation Zone for Bow Bowing Creek Reserve.

The proposed maps are consistent with the intended outcomes for the Planning Proposal as identified in **Section 7**.

The part of the site mapped with a maximum height of building of 32m represents the existing and retained maximum height of building control under the CLEP 2015.

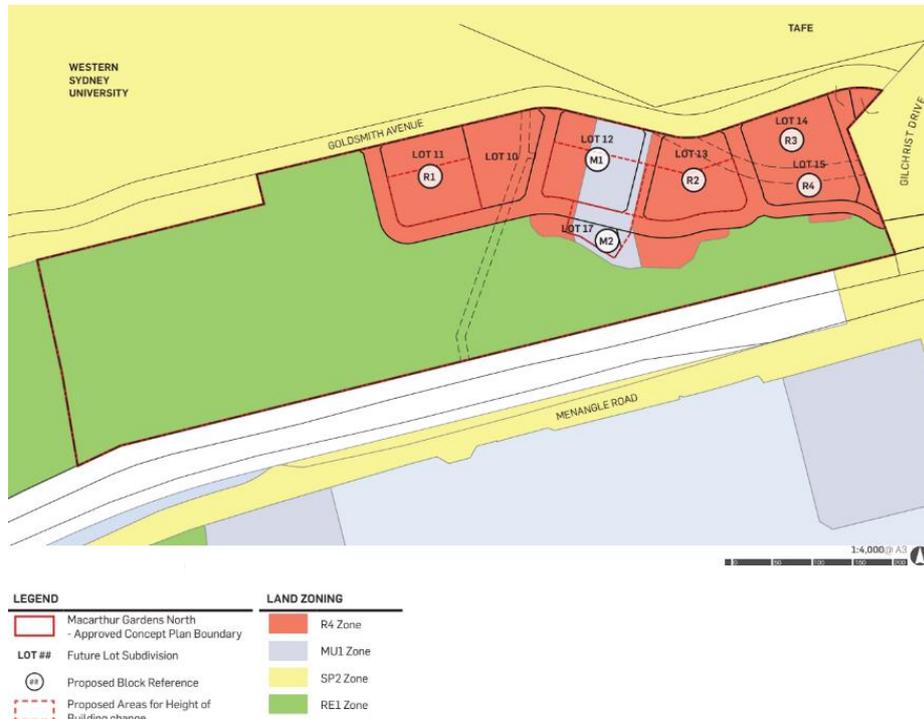
The proposed map amendments are provided in Figure 23 below, and can also be found in **Appendix A**.

Figure 23 Proposed Height of Buildings Map



Source: Urbis

Figure 24 Proposed Land Use Zoning Map



Source: Urbis

## 7.5. PART 5: COMMUNITY CONSULTATION

Section 3.34 of the EP&A Act requires the relevant Planning Proposal Authority to consult with the community in accordance with a Gateway Determination.

In accordance with the requirements of the LEP Making Guideline, it is expected that the Planning Proposal will be publicly exhibited for at least 28 days. In accordance with Division 3.4 of the EP&A Act 1979, and as part of the Gateway Determination, consultation will be undertaken with any relevant agencies and stakeholders.

Preliminary consultation has already been undertaken by Landcom for the proposed increase in building height and dwelling yield to be facilitated under this planning proposal. WSP was engaged to design and implement a community and stakeholder engagement plan, and then provide a summary and outcomes report to be submitted alongside the planning proposal (attached as **Appendix F**). A variety of tools and techniques were used to engage the community including targeted online engagement, community newsletters and community pop up stalls supported by display boards, project postcards and project team personnel. A number of key themes arose following community feedback, which included the following:

- **Traffic, access and parking**, including increased traffic, lack of parking and status of the pedestrian footbridge
- **Planning and design**, including density, local character and identity and open space
- **Housing**, including availability, timing and cost
- **Construction** impacts

Key stakeholder groups were also contacted via direct contact and letters, offering 1:1 briefings by the project team. These were supported by a tailored slide decks providing specific project information relevant to each group. The following stakeholder groups were engaged and briefed on the project.

- Macarthur Heights Community Group
- Campbelltown City Staff
- Western Sydney University
- TAFE NSW
- Campbelltown Hospital
- GPT and Lendlease (owners of Macarthur Square)
- Campbelltown Chamber of Commerce

In summary, the engagement evidenced community support for the proposed increase in building height and subsequent dwelling yield, with there being recognition for the strong need for new affordable housing in the Campbelltown LGA. Concerns were raised in relation to overdevelopment, height and impacts on amenity, local character and identity as well as traffic, access and parking.

The above outcomes have been considered as part of the preparation and draft of the planning proposal and will be considered further as part of its finalisation. In addition to the above preliminary community engagement, and in accordance with the requirements of the EP&A Act 1979 and DPPI's '*A Guide to Preparing Local Environmental Plans*', the following notification and public exhibition of the planning proposal is expected to occur, at a minimum:

- A public notice in local newspaper(s);
- Notification on the Campbelltown City Council website
- Written correspondence to owners and occupiers of adjoining and nearby properties and relevant community groups; and
- Further consultation with TfNSW and DPPI

## 7.6. PROJECT TIMELINE

The following table sets out the anticipated project timeline in accordance with the LEP Making Guideline. The key milestones and overall timeframe will be subject to further detailed discussions with DPHI and Council.

Table 18 Anticipated Project Timeline

Process	Timeframe	Projected Date
Pre Scoping Meeting	--	14 June 2024
Scoping Proposal lodged to DPHI	--	15 October 2024
Response to Scoping Proposal	20 working days	13 November 2024
Application Preparation	60 working days	November 2024
Planning Proposal lodged to DPHI	5 working days	December 2024
DPHI Review	25 working days	30 January 2025
Public Exhibition and review of submissions	20 working days	February 2025
Post Exhibition Amendments	40 working days	April 2025
Finalisation of planning proposal	35-60 working days	June 2025

## 8. CONCLUSION

The planning proposal seeks to amend the Campbelltown Local Environmental Plan 2015, in particular the height of building and Land Use Zoning Map, and to further insert an affordable clause in the LEP. The planning proposal will therefore contribute to delivering an enhanced Macarthur Gardens North Precinct (MGN) that supports 1,625 dwellings and aligns with NSW Government's priorities to deliver well located housing supply.

This planning proposal has been prepared in accordance with the NSW Government's accelerated rezoning criteria for affordable housing projects, and in lockstep with the NSW Government's priorities to increase the amount of market rate and affordable housing, particularly around train stations. The planning proposal also responds to the strategic planning priorities of the Campbelltown-Macarthur region and 'collaboration area', the vision for the Macarthur Precinct and the Campbelltown CBD under the 'Re-imagining Campbelltown Masterplan (2020)'.

The proposed LEP amendments are seeking to specifically:

- **Increase the current maximum height of building** in select locations in the MGN precinct, with heights ranging from 32m (9 storeys) to 85m (24 storeys). The enabling planning framework will therefore facilitate the addition of 375 dwellings to the MGN Precinct, increasing the number of dwellings on the site from 1250 to 1,625.
- **Align the land use zoning with the masterplan** for the MGN precinct, by zoning the land referred to as Bow Bowing Creek Reserve as RE1 Public Recreation. Accordingly, remove the 32m height control on that land.
- **Introduce a site-specific affordable housing clause** that will require the provision of a minimum 10% as affordable housing to be provided across the MGN Precinct, resulting in a minimum of 162 dwellings for affordable housing through the overall uplift.

An amending concept DA will be lodged concurrently with this planning proposal to Campbelltown Council, to enable future lodgement of detailed DAs to deliver housing in accordance with the amended LEP controls.

The proposed amendments to the CLEP 2015 align with the NSW Government's and Council's strategic priorities around housing, as well as the existing strategic planning priorities for the Macarthur region. The planning proposal allows for a considered approach to the uplift of the MGN precinct which retains and adds to the existing public benefits, particularly through the additional affordable housing dwelling. It unlocks much needed housing for the area and state whilst not creating any additional or unacceptable impacts to the existing natural and built environment.

The planning proposal will generate significant economic and community benefit for the following reasons:

- **Site Context:** The proposal is considered to have site-specific merit given that adjoins Macarthur Train Station on land that is considered highly urban capable, as demonstrated in the approved concept DA.
- **Strategic Context:** The proposal has strategic planning merit as it will facilitate an increase in market rate and affordable housing around an existing train station, consistent with both the existing strategic planning framework, as well as more recent and ambitious government priorities around housing and TODs.
- **Community Benefits:** The planning proposal retains the existing public domain offering proposed under the concept DA and masterplan, including the ground floor activation and enhanced connectivity between the surrounding land uses and Macarthur Station. The maintenance of a commitment to delivering affordable housing will address the more acute housing needs of the community.
- **Environmental Impacts:** The planning proposal has considered the potential built and environmental impacts associated with the increase in building height. The planning proposal and additional uplift has a considered design that will facilitate additional housing in the MGN Precinct without creating additional or unacceptable environmental impacts in particular relating to overshadowing, visual impact and traffic.

In summary, it is considered that the planning proposal would result in significant public benefits by proposing planning controls that are consistent with the strategic planning context and that facilitate the redevelopment of a key site within Campbelltown-Macarthur for much needed housing, including affordable housing.

The planning proposal request has been prepared in accordance with DPHI guidelines and is considered appropriate as it has significant strategic and site-specific merit as set out in the planning proposal report. Accordingly, it is recommended the Proposal is endorsed to enable a Gateway determination by DPHI.

## DISCLAIMER

This report is dated 24 January 2024 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Landcom (**Instructing Party**) for the purpose of Planning Proposal (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

# **APPENDIX A    URBAN DESIGN REPORT (& VIA)**



[URBIS.COM.AU](http://URBIS.COM.AU)

# **APPENDIX B    TRAFFIC AND TRANSPORT ASSESSMENT**

# APPENDIX C COMMUNITY NEEDS ASSESSMENT

# APPENDIX D NOISE IMPACT STATEMENT

# APPENDIX E UTILITIES REPORT

# APPENDIX F PRLEIMINARY ENGAGEMENT REPORT

# **APPENDIX G    REVISED SITE-SPECIFIC DEVELOPMENT CONTROL PLAN**

# **APPENDIX H    BIODIVERSITY COMPLIANCE LETTER**

# **APPENDIX I      FLOOD COMPLIANCE LETTER**





## 8.2 Macarthur Gardens North - Amendment to Development Control Plan

### Reporting Officer

Strategic Planner  
City Planning and Corporate Services

### Community Strategic Plan

Objective	Strategy
2 Places For People	2.1.1 Provide public places and facilities that are accessible, safe, shaded and attractive  2.3.1 Ensure all people in Campbelltown have access to safe, secure, and affordable housing

### Delivery Program

Principal Activity
PA Building Development and Controls

### Officer's Recommendation

1. That Council endorse the public exhibition of the draft amendments to the Campbelltown (Sustainable City) Development Control Plan 2015, Volume 2 - Part 16 - Macarthur Gardens North for a minimum period of 28 days.
2. That a further report be provided to Council on the outcome of public exhibition.

### Purpose

The purpose of this report is to seek Council's endorsement to publicly exhibit (for 28 days) a draft amendment to the Campbelltown (Sustainable City) Development Control Plan 2015, Volume 2 - Part 16 - Macarthur Gardens North.

### Executive Summary

- The Macarthur Gardens North (MGN) Precinct, owned by Landcom, is situated on the western side of the Macarthur Railway Station, along Goldsmith Avenue in Campbelltown.
- Landcom have recently submitted a planning proposal to the Department of Planning, Housing and Infrastructure (DPHI) under the accelerated rezoning pathway. The planning

proposal seeks to increase the housing capacity of the site from 1,250 dwellings to 1,625 dwellings and includes a commitment to affordable housing, with a minimum of 10 per cent of the total dwellings designated for this purpose.

- Landcom is entitled to submit a planning proposal to DPHI under the accelerated rezoning pathway which was created by the NSW government to speed up delivery of social and affordable housing by state housing agencies (Homes NSW and Landcom). Council is able to make a submission on the planning proposal during public exhibition.
- Council has a role in the consideration of proposed amendments to the Campbelltown (Sustainable City) Development Control Plan 2015, Volume 2 – Part 16 – Macarthur Gardens North (DCP). These amendments are proposed to align the DCP for the MGN Precinct with the planning proposal should it be approved.
- It is recommended that Council endorse public exhibition of draft amendment to Volume 2, Part 16, Macarthur Gardens North Precinct of the Campbelltown (Sustainable City) Development Control Plan 2015.

## History

On 14 December 2022, the Sydney Western City Planning Panel approved Development Application DA/3944/2021/DA-SW submitted by Landcom for a concept master plan outlining a high-density residential and mixed-use development at MGN Precinct, including provision for 1,250 dwellings.

The MGN DCP was first presented to Council on 9 May 2023, where Council resolved to proceed with public exhibition. The public exhibition took place from 8 June to 6 July 2023, during which no submissions were received. The MGN DCP commenced on 10 July 2023. Refer to attachment 2 for the current MGN DCP

On 31 October 2024, Landcom submitted a scoping proposal to the DPHI Evaluation Panel, advising of their intention to seek an amendment to the Campbelltown Local Environmental Plan 2015 (CLEP 2015) to increase the maximum building height on the site in select locations to a maximum of 85 m and to introduce a site-specific provision under Part 7: Additional Local Provisions, requiring that 10 per cent of the dwellings be designated for affordable housing.

On 25 November 2024, the DPHI Evaluation Panel endorsed the use of the rezoning pathway for social and affordable housing for this planning proposal.

The updated master plan/built form strategy for the site is shown in Figure 1. Given that the master plan for the site is proposed to be updated, Part 16 – MGN DCP will also need to be updated to reflect the revised masterplan/built form strategy for the site.



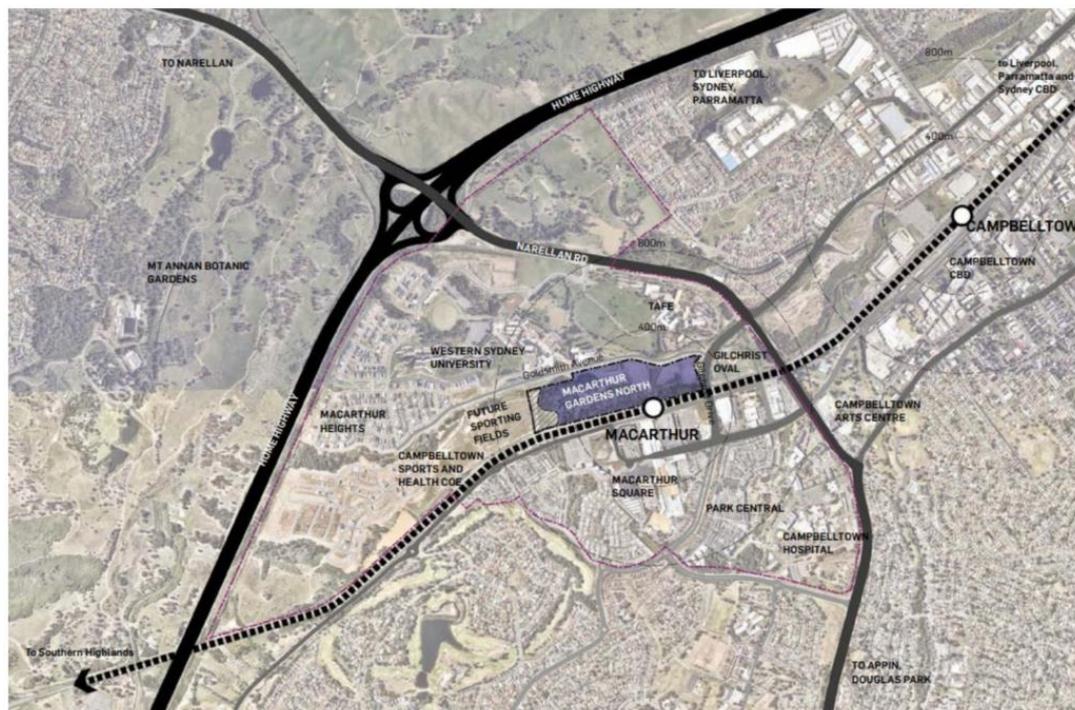
**Figure 1:** Proposed Revised Master Plan/Built Form Strategy – Macarthur North Precinct

## Report

### Site and Locality

The Macarthur Gardens North (MGN) precinct is located on Goldsmith Avenue, Campbelltown, covering approximately 18 ha. It is situated within the broader Macarthur Precinct, along the T8 rail corridor, and directly adjoins the Macarthur Train Station. Surrounding developments include the Macarthur Square Shopping Centre to the south and the Western Sydney University and TAFE NSW Campbelltown campuses to the north as shown in figure 2.

The site currently consists of a single registered lot and is primarily zoned 'R4 High Density Residential,' with a small portion zoned 'MU1 Mixed Use' under the CLEP 2015, and the current maximum building height for the site is 32 m.



**Figure 2:** Site Context

### The planning proposal

In May 2024, the DPHI introduced an accelerated rezoning pathway for state housing agencies focused on projects that deliver social and affordable housing. The planning proposal submitted by Landcom for the site was confirmed as eligible for this accelerated pathway, which aims to expedite the approval process for such developments.

Council does not hold the role of Planning Proposal Authority (PPA) or Local Plan-Making Authority (LMPA) for this planning proposal. The PPA is the body responsible for governance, progression, content and quality of information contained within a planning proposal. The LMPA undertakes the statutory functions in making the LEP. In other words, Council in this instance does not have the power to approve, amend or otherwise reject the planning proposal for this site. However, Council will have the opportunity to provide feedback through a submission to the DPHI once the proposal is publicly exhibited. Council staff will prepare a draft submission for consideration, and, if time allows, the draft submission will be presented to Council for review.

There is an existing concept approval (Development Application No. DA/3944/2021/DA-SW) for the MGN precinct. This concept approval granted consent for a mixed-use development with multiple tower forms, up to 32 m in height, and 1,250 dwellings. The site is currently undergoing earthworks to facilitate this development. The planning proposal seeks to build on the concept DA by facilitating an uplift to unlock additional housing on the site.

The amendments, alongside the lodgement of a concurrent amending Concept DA with Campbelltown Council, will facilitate the delivery of an additional 375 dwellings, increasing the total number of dwellings in the Precinct from 1,250 to 1,625. Under this proposal, a minimum of

10 per cent of the total number of dwellings across the entire site (163 dwellings) will be allocated to affordable rental housing. As part of the planning proposal an additional 4,070 m<sup>2</sup> of the site will be designated as communal open space. Refer to figure 3 with the proposed new concept masterplan.



**Figure 3:** Proposed New Built Form Masterplan

**DCP Amendments**

This report provides a summary of the proposed amendments to Volume 2 - Part 16 - Macarthur Gardens North, DCP, as outlined below and in attachment 1.

The purpose of the amendment to the MGN DCP is to align it with the changes proposed in the planning proposal, which primarily seeks to increase the housing capacity on the site. Following is a summary of the proposed amendments to the DCP:

**1. Vision and objectives**

The vision and objectives require amendment to figure 16.5 to incorporate the updated master plan. This revision will reflect the revised building heights and demonstrate the potential overshadowing impacts of the proposed development.

## 2. Natural systems

The natural systems require an amendment to figure 16.6 to reflect the updated master plan, including the revised building heights. Additionally, the figure will show the location of a 1.3 m slope, with tiered retaining walls reaching up to 1.2 m in height.

Figure 16.7 has also been updated to incorporate the new master plan. There have been no changes to the proposed tree canopy cover.

## 3. Access and movement

The access and movement section requires an amendment to figure 16.8 to reflect the updated master plan. This revision will also include the removal of the green stamp previously indicating the 1.2 km dedicated pedestrian/cycleway along Bow Bowing Creek Reserve.

## 4. Built form

The built form section requires an amendment to Figure 16.14 to reflect the proposed height for each building in the master plan.

Figure 16.22 has been amended to display only the commercial floor space.

Figure 16.23 has also been updated to include area calculations, illustrating the maximum number of stories across the site, along with the gross floor area (GFA) and floor space ratio (FSR) for the site.

## 5. Landscape and public domain

The landscape and public domain section requires an amendment to reflect the updated master plan. The open space between the buildings has been removed from the plan, and the Bow Bowing Creek Reserve has been appropriately illustrated in the figure 16.21.

Additionally, Sections 7.2.1 Station Arrival Precinct, 7.2.2 Central Park, and 7.2.3 Fitness Park have been amended to include a new note specifying that at least 50 per cent of the area in each precinct will receive a minimum of 3 hours of solar access during mid-winter.

### Consistency with Planning Proposal

The controls of the draft MGN DCP have been prepared to align with the planning proposal for the site. This has been done to ensure that the future built form is aligned with the proposal's vision for the site.

### Relationship with Campbelltown (Sustainable City) Development Control Plan 2015

The Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP) consists of 2 volumes. Volume 1 outlines general controls and requirements for various land uses, while Volume 2 provides site-specific development controls for several precincts within the Campbelltown Local Government Area. The draft DCP for MGN is a site-specific amendment to Volume 2, Part 16, which addresses the development controls for this precinct.

The draft DCP controls will apply exclusively to proposed development within the MGN site. Where specific controls are not outlined in this draft DCP, any future development within the precinct will be required to demonstrate consistency with the existing provisions in Volume 1, as outlined in the following parts:

- Part 2: Requirements Applying to All Types of Development
- Part 5: Residential Flat Buildings and Mixed-use Development
- Part 6: Commercial Development
- Part 11: Vegetation and Wildlife Management

### **Design Excellence Panel**

In accordance with Clause 15 of the Environmental Planning and Assessment Regulation 2021, Council must not approve a DCP containing provisions which apply to residential apartment development unless it has taken into consideration any comments made by the Design Excellence Panel (DEP), concerning those provisions.

The draft MGN DCP has been considered by the DEP on Thursday 13 February 2025. A report will be presented to Council outlining the outcome of the MGN DCP exhibition and the DEP's feedback in a future Council Meeting.

### **Public Exhibition of the Draft MGN DCP**

The draft MGN DCP will be publicly exhibited on Council's website for 28 days in line of the legislative requirements and Council's Community Participation Plan. The intention is that the public exhibition period for the draft DCP will align with DPHI's exhibition of the planning proposal to assist in community understanding of what is proposed.

### **Conclusion**

The Department of Planning, Housing, and Infrastructure is currently leading an accelerated amendment to the Campbelltown Local Environmental Plan, 2015 for the Macarthur Gardens North Precinct. This amendment primarily seeks to increase building heights, increase the total number of dwellings constructed, and introduce a requirement for 10 per cent of the dwellings to be designated for affordable housing. To support the planning proposal, should it be approved, it will be necessary to amend the existing Macarthur Gardens North Development Control Plan to ensure it aligns with the state-led amendment to the Campbelltown Local Environmental Plan, 2015.

It is recommended that Council publicly exhibit (for 28 days) the draft Macarthur Gardens North Development Control Plan, included in (attachment 1) in line of the legislative requirements and Council's Community Participation Plan. It is also recommended that a further report be provided to Council after public exhibition so that Council can consider community feedback and the comments of the Design Excellence Panel.

### **Attachments**

8.2.1 Proposed Draft Site-specific DCP amendment (contained within this report)

Ordinary Council Meeting

11/03/2025

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8.2.2 Current Site-specific DCP amendment (contained within this report)

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Item 8.2

Page 8

### 8.3 Planning Proposal - Clause 7.30

#### Reporting Officer

Executive Manager Urban Centres  
City Planning and Corporate Services

#### Community Strategic Plan

Objective	Strategy
1 Community and Belonging	1.1.1 Provide initiatives that foster a proud, inclusive, and connected community for all 1.1.2 Provide a diverse range of cultural and creative activities and events, for all interests and people
5 Strong Leadership	5.2.2 Ensure that public funds and assets are managed strategically, transparently and efficiently

#### Delivery Program

Principal Activity
PA Strategy, Engagement, and Advocacy

#### Officer's Recommendation

That Council endorse the planning proposal at attachment 1 and forward it to the Department of Planning, Housing and Infrastructure for a Gateway Determination.

#### Purpose

The purpose of this report is to seek Council's endorsement of a planning proposal to amend Clause 7.30 of the Campbelltown Local Environmental Plan, 2015 and the related Clause Application Map.

#### Executive Summary

- A combination of changes to planning legislation have had an unforeseen consequence that has limited the use of Ambarvale Community Hall, Kearns Community Hall, St Helens Park Community Hall and Woodbine Neighbourhood Centre as a place of public worship.
- It is proposed to correct this anomaly by progressing a planning proposal that will, if supported by Council, make changes to the Campbelltown Local Environmental Plan, 2015 to remove a size restriction on places of public worship that applies to the above halls.

- It is considered that this planning proposal would have positive community and social benefits and support an increased utilisation of Council’s halls.
- It is recommended that Council support this planning proposal and forward it to the Department of Planning, Housing and Infrastructure for a Gateway Determination.

## History

When Campbelltown Local Environmental Plan, 2015 (CLEP 2015) originally commenced each of the 4 subject sites, Ambarvale Community Hall, Kearns Community Hall, St Helens Park Community Hall and Woodbine Neighbourhood Centre were located within the B1 neighbourhood centre zone. Each of these halls received development consent under earlier planning instruments, as shown in the table below.

Hall/Centre	Development Consent	Planning Instrument	Approved Use
Ambarvale	DA 373/86	IDO No. 29	Youth Centre
Kearns	D354/85	IDO No. 27	Public Hall
St Helens Park	DA 109/94	IDO No. 29	Multi purpose community centre and child care centre
Woodbine	DA 19/84	LEP No. 48	Neighbourhood centre

**Table 1:** Current development consents

Under each of the planning instruments referred to in Table 1 the use of premises for a place of public worship (or place of assembly) was separately defined to the use of the site for a community building/community facility.

In 2022 the Department of Planning and Environment, as it was then known, commenced the employment zones reform program. In general terms this program aimed to reduce the number of employment zones and increase the potential for employment generating land uses in each resultant zone. The B1 neighbourhood centre zone was generally located in smaller suburban centres and had a reduced range of potential land uses compared to the B2 Local Centre Zone. The B1 Neighbourhood Centre zone did not permit places of public worship or pubs whereas the B2 Local Centre zone permitted these places of public worship and pubs with development consent.

The finalisation of the employment zones reform program saw all land in the B1 Neighbourhood Centre Zone and the B2 Local Centre Zone change to zone E1 Local Centre Zone on 26 April 2023.

As part of this process representations were made to the Department of Planning and Environment seeking to limit the scale of any new pub, small bar or place of public worship proposed on land located in the former B1 zone. These representations were supported by the Department and Clause 7.30 was added to the CLEP 2015 to address these concerns. Clause 7.30 limits the size of a pub or a small bar to a maximum floor area of 80 m<sup>2</sup> and a place of public worship to a maximum floor area of 160 m<sup>2</sup> on sites identified as area 6 on the clause application map which forms part of the CLEP 2015.

In determining the land to be subject to Area 6 on the Clause application map (Area 6 Map) the decision was made that it would apply to all land previously located within the B1 Neighbourhood Centre Zone, except where that land was the site of an existing approved pub,

small bar or place of public worship or where one of these uses was referenced in Schedule 1 of CLEP 2015 as an additional permitted use.

In applying the Area 6 Map in this way, the restrictions on the size of places of public worship, pubs and small bars were applied to the Ambarvale Community Hall, Kearns Community Hall, St Helens Park Community Hall and Woodbine Neighbourhood Centre. The size restriction on a place of public worship in the 4 halls would mean that only a portion of the hall could be used for this purpose. To portion off or segregate a part of the hall to enable its use for a place of public worship would be impractical, and to submit a development application demonstrating compliance with this spatial limitation in a manner that provides certainty to regulatory authorities would be challenging. Given the large difference between the area of the 4 halls, as shown in Table 2, and the size limit it is considered that a variation to this standard under section 4.6 of CLEP 2015 would be difficult to justify.

Hall/Centre	Size of hall
Ambarvale	278 m <sup>2</sup>
Kearns	496 m <sup>2</sup>
St Helens Park	484 m <sup>2</sup>
Woodbine	218 m <sup>2</sup>

**Table 2:** Hall sizes

## Report

<b>Property Description</b>	Lot 105 DP 746003, Ambarvale Community Hall, Wickfield Circuit, Ambarvale  Lot 21 DP 840864, Kearns Community Hall, 66 Kearns Avenue, Kearns  Lot 7302 DP 1018242, St Helens Park Community Hall, Kellerman Drive, St Helens Park  Lot 12 DP 748537, Woodbine Neighbourhood Centre, 83 North Steyne Road, Woodbine
<b>Application No</b>	616/2025/E-PP
<b>Applicant</b>	Campbelltown City Council
<b>Owner</b>	Campbelltown City Council
<b>Provisions</b>	Clause 7.30, Campbelltown Local Environmental Plan, 2015

### 1. Vision

The vision is to enable the 4 subject halls to be used by the community for a place of public worship without the limitation of that use to only part of each hall. It is not proposed to enable the potential use of the 4 subject halls for a pub or a small bar.

### 2. Planning Provisions

Clause 7.30 of CLEP 2015 states:

#### **7.30 Pubs, small bars and places of public worship in Zone E1**

- (1) This clause applies to land identified as "Area 6" on the Clause Application Map.

- (2) Development consent must not be granted to development for the following purposes on land to which this clause applies unless
- (a) for pubs—the gross floor area of each pub in the building resulting from the development is no more than 80 m<sup>2</sup>,
  - (b) for small bars—the gross floor area of each small bar in the building resulting from the development is no more than 80 m<sup>2</sup>,
  - (c) for places of public worship—the gross floor area of each place of public worship in the building resulting from the development is no more than 160 m<sup>2</sup>.

The attached planning proposal seeks to amend Clause 7.30 to achieve the above vision.

### **3. Planning Assessment**

#### **3.1. Summary of Planning Proposal**

The proposed amendments to CLEP 2015 are detailed in the attached planning proposal which has been prepared in accordance with the EP&A Act and the Department of Planning and Environment's 'Local Environmental Plan Making Guidelines'.

In summary, the planning proposal seeks to amend the clause application map so that the 4 halls are identified separately to the rest of Area 6 on the Clause Application Map, eg as Area 9. Clause 7.30 would then also be amended such that it applies to both Area 6 and Area 9. The size limit for pubs and small bars in 7.30(2)(a) and 7.30(2)(b) would apply to areas 6 and 9. The size limit for places of public worship in 7.30(2)(c) would only apply to Area 6.

#### **3.2. Consideration of Section 9.1 Local Planning Directions**

Section 9.1 of the EP&A Act allows the Minister for Planning to provide Local Planning Directions to Council in relation to the preparation of planning proposals. A detailed consideration of all Local Planning Directions is provided in the planning proposal at attachment 1.

The planning proposal is consistent with all relevant local planning directions.

#### **3.3. Strategic Context - Consideration of State and Local Planning Policies**

The planning proposal is consistent with following relevant state and local plans:

- Greater Sydney Region Plan
- Western City District Plan
- Greater Macarthur 2040
- Campbelltown Community Strategic Plan 2032
- Campbelltown Local Strategic Planning Statement

The planning proposal is also consistent with all State Environmental Planning Policies.

### **3.4. Potential Environmental Impacts**

The current development consents for each of the halls provide broad consent to use the halls for community purposes. Such uses are able to use the full extent of the halls and surrounding land. Car parking has been provided based on the capacity of the halls. Each hall is sufficiently separated from any residential neighbours. The use of the halls in this way has occurred for decades with no significant community concern raised.

In many ways the use of the halls for a place of public worship, would have a similar scale impact to their use for community purposes, provided that the use as a place of public worship is within the bounds of the existing consents, for example, by complying with the existing hours of operation. Additionally, as landowner, Council has a greater influence over the terms of use of the halls and the behaviour of the hirers than would occur with other places of public worship as Council only provides short term hire arrangements for the halls and has the power not to renew any hire should problems arise.

The nature of the current and historic use of the halls is commensurate with any potential future use arising from this planning proposal, and therefore it is considered that the proposal demonstrates site specific merit.

### **4. Consideration of Local Planning Panel advice**

Council is required to consider the advice of the Campbelltown Local Planning Panel on a planning proposal before it makes a decision to forward the planning proposal for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act, 1979*. The Campbelltown Local Planning Panel considered the planning proposal at its meeting on 26 February, 2025 and provided the following advice:

“The Panel considers that the planning proposal exhibits both site specific and strategic merit. The potential use of the halls, subject to development consent, for a place of public worship has potential social benefits for the community and would potentially increase the utilisation of these community assets. The proposal also demonstrates site specific merit and would facilitate use consistent with the scale of use that already occurs in each hall.

It is recommended that Council support the submission of the planning proposal for a Gateway Determination.”

### **5. Public Participation**

If Council supports the proposal, it will be forwarded to the Department of Planning, Housing and Infrastructure for a Gateway Determination.

If a positive Gateway Determination is received, community consultation will be undertaken in accordance with the specific requirements listed in the Gateway Determination and as detailed in the Campbelltown Community Participation Plan.

### **Conclusion**

This planning proposal is a relatively minor proposal that seeks to reinstate the ability to submit a development application for a place of public worship, without the need to comply with the

current 160 m<sup>2</sup> no size limit, at Ambarvale Community Hall, Kearns Community Hall, St Helens Park Community Hall and Woodbine Neighbourhood Centre.

Currently these 4 halls are able to be used for other community gatherings and meetings in accordance with the current development consents for these sites. Should a development application be submitted in future for a place of public worship, it would be assessed on its merits. Should this occur, it is anticipated that such an issue would only occur on limited occasions, as has occurred in the past, and at all other times the halls would remain available for other approved community uses.

Given that the scale of the use of the sites for a place of public worship would be commensurate with the scale of the existing and previous use of the halls, it is considered that there is site specific merit to the planning proposals. The planning proposal demonstrates strategic merit through the improved ability to meet community social and gathering needs and through the improved ability to achieve greater utilisation of these public assets.

It is recommended that Council endorse the planning proposal and forward it to the Department of Planning Housing and Infrastructure for a Gateway Determination.

## **Attachments**

8.3.1 Planning Proposal - Clause 7.30 (contained within this report) [↓](#)



**Planning Proposal**  
**Amendment of Map to Clause 7.30**

**Ambarvale Community Hall, Kearns Community Hall, St  
Helens Park Community Hall and Woodbine Neighbourhood  
Centre**

**April 2025**

**Introduction**

This Planning Proposal seeks to enable 4 sites currently used for either a community hall or a neighbourhood centre to also be used for a place of public worship, should an application for that purpose be submitted. It is proposed to do this by amending the clause application map which forms part of the Campbelltown Local Environmental Plan, 2015. The subject sites are described below.

**The Sites**

Ambarvale Community Hall

Ambarvale Community Hall is owned by Campbelltown City Council and is located on Lot 105 DP 746003 at Wickfield Circuit, Ambarvale, shown in red in Figure 1.



Figure 1 – Location Map Ambarvale Community Hall



Image 1 – Ambarvale Community Hall

Development consent for Ambarvale Community Hall was issued in 1986. Since its construction it has been used by a range of community groups for community purposes. It has also been hired at times for private functions and by places of public worship.

Kearns Community Hall

Kearns Community Hall is owned by Campbelltown City Council and is located on Lot 21 DP 840864 at 66 Kearns Avenue, Kearns, shown in red in Figure 2.



Figure 2 – Location Map Kearns Community Hall



Image 2 – Kearns Community Hall

Development consent for Kearns Community Hall was issued in 1985. Since its construction it has been used by a range of community groups for community purposes. It has also been hired at times for private functions and by places of public worship.

St Helens Park Community Hall

St Helens Park Community Hall is owned by Campbelltown City Council and is located on Lot 7302 DP 1018242 at Kellerman Drive, St Helens Park, shown in red in Figure 3.



Figure 3 – Location Map – St Helens Park Community Hall



Image 3 – St Helens Park Community Hall

Development consent for St Helens Park Community Hall was issued in 1994 and gave consent to a multi-purpose community centre and child care centre. Since its construction it has been used by a range of community groups for community purposes. St Helens Park Community Hall has also been hired at times for private functions and by places of public worship.

Woodbine Neighbourhood Centre

Woodbine Neighbourhood Centre is owned by Campbelltown City Council and is located on Lot 12 DP 748537 at 83 North Steyne Road, Woodbine, shown in red in Figure 4.



Figure 4 – Location Map – Woodbine Neighbourhood Centre



Image 4 – Woodbine Neighbourhood Centre

Development consent for Woodbine Neighbourhood Centre was issued in 1984. Since its construction it has been used by a range of community groups for community purposes. It has also been hired at times for private functions and other purposes.

**Background**

When Campbelltown Local Environmental Plan, 2015 originally commenced each of the 4 subject sites, Ambarvale Community Hall, Kearns Community Hall, St Helens Park Community Hall and Woodbine Neighbourhood Centre were located within the B1 neighbourhood centre zone. Each of these halls received development consent under earlier planning instruments, as shown in the table below.

Hall/Centre	Development Consent	Planning Instrument	Approved Use
Ambarvale	DA 373/86	IDO No. 29	Youth Centre
Kearns	D354/85	IDO No. 27	Public Hall
St Helens Park	DA 109/94	IDO No. 29	Multi purpose community centre and child care centre
Woodbine	DA 19/84	LEP No. 48	Neighbourhood centre

Under each of these instruments the use of premises for a place of public worship (or place of assembly) was separately defined to the use of the site for a community building/community facility.

In 2022 the Department of Planning and Environment, as it was then known, commenced the employment zones reform program. In general terms this program aimed to reduce the number of employment zones and increase the potential for employment generating land uses in each resultant zone. The B1 neighbourhood centre zone was generally located in smaller suburban centres and had a reduced range of potential land uses compared to the B2 Local Centre Zone. The B1 Neighbourhood Centre zone did not permit places of public worship or pubs whereas the B2 Local Centre zone permitted these land uses with development consent.

All land in the B1 Neighbourhood Centre Zone and the B2 Local Centre Zone became zoned E1 Local Centre Zone on 26 April, 2023.

As part of this process representations were made to the Department of Planning and Environment seeking to limit the scale of places of public worship within sites subject to the former B1 zone. These representations were supported by the Department and Clause 7.30 was added to the CLEP 2015 to address these concerns. Clause 7.30 states:

**7.30 Pubs, small bars and places of public worship in Zone E1**

- (1) This clause applies to land identified as “Area 6” on the [Clause Application Map](#).
- (2) Development consent must not be granted to development for the following purposes on land to which this clause applies unless—
  - (a) for pubs—the gross floor area of each pub in the building resulting from the development is no more than 80m<sup>2</sup>,

(b) for small bars—the gross floor area of each small bar in the building resulting from the development is no more than 80m<sup>2</sup>,

(c) for places of public worship—the gross floor area of each place of public worship in the building resulting from the development is no more than 160m<sup>2</sup>.

In determining the land to be subject to Area 6 on the Clause application map (Area 6 Map) the decision was made that it would apply to all land previously located within the B1 Neighbourhood Centre Zone, except where that land was the site of an existing approved place of public worship or where a place of public worship was referenced in Schedule 1 of CLEP 2015 as an additional permitted use.

In applying the Area 6 Map in this way, the restrictions on the size of places of public worship, pubs and small bars were applied to the Ambarvale Community Hall, Kearns Community Hall, St Helens Park Community Hall and Woodbine Neighbourhood Centre. The size restriction on a place of public worship in the 4 halls would mean that only a portion of the hall could be used for this purpose. To portion off or segregate a part of the hall to enable its use for a place of public worship would be impractical, and to submit a development application demonstrating compliance with this spatial limitation in a manner that provides certainty to regulatory authorities would be challenging. Given the large difference between the area of the 4 halls and the size limit it is considered that a variation under section 4.6 of CLEP 2015 would be difficult to justify. The following table lists the floor area of each hall.

Hall/Centre	Size of hall
Ambarvale	278m <sup>2</sup>
Kearns	496m <sup>2</sup>
St Helens Park	484m <sup>2</sup>
Woodbine	218m <sup>2</sup>

Table 2: Hall sizes

**Current Planning Provisions**

Each of the 4 subject sites, Ambarvale Community Hall, Kearns Community Hall, St Helens Park Community Hall and Woodbine Neighbourhood Centre are located in the E1 Local Centre, zone under the CLEP 2015. Each site is also identified as part of Area 6 on the Clause application map. Under clause 7.30 of the CLEP 2015 there is a restriction on the size of pubs, small bars and places of public worship for sites located in area 6.

### **Part 1 – Objectives and Intended Outcomes**

This planning proposal has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Department of Planning and Environment's 'Local Environmental Plan Making Guidelines' (Department of Planning and Environment, 2021).

This planning proposal explains the intent of, and justification for, the proposed alteration of area 6 shown on the clause application map. Areas identified as Area 6 on the clause application map are subject to the controls in Clause 7.30 of the Campbelltown Local Environmental Plan, 2015 (CLEP 2015). The alteration would see the removal of 4 sites currently used for either a community hall or neighbourhood centre from Area 6 and therefore removed from the operation of clause 7.30(2)(c) which places a size limit of 160m<sup>2</sup> on places of public worship. It is intended that clauses 7.30(2)(a) and 7.30(2)(b) which apply a size limit to pubs and small bars on the subject sites would continue to apply to these sites.

### **Part 2 – Explanation of provisions**

The objectives and intended outcomes of the planning proposal will be achieved by making amendments to the Clause Application map to distinguish the 4 halls from the rest of Area 6, for example by the creation of a new 'Area 9' that just applies to the sites of Ambarvale, Kearns, St Helens Park and Woodbine halls.

This change would be accompanied by changes to Clause 7.30 such that clause 7.30(2)(a) and clause 7.30(2)(b) would apply to Area 6 and Area 9 while clause 7.30(2)(c) would only apply to Area 6.

### **Part 3 – Justification of strategic and stie specific merit**

#### **3.1 Strategic Merit**

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

##### **1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?**

No.

The planning proposal is a result of the desire to cater for the needs of the community and enable the use of these 4 halls, should a development application be submitted, for a place of public worship that is commensurate with the scale of the building, rather than with the limit of 160m<sup>2</sup>. It is considered that the impacts of the use of the halls for a place of public worship would be commensurate with the impacts of other permissible and approved uses of the halls.

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

The Planning Proposal is the best way to achieve the intended outcomes and objectives as it is the simplest administrative way to achieve the aims of the planning proposal.

**Section B – Relationship to the strategic planning framework****3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?**

The planning proposal is consistent with the relevant objectives and actions outlined in the Greater Sydney Region Plan and the Western City District Plan.

**Greater Sydney Region Plan**

The Greater Sydney Region Plan provides a framework for the predicted growth in Greater Sydney. The Plan identifies key goals of delivering a metropolis of three 30 minute cities through four key themes, infrastructure and collaboration, liveability, productivity and sustainability.

The planning proposal is considered consistent with the Greater Sydney Region Plan. The planning proposal in particular is consistent with the following objectives:

- objective 7 – Communities are healthy, resilient and socially connected
- Objective 8 – Greater Sydney's communities are culturally rich with diverse neighbourhoods
- Objective 12 – Great places that bring people together

**Western City District Plan**

The Western City District Plan sets out priorities and actions for the Western Parkland City which are structured on themes that are based on the Greater Sydney Region Plan.

The planning proposal is considered consistent with the District Plan. In particular the planning proposal is considered to help address the following planning priorities:

- Planning priority W3 – Providing services and social infrastructure to meet people's changing needs. The proposal achieves this by helping to deliver social infrastructure that reflects the needs of the community now and in the future and by optimising the use of public land for social infrastructure.
- Planning priority W4 – Fostering healthy, creative, culturally rich and socially connected communities. The proposal achieves this by expanding the number of locations where communities connected socially through their faith or religion can connect by meeting together.

**4. Is the planning proposal consistent with Council's LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?****Campbelltown Community Strategic Plan – Campbelltown 2032**

The *Campbelltown Community Strategic Plan* (CSP) outlines the strategic direction of Council for a 10-year period based on the feedback of the local community and research on successful and resilient communities. The CSP represents the principal community outcome focused strategic

plan guiding Council's policy initiatives and actions. The CSP has been structured to address key outcomes that Council and other stakeholders will work to achieve. These outcomes are:

- Outcome 1: Community and belonging,
- Outcome 2: Places for people,
- Outcome 3: Enriched natural environment,
- Outcome 4: Economic prosperity, and
- Outcome 5: Strong leadership.

The planning proposal is consistent with the outcomes listed and particularly will assist in the creation of places for people and community and belonging. By removing the restriction on the size of places of public worship the planning proposal will facilitate greater use of existing public assets by community groups and particularly by newly established community groups that have not obtained resources sufficient to establish their own premises.

### **Campbelltown Local Strategic Planning Statement (LSPS)**

The Campbelltown Local Strategic Planning Statement (LSPS) came into effect on 31 March 2020.

The LSPS is Campbelltown City Council's plan for our community's social, environmental and economic land use needs over the next 20 years.

The LSPS provides context and direction for land use decision making within the Campbelltown Local Government Area (LGA).

Its purpose is to:

- Provide a 20 year land use vision for the Campbelltown LGA
- Outline the characteristics that make our city special
- Identify shared values to be enhanced or maintained
- Direct how future growth and change will be managed
- Prioritise changes to planning rules in the Local Environmental Plan (Campbelltown Local Environmental Plan 2015) and Council's Development Control Plans
- Implement the Region and District Plans as relevant to the Campbelltown LGA
- Identify where further detailed strategic planning may be needed.

The LSPS responds to region and district planning initiatives and information received from the Campbelltown community during the public exhibition period for the future of our city.

The planning proposal is not inconsistent with the outcomes listed or any of the actions listed in the LSPS.

**5. Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?**

Further detailed assessment against other State and regional studies or strategies beyond what has already been considered is not deemed necessary.

**6. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The Planning Proposal has been reviewed against the provisions of relevant State Environmental Planning Policies (SEPPs) – refer to Table 2 below.

<b>State Environmental Planning Policies</b>	<b>Comment</b>
SEPP (Biodiversity and Conservation) 2021	The subject planning proposal only seeks to remove a limitation on the size of a place of public worship, it will not result in any physical alterations to the subject halls or their surrounds and therefore has no impact on biodiversity.
SEPP (Exempt and Complying Development Codes) 2008	Not relevant to the proposal – any future use of the sites for a place of public worship could only occur with development consent.
SEPP (Housing) 2021	The proposal is consistent with the SEPP.
SEPP (Industry and Employment) 2021	The planning proposal is not inconsistent with the SEPP.
SEPP (Planning Systems) 2021	The planning proposal is not inconsistent with the SEPP. The proposal does not propose any state significant infrastructure or development on Aboriginal land.
SEPP (Precincts – Central River City) 2021	Not relevant to the Proposal.
SEPP (Precincts – Eastern Harbour City) 2021	Not relevant to the Proposal.
SEPP (Precincts – Regional) 2021	Not relevant to the Proposal.
SEPP (Precincts – Western Parkland City) 2021	The planning proposal is not inconsistent with the SEPP.
SEPP (Primary Production) 2021	Not relevant to the Proposal.
SEPP (Resilience and Hazards) 2021	Any future development of the site would need to address the requirements of the SEPP.
SEPP (Resources and Energy) 2021	The planning proposal is not inconsistent with the SEPP.
SEPP (Sustainable Buildings) 2022	The planning proposal is not inconsistent with the SEPP. Any future development of the site would need to address the requirements of the SEPP.
SEPP (Transport and Infrastructure) 2021	The planning proposal is not inconsistent with the SEPP. Any future development of the site would need to address the requirements of the SEPP.

Table 3 - Consistency with State Environmental Planning Policies

**7. Is the planning proposal consistent with applicable Local Planning Directions (section 9.1 Directions)(s9.1 directions) or key government priority?**

The following table provides a brief assessment of consistency against each section 9.1 direction relevant to the planning proposal.

<b>Consideration of s9.1 Directions</b>	<b>Comment</b>
<b>Focus Area 1: Planning Systems</b>	
1.1 Implementation of Regional Plans	The planning proposal is not inconsistent with this direction.
1.2 Development of Aboriginal Land Council land	Not relevant to the proposal.
1.3 Approval and Referral Requirements	The planning proposal does not trigger the need for any additional concurrence, consultation or referral to a Minister or Public Authority.
1.4 Site Specific Provisions	The planning proposal seeks to remove one existing development standard applying to 4 sites and therefore is considered consistent with the direction.
1.4A Exclusion of Development Standards from Variation	Not relevant to the proposal which seeks to remove a development standard.
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not relevant to the proposal.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not relevant to the proposal.
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use Infrastructure Implementation Plan	Not relevant to the proposal.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use Infrastructure Implementation Plan	Not relevant to the proposal.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	None of the subject sites are located within the precinct plans identified in the Glenfield to Macarthur Urban Renewal Corridor Strategy.
1.10 Implementation of Western Sydney Aerotropolis Plan	The proposal is not inconsistent with the Plan.
1.11 Implementation of Bayside West Precincts 2036 Plan	Not relevant to the proposal.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not relevant to the proposal.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not relevant to the proposal.
1.14 Implementation of Greater Macarthur 2040	The planning proposal is consistent with the Plan.
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not relevant to the proposal.

1.16 North West Rail Link Corridor Strategy	Not relevant to the proposal.
1.17 Implementation of the Bays West Place Strategy	Not relevant to the proposal.
1.18 Implementation of the Macquarie Park Innovation Precinct	Not relevant to the proposal.
1.19 Implementation of the Westmead Place Strategy	Not relevant to the proposal.
1.20 Implementation of the Camellia-Rosehill Place Strategy	Not relevant to the proposal.
1.21 Implementation of the South West Growth Area Structure Plan	Not relevant to the proposal.
1.22 Implementation of the Cherrybrook Station Place Strategy	Not relevant to the proposal.
<b>Focus Area 2</b>	
Design and Place	No directions in place.
<b>Focus Area 3: Biodiversity and Conservation</b>	
3.1 Conservation Zones	Not relevant to the proposal.
3.2 Heritage Conservation	None of the subject sites are of heritage significance.
3.3 Sydney Drinking Water Catchments	Not relevant to the proposal.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs 26	Not relevant to the proposal.
3.5 Recreation Vehicle Areas	Not relevant to the proposal.
3.6 Strategic Conservation Planning	Not relevant to the proposal.
3.7 Public Bushland	The Proposal is consistent with the Direction.
3.8 Willandra Lakes Region	Not relevant to the proposal.
3.9 Sydney Harbour Foreshores	Not relevant to the proposal.
3.10 Water Catchment Protection	This planning proposal does not include any physical alterations to the site or any buildings thereon.
<b>Focus Area 4: Resilience and Hazards</b>	
4.1 Flooding	The Proposal is inconsistent with the Direction.
4.2 Coastal Management	Not relevant to the proposal.
4.3 Planning for Bushfire Protection	None of the subject sites are on bushfire prone land.
4.4 Remediation of Contaminated Land	The proposal does not propose any alteration to the class of land use.
4.5 Acid Sulfate Soils	Not relevant to the proposal.
4.6 Mine Subsidence and Unstable Land	Not relevant to the proposal.
<b>Focus Area 5: Transport and Infrastructure</b>	
5.1 Integrating Land Use and Transport	Not relevant to the proposal.
5.2 Reserving Land for Public Purposes	Not relevant to the proposal.
5.3 Development Near Regulated Airports and Defence Airfields	Not relevant to the proposal.
5.4 Shooting Ranges	Not relevant to the proposal.

<b>Focus Area 6: Housing</b>	
6.1 Residential Zones	Not relevant to the proposal.
6.2 Caravan Parks and Manufactured Home Estates	Not relevant to the proposal.
<b>Focus Area 7: Industry and Employment</b>	
7.1 Employment Zones	The proposal is consistent with this Direction. The proposal seeks to remove a size restriction to one of the land uses that is permissible with consent in the E1 zone.
7.2 Reduction in non-hosted short-term rental accommodation period	Not relevant to the proposal.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not relevant to the proposal.
<b>Focus Area 8: Resources and Energy</b>	
8.1 Mining, Petroleum and Extractive Industries	Not relevant to the proposal.
<b>Focus Area 9: Primary Production</b>	
9.1 Rural Zones	Not relevant to the proposal.
9.2 Rural Lands	Not relevant to the proposal.
9.3 Oyster Aquaculture	Not relevant to the proposal.
9.4 Farmland of State and Regional Significance on the NSW Far Coast	Not relevant to the proposal.

**Figure 11** - Consistency with Section 9.1 Directions

**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 because of the proposal?**

No, as the proposal does not result in any physical change to the subject sites.

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

Given the nature of the existing use of the 4 halls, it is unlikely that there would be any significant environmental effects of the planning proposal. Should the planning proposal be supported and finalised, it would still be necessary for a development application to be submitted if any uses are proposed beyond the current development consent at which time a thorough assessment of any environmental effects would occur.

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

Yes. The primary purpose of the planning proposal is for the social benefits of supporting the potential use of the sites for a place of public worship and the potential for this to facilitate an increase in the utilisation of these public assets.

The planning proposal is not supported by a social or economic assessment as these are not considered necessary given the limitation of the proposal to 4 sites.

**Section D – Infrastructure (Local, State and Commonwealth)****11. Is there adequate public infrastructure for the planning proposal?**

The planning proposal is unlikely to result in a need for additional public infrastructure given the potential use of the 4 sites would not be greater than their current capability.

**Section E – State and Commonwealth Interests****12. What are the views of State and Federal public authorities and government agencies consulted in order to inform the Gateway Determination?**

Consultation will occur with any public authorities identified in the Gateway Determination.

**Part 4 - Maps**

The planning proposal seeks to amend the Clause application map by the adjustment of area 6 and the addition of area 9 as proposed below.

<b>Map</b>	<b>Current Map</b>	<b>Requested Amendment</b>
Clause application map	Digital layer accessed 13 February, 2024	Amend map from Area 6 to Area 9 for the site of the 4 Halls

Current Clause Application Map Ambarvale:



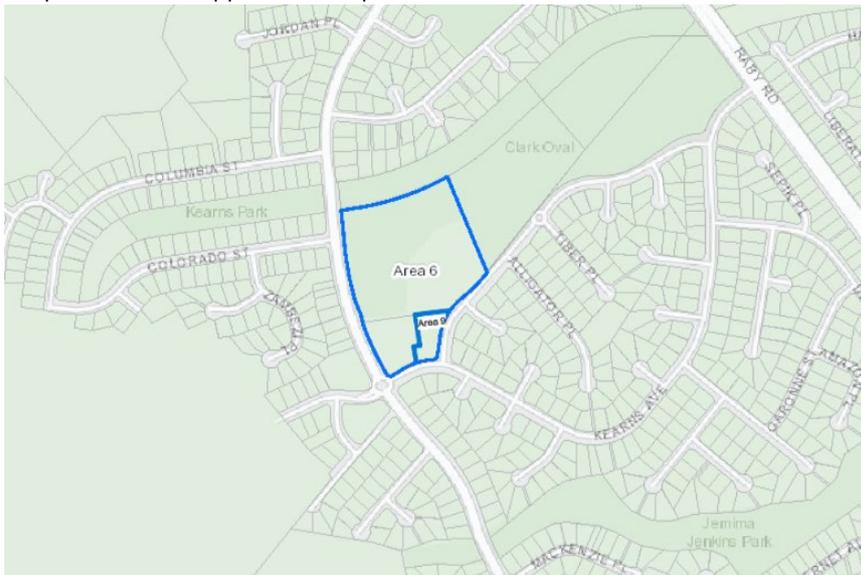
Proposed Clause Application Map Ambarvale:



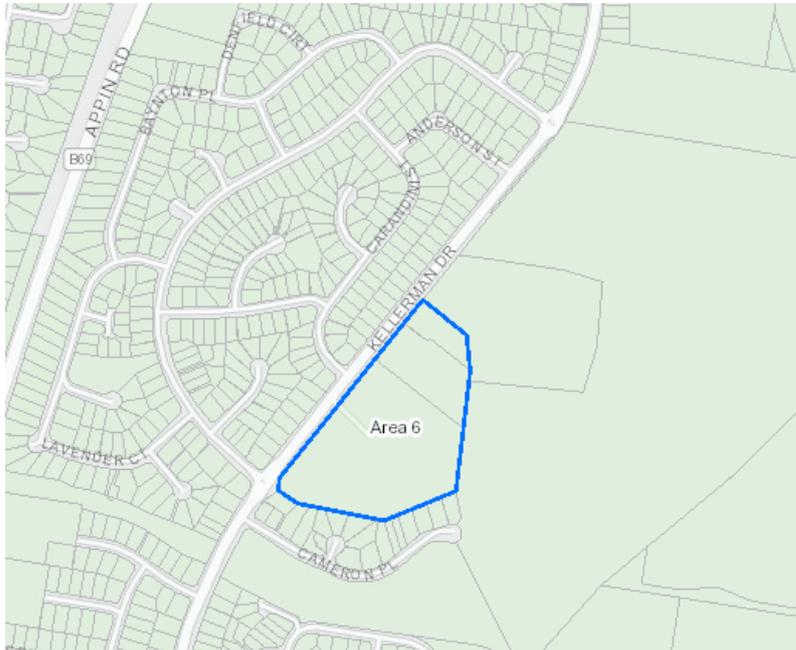
Current Clause Application Map Kearns:



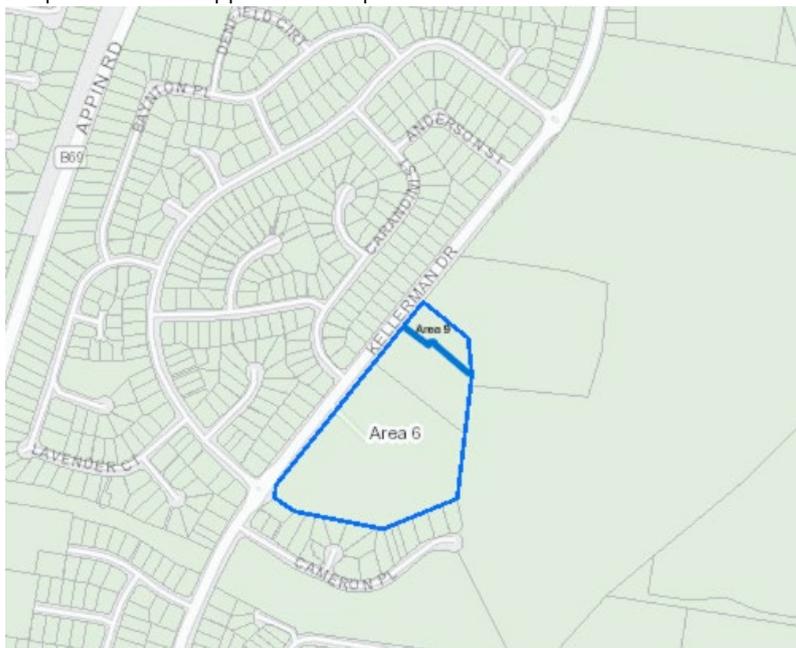
Proposed Clause Application Map Kearns:



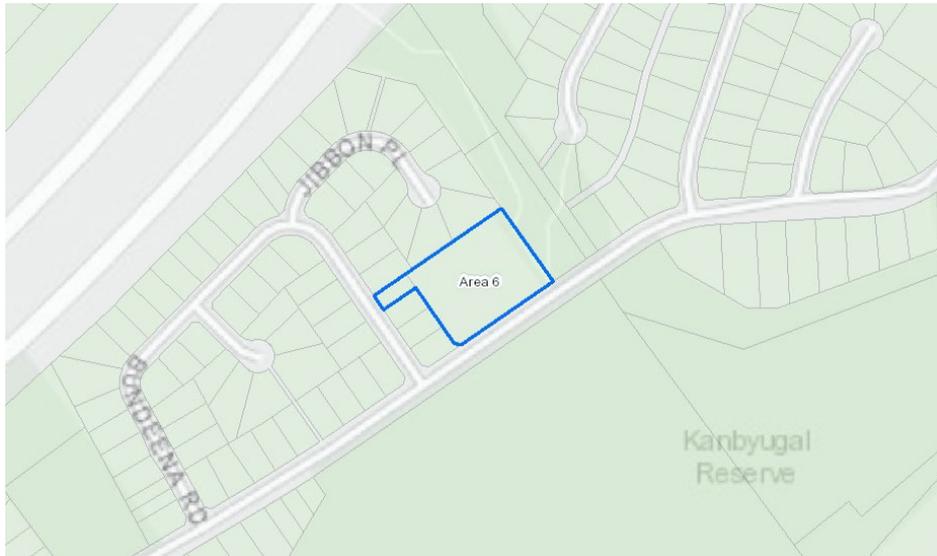
Current Clause Application Map St Helens Park:



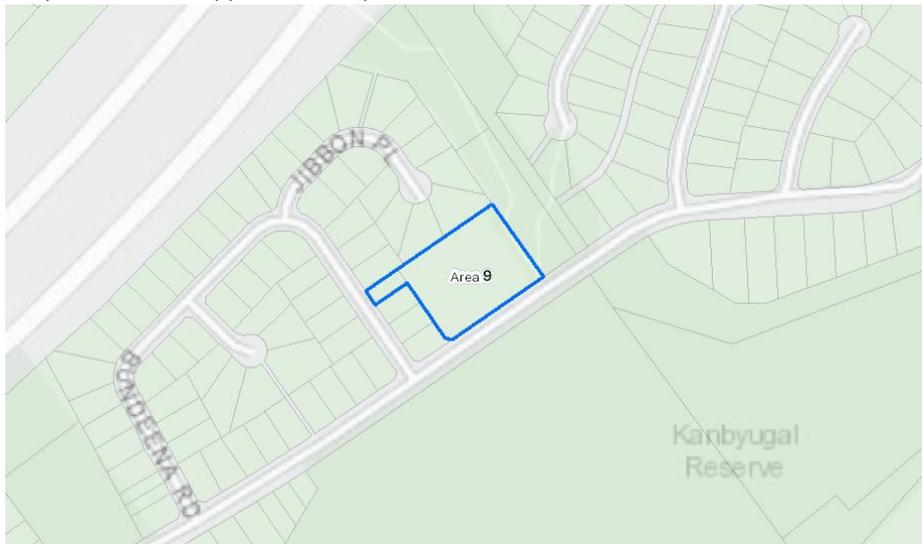
Proposed Clause Application Map St Helens Park:



Current Clause Application Map Woodbine:



Proposed Clause Application Map Woodbine:



**Part 5 – Community consultation**

In accordance with the ‘Local Environmental Plan Making Guidelines’ prepared by the Department of Planning and Environment (August 2023), and the Campbelltown Community Participation Plan, the consultation strategy is:

The planning proposal to be exhibited on Council’s website ([www.campbelltown.nsw.gov.au](http://www.campbelltown.nsw.gov.au)) Council’s libraries also have access to the website.

The planning proposal will also be made available on the NSW Planning Portal website. ([www.planningportal.nsw.gov.au](http://www.planningportal.nsw.gov.au)).

A letter will be distributed to affected properties within 100m of the subject sites in accordance with Council’s Community Participation Plan.

A copy of the planning proposal and associated attachments will be made available at Council’s Administration Building.

**5.1 Campbelltown Local Planning Panel Comments**

Council is required to consider the advice of the Campbelltown Local Planning Panel on a planning proposal before it decides to forward the planning proposal for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act, 1979*. The Campbelltown Local Planning Panel considered the planning proposal at its meeting on 26 February, 2025 and provided the following advice:

“The Panel considers that the planning proposal exhibits both site specific and strategic merit. The potential use of the halls, subject to development consent, for a place of public worship has potential social benefits for the community and would potentially increase the utilisation of these community assets. The proposal also demonstrates site specific merit and would facilitate use consistent with the scale of use that already occurs in each hall.

It is recommended that Council support the submission of the planning proposal for a Gateway Determination.”

**Part 6 – Project Timeline**

<b>Dates</b>	<b>Item</b>
February 2025	Local Planning Panel meeting
April 2025	Report to Council
April 2025	Referral to DPHI for Gateway Determination
June 2025	Gateway Determination
August/September 2025	Public exhibition and referral to any required public authorities
November 2025	Report to Council on submissions received
November 2025	Send planning proposal to DPHI for finalisation
February 2026	Making of LEP Amendment

## 8.4 Planning Agreement - Lot 4 (184) Narellan Road, Campbelltown

### Reporting Officer

Coordinator Strategic Infrastructure  
City Planning and Corporate Services

### Community Strategic Plan

Objective	Strategy
3 Enriched Natural Environment	3.1.2 Ensure urban development is considerate of the natural environment

### Delivery Program

Principal Activity
PA Building Development and Controls

### Officer's Recommendation

That Council authorise the Chief Executive Officer to execute the Planning Agreement with NHP Campbelltown Pty Limited and Clearstate Camnarr192 Nominee Pty Ltd on behalf of Council.

### Purpose

The purpose of this report is for Council to consider the outcomes of the public exhibition of the draft Planning Agreement (PA) associated with a development consent (DA 1421/2022/DA-SW) at Lot 4 (168) Narellan Road, Campbelltown.

This report recommends that Council authorise the Chief Executive Officer to execute the PA.

### History

Council previously authorised the rezoning of land commonly referred to as the Maryfields Estate which is the site of the Bethlehem Monastery and Franciscan Friary. The land is generally bounded by the Hume Motorway to the west, Narellan Road to the south, Maryfields Drive to the north and John Kidd Reserve to the east. A site-specific Development Control Plan (Part 13 – Maryfields Development Control Plan) was prepared for the land in accordance with Clause 6.3 of the Campbelltown Local Environmental Plan 2015 that includes certain provisions and controls.

The Maryfields Estate Masterplan contains 4 distinct precincts comprising a Business Park, Seniors Housing development, residential development and private recreation as shown in Figure 1.



**Figure 1 – Extract from Maryfields Development Control Plan**

The Estate was subsequently subdivided into 6 lots, registered as Deposited Plan No 1213869 with each lot containing a separate precinct.

On 2 November 2023, approval was issued by the NSW Land & Environment Court for Development Application No: 1421/2022/DA-SW, being for a staged subdivision of land into 129 Torrens title residential lots and 5 residue lots including land clearing, construction of roads, stormwater drainage basin, acoustic wall and associated landscaping on Lot 4 Deposited Plan (DP) 1213869, also known as 184 Narellan Road, Campbelltown, and Lots 1428 and 1429 DP 1047382 shown in Figures 2 and 3.



The Developer, NHP Campbelltown Pty Limited and the Landowner, Clearstate Camnarr192 Nominee Pty Ltd have made an offer under S7.4 of the *Environmental Planning and Assessment Act* (EP&A Act) to enter into a PA with Council. In its consideration and assessment of the "offer", the Land & Environment Court included as a condition of Consent that:

"Prior to the issue of a Subdivision Works Certificate, the Applicant must enter into a planning agreement with Campbelltown City Council under the EP&A Act. The planning agreement must be consistent with the terms of the offer made by the Applicant in connection with the development application as set out in the letter from the Applicant to Council dated 25 October 2023, a copy of which is included as Annexure D."

## Report

The objective of the Draft PA is to provide development contributions towards local infrastructure and environmental compensation to facilitate the approved development as shown in Schedule 3 – Development contributions of the draft Planning Agreement.

Development Contributions to be provided by the Developer under the Draft Planning Agreement generally comprise the following:

1. Stage 1 Riparian Area Works – Works identified as Stage 1 – Pre-restoration works as set out in the VMP – \$36,923.50
2. Stage 2 Riparian Area Works – Works identified as Stage 2 – Construction works as set out in the VMP – \$73,401.46
3. Neighbourhood Shops Park [Option 1] – Embellishment of the Neighbourhood Shop Park and dedication of land – \$582,614; OR
4. Neighbourhood Shops Park [Option 2] – Where a temporary basin is required to be constructed (see Clause 8.2), the construction of the temporary basin. Decommissioning of the temporary basin, and the embellishment of the Neighbourhood Shop Park and dedication of land – \$592,614
5. Monetary Contribution – Koala Habitat Rehabilitation Program – \$242,850
6. Registration of a Public Positive Covenant on the title to the Maintenance Land in accordance with condition 39 of the Development Consent
7. Maintenance cash deposit for years 6 to 15 in connection with the Maintenance Land and under the VMP – \$262,931; and Maintenance cash deposit for years 16 to 25 in connection with the Maintenance Land and under the VMP – \$100,000.

The total contribution value to be delivered is between \$1,298,719.90 and \$1,308,719.90 depending on which option is taken in terms of items 3 and 4 of the draft PA. This is in addition to Section 7.11 contributions that will be payable prior to issue of a Subdivision Certificate in accordance with the Campbelltown Local Infrastructure Contributions Plan 2018. The S7.11 contribution payable is \$20,000 per lot which equates to \$2,580,000 to be paid in conjunction with the 5 stages.

**Consultation**

The draft PA was placed on public exhibition from Friday 31 January 2025 until Monday 3 March 2025.

There were 45 visits to the exhibition material on Council's website. There was a single online submission received however the submission provided no commentary on the proposal. Council contacted the author of the submission seeking some detail and content but have received no response.

**Conclusion**

It is recommended that Council adopt the recommendation of this report to facilitate the execution of the Planning Agreement to enable the orderly development of the site and ensure that the required infrastructure and environmental outcomes are delivered.

**Attachments**

8.4.1 Draft Explanatory Note (contained within this report) [↓](#)

8.4.2 Draft Voluntary Planning Agreement (contained within this report) [↓](#)

## Explanatory Note

### Planning Agreement

#### 184 Narellan Road, Campbelltown (Lot 4 DP1213869)

#### 1 Introduction

---

- (1) The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a proposed Voluntary Planning Agreement (**Planning Agreement**) under s7.4 of the *Environmental Planning and Assessment Act 1979* (NSW) (**Act**).
- (2) This Explanatory Note has been prepared jointly between the parties as required by clause 205 of the *Environmental Planning and Assessment Regulation 2021* (NSW) (**Regulations**).
- (3) This Explanatory Note is not to be used to assist in construing the Planning Agreement.

#### 2 Parties to the Planning Agreement

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The parties to the Planning Agreement are:

- (1) Campbelltown City Council (ABN 31 459 914 087) (**Council**);
- (2) NHP Campbelltown Pty Limited (ABN 90 653 848 456) (**Developer**); and
- (3) Clearstate Camnarr192 Nominee Pty Ltd (ABN 97 653 711 954) (**Landowner**).

#### 3 Description of the Land to which the Planning Agreement applies

---

The Planning Agreement applies to the land comprising Lot 4 in Deposited Plan 1213869, known as 184 Narellan Road, Campbelltown (**Land**).

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

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The Planning Agreement applies to the development approved by notice of orders (case no. 2022/00227044) issued on 2 November 2023 by the Land & Environment Court of New South Wales in connection with development application DA 1421/2022/DA-SW, including as amended by any subsequently approved modifications under section 4.55(1A) of the Act (being a modification of minimum environmental impact, which does not materially impact the Works subject to the Planning Agreement or a modification which substantially alters the yield of the relevant development) (**Development**).

The Development involves a staged subdivision to create one hundred and twenty nine (129) residential lots and five (5) residue lots, including clearing of vegetation, earthworks, construction of a temporary and permanent detention basin, construction of roads, construction of an acoustic wall and associated landscaping.

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

---

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The **objective** of the Planning Agreement is to provide community infrastructure, amenities and resources to the Campbelltown LGA community by facilitating the delivery of the development contributions as set out in **Schedule 1 (Contributions)** in a timely and efficient manner.

In respect of the Neighbourhood Shop Park works at Item 3 of Part 1 of **Schedule 1**, the parties are required to reach agreement as to whether the Option 1 or Option 2 works will be delivered prior to the Subdivision Works Certificate for Stage 4A of the Development (or such other timeframe agreed by the parties). If the parties reach agreement on the detailed design for Option 1 (and an authority does not require the Option 2 works), then Option 1 will apply (otherwise Option 2 will apply).

The **intent** of the Planning Agreement is to facilitate the provision of the Contributions by the Developer.

The Planning Agreement will be registered on the title of the Land.

Council will be able to withhold Subdivision Certificates until such time as the Contributions (which are required to be delivered before a Subdivision Certificate) are made.

The Developer will provide Council with the following security to ensure completion of the Contributions:

- (1) Prior to the issue of a Subdivision Certificate for any stage of the Development where Item 1 in Part 1 of **Schedule 1** must be Completed, a bank guarantee for an amount equivalent to ten per cent (10%) of the Contribution Value for the relevant items of Works to satisfy any defects in the Works during the relevant Defect Liability Period (which will be twelve (12) months commencing from the date the item of Works is completed) (**Defects Security**).
- (2) The Maintenance Cash Deposit (constituting Item 3 in Part 2 of **Schedule 1**) to secure its maintenance obligations during the relevant Maintenance Period (which will be the period set out in the relevant Vegetation Management Plan (**VMP**) to the extent that the relevant land forms part of the vegetation management area in the VMP (**Maintenance Land**), or otherwise for a period of twelve (12) months commencing from the date the item of Works is completed).
- (3) The registration of a public positive covenant (constituting Item 2 in Part 2 of **Schedule 1**) on the Maintenance Land for the relevant Maintenance Period prior to the issue of the Subdivision Works Certificate for Stage 1 of the Development.

To the extent that the Contributions include the dedication of land, and the Landowner does not dedicate any part of land required to be dedicated by the time it is required, then the Landowner permits Council to compulsorily acquire that land for compensation in the amount of \$1.00.

The **nature** of the Planning Agreement is a contractual relationship between the Council, the Landowner and the Developer for providing the Contributions.

The **effect** of the Planning Agreement is that the Developer and Landowner will provide the Contributions in the manner provided for by the Planning Agreement (as applicable) and as set out in **Schedule 1**.

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

---

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

In accordance with section 7.4(2) of the Act, the Planning Agreement promotes the following public purposes:

- (1) Provision of contributions to accommodate and meet the demands of future developments and to mitigate the potential impacts of the Development on existing infrastructure.
- (2) The monitoring of the planning impacts of development on the Land.

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

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

- (1) By providing certainty for the Developer, Landowner and Council as to the provision of the Contributions directed towards community infrastructure within the Campbelltown LGA community.
- (2) By promoting the social and economic welfare of the community and a better environment.
- (3) The promotion and co-ordination of the orderly and economic use and development of Land to which the Planning Agreement applies.
- (4) The Planning Agreement will provide an opportunity for involvement and participation by members of the community in development assessment and are invited to make comment on the Planning Agreement.

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

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

- (1) The exhibition of the Planning Agreement facilitates the involvement of members of the public in the consultation process for the Planning Agreement.
- (2) To plan strategically for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (3) To act fairly, ethically and without bias to the interests of the local community.
- (4) To recognise diverse local community needs and interests.
- (5) To have regard to the long term and cumulative effects of its decisions on future generations.
- (6) Transparent decision-making and active engagement with local communities, through the use of the integrated planning and reporting framework and other measures.
- (7) To engage in long-term strategic planning on behalf of the local community;

- (8) The Planning Agreement makes it clear that Council has a statutory role as consent authority in relation to the development proposal and that the Planning Agreement is not intended to unlawfully influence the exercise of Council's regulatory functions.

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

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The Planning Agreement conforms with Council's capital works program.

**Schedule 1 - Contributions**

The following contributions are provided in accordance with the stages of the Development set out in the Overall Staging Plan annexed to the Planning Agreement.

**Part 1 – Completion of Works and dedication of Land**

Item	Nature and extent of Contribution Item	Due date or development lot trigger – Dedication of Land	Due date or development lot trigger – Completion of Works	Notional Value of Land	Notional Value of Works	Approx. land area
1	Stage 1 Riparian Area Works Commence works identified as 'Stage 1 – Pre-restoration works' as set out in the VMP	N/A	Must have commenced prior to the issue of the first Subdivision Certificate in connection with Stage 1 of the Development.	N/A	\$36,923.50	N/A
2	Stage 2 Riparian Area Works Works identified as 'Stage 2 – Construction works' as set out in the VMP	N/A	Prior to the issue of the first Subdivision Certificate in connection with Stage 4A of the Development.	N/A	\$73,401.46	N/A
3	Neighbourhood Shops Park [Option One] Embellishment of the Neighbourhood Shop Park and dedication of land	Prior to the issue of the first Subdivision Certificate in connection with Stage 4B of the Development		\$482,614	\$100,000	1,241m <sup>2</sup>

Item	Nature and extent of Contribution Item	Due date or development lot trigger – Dedication of Land	Due date or development lot trigger – Completion of Works	Notional Value of Land	Notional Value of Works	Approx. land area
	Neighbourhood Shops Park [Option Two]  Where a temporary basin is required to be constructed, the construction of the temporary basin.  Decommissioning of the temporary basin, and the embellishment of the Neighbourhood Shop Park and dedication of land.	Prior to the issue of the first Subdivision Certificate in connection with Stage 4B of the Development	Prior to the issue of the first Subdivision Certificate in connection with Stage 4B of the Development	\$482,614	110,000	1,241m <sup>2</sup>
			If Option 2 is selected, upon the completion of downstream works making the temporary basin redundant the decommissioning works under Option 2 are to be carried out.			

**Part 2 – Other Contributions**

Item	Nature and extent of contribution	Public Purpose	Contribution Value	Due date or development trigger
1	Koala Habitat Rehabilitation Program Monetary Contribution	Compensation for loss of Koala habitat.	The amount of the contribution must be calculated at the time this document is executed in accordance with the <i>Comprehensive Koala Plan of Management 2018</i> (in force at the date of execution)	Prior to the issue of the first Subdivision Certificate in connection with the Development.

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			As at the date of this document, the Contribution Value is estimated to be \$242,850.00 to be indexed in line with the Index.	
2	Registration of a Public Positive Covenant on the title to the Maintenance Land in accordance with condition 39 of the Development Consent.	Maintenance and Public access	N/A	Prior to the issue of the first Subdivision Works Certificate in connection with the Development (excluding Subdivision Works Certificate for Bulk Earthworks).
3	Maintenance Cash Deposit	Maintenance for years 6 to 15 in connection with the Maintenance Land and under the VMP.	\$262,931	Prior to the sixth (6 <sup>th</sup> ) anniversary of the commencement of the Maintenance Period in connection with the Maintenance Land.
		Maintenance for years 16 to 25 in connection with the Maintenance Land and under the VMP.	\$100,000	Prior to the sixteenth (16 <sup>th</sup> ) anniversary of the commencement of the Maintenance Period in connection with the Maintenance Land.

## **Planning Agreement**

**184 Narellan Road, Campbelltown (Lot 4 DP1213869)**

---

### **Marsdens Law Group**

Level 1  
49 Dumaresq Street  
CAMPBELLTOWN NSW 2560

Tel: 02 4626 5077  
Fax: 02 4626 4826

Ref: 45 0699



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**Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)**

**Planning Agreement**

**184 Narellan Road, Campbelltown (Lot 4 DP1213869)**

**Parties**

<b>Council</b>	<b>Name</b>	Campbelltown City Council
	<b>Address</b>	Civic Centre Cnr Queen and Broughton Streets Campbelltown NSW 2560
	<b>ABN</b>	31 459 914 087
<b>Developer</b>	<b>Name</b>	NHP Campbelltown Pty Limited
	<b>Address</b>	c/- Chapman Eastway Level 6, 388 George Street Sydney NSW 2000
	<b>Address for Notices (clause 26.1)</b>	Level 3, 56 Clarence Street Sydney NSW 2000
	<b>ABN</b>	90 653 848 456
<b>Landowner</b>	<b>Name</b>	Clearstate Camnarr192 Nominee Pty Ltd
	<b>Address</b>	Level 6, 388 George Street Sydney NSW 2000
	<b>ABN</b>	97 653 711 954

**Background**

- A** The Landowner owns the Land.
- B** The Developer wishes to carry out the Development and has entered into an arrangement with the Landowner to carry out the Development.
- C** The Developer has obtained the Development Consent with respect to the Development.

## **Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)**

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- D** The Developer has offered to enter into a planning agreement and make Development Contributions in connection with carrying out of the Development, on and subject to the terms of this document.

### **Operative Provisions**

---

#### **1 Agreement**

---

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

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

---

##### **2.1 Defined terms**

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

##### **2.2 Interpretation**

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

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

---

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

This document is a planning agreement:

- (1) within the meaning set out in section 7.4 of the Act; and
- (2) governed by Subdivision 2 of Division 7.1 of Part 7 of the Act.

##### **3.2 Application**

This document is made in respect of the Development and applies to both the Land and the Development.

##### **3.3 Operation**

This document operates as a planning agreement for the purpose of the Act on and from the date that it is executed by both parties.

##### **3.4 Further agreements relating to this document**

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

## Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)

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

---

#### 4.1 Application

This document:

- (1) does not exclude the application of section 7.11 of the Act to the Development; and
- (2) does not exclude the application of section 7.12 of the Act to the Development.

#### 4.2 Section 7.24

This document does not exclude the application of section 7.24 of the Act to the Development.

### 5 Provision of Development Contributions generally

---

#### 5.1 Developer must make Development Contributions

- (1) The Developer and Landowner must make Development Contributions to Council in accordance with this document, and in particular in accordance with **Schedule 3**.
- (2) **Schedule 3** has effect in relation to Development Contributions to be made under this document and in particular, subject to the terms of this document:
  - (a) the Developer must deliver each Item comprising Works by the corresponding '*due date or development lot trigger – completion of Works*' identified for that Item in Part 1 of **Schedule 3**;
  - (b) the Landowner must deliver each Item comprising Land for dedication by the corresponding '*due date or development lot trigger – dedication of Land*' identified for that Item in Part 1 of **Schedule 3**;
  - (c) the Developer must pay the Monetary Contribution by the '*due date or development trigger*' identified for the Monetary Contribution in Item 1 in Part 2 of **Schedule 3**;
  - (d) the Landowner must register the Public Positive Covenant on the Maintenance Land by the corresponding '*due date or development lot trigger*' identified for Item 2 in Part 2 of **Schedule 3**; and
  - (e) the Developer must deliver the Maintenance Cash Deposit in accordance with clause 16.2 and by the corresponding '*due date or development lot trigger*' identified for Item 3 in Part 2 of **Schedule 3**.

#### 5.2 No limit created by Contribution Value

- (1) A Contribution Value specified in relation to a Development Contribution other than a Monetary Contribution does not define or limit the extent of the obligation to provide that Development Contribution.
- (2) Further to paragraph (1), the Developer or Landowner is not entitled to any payment, credit or off-set to the extent that any costs incurred by it in making a Development Contribution exceed the relevant Contribution Value.

**Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)**

- (3) If the cost incurred by:
  - (a) the Developer to properly perform an obligation to carry out Work; and/or
  - (b) the Landowner to dedicate Land,

is less than a Contribution Value specified in relation to that obligation, then:

- (c) the Developer is not required to carry out further Work; and/or
- (d) the Landowner is not required to dedicate further land,

or pay money to Council to make up the difference between the Contribution Value and the cost incurred in performing the obligation.

**5.3 Council's obligation to apply Development Contributions**

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

**5.4 Indexation**

- (1) Unless an indexation methodology is specified in **Schedule 3** in relation to a Contribution Value (in which case that indexation methodology will apply to that Contribution Value), each Contribution Value (excluding the Maintenance Cash Deposit) will be increased quarterly (with the calculation to be made as from the date the relevant Contribution is required to be provided to Council under this document) in accordance with the following formula:

$$A = \frac{B \times C}{D}$$

where:

- A** = the indexed amount;
- B** = the relevant amount as set out in this document;
- C** = the Index most recently published before the date that the relevant payment or the calculation with respect to the relevant amount is to be made; and
- D** = the Index most recently published before the commencement date of the Development Consent.

If **A** is less than **B**, then the relevant Contribution Value will not change.

- (2) For the abundance of clarity, paragraph (1) applies to the calculation of the amount of any Bank Guarantee that must be provided by the Developer to Council in satisfaction of its obligation to provide:
  - (a) Defects Security; and/or
  - (b) Security for Deferred Works in accordance with, and as contemplated by, clause 9.2(2)(c).

## Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)

---

### 6 The provision of Monetary Contributions

---

A monetary contribution is made for the purposes of this document when Council receives the full amount of the contribution payable under this document:

- (1) in cash or by unendorsed bank cheque; or
- (2) by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by Council.

### 7 Procedures relating to the dedication of Land

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#### 7.1 Works to be Completed prior to dedication

Unless Council gives its prior written consent or unless otherwise set out in this document to the contrary, the Landowner must not dedicate or transfer any part of the Land in accordance with this document unless any Works required to be carried out on that part of the Land have either been:

- (1) Completed; or
- (2) deferred in accordance with clause 9.2 to a date after the date that the relevant Land is required to be dedicated under this document.

#### 7.2 Dedication process

- (1) A Development Contribution comprising the dedication of any part of the Land is made for the purposes of this document when:
  - (a) a deposited plan is registered in the register of plans held with the Registrar General that:
    - (i) dedicates the relevant part of the Land as a public road (including a temporary public road) under the *Roads Act 1993* (NSW); or
    - (ii) creates a public reserve or drainage reserve under the *Local Government Act 1993* (NSW); or
  - (b) Council is otherwise registered as the proprietor of the relevant Land.
- (2) For the purpose of paragraph (1)(b), the Landowner will give Council, for execution by Council as transferee, an instrument of transfer under the *Real Property Act 1900* (NSW) in registrable form relating to the Land to be dedicated under this document. Within fifteen (15) Business Days of receiving it from the Landowner, Council is to execute it and return it to the Landowner.
- (3) Council agrees that it will accept the dedication or transfer of any part of the Land subject to the Permitted Encumbrances.
- (4) Council is to execute all necessary documents and assist with any response to requisitions in a timely manner in order to give effect to the dedication of land contemplated by this clause.

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- (5) The Landowner must ensure that upon dedication or transfer all Encumbrances other than Permitted Encumbrances are removed from the title of any part of the Land dedicated to Council under this document.

### 7.3 Remediation of Land to be dedicated to Council

- (1) All Land to be dedicated to Council under the document must be:
- (a) classified to Residential "A" land use criteria as defined in National Environment Protection (Assessment of Site Contamination) Measure (NEPM) as amended in 2013, unless Council agrees in writing to another measure, standard or guideline (at its absolute discretion); and
  - (b) free from any on-site containment or capping of contaminated soil.
- (2) Remediation activities that may be needed (resulting from any unexpected finds) to achieve the requirements of paragraph (1) must be defined in a Remedial Action Plan including remedial methodology, validation criteria and validation procedures.
- (3) If a Remedial Action Plan referred to in paragraph (2) is required, it must be prepared, by a consultant engaged by the Developer at its cost who is certified under a contaminated land consultant certification scheme as recognised by the New South Wales Environment Protection Authority.

## 8 Procedures relating to Neighbourhood Shop Park Works

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### 8.1 Neighbourhood Shop Park

- (1) On and from the date of this document, the parties must do all things necessary to determine whether Option 1 or Option 2 in Item 3 of Part 1 of Schedule 3 applies and meet, discuss and negotiate in good faith, with a view to reaching an agreement as to the Detailed Design for the Neighbourhood Shop Park and to ensure the delivery of the Neighbourhood Shop Park as detailed in the Development Consent once the Detailed Design is agreed.
- (2) The parties must reach an agreement as contemplated in paragraph (1):
- (a) prior to the lodgement of a Subdivision Works Certificate for Stage 4A of the Development; or
  - (b) by such other date that is agreed between the parties.
- (3) If:
- (a) an agreement contemplated in paragraph (1) is reached between the parties in accordance with paragraph (1); and
  - (b) an Authority does not require the Neighbourhood Shop Park to be carried out in accordance with Option 2 in Item 3 of Part 1 of Schedule 3,
- then Option 1 in Item 3 of Part 1 of **Schedule 3** will apply to this document.
- (4) If:

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- (a) an agreement contemplated in paragraph (1) is reached between the parties in accordance with paragraph (1); and
- (b) an Authority requires the Neighbourhood Shop Park to be carried out in accordance with Option 2 in Item 3 of Part 1 of Schedule 3,

then Option 2 in Item 3 of Part 1 of Schedule 3 will apply to this document.

### 8.2 Design and Specification for the Neighbourhood Shop Park

- (1) Before commencing construction of any Item of Work relating to the Neighbourhood Shop Park, the Developer must submit to Council for its approval the Detailed Design for the Work which includes any detail agreed on for the Park per clause 8.1.
- (2) At any time prior to the receipt of the Detailed Design of a Work under paragraph (1), Council may provide the Developer with a direction to vary that Item of Work, subject to any such variation:
  - (a) not unreasonably or substantially increasing the cost and timeframe to Complete the Work from that contemplated in this document;
  - (b) not resulting in a change to the matters identified as core elements for that Work under the DCP; or
  - (c) not being inconsistent with this document or any Development Consent for the Development;
- (3) If, within twenty (20) days of the date of submission of the Detailed Design for the Work referred to in paragraph (1):
  - (a) Council notifies the Developer in writing of its approval of the Detailed Design, the Developer must carry out and Complete the relevant Item of Work in accordance with that Detailed Design;
  - (b) Council fails to notify the Developer in writing that it:
    - (i) approves or does not approve of the Detailed Design; or
    - (ii) does not require the Developer to make modifications to be made to that Detailed Design,Council is taken to have approved the Detailed Design of the Item of Work and the Developer may carry out and Complete the Work in accordance with that Detailed Design; or
  - (c) Council notifies the Developer in writing that it does not approve of the Detailed Design or requires the Developer to make modifications identified in that notice, the Developer may:
    - (i) amend the Detailed Design and submit to Council the amended Detailed Design, in which case the Developer must submit any such amended Detailed Design to Council under paragraph (1); or

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- (ii) if the Developer does not agree with the modifications requested by Council, refer the matter for expert determination or mediation under this document.
- (4) For the purpose of clarity, paragraph (3) applies to any amended Detailed Design submitted by the Developer.

### 8.3 Standard of construction of Work

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

- (1) this document;
- (2) the Detailed Design for the Work approved under clause 8.2;
- (3) the requirements of any approval, consent, permission or licence issued by a relevant Authority;
- (4) any Australian standards and other laws applicable to the Work; and
- (5) in a proper and workmanlike manner, complying with current industry practice and standards relating to the Work.

### 8.4 Access for Works

- (1) The Developer and/or Landowner must permit Council, its officers, employees, agents and contractors to enter the Land or any other land under the control of the Developer at any time, upon giving reasonable prior notice, to:
  - (a) inspect, examine or test any Work; or
  - (b) remedy any breach by the Developer in carrying out a Work.
- (2) Where Council, its officers, employees, agents and contractors enter the Land for the purposes outlined within this clause 8.4, Council must abide by all reasonable work, health and safety requirements of the Developer and/or Landowner.
- (3) Council may at its absolute discretion and in accordance with Council policies and any applicable law from time to time permit the Developer to enter and occupy any land owned or controlled by Council for the purposes of enabling the Developer to comply with their obligations under clauses 11 and 13 of this document, provided that, at all times, the Developer complies with Council's reasonable written directions, as well as Council's policies.

### 8.5 Protection of people and property

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

- (1) all necessary measures are taken to protect people and property;
- (2) unnecessary interference with the passage of people and vehicles is avoided; and

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- (3) nuisances and unreasonable noise and disturbances are prevented.

### 8.6 Protection of people and property

- (1) This clause is subject to the terms of any easement operational at the time Council seeks to enter the Land pursuant to clause 8.4.
- (2) If Council does not acquire the Land subject of the Works, the Council must ensure to the extent reasonably practicable that upon entering privately owned Land (or any other land as otherwise agreed), that:
- (a) all necessary measures are taken to protect people and property;
  - (b) unnecessary interference with the passage of people and vehicles is avoided; and
  - (c) nuisances and unreasonable noise and disturbances are prevented.

## 9 Variation of scope or timing for provision of Works

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### 9.1 Variation to the scope of a Work

- (1) The Developer may request that Council approve in writing a variation to the scope of any Item of Work.
- (2) For the purposes of determining whether to approve a variation under paragraph (1), Council may consider the content of the Overall Staging Plan and/or DCP and whether the variation prejudices the provision of public services or public amenities for the Development.
- (3) The scope of an Item of Work is not to be varied unless Council and the Developer, acting reasonably, agree in writing to the variation.

### 9.2 Deferral of the timing of Completion of an Item of the Works

- (1) Notwithstanding any other provision of this document, if the Developer forms the view at any time, that:
- (a) it is unable to Complete any Item of Work by the time specified in Part 1 of **Schedule 3**; or
  - (b) it believes that there is a risk of damage to any Item of Work if they are delivered by the time required in Part 1 of **Schedule 3**.
- (**Deferred Works**), then the Developer may seek Council's approval to defer the Completion of the relevant Item of Work by providing written notice to Council:
- (c) identifying the relevant Item of Work that the Developer proposes to defer;
  - (d) specifying the reason for the request to defer the Completion of that Item of Work; and
  - (e) identifying the anticipated or proposed time for Completion of the relevant Item of Work.

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- (2) Council, acting reasonably, must give the Developer a written notice within thirty (30) Business Days of the date upon which the Developer serves written notice upon Council in accordance with paragraph (1) stating:
- (a) whether or not it consents to the deferral of the Deferred Works;
  - (b) the revised date for Completion required by Council; and
  - (c) any reasonable conditions Council requires with respect to the deferral (including any requirement for additional Security on account of that deferral, but only to the extent necessary to ensure that Council holds adequate security based on the then estimated cost to complete the relevant Item of the Works).
- (3) If Council fails to notify the Developer in accordance with paragraph (2), Council is taken to have consented to the deferral of the Deferred Works without any conditions.
- (4) If Council consents to the deferral of the Deferred Works, then the following applies:
- (a) The Developer must comply with any conditions required by Council under paragraph (2) above.
  - (b) Provided the Developer satisfies those conditions, the Developer will not be considered to be in breach of this document as a result of a failure to achieve Completion of the relevant Deferred Works by the time for Completion specified in this document.
  - (c) The time for completion of the Deferred Works under this document is either:
    - (i) the revised date for Completion specified by Council under paragraph (2)(b), or
    - (ii) the anticipated or proposed time identified by the Developer under paragraph (1)(e) where the Council has failed to notify the Developer as detailed in paragraph (3).

### **10 Provisions with respect to the Completion of the Works**

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#### **10.1 Developer must notify**

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

#### **10.2 Inspection**

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

#### **10.3 Council to notify**

- (1) Within the earlier of:
- (a) ten (10) Business Days of inspecting the Item of Work identified in a Completion Notice; and
  - (b) twenty (20) Business Days from the receipt of the relevant Completion Notice.

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Council must provide notice in writing to the Developer that:

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

### 10.4 Developer's further notification

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

### 10.5 Works-as-executed-plan

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

- (1) a full works-as-executed-plan for the relevant Item of Work; and
- (2) the technical or operation manual, specifications and warranties (if any) for any product that forms part of the relevant Item of Work.

### 10.6 Hand-over of Works

- (1) Subject to anything to the contrary in this document, Council accepts responsibility for an Item of Work on the later of:
  - (a) the date when the Item of Work is Completed for the purposes of this document; or
  - (b) if the Work is carried out on Land which is to be dedicated to Council under this document, the date of dedication of that Land.

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- (2) The Developer, at its own cost, must repair and make good to the satisfaction of Council (acting reasonably) any loss or damage to a Work from any cause whatsoever which occurs before the Work is Completed for the purposes of this document.

### 11 Procedures relating to the rectification of defects

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#### 11.1 Definition of Defects Liability Period

In this clause 11 the following definitions apply:

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

#### 11.2 Council may issue Rectification Notice

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

#### 11.3 Developer must comply with Rectification Notice

The Developer must comply with a Rectification Notice at its own cost, according to the terms of that notice and to the satisfaction of Council, acting reasonably. The Developer must notify the Council once all items in the Rectification Notice have been addressed. If Council does not respond to the notification issued by the Developer advising that all items in the Rectification Notice have been complied with within 30 days – the terms of the notice are deemed to be satisfied.

#### 11.4 If the Developer fails to comply with a Rectification Notice

- (1) Council may enter upon the Land for the purpose of satisfying a Rectification Notice where the Developer has failed to comply with, the Rectification Notice, but only after giving the Developer not less than ten (10) Business Days written notice of its intention to do so.
- (2) If Council elects to exercise the step-in rights granted to it under paragraph (1) then:
- (a) Council may:
- (i) enter upon any part of the Land to which it requires access in order to satisfy the obligations of the Developer in accordance with the Rectification Notice; and
- (ii) rectify the relevant Defects in accordance with the Rectification Notice; and
- (b) the Developer must not impede or interfere with Council in undertaking that work.
- (3) Where Council exercises its step-in rights in accordance with this clause 11.4, all costs incurred by Council in rectifying the relevant Defects may be claimed by Council or drawn down from a relevant bond or other Security for the relevant works..

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### **11.5 End of the Defects Liability Period**

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

## **12 Failure to carry out Work**

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### **12.1 Council may issue notice**

- (1) If Council considers that the Developer is in breach of any obligation under this document relating to the carrying out of any Work, including Work the subject of a Rectification Notice, Council may give the Developer a notice under this clause 12.
- (2) The notice may require the Developer to:
  - (a) rectify the breach to Council's satisfaction; and
  - (b) immediately cease carrying out further work relating to the Work except to rectify the breach.
- (3) A notice given under paragraph (1) must allow the Developer not less than twenty eight (28) Business Days (or such further period as Council considers reasonable in the circumstances) to rectify the breach.

### **12.2 Developer must comply**

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

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### 12.3 If Developer fails to comply

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

## 13 Maintenance and management of Works

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### 13.1 Definitions

- (1) In this clause the following definitions apply:
  - (a) **Hard Landscaping Work** means items such as paving, seating, buildings, signage, lighting, playground equipment, and any other landscaping work that is not a Soft Landscaping Work.
  - (b) **Maintenance Period** means:
    - (i) to the extent that an Item of Work is carried out on Maintenance Land, the period set out in the VMP; and
    - (ii) to the extent that an Item of Work is not carried out on Maintenance Land, a period of twelve (12) months commencing on the date the Work is Completed.
  - (c) **Maintenance Compliance Certificate** means a written notice issued by Council in accordance with clause 13.3(4)(b)(i) or an Independent Verifier in accordance with clause 13.3(9)(b)(i).
  - (d) **Maintenance Standards** means the maintenance standards and performance criteria of what constitutes fair wear and tear for the Works during the Maintenance Period.
  - (e) **Soft Landscaping Work** means any Work comprising the planting of vegetation and associated preparation of planting beds or growing medium, such as shrubs, groundcovers, mulch and grass.

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### 13.2 Developer must maintain

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

- (1) any matters set out in clause 8.2;
- (2) any approved management documents under the Development Consent relating to the Work or the land on which the Work is or is to be located in force at the date of this document.

### 13.3 Maintenance Compliance Certificate

- (1) The Developer may seek a Maintenance Compliance Certificate for a Work from either Council or an Independent Verifier.
- (2) If the Developer elects to appoint Council to issue the Maintenance Compliance Certificate:
  - (a) Council is to undertake an inspection of the Work the subject of the Maintenance Period;
    - (i) in respect of Hard Landscaping Work every three (3) months commencing on the date that the Work is completed for the purpose of this document;
    - (ii) in respect of Soft Landscaping Work, every six (6) months commencing on the date that the Work is completed for the purpose of the document; and.
    - (iii) in respect of Water Quality and Treatment Basin Works, every six (6) months commencing on the date that the Work is completed for the purpose of the document.
- (3) After each inspection, Council is to provide written notice to the Developer advising whether the Work has been maintained and managed in accordance with clause 13.2. If no written notice is received within ten (10) Business Days, Council is deemed to be satisfied of the Work and the Maintenance Compliance Certificate is deemed to have been issued.
- (4) By no later than ten (10) Business Days prior to the end of the Maintenance Period:
  - (a) Council will undertake a final inspection of the Work; and
  - (b) Council may either:
    - (i) by way of written notice to the Developer, confirm that the Work has been maintained by the Developer in accordance with this clause 13; or
    - (ii) issue a notice to the Developer if it identifies any part of the Work which has not been maintained by the Developer in accordance with this clause 13.

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

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- (12) If Council does not agree with the decision of the Independent Verifier referred to in clause 13.3(9)(b)(i), then clause 19 applies.
- (13) For the purposes of this clause, maintenance includes repairing damage caused by vandalism to the Work (including replacement of plants due to vandalism) but does not include deterioration as a result solely of fair wear and tear.

### 13.4 No further claim against Developer

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

### 13.5 Developer may elect to pay monetary contribution

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

### 13.6 Public positive covenant

- (1) The Developer, at its cost, must register a public positive covenant for the term of the Maintenance Period prior to the issue of the Subdivision Works Certificate for Stage 1 in accordance with Item 2 of Part 2 of **Schedule 3** on the title to the relevant Maintenance Land as required by the Development Consent, or on such other terms acceptable to Council acting reasonably (**Public Positive Covenant**).
- (2) If the Development Consent is modified in such a way to impact the relevant Maintenance Period, the parties will promptly work in good faith to amend the Public Positive Covenant to reflect this change, at the Developer's cost.

## 14 Council may withhold Subdivision Certificate

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### 14.1 Subdivision Certificate for Final Lots

- (1) The Developer may only make, or cause, suffer or permit the making of, an application for a Subdivision Certificate that creates a Final Lot in the Development if, at the date

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of the application, the Developer is not in breach of its obligation to make Development Contributions under this document.

- (2) If an application for a Subdivision Certificate that creates a Final Lot in the Development is made in spite of paragraph (1), Council may withhold the issue of that Subdivision Certificate until the Developer has made all Development Contributions under this document required to be made prior to that Subdivision Certificate being issued.

### **14.2 Council may withhold Subdivision Certificates**

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

## **15 Security for the dedication of land**

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### **15.1 Council may acquire**

If the Landowner does not dedicate any part of the Land required to be dedicated under this document by the time by which it is required to be dedicated, the Developer and Landowner agree that Council may compulsorily acquire that land:

- (1) for compensation in the amount of \$1.00 without having to follow the pre-acquisition procedures under the Just Terms Act; and
- (2) at any time after which that land would be required to be dedicated under this document.

### **15.2 Agreement to acquire**

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

### **15.3 Additional comfort for Council**

- (1) If, as a result of an acquisition referred to in clause 15.1, Council is required to pay compensation to any person other than the Developer or Landowner, the Developer must reimburse Council, as a Development Contribution, for that amount upon a written request being made by Council.
- (2) The Developer and Landowner indemnifies and keeps indemnified Council against all Claims made against Council as a result of any acquisition by Council of the whole or any part of the Land that is required to be dedicated under this document.

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- (3) The Developer and Landowner must promptly do all things necessary, and consent to Council doing all things necessary, to give effect to this clause 15, including without limitation:
- (a) signing any documents or forms;
  - (b) giving land owner's consent for the lodgement of any Development Application;
  - (c) producing certificates of title (or other relevant documents evidencing title) to the Registrar-General under the *Real Property Act 1900* (NSW); and
  - (d) paying Council's costs arising from this clause 15.

### 15.4 Developer and Landowner must not deal with property until this document is registered

- (1) The Developer and Landowner must not during any period prior to the registration of this document pursuant to clause 17, sell, transfer, mortgage, or charge the Land to be dedicated to Council without first obtaining Council's consent in writing.
- (2) The Developer and Landowner must not during the term of this document, grant a lease or licence or any other right of occupancy to any person over the Land to be dedicated to Council, other than any temporary licence necessary for the conduct of the Development

## 16 Security for carrying out of Work

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### 16.1 Provision of Security

Subject to paragraph 16.3, prior to the issue of a Subdivision Certificate for any stage of the Development where **Item 1 in Schedule 3** must be Completed, the Developer must provide Council with a Bank Guarantee(s) for an amount equivalent to ten percent (10%) of the Contribution Value for the relevant Item of Works (**Defects Security**).

### 16.2 Maintenance Cash Deposit

- (1) The Maintenance Cash Deposit constitutes 'Security' for the purpose of clauses 16.3, 16.4 and 16.5 of this document.
- (2) The Maintenance Cash Deposit is made for the purpose of this document when Council receives the full amount of the Maintenance Cash Deposit under this document:
- (a) in cash or by unendorsed bank cheque; or
  - (b) by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by Council.
- (3) Unless:
- (a) Council intends to make a demand against the Maintenance Cash Deposit provided to it; and
  - (b) to the relevant extent, the obligations secured by the Maintenance Cash Deposit have not been provided; and

## Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)

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- (c) at the relevant time, this document is registered on the title to any part of the Maintenance Land; and
- (d) at the relevant time, the Developer has not remedied a breach of this document to the extent that it relates to any obligations secured by the Maintenance Cash Deposit of which it has been given notice by Council; and/or
- (e) Council disputes the request in accordance with clauses 19 or 20,

then the amount of the Maintenance Cash Deposit may be reduced, in which case Council, upon a written request being made by the Developer to refund part or all of the Maintenance Cash Deposit, must provide that refund within ten (10) Business Days of such a request being made.

- (4) The amount of Maintenance Cash Deposit is to be reviewed yearly and reduced by an amount equivalent to works done during the proceeding twelve (12) month period.

### 16.3 Floating Security

The Developer may satisfy clause 16.1 and 16.2 by allowing Council to retain any Security previously provided under this document, provided that Council holds Security in an amount no less than the aggregate required to be provided by the Developer under this clause 16 at the relevant time.

### 16.4 Council may call on Security

If:

- (1) the Developer has defaulted under this document and has not complied with a notice issued by Council (including a Rectification Notice or default notice) under this document in respect of Works; and
- (2) Council has either rectified the Works or been forced to carry out the Works itself,

then without limiting any other remedies available to it, Council may call on any Security held by Council at that time.

### 16.5 Top up of Security

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

### 16.6 Release of Defects Security

Unless:

- (1) Council has made a demand against the Defects Security provided to it;
- (2) the relevant Defects Liability Period has not expired; or

## **Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)**

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- (3) at the relevant time the Developer has not remedied a breach of this document of which it has been given notice by Council,

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

### **16.7 Indexation of value of Security value**

The Developer must ensure that, on an annual basis from the date of commencement of this document, that the Security then held by Council is calculated in accordance with the indexed amount of the Contribution Values under clause 5.4.

## **17 Registration of this planning agreement**

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### **17.1 Obligation to register**

- (1) This document must be registered on the title of the Land pursuant to section 7.6 of the Act.
- (2) The Developer and Landowner must:
- (a) do all things necessary to allow the registration of this document to occur under paragraph (1) on the title of the Land; and
  - (b) pay any reasonable costs incurred by Council in undertaking that registration.

### **17.2 Obligations of Developer**

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

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- (b) to allow the registration of this document by the Registrar-General in the relevant folios of the Register for the Land as soon as reasonably practicable after this document is lodged for registration.
- (3) Council must cooperate and sign all relevant documents required by the Registrar-General or Developer as necessary to ensure the lodgment and registration of this document.

### 17.3 Removal of this document from title of the Land

- (1) After the Developer and Landowner have satisfied their obligations for each relevant Stage in accordance with this document, Council will do all things necessary to remove this document from the title to the Land as quickly as practicable.
- (2) At the time of the relevant “Due date or development lot trigger – Completion of works” or “due date or development lot trigger – Dedication of Land” as described for the relevant Development Contribution in Schedule 3, the Developer or Landowner, by notice in writing, may request that Council facilitate the removal of this document from the title to any part of the Land.
- (3) This document will be removed from the title to any part of the Land if the Developer or Landowner gives Council a written notice requesting such removal and:
  - (a) the Developer and Landowner satisfies Council that the Developer and Landowner has fulfilled its obligations to make Development Contributions in accordance with Schedule 3 under this document with respect to that part of the Land from which a removal is being sought;
  - (b) in respect of the Maintenance Land (and without limiting paragraph (3)(a)), Council is satisfied that the Developer and/or Landowner has met all of the obligations under clause 13 in connection with the Maintenance Land; and
  - (c) the Developer and Landowner are not otherwise in default of any of its material obligations under this document.

## 18 Enforcement

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

## 19 Dispute resolution - expert determination

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### 19.1 Application of this clause

- (1) This clause applies to a dispute under this document about a matter that can be determined by an appropriately qualified expert (**Expert Determination Dispute**).

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

### 19.2 Selection and engagement of Expert

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

### 19.3 Expert no longer independent

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

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

### 19.4 Role of the expert

- (1) The parties acknowledge and agree that the expert should, and they will use their best endeavours to ensure that expert will:
  - (a) issue his or her determination with respect to the Expert Determination Dispute as soon as possible;
  - (b) treat all information provided to him or her in relation to the Expert Determination Dispute as confidential;
  - (c) act as an expert and not as an arbitrator;

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- (d) act independently of the parties, and act fairly and impartially as between the parties;
- (e) give each party a reasonable opportunity of presenting its case by way of written submissions (which must be provided in full to the other parties) and countering any arguments of any opposing party by way of written submissions in reply;
- (f) proceed in any matter he or she thinks fit;
- (g) determine whether it is appropriate to co-opt legal or other technical expertise to assist his or her coordination of the dispute;
- (h) conduct any investigation which he or she considers necessary to resolve the dispute;
- (i) examine such documents, and interview such persons, as he or she may require; and
- (j) make such directions for the conduct of the expert determination as he or she considers necessary.

### 19.5 Determination of the expert

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

## 20 Dispute resolution – mediation

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### 20.1 Application

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

### 20.2 Notice

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

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### 20.3 Procedure

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

## 21 Assignment

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### 21.1 Application

This clause 21 only applies during any period when this document is not registered on the title of the Land.

### 21.2 Restriction on Assignment

Other than in accordance with this clause 21 the Developer and Landowner may not:

- (1) Assign any part of the Land; and/or
- (2) Assign their rights or obligations under this document.

### 21.3 Procedure for Assignment

- (1) If the Developer and/or Landowner:
  - (a) wishes to Assign any part of the Land; and/or
  - (b) wishes to Assign its rights or obligations under this document,then the Developer and/or Landowner must:
  - (c) provide a written request to Council for the consent of Council to the relevant Assignment;
  - (d) provide Council with any evidence required by Council, acting reasonably, to satisfy Council that the third party in whose favour the Assignment is to be made (**Assignee**) is reasonably capable of performing the obligations under this document that are to be Assigned to it;
  - (e) obtain written consent of Council to the relevant Assignment; and
  - (f) at no cost to Council, procure:

## Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)

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- (i) the execution by the Assignee of an appropriate deed where the Assignee agrees to be bound by the terms of this document; and
  - (ii) the provision of all Security to Council by the Assignee that the Developer is required to provide under this document (and any additional securities if required by Council acting reasonably) at the same time as, or prior to, entering into that deed.
- (2) Council is under no obligation to consider (but not unreasonably withhold) granting its consent to any request made by the Developer and/or Landowner under paragraph (1)(c) if, at the time the request is made, the Developer and/or Landowner is in breach of this document.

## 22 Position of Council

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### 22.1 Consent authority

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

### 22.2 Agreement does not fetter discretion

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

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

### 22.3 Severance of provisions

- (1) No provision of this document is intended to, or does, constitute any unlawful fetter on any Discretion. If, contrary to the operation of this clause, any provision of this document is held by a court of competent jurisdiction to constitute an unlawful fetter on any Discretion, the parties agree:
  - (a) they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause 21.1 is substantially satisfied; and
  - (b) in the event that paragraph (a) cannot be achieved without giving rise to an unlawful fetter on a Discretion, the relevant provision is to be severed and the remainder of this document has full force and effect.
- (2) Where the Law permits Council to contract out of a provision of that Law or gives Council power to exercise a Discretion, then if Council has in this document contracted out of a provision or exercised a Discretion under this document, then to that extent this document is not to be taken to be inconsistent with the Law.

### 22.4 No obligations

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

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### **23 Indemnity and Insurance**

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#### **23.1 Insurance**

- (1) The Developer must take out and keep current to the satisfaction of Council the following insurances in relation to Work required to be carried out by the Developer under this document, up until the time that the Work is taken to have been Completed in accordance with this document:
  - (a) contract works insurance, noting Council as an interested party, for the full replacement value of the Works (including the cost of demolition and removal of debris, consultants' fees and authorities' fees), to cover the Developer's liability in respect of damage to or destruction of the Works,
  - (b) public liability insurance for at least \$20,000,000.00 for a single occurrence which covers Council, the Developer and any subcontractor of the Developer, for liability to any third party,
  - (c) workers compensation insurance as required by law, and
  - (d) any other insurance required by law.
- (2) If the Developer fails to comply with clause 23.1(1), Council may effect and keep in force such insurances and pay such premiums as may be necessary for that purpose and the amount so paid shall be a debt due from the Developer to Council and may be recovered by Council as it deems appropriate, including:
  - (a) by calling upon any Security provided by the Developer to Council pursuant to clause 16; or
  - (b) recovery as a debt due in a court of competent jurisdiction.
- (3) The Developer must not commence to carry out any Work unless it has first provided to Council satisfactory written evidence of all of the insurances specified in clause 23.1(1).
- (4) Council acknowledges and agrees that the insurances required to be taken out and kept current by the Developer in accordance with this clause 23.1 may be novated to the Third Party.

### **24 Review of this document**

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#### **24.1 Developer to report**

- (1) The Developer from time to time must provide Council with a report in accordance with the completion of the obligations under the VMP or as and when requested from time to time by Council (acting reasonably).

#### **24.2 Parties to review**

- (1) The parties are to review this document every three (3) years, and otherwise if either party considers that any change of circumstance has occurred, or is imminent, that materially affects the operation of this document.

## Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)

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

### 25 GST

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- (1) In this clause 25 the following definitions apply:
  - (a) Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, Supply and Tax Invoice have the meaning given by the GST Law.
  - (b) **GST Amount** means in relation to a Taxable Supply the amount of GST payable for the Taxable Supply.
  - (c) **GST Law** has the same meaning as in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.
  - (d) **Input Tax Credit** has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a Party includes an Input Tax Credit for an acquisition made by that Party but to which another member of the same GST Group is entitled under the GST Law.
  - (e) **Taxable Supply** has the meaning given by the GST Law, excluding (except where expressly agreed otherwise) a supply for which the supplier chooses to apply the Margin Scheme in working out the amount of GST on that supply.
- (2) Subject to paragraph (4), if GST is payable on a Taxable Supply made under, by reference to or in connection with this document, the party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.
- (3) Paragraph (2) does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this document to be GST inclusive.
- (4) No additional amount is payable by Council under paragraph (2) unless, and only to the extent that, Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.
- (5) If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this document by one Party to the other Party that are not subject to Division 82 of the *A New Tax System (Goods and Services Tax) Act 1999* (Cth), the parties agree:

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- (a) to negotiate in good faith to agree the GST inclusive market value of those Supplies before issuing Tax Invoices for those Supplies; and
  - (b) that any amounts payable by the parties in accordance with clause (as limited by paragraph (2) (as limited by clause 47(d)) to each other for those Supplies will be set off against each other to the extent that they are equivalent in amount.
- (6) No payment of any amount under this clause 25, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided the recipient with a Tax Invoice or Adjustment Note as the case may be.
- (7) Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.
- (8) This clause continues to apply after expiration or termination of this document

## 26 General provisions

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### 26.1 Notices

- (1) A notice, consent, information, application or request (**Notification**) that must or may be given or made to:
- (a) any other party under this document, must only be given or made if it is in writing and sent in one of the following ways:
    - (b) delivered or posted to that party at its address set out in this document; or
    - (c) emailed to that party at its email address set out in this document.
- (2) A party may change its address or email address by giving the other party three (3) Business Days' notice of the change, in which case the new address or email address is treated as the address or number in this document.
- (3) A Notification is to be treated as given or made under paragraph (1)(a) if it is:
- (a) delivered, when it is left at the relevant address;
  - (b) sent by post, five (5) Business Days after it is posted; or
  - (c) sent by email, and the sender does not receive a delivery failure message from the sender's internet service provider within a period of twenty-four (24) hours of the email being sent.
- (4) If a Notification is delivered, or an error-free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

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

The parties must at all times:

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

### **26.3 Legal costs**

The Developer agrees to:

- (1) pay or reimburse the reasonable legal costs and disbursements of Council:
  - (a) for the negotiation, preparation and execution of this document; and
  - (b) arising from the ongoing administration and enforcement of this document including in relation to:
    - (i) the registration or removal of this document on the title to the Land in accordance with clause 17; and
    - (ii) any breach or default by the Developer or Landowner of its obligations under this document.

within twenty (20) business days of receipt of a Tax Invoice from Council.

### **26.4 Entire agreement**

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

### **26.5 Counterparts**

This document may be executed in any number of counterparts and all of those counterparts taken together constitute one and the same instrument. A party who has executed a counterpart of this document may exchange it with another party by emailing a pdf (portable document format) copy of, the executed counterpart to that other party, and if requested by that other party, will promptly deliver the original by hand or post. Failure to make that delivery will not affect the validity and enforceability of this document.

## **Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)**

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### **26.6 Further acts**

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

### **26.7 Governing law and jurisdiction**

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

### **26.8 Representations and warranties**

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

### **26.9 Severability**

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

### **26.10 Variation**

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

### **26.11 Waiver**

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

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**Schedule 1 – Requirements under the Act**

REQUIREMENT UNDER THE ACT	THIS PLANNING AGREEMENT
<p><b>Planning instrument and/or development application – (Section 7.4(1))</b></p> <p>The Developer has:</p> <p>(1) sought a change to an environmental planning instrument.</p> <p>(2) made, or proposes to make, a Development Application.</p> <p>(3) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.</p>	<p>(1) No</p> <p>(2) Yes.</p> <p>(3) Not Applicable.</p>
<p><b>Description of land to which this agreement applies – (Section 7.4(3)(a))</b></p>	<p>Lot 4 in DP1213869, known as 184 Narellan Road, Campbelltown</p>
<p><b>Description of change to the environmental planning instrument to which this agreement applies – (Section 7.4(3)(b))</b></p>	<p>Not applicable.</p>
<p><b>Application of section 7.11 of the Act – (Section 7.4(3)(d))</b></p>	<p>Applies to the Development.</p>
<p><b>Applicability of section 7.12 of the Act – (Section 7.4(3)(d))</b></p>	<p>Applies to the Development.</p>
<p><b>Consideration of benefits under this agreement if section 7.11 applies – (Section 7.4(3)(e))</b></p>	<p>Refer to clause 4 of the Planning Agreement.</p>
<p><b>Mechanism for Dispute resolution – (Section 7.4(3)(f))</b></p>	<p>See clauses 19 and 20.</p>
<p><b>Enforcement of this agreement (Section 7.4(3)(g))</b></p>	<p>See clause 18.</p>
<p><b>No obligation to grant consent or exercise functions – (Section 7.4(3)(9))</b></p>	<p>See clause 22.</p>

## Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)

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### Schedule 2 – Defined terms and interpretation

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#### Part 1 – Defined terms

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The following definitions apply unless the context requires otherwise.

<b>Act</b>	means the <i>Environmental Planning and Assessment Act 1979</i> (NSW).
<b>Approval</b>	includes approval, consent, licence, permission or the like.
<b>Assign</b>	as the context requires refers to any assignment, sale, transfer, disposition, declaration of trust over or other assignment of a legal and/or beneficial interest.
<b>Authority</b>	means the Commonwealth of Australia, the State of New South Wales, or any department or agency of the Commonwealth of Australia or the State of New South Wales, any public authority within the meaning of the Act, and any court or tribunal.
<b>Bank Guarantee</b>	means an irrevocable and unconditional undertaking without any expiry or end date by one of the following trading banks: <ol style="list-style-type: none"> <li>(1) Australia and New Zealand Banking Group Limited.</li> <li>(2) Commonwealth Bank of Australia.</li> <li>(3) Macquarie Bank.</li> <li>(4) National Australia Bank Limited.</li> <li>(5) St George Bank Limited.</li> <li>(6) Westpac Banking Corporation.</li> <li>(7) Any other financial institution approved by Council, in its absolute discretion, in response to a request from the Developer.</li> </ol>
<b>Business Day</b>	means a day other than: <ol style="list-style-type: none"> <li>(1) a Saturday, Sunday or public holiday in the state of New South Wales; or</li> <li>(2) 27, 28, 29, 30 or 31 December in any year.</li> </ol>
<b>Claim</b>	means, against any person, any allegation, action, demand, cause of action, suit, proceeding, judgement, debt, damage, loss, cost, expense, or liability howsoever arising and whether present or future,

## Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)

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	fixed or unascertained, actual or contingent whether at law, in equity, under statute or otherwise.
<b>Complete</b>	means the point in time at which an Item of Work is fit for use and occupation, and is capable of being used and occupied for its intended purposes, except for minor omissions and minor defects which the Developer has reasonable grounds for not rectifying before public use and occupation of the Item of Work, and which will not prejudice the convenient and safe use of the Item of Work.
<b>Completion Notice</b>	means a notice issued under this document by the Developer to Council specifying an Item of Work that the Developer believes is Complete.
<b>Construction Certificate</b>	has the same meaning as in the Act.
<b>Contribution Value</b>	means: <ol style="list-style-type: none"> <li>(1) in relation to an Item of Work, the amount specified in Part 1 of <b>Schedule 3</b> as the “<i>Notional Value of Works</i>” for that Item of Work; and</li> <li>(2) in relation to an Item (or any part) comprising Land to be dedicated, the amount specified in Part 1 of <b>Schedule 3</b> as the “<i>Notional Value of Land</i>” for that Land.</li> </ol>
<b>Court</b>	means the Land and Environment Court of New South Wales.
<b>DCP</b>	means the <i>Campbelltown (Sustainable City) Development Control Plan 2015</i> (as amended from time to time).
<b>Defect</b>	means a material defect that adversely affects the structural integrity, functionality or use or enjoyment of a Work or part of a Work.
<b>Defects Liability Period</b>	has the meaning ascribed to it in clause 11.1.
<b>Defects Security</b>	has the meaning ascribed to it in clause 16.1.
<b>Detailed Design</b>	means plans and specifications which are sufficiently advanced so as to be suitable to enable the issue of a Construction Certificate for the relevant Work.
<b>Development</b>	means the staged subdivision to create one hundred and twenty nine (129) residential lots and five (5) residue lots, including clearing of vegetation, earthworks, construction of a temporary and permanent detention basin, construction of roads, construction of an acoustic wall and associated landscaping.

## Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)

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<b>Development Application</b>	means development application number DA 1421/2022/DA-SW.
<b>Development Consent</b>	means the notice of orders (case no. 2022/00227044) issued on 2 November 2023 by the Land & Environment Court of New South Wales in connection with the Development Application including as amended by any subsequently approved modifications under section 4.55(1A) of the Act, being a modification of minimum environmental impact, which does not materially impact the Works subject to this agreement or a modification which substantially alters the yield of the Development..
<b>Development Contribution</b>	means any of the following, or any combination of them, to be used for, or applied towards, a public purpose: <ol style="list-style-type: none"> <li>(1) a monetary contribution;</li> <li>(2) the dedication of land free of cost;</li> <li>(3) the carrying out of work; and</li> <li>(4) the provision of any other material public benefit.</li> </ol>
<b>Dwelling</b>	means a room, or suite of rooms, occupied or used, or so constructed or adapted, as to be capable of being occupied or used, as a separate domicile to be erected on any part of the Land.
<b>Encumbrance</b>	means: <ol style="list-style-type: none"> <li>(1) an interest or power reserved in or over an interest in any asset;</li> <li>(2) an interest or power created or otherwise arising in or over any interest in any asset under any mortgage, charge (whether fixed or floating), pledge, lien, hypothecation, title retention, conditional sale agreement, hire or hire purchase agreement, option, restriction as to transfer, use or possession, easement restriction on the use of land or positive covenant, subordination to any right of any other person and any other encumbrance or security interest, trust or bill of sale; or</li> <li>(3) an interest or power by way of security for the payment of a debt or other monetary obligation or the performance of any obligation.</li> <li>(4) However, the parties agree that Encumbrance does not include a Biobanking agreement or similar instrument relating to the conservation of biodiversity or as otherwise agreed between the parties during approval of the Detailed Design under clause 8.</li> </ol>

## Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)

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<b>Final Lot</b>	means a lot created as part of the Development, including a strata lot, intended for separate occupation and disposition, not being: <ol style="list-style-type: none"> <li>(1) a lot created by a subdivision of the Land that is to be dedicated or otherwise transferred to Council, the Minister or RMS;</li> <li>(2) a Super Lot; and</li> <li>(3) a lot created:             <ol style="list-style-type: none"> <li>(a) for community use, ecological restoration, drainage, ecology, open space or infrastructure;</li> <li>(b) that is to be dedicated or otherwise transferred for public use.</li> </ol> </li> </ol>
<b>Independent Verifier</b>	means the independent verifier nominated under clause 13, substantially qualified and experienced to certify the maintenance of the Work.
<b>Index</b>	means the Consumer Price Index (All Groups - Sydney) as provided by the Australian Bureau of Statistics.
<b>Item</b>	means each separate Development Contribution specified in Column 1 of Part 1 and Part 2 of <b>Schedule 3</b> .
<b>Just Terms Act</b>	means the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> (NSW).
<b>Land</b>	means the “Land” set out in <b>Schedule 1</b> .
<b>Law</b>	means all legislation, regulations, by-laws, common law and other binding order made by any Authority.
<b>Legislation</b>	means the Act, the <i>Local Government Act 1993</i> (NSW) and the <i>Roads Act 1993</i> (NSW).
<b>Maintenance Cash Deposit</b>	means Item 3 in Part 2 of <b>Schedule 3</b> .
<b>Maintenance Land</b>	means the land comprising that part of the Land contained inside the red border and identified as the ‘vegetation management area’ in Figure 1 of the VMP.
<b>Maintenance Period</b>	has the meaning ascribed to it in clause 13.1(1)(b).
<b>Monetary Contribution</b>	means the amount specified as the “ <i>Monetary Contribution</i> ” in Part 2 of <b>Schedule 3</b> .

## Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)

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<b>Neighbourhood Shop Park</b>	means Item 3 in Part 1 of <b>Schedule 3</b> .
<b>Notional Value</b>	means the value identified in Part 1 of <b>Schedule 3</b> or if a Plan of Management has been prepared which assigns a value to the maintenance and management of a Work to be prepared for each Item in Part 1 of <b>Schedule 3</b> , the amount specified in the Plan of Management.
<b>Occupation Certificate</b>	has the same meaning as in the Act.
<b>Overall Staging Plan</b>	means the overall staging plan attached as <b>Annexure 2</b> .
<b>Permitted Encumbrances</b>	means any encumbrance agreed by Council as a Permitted Encumbrance.
<b>Plan of Management</b>	means a plan of management within the meaning of s36 of <i>the Local Government Act 1993</i> (NSW).
<b>Public Positive Covenant</b>	has the meaning ascribed to it in clause 13.6.
<b>Rectification Notice</b>	means a notice in writing that identifies a Defect in Work and requires rectification of the Defect within a specified period of time.
<b>Registrar General</b>	means the Registrar General within the meaning of the <i>Real Property Act 1900</i> (NSW).
<b>Regulation</b>	means the <i>Environmental Planning and Assessment Regulation 2021</i> (NSW)
<b>Remedial Action Plan</b>	means the report specified under the <i>NSW Guidelines for Consultants Reporting on Contaminated Sites 2011</i> .
<b>Security</b>	means a Bank Guarantee provided by a financial institution acceptable to Council or other form of security to the satisfaction of Council provided in accordance with clause 16.
<b>Stage 1</b>	means the stage of development in accordance with a Development Consent for that part of the Development identified as 'Stage 1' in the Overall Staging Plan.
<b>Stage 4A</b>	means the stage of development in accordance with a Development Consent for that part of the Development identified as 'Stage 4A' in the Overall Staging Plan.
<b>Subdivision Certificate</b>	has the same meaning as in the Act.

**Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)**

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<b>Subdivision Works Certificate</b>	has the same meaning as in the Act.
<b>Super Lot</b>	means a lot that forms part of the Development which, following the registration of a plan of subdivision, is intended for further subdivision to create Final Lots.
<b>Tax Invoice</b>	has the same meaning as in <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cth).
<b>VMP</b>	means the Vegetation Management Plan in connection with the Land prepared by Travers Bushfire & Ecology and dated 12 October 2023 including as amended by any subsequently approved modifications under section 4.55(1A) of the Act, being a modification of minimum environmental impact, which does not materially impact the Works subject to this agreement..
<b>Work</b>	means the physical result of any building, engineering or construction work in, on, over or under land, required to be carried out by the Developer under this document.

**Part 2 – Interpretational rules**

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<b>clauses, annexures and schedules</b>	a clause, annexure or schedule is a reference to a clause in or annexure or schedule to this document.
<b>reference to statutes</b>	a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them.
<b>singular includes plural</b>	the singular includes the plural and vice versa.
<b>person</b>	the word “person” includes an individual, a firm, a body corporate, a partnership, joint venture, an unincorporated body or association or any government agency.
<b>executors, administrators, successors</b>	a particular person includes a reference to the person’s executors, administrators, successors, substitutes (including persons taking by novation) and assigns.
<b>dollars</b>	Australian dollars, dollars, \$ or A\$ is a reference to the lawful currency of Australia.
<b>calculation of time</b>	if a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day.

## Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)

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<b>reference to a day</b>	a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later.
<b>accounting terms</b>	an accounting term is a reference to that term as it is used in accounting standards under the Corporations Act or, if not inconsistent with those standards, in accounting principles and practices generally accepted in Australia.
<b>reference to a group of persons</b>	a group of persons or things is a reference to any two or more of them jointly and to each of them individually.
<b>meaning not limited</b>	the words “include”, “including”, “for example” or “such as” are not used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind.
<b>next day</b>	if an act under this document to be done by a party on or by a given day is done after 4.30pm on that day, it is taken to be done on the next day.
<b>next Business Day</b>	if an event must occur on a stipulated day which is not a Business Day then the stipulated day will be taken to be the next Business Day.
<b>time of day</b>	time is a reference to Sydney time.
<b>headings</b>	headings (including those in brackets at the beginning of paragraphs) are for convenience only and do not affect the interpretation of this document.
<b>agreement, document or instrument</b>	a reference to any agreement, document or instrument includes the same as varied, modified, supplemented, novated or replaced from time to time.
<b>gender</b>	a reference to one gender extends and applies to the other and neuter gender.

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**Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)**

**Schedule 3 –  
Development Contributions**

The following contributions are provided in accordance with the stages of the Development set out in the Overall Staging Plan.

**Part 1 – Completion of Works and dedication of Land**

Item	Nature and extent of Contribution Item	Due date or development lot trigger – Dedication of Land	Due date or development lot trigger – Completion of Works	Notional Value of Land	Notional Value of Works	Approx. land area
1	Stage 1 Riparian Area Works Commence works identified as 'Stage 1 – Pre-restoration works' as set out in the VMP	N/A	Must have commenced prior to the issue of the first Subdivision Certificate in connection with Stage 1 of the Development.	N/A	\$36,923.50	N/A
2	Stage 2 Riparian Area Works Works identified as 'Stage 2 – Construction works' as set out in the VMP	N/A	Prior to the issue of the first Subdivision Certificate in connection with Stage 4A of the Development.	N/A	\$73,401.46	N/A
3	Neighbourhood Shops Park [Option One] Embellishment of the Neighbourhood Shop Park and dedication of land	Prior to the issue of the first Subdivision Certificate in connection with Stage 4B of the Development		\$482,614	\$100,000	1,241m <sup>2</sup>

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**Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)**

Item	Nature and extent of Contribution Item	Due date or development lot trigger – Dedication of Land	Due date or development lot trigger – Completion of Works	Notional Value of Land	Notional Value of Works	Approx. land area
	<p>Neighbourhood Shops Park [Option Two]</p> <p>Where a temporary basin is required to be constructed (see Clause 8.2), the construction of the temporary basin.</p> <p>Decommissioning of the temporary basin, and the embellishment of the Neighbourhood Shop Park and dedication of land.</p>		<p>If Option 2 is selected, upon the completion of downstream works making the temporary basin redundant the decommissioning works under Option 2 are to be carried out.</p>	\$482,614	110,000	1,241m <sup>2</sup>

**Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)**

**Part 2 – Other Contributions**

Item	Nature and extent of contribution	Public Purpose	Contribution Value	Due date or development trigger
1	Koala Habitat Rehabilitation Program Monetary Contribution	Compensation for loss of Koala habitat.	<p>The amount of the contribution must be calculated at the time this document is executed in accordance with the <i>Comprehensive Koala Plan of Management 2018</i> (in force at the date of execution)</p> <p><b>As at the date of this document, the Contribution Value is estimated to be \$242,850.00 to be indexed in line with the Index.</b></p>	Prior to the issue of the first Subdivision Certificate in connection with the Development.
2	Registration of a Public Positive Covenant on the title to the Maintenance Land in accordance with condition 39 of the Development Consent.	Maintenance and Public access	N/A	Prior to the issue of the first Subdivision Works Certificate in connection with the Development (excluding Subdivision Works Certificate for Bulk Earthworks).
3	Maintenance Cash Deposit	Maintenance for years 6 to 15 in connection with the Maintenance Land and under the VMP.	\$262,931	Prior to the sixth (6 <sup>th</sup> ) anniversary of the commencement of the Maintenance Period in connection with the Maintenance Land.

**Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)**

		Maintenance for years 16 to 25 in connection with the Maintenance Land and under the VMP.	\$100,000	Prior to the sixteenth (16 <sup>th</sup> ) anniversary of the commencement of the Maintenance Period in connection with the Maintenance Land.
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## Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)

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### Annexure 1 – Form of Positive Covenant

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#### ANNEXURE A TO POSITIVE COVENANT

**PARTIES: CLEARSTATE CAMNARR192 NOMINEE PTY LTD (ABN 41 643 673 394) AND CAMPBELLTOWN CITY COUNCIL (ABN 31 459 914 087)**

**BURDENED LAND: [INSERT]**

**DATED:**

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#### Maintenance and repair

- (1) The Registered Proprietor of the Burdened Land must, at its own expense, do all things necessary to manage, monitor and maintain:
- (a) the Burdened Land; and
  - (b) all vegetation, works and improvements on the Burdened Land,
- in accordance with the VMP..
- (2) Where the Registered Proprietor of the Burdened Land fails to comply with any written request of the Council referred to in paragraph (1) above, the Council and every person authorised by it has the full and free right to enter upon the Burdened Land in order to manage, monitor and maintain:
- (a) the Burdened Land; and
  - (b) all vegetation, works and improvements on the Burdened Land,
- and the Registered Proprietor will meet any reasonable cost incurred by the Council in carrying out that work.

**Name of Authority with the right to release, vary or modify this positive covenant: Campbelltown City Council.**

#### Access

The Registered Proprietor grants to the Council a free, irrevocable licence to access the Burdened Land and remain on the Burdened Land during such days and times in order to give effect to or monitor compliance with the VMP. Council is to issue written notice of intention to access the Burdened Land at least forty-eight (48) hours prior to access being sought.

**Name of Authority with the right to release, vary or modify this positive covenant: Campbelltown City Council.**

“**Burdened Land**” means the burdened land specified above.

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

## **Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)**

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“VMP” means the Vegetation Management Plan in connection with the Burdened Land prepared by Travers Bushfire & Ecology and dated 12 October 2023 including as amended by any subsequently approved modifications under section 4.55(1A) of the Act, being a modification of minimum environmental impact, which does not materially impact the Works subject to this agreement.

**Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)**

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**Annexure 2 – Overall Staging Plan**

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NO.	BEARING	DISTANCE	ARC	RADIUS
1	S 24° 15' 30" E	8.11	1116	12.5
2	S 91° 55' 30" E	4.485	2865	12.5
3	S 72° 52' 30" E	11.925	14.545	14
4	S 89° 59' 30" E	20.88	27.21	14
5	S 89° 55' 30" E	11.885	16.555	14
6	S 20° 43' 30" E	5.475	5.48	14
7	S 69° 59' 30" E	11.885	16.555	14
8	S 89° 55' 30" E	20.88	27.21	14
9	S 26° 53' 30" E	11.925	14.545	14
10	S 24° 15' 30" E	8.11	1116	12.5
11	S 24° 15' 30" E	8.11	1116	12.5

- NOTES:
1. DIMENSIONS HAVE BEEN CHECKED BY SURVEY.
  2. THIS SUBDIVISION LAYOUT IS A CONCEPT ONLY AND IS SUBJECT TO COUNCIL APPROVAL.
  3. DIMENSIONS AND AREAS ARE SUBJECT TO FINAL DESIGN SURVEY & COUNCIL APPROVAL.
  4. THE LOT FIELDS ON THIS PLAN MAY CHANGE TO REFLECT COUNCIL REQUIREMENTS.
  5. THIS PLAN IS TO ACCOMPANY AN APPLICATION TO COUNCIL AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.
  6. RESTRICTIONS ON THE USE OF LAND MAY BE CREATED ON THE FINAL SUBDIVISION PLAN.
  7. THESE NOTES ARE INTENDED TO BE USED IN CONJUNCTION WITH THE SUBDIVISION PLAN.
  8. THE LOT FIELDS ARE INTENDED TO BE USED IN CONJUNCTION WITH THE SUBDIVISION PLAN.

**NEW HORIZON PROPERTIES**

PROJECT: N/A  
 DATE OF DESIGN: 2025  
 DRAWN: N/A  
 CHECKED: N/A  
 APPROVED: N/A

PROJECT NO: 104-201  
 DRAWING NO: 104-201

**PR148545**

**Overall Staging Plan - 184 Narellan Rd, Campbelltown**

**Proposed Subdivision of Lot 4 DP1213869**

DATE: 10/04/2025  
 SHEET: 1 OF 1 SHEETS

SCALE: 1:600

DATE: 10/04/2025

PROJECT: N/A

DRAWN: N/A

CHECKED: N/A

APPROVED: N/A

DATE: 10/04/2025

PROJECT: N/A

DRAWN: N/A

CHECKED: N/A

APPROVED: N/A

**Planning Agreement – 184 Narellan Road, Campbelltown (Lot 4 DP1213869)**

**Execution page**

**Executed as a deed**

Dated:

**Executed by Campbelltown City Council** by its Chief Executive Officer in accordance with resolution dated [insert]

\_\_\_\_\_  
Chief Executive Officer (Signature)

\_\_\_\_\_  
Name of Chief Executive Officer(Print Name)

**Executed by NHP Campbelltown Pty Limited** in accordance with section 127(1) of the *Corporations Act 2001* (Cth) by authority of its directors.

\_\_\_\_\_  
Director/Secretary (Signature)

\_\_\_\_\_  
Director (Signature)

\_\_\_\_\_  
Name of Director/ Secretary (Print Name)

\_\_\_\_\_  
Name of Director (Print Name)

**Executed by Clearstate Camnarr192 Nominee Pty Ltd** in accordance with section 127(1) of the *Corporations Act 2001* (Cth) by authority of its directors.

\_\_\_\_\_  
Director/Secretary (Signature)

\_\_\_\_\_  
Director (Signature)

\_\_\_\_\_  
Name of Director/ Secretary (Print Name)

\_\_\_\_\_  
Name of Director (Print Name)

## 8.5 Significant Development Applications

### Reporting Officer

Executive General Manager | City Planning and Corporate Services  
City Planning and Corporate Services

### Community Strategic Plan

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

### Delivery Program

Principal Activity
PA Building Development and Controls

### Officer's Recommendation

That the information be noted.

### Report

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

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

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

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

## Attachments

DAs where the authority is the Sydney Western City Planning Panel					
DA No. & Link	Address	Description	Value	Authority Criteria	Status
NIL	NIL	NIL	NIL	NIL	NIL

DAs where the authority is the Department of Planning					
DA No. & Link	Address	Description	Value	Authority Criteria	Status
<a href="#">SSD - 52066209</a>	1 Hurley Street, Campbelltown	Macarthur Health Precinct – Stage 2	\$68 million	Hospital >\$30 million	Assessment in progress

DAs where the authority is Campbelltown Local Planning Panel					
DA No. & Link	Address	Description	Value	Authority Criteria	Status
NIL	NIL	NIL	NIL	NIL	NIL

Significant DAs approved under delegation by the Chief Executive Officer since last Council meeting (value exceeding \$3 million)					
DA No. & Link	Address	Description	Value	Authority Criteria	Status
<a href="#">2849/2024/DA-C</a>	10 Wickfield Circuit, Ambarvale	Construction of a child care centre for up to 140 children and cafe	\$5,341,600	Delegated authority	Approved with conditions
<a href="#">1612/2024/DA-SW</a>	Menangle Road, Menangle Park	Subdivision of the site into four superlots and associated civil and landscaping works	\$4,240,500	Delegated authority	Approved with conditions
<a href="#">2299/2024/DA-SW</a>	Menangle Road, Menangle Park	Subdivision into 224 residential lots; residue lots for future residential subdivisions, future park, future neighbourhood centre, road widening and a future primary school; construction of roads; partial upgrade and resurfacing of Cummins Road; landscaping and associated site preparation works	\$23,007,600	Delegated authority	Approved with conditions

<a href="#">2364/2023/DA-SW</a>	Appin Road, Gilead	Subdivision to create 45 residential lots with associated civil works including bulk earthworks, construction of new roads, stormwater drainage, installation of services and street tree planting	\$9,368,830	Delegated authority	Approved with conditions
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## 8.6 Investments and Revenue Report - February 2025

### Reporting Officer

Executive Manager Corporate Services and Governance  
City Planning and Corporate Services

### Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.2.2 Ensure that public funds and assets are managed strategically, transparently and efficiently

### Delivery Program

Principal Activity
PA10 Governance and Administration

### Officer's Recommendation

That the information be noted.

### Purpose

To provide a report outlining the activity in Council's financial services portfolio for the month of February 2025.

### Report

#### Investments

Council's investment portfolio as of 28 February 2025 stood at approximately \$246 million. Funds are currently being managed by both Council staff and fund managers and are in accordance with the *Local Government Act 1993*, Local Government (General) Regulation 2021 and Council's Investment Policy.

All investments are placed with approved deposit taking institutions or TCorp and comply with the Investment policy.

Council's investment portfolio for the month of February outperformed the benchmark and provided an actual positive return of 0.39 per cent or 5.15 per cent annualised. This return includes the 31-day notice saver account but excludes Council's at call cash and Treasury Corp managed fund accounts.

The portfolio is diversified with maturities with varying lengths ranging up to the maximum 5 year period in accordance with Council's Investment Policy.

Council's investment advisor, Arlo Advisory, have confirmed that Council's investment portfolio is compliant with current policy settings, with clear buffers between exposures to individual entities and is well diversified from a credit rating spread perspective.

Council's total liquidity to meet short to medium term cash flow needs, remains strong with \$15 million held in an at call account and an amount of \$11 million in a 31-day notice account. This notice account offers a reasonable rate for short term deposits of 4.45 per cent which also moves in line with movements in the official cash rate.

The RBA meets to consider monetary policy 8 times per year namely:

18 February	11 - 12 August
31 March - 1 April	29 - 30 September
19-20 May	3 - 4 November
7-8 July	8 - 9 December

As widely anticipated, the RBA reduced the official cash rate to 4.10 per cent in the February meeting, which represented the first reduction since early in the pandemic. The minutes showed that the RBA board "was not yet assured" inflation could be returned to the target range with a lower cash rate. As a result, members expressed caution about the prospect of further policy easing, which could also be seen in the forecast.

The market value of the Treasury Corporation Long Term Growth Fund which has a current asset allocation of around 50 per cent in domestic and international shares had a minor 0.33 per cent loss for the month of February due to domestic and international market losses. This Treasury Corporation Fund is a long-term growth fund with high return potential over the long term that may experience occasional periods of negative returns. It is intended to be at least a 7-year investment with the expectation of a return of CPI plus 3.5 per cent over a rolling 10-year period.

It is important to note that councils are restricted to conservative investments strictly in line with the Minister's Investment Order of 17 February 2011 and other relevant legislation including the *Local Government Act 1993* and the *Trustee Act 1925*. Investments in equities are prohibited under the legislation and therefore a benchmark such as the Bank Bill Index is used in line with Council's Investment Policy and the recommendations of the Office of Local Government Guidelines.

**Rates and Charges**

Rates and Charges levied for the period ending 28 February 2025 totalled \$163,185,710 representing 100 per cent of the current budget estimate.

The rates and charges receipts collected to the end of February totalled \$113,796,079. In percentage terms, 70.5 per cent of all rates and charges due to be paid have been collected, compared to 71.8 per cent collected in the same period last year.

To mitigate the risk of debts becoming unmanageable, Council staff have been actively assisting ratepayers with their quarterly instalments and provide advice on options available

such as regular weekly payments. Where the charging of penalty interest causes hardship, the interest charges are waived in accordance with Council's Hardship Policy and an application being made. An on-line application form is available on Council's website to assist ratepayers to apply and complete their request at a convenient time.

Debt recovery action during the month involved the issue of 36 Statements of Claim to ratepayers with 2 or more instalments outstanding and a combined balance exceeding \$1,000. Further recovery on accounts with previous action resulted in 21 Judgments being served on ratepayers that have not made suitable payment arrangements or failed on multiple occasions to maintain an agreed payment schedule without adequate communication with Council.

Ratepayers who purchased property since the annual rates and charges notices had been issued, are provided a 'Notice to new owner' letter. During the month, 193 notices were sent to ratepayers advising them of the amount unpaid on their account and the amount levied in annual rates and charges. In addition, a separate letter is sent containing a request for additional contact points such as mobile number and/or email address.

### **Sundry Debtors**

Debts outstanding to Council as at 28 February 2025 are \$4,475,691, reflecting a decrease of \$4,071,890 since January 2025. During the month, 922 invoices were raised totalling \$1,614,179 and \$5,686,069 in payments were received. The majority of invoices raised in any given month are paid within a 30 day period and those that are not are reflected in the Ageing of Sundry Debtors Report.

Debt recovery action is normally undertaken in accordance with Council's Sundry Debtors Recovery Procedures Policy and commences with the issue of a tax invoice. A person or entity may be issued any number of invoices during the calendar month for any business, services or activities provided by Council. At the conclusion of each calendar month, a statement of transactions is provided with details of all invoices due and how payments or credit notes have been apportioned. Once an invoice is paid, it no longer appears on any subsequent statement.

All sundry debts that are not rates related, that age by 90 days or more, are charged a statement administration fee of \$5.50 per statement. Debtors are contacted by telephone, email or in writing to make suitable arrangements for payment of the overdue debt. Where a suitable arrangement is not achieved or not maintained as agreed, a 7-day letter is issued referencing referral to Council's debt recovery agents.

Matters referred to Council's recovery agent are conducted in accordance with relevant legislation and the *Civil Procedures Act 2001*. Formal legal recovery commences with a Letter of Demand (or Letter of Intent) providing debtors with at least 14 days to respond. If 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.

During the month, 22 accounts were issued a Letter of Demand advising that if the account was not settled or an appropriate arrangement was not made, the account will escalate to formal legal action through Council's agent. All costs associated with formal recovery are payable by the debtor.

Council's agents were instructed to obtain Judgment on 2 accounts, Examination Order Summons for 2 accounts and issue four Examination Notices for unpaid licence fees.

Council continues to aid debtors experiencing difficulties in paying their accounts. Debtors are encouraged to keep communicating with Council regarding their overdue accounts and to clear their outstanding debts through regular payments where possible to avoid any further recovery action.

Material debts that remain outstanding for 90+ days or more are outlined below, with communication ongoing to facilitate settlement of the debts.

<b>Debt Types</b>	<b>Amount Outstanding</b>	<b>Date of Debt</b>
Bookable/Hire related debts (raised in advance)	\$130,265	Various
Grants - Wander on Q Vibrant Streets Package and NSW Football Legacy Hazlett Oval upgrade	\$42,900	November 2024
Various landowners - Property related debts	\$33,459	Various
Lease Debts (payment arrangements in place)	\$27,915	March 2024
Health inspection fees - Shop Food and Health, Fire Safety Statement, Pool Inspection and Septic Tank	\$187,200	Various

## **Attachments**

8.6.1 Summary of Investment Portfolio - February 2025 (contained within this report) [↓](#)

8.6.2 Rates and Charges Summary and Statistics - February 2025 (contained within this report)

[↓](#)

# Summary of Council's Investment Portfolio

Portfolio as at 28 February 2025



## Investments Summary\*

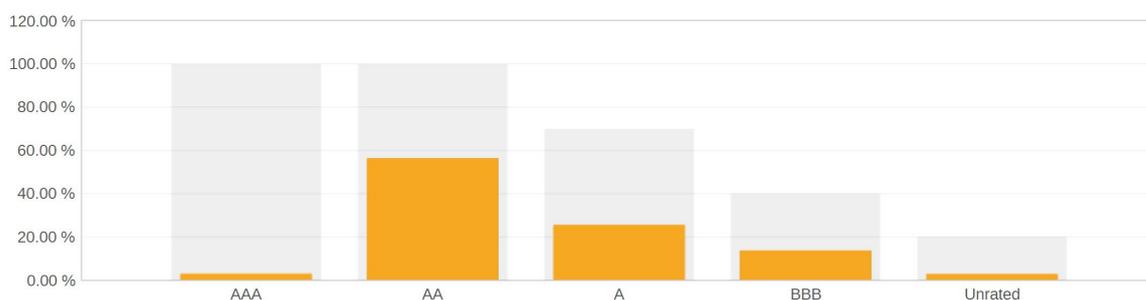
Asset Class as at 28/02/2025

Code	Number of Trades	Invested (\$)	Invested (%)
TD	48	157,031,413.70	63.89
FRN	23	40,690,211.65	16.55
Cash	3	25,925,611.49	10.55
Bond	6	8,939,205.80	3.64
FRTD	2	7,000,000.00	2.85
MGFUND	1	6,204,414.96	2.52
<b>TOTALS</b>	<b>85</b>	<b>245,790,857.60</b>	<b>100.0</b>

\*Note valuations of Council's Senior FRNs on the Imperium Markets platform are marked-to-market and priced on a daily basis from an independent third party provider. Council has recorded its FRNs internally at the purchase price or face value. As such, the total portfolio's balance is likely to differ as at the reporting date).

## Credit Quality

Compliant	Rating	Invested (\$)	Invested (%)	Limit (%)	Available (\$)
✓	AAA	6,490,301.30	2.64	100.00	239,300,556.30
✓	AA	137,984,579.82	56.14	100.00	107,806,277.78
✓	A	62,180,331.98	25.30	70.00	109,873,268.34
✓	BBB	32,931,229.54	13.40	40.00	65,385,113.50
✓	Unrated	6,204,414.96	2.52	20.00	42,953,756.56
<b>TOTALS</b>		<b>245,790,857.60</b>	<b>100.00</b>		



## Maturity Compliance

Compliant	Term	Invested (\$)	Invested (%)	Min Limit (%)	Max Limit (%)	Available (\$)
✓	0 - 90 days	48,923,949.49	19.91	10.00	100.00	196,866,908.11
✓	91 - 365 days	129,271,988.70	52.59	0.00	100.00	116,518,868.90
✓	1 - 2 years	31,859,594.10	12.96	0.00	70.00	140,194,006.22
✓	2 - 5 years	29,530,910.35	12.02	0.00	50.00	93,364,518.45
✓	5 - 10 years	6,204,414.96	2.52	0.00	20.00	42,953,756.56
<b>TOTALS</b>		<b>245,790,857.60</b>	<b>100.00</b>			

## Portfolio Return

Council's performance for the month ending February 2025 (excluding cash accounts and TCorp LTGF) is summarised as follows:

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.31%	1.04%	2.12%	2.86%	4.33%
AusBond Bank Bill Index	0.34%	1.10%	2.21%	2.98%	4.48%
T/D Portfolio	0.39%	1.23%	2.49%	3.38%	5.13%
FRT/D Portfolio	0.41%	1.29%	2.59%	3.49%	5.32%
FRN Portfolio	0.41%	1.30%	2.61%	3.51%	5.32%
Bond Portfolio	0.20%	0.60%	1.10%	1.44%	2.00%
<b>Council's Total Portfolio<sup>^</sup></b>	<b>0.39%</b>	<b>1.22%</b>	<b>2.44%</b>	<b>3.29%</b>	<b>4.99%</b>
<b>Relative (to Bank Bills)</b>	<b>0.05%</b>	<b>0.11%</b>	<b>0.23%</b>	<b>0.31%</b>	<b>0.51%</b>

<sup>^</sup>Council's total portfolio returns excludes Council's cash account holdings and TCorp LTGF.

Performance (Annualised)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	4.10%	4.27%	4.31%	4.32%	4.33%
AusBond Bank Bill Index	4.51%	4.54%	4.51%	4.51%	4.48%
T/D Portfolio	5.19%	5.08%	5.09%	5.11%	5.13%
FRT/D Portfolio	5.46%	5.33%	5.30%	5.29%	5.32%
FRN Portfolio	5.50%	5.36%	5.33%	5.32%	5.32%
Bond Portfolio	2.64%	2.47%	2.23%	2.17%	2.00%
<b>Council's Total Portfolio<sup>^</sup></b>	<b>5.15%</b>	<b>5.02%</b>	<b>4.98%</b>	<b>4.99%</b>	<b>4.99%</b>
<b>Relative (to Bank Bills)</b>	<b>0.64%</b>	<b>0.48%</b>	<b>0.47%</b>	<b>0.48%</b>	<b>0.51%</b>

<sup>^</sup>Council's total portfolio returns excludes Council's cash account holdings and TCorp LTGF.



## Rates Summary

Statement of all Outstanding Rates and Extra Charges

Rate - Charge	30/06/2024	Net Levy for Year	Pension Rebates	Extra Charges	Total Receivable	Cash Collected	Net Amount Due	Postponed Rates & Interest	Gross Amount Due
Residential Business	4,744,997.77	81,475,078.97	1,347,685.49	937,284.24	85,809,675.49	58,856,948.98	26,952,726.51	309,000.22	27,261,726.73
Farmland	676,244.18	23,996,394.01		89,881.98	24,762,520.17	18,569,139.09	6,193,381.08		6,193,381.08
Mining	35,519.17	498,666.60	396.69	3,766.93	537,556.01	393,434.42	144,121.59	215,321.00	359,442.59
SR - Loan	0.76	32,390.70		0.00	32,391.46	32,391.46	0.00		0.00
SR - Infrastructure	919.88	0.00		58.56	978.44	0.00	978.44	0.00	978.44
	481,112.23	8,005,814.35		21,582.04	8,508,508.62	5,893,456.78	2,615,051.84	51,602.10	2,666,653.94
<b>Total</b>	<b>\$5,938,793.99</b>	<b>\$114,008,344.63</b>	<b>\$1,348,082.18</b>	<b>\$1,052,573.75</b>	<b>\$119,651,630.19</b>	<b>\$83,745,370.73</b>	<b>\$35,906,259.46</b>	<b>\$575,923.32</b>	<b>\$36,482,182.78</b>
Garbage	1,659,164.85	41,220,394.07	1,054,457.28	103,552.47	41,928,654.11	28,941,747.21	12,986,906.90		12,986,906.90
Stormwater	93,856.82	1,509,533.52		2,035.00	1,605,425.34	1,108,960.88	496,464.46		496,464.46
<b>Grand Total</b>	<b>\$7,691,815.66</b>	<b>\$156,738,272.22</b>	<b>\$2,402,539.46</b>	<b>\$1,158,161.22</b>	<b>\$163,185,709.64</b>	<b>\$113,796,076.82</b>	<b>\$49,389,630.82</b>	<b>\$575,923.32</b>	<b>\$49,965,554.14</b>

Total from Rates Financial Transaction Summary	48,774,846.80
Overpayments	-1,190,707.34
Difference	0.00

### Analysis of Recovery Action

Rate accounts greater than 6 months less than 12 months in arrears	779,671
Rate accounts greater than 12 months less than 18 months in arrears	46,226
Rate accounts greater than 18 months in arrears	54,528
<b>TOTAL rates and charges under instruction with Council's agents</b>	<b>880,425</b>



### Rates Statistics

No. of documents issued	July	August	September	October	November	December	January	February	March	April	May	June	Feb-24
Rate Notices	55,016	121	145				56						
Electronic - DoH	4,625												
Instalment Notices				46,632			45,884						
Electronic - DoH				4,568			4,538						
Missed Instalment Notices			12,802			9,829							
- Pensioners > \$15,00			674			1,093							
Notice to new owner	143	119	108	98	103	118	124	193					173
7-day Letters - Council issued			1,485			1,883							
- Pensioners > \$1000			165			209							
7-day Letters - Agent issued			699										
Statement of Claim	215	32	19	201	23	15	290	36					34
Judgments	28	72	17	22	36	26	36	21					40
Writs	6	1		3	1	2	5	3					1
Electronic - eRates & BPAView	18,412	18,496	19,686	19,907	20,156	20,429	20,496	20,764					17,458
Pensioner applications	81	61	59	78	61	50	43	73					69
Arrangements	73	86	88	92	96	109	99	101					71

## 8.7 Draft Quarterly Budget Review Statement Guidelines Submission

### Reporting Officer

Executive Manager Corporate Services and Governance  
City Planning and Corporate Services

### Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.2.2 Ensure that public funds and assets are managed strategically, transparently and efficiently

### Delivery Program

Principal Activity
PA10 Governance and Administration

### Officer's Recommendation

That Council endorse the submission to the Office of Local Government on the Draft Quarterly Budget Review Statement Guidelines.

### Purpose

To provide the draft Council submission to the Office of Local Government (OLG) on the proposed amendment to the Quarterly Budget Review Statement Guidelines.

### History

The Integrated Planning and Reporting (IP&R Framework) has changed the way councils in New South Wales (NSW) plan, document and report on their plans for the future. The Framework first came into practice in 2009 and begins with the aspirations of our community over a period of 10 years, which is reported through the Community Strategic Plan.

### Report

The Quarterly Business Review Statement (QBRS) is a mechanism within the IP&R Framework for transparent reporting to Council and the community on the management of significant financial resources to ensure effective oversight of the financial performance of Council.

The QBRS Statement supplements the information contained in the Delivery Program Report and allows Council to monitor actual income and expenditure against the original and forecast

budgets and adjust if necessary. The QBRS is also an informative document that may identify amendments required in future Operational Plans.

The OLG have issued Circular 25-04, 6 March 2025 / A934553 seeking feedback on the draft proposed amendments to the QBRS Guidelines. The new or amended requirements aim to ensure councillors have effective oversight and are in control of the financial performance of their council, outline the purpose and value of effective financial reporting and highlight roles and responsibilities, establish standardised reporting templates, introduce an overview and reporting of council income and expenditure based on funds and address concerns that the governing body and communities are not receiving clear, relevant and meaningful financial information.

The proposed framework will continue to be mandatory, and all NSW councils will be required to comply with the draft Guidelines including the standardised reporting to be presented to councillors, the community and the OLG.

Council's submission addresses the feedback considerations of the OLG Consultation Guide of the proposed changes relating to effective oversight, transparency, timeliness, trust and risk.

The OLG intends to assess submissions, finalise and release the new QBRS Guidelines mid 2025 and it is anticipated that councils would commence reporting under the new Guidelines for Q1 by no later than 30 November 2025.

## **Attachments**

8.7.1 Draft Quarterly Budget Review Statement Guidelines (contained within this report) [↓](#)

8.7.2 OLG Submission on Draft Quarterly Budget Review Statement Guidelines (contained within this report) [↓](#)

Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au



# DRAFT - Quarterly Budget Review Statement Guidelines

for Local Government

March 2025





# Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work and seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning, Housing and Infrastructure

[dphi.nsw.gov.au](http://dphi.nsw.gov.au)

[olg.nsw.gov.au](http://olg.nsw.gov.au)

Quarterly Budget Review Statement Guidelines for Local Government

First published: March 2025

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## Why is transparency of performance important?

### Effective oversight



Financial reports must include clear, relevant and meaningful information. They provide councillors and the community with a clear picture of how council is performing, facilitating good decisions that enable council to operate efficiently by measuring progress against goals and objectives.

### Transparency



Financial reporting is an important part of a transparent and accountable local government. It enables expectations to be set, monitored and communicated. It acknowledges that each council has its own unique environment and circumstances, and specific transactions and events.

### Timely



Regular reporting enables councillors and the community to regularly assess progress and measure the council's financial health. It enables variances to be understood and addressed throughout the year and facilitate timely corrective actions as required. It also enables spending commitments to be managed now and into the future.

### Builds trust



Accurate, reliable and openly available financial information builds trust and engagement. It enables councillors and the community to regularly assess councils progress against its intended goals and objectives.

### Minimises risk



Regular and transparent reporting minimises risk by facilitating financial decisions that are responsible and sustainable and that proactively identifies risks. It also assists councils to better manage unexpected developments and financial shocks.

## What is the purpose of transparent performance reporting?

Councils manage significant finances on behalf of their communities and play a pivotal role in making sure public money is directed to the assets and services most at need.

Transparent and timely performance reporting enables councillors and council staff to work together to drive and deliver the council's strategic direction, adjust to change and implement risk mitigation measures.

It is critically important that councillors have sufficient information to agree on expenditure and asset management decisions that are in the interest of their communities.

It is equally important that communities have confidence that councillors and council staff are managing council's budget appropriately and prioritising infrastructure and services that meet local needs.

That is why NSW councils are required to prepare and adopt a range of strategic plans, active reporting and performance reports and consider the financial implications of the decisions they make.

### **Integrated Planning and Reporting (IP&R)**



Community strategic planning is the process by which councillors, with their community, establish a vision for the future of the local government area, and develop goals, objectives, strategies and actions to achieve that planned outcome, which is articulated in the council's IP&R documentation.

### **Annual Reporting**

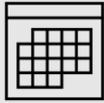


The annual report is a key point of accountability and communication between a council and its community and focuses on the council's implementation of what it committed to deliver in its IP&R documents for the financial year. Council end of year financial statements form part of the annual report. Financial statements provide information about the reported financial position and performance of the council during the financial year.

### **Quarterly Budget Review Statement (QBR)**



The QBR is the statutory mechanism by which councillors, council staff and the community are informed of the council's financial performance against the council's original budget, at quarterly intervals.



### Monthly Reporting

Monthly reports provide up-to-date reporting of council financial positions and performance, to enable active tracking and determine future plans and decision making.

The draft Quarterly Budget Review Statement Guidelines for Local Government (the draft Guidelines) have been developed to ensure council staff report clearly and consistently to their councillors and communities, and in a manner that provides relevant and easy to read financial information.

The draft Guidelines outline the purpose and value of effective financial reporting, clarify the roles of council staff, councillors and the community and establish standardised QBRS reporting templates. The draft Guidelines also clarify that councillors need to have visibility and be in control of the financial performance of their council.

*These draft Guidelines have been issued under section 203 (3) of the Local Government (General) Regulation 2021 (the Regulation). This means that it is mandatory that all NSW councils, joint organisations and county council comply with the draft Guidelines including the standardised QBRS reporting to be presented to councillors, the community and to the Office of Local Government (OLG).*

**Financial reporting supports effective decision making, long-term financial sustainability and highlights budget performance, transparency and accountability to the community**

Transparent, accurate and timely council financial reporting:

- provides councillors with effective oversight supporting informed and evidence-based decision making,
- provides clear, simple and meaningful financial information,
- addresses a range of questions to identify ways to improve budgetary performance and accountability, and
- minimises risk by ensuring spending is reasonable and sustainable.

It is essential that councillors understand and ask questions about the council's financial position and financial performance and make necessary budget adjustments.

The following table outlines some of the questions councillors, council staff and the community should ask when reviewing council financial reports.



**Do we have effective oversight?**

Is our income and expenditure tracking as we expected? If not, why not?  
 Is our spending reasonable and sustainable and are we operating cost effectively and efficiently?  
 Are we aware of key risks that could impact financial sustainability?  
 Are there any events or conditions which mean we need to change our spending or asset management plans?



**Is the reporting transparent?**

Is the information in our financial reports simple, relevant and current?  
 Do we have a clear picture of how council is performing?  
 Are we clearly communicating our financial expectations and progress?  
 Is there appropriate commentary or narrative to accompany the numbers?



**Is the information timely?**

Do we have current information to assess, progress and measure council’s financial health?  
 Do we have the right information to understand how council is tracking against its intended plan and to make decisions, including any necessary budget adjustments?  
 How soon, or frequently, are we getting the information?



**Are we building trust and confidence?**

Are we transparent and accountable to our community?  
 Are we measuring progress against goals and objectives?  
 Are we doing what we said we would do and are we meeting our service level expectations?



**Do we have appropriate risk avoidance measures?**

Do we have the capacity to meet our financial obligations?  
 Do we need to adjust our budget?  
 Can we explain our budget variances?  
 Are we in a position to effectively manage likely developments and unexpected financial shocks?

---

## What is the Quarterly Budget Review process?

The quarterly budget review process enables councillors to make timely and informed decisions to ensure the council remains on track to meet its strategic objectives within budget

Section 203 of the Regulation requires the QBRS to include a summary of the council's financial performance at the end of each quarter to ensure councillors, council staff and the community are informed about council's financial progress.

The primary purpose of the QBRS is to:

- clearly communicate the council's overall financial performance
- track the council's progress determined in its original budget against council's last revised budget
- ensure that the council remains on track to meet its planned objectives, targets and outcomes, and
- ensure that the council delivers the infrastructure and services it committed to provide in its strategic plans.

Importantly, it provides a mechanism, on a quarterly basis for councillors and council staff to assess and make decisions about any necessary budgetary adjustments to council's financial direction.

While the QBRS process is an important mechanism for councillors to track, adjust and publish reports about council's financial direction, councillors should not wait for the statutory quarterly financial reporting process. Councillors should request and receive financial reports on a monthly basis to monitor and compare council's income and expenditure

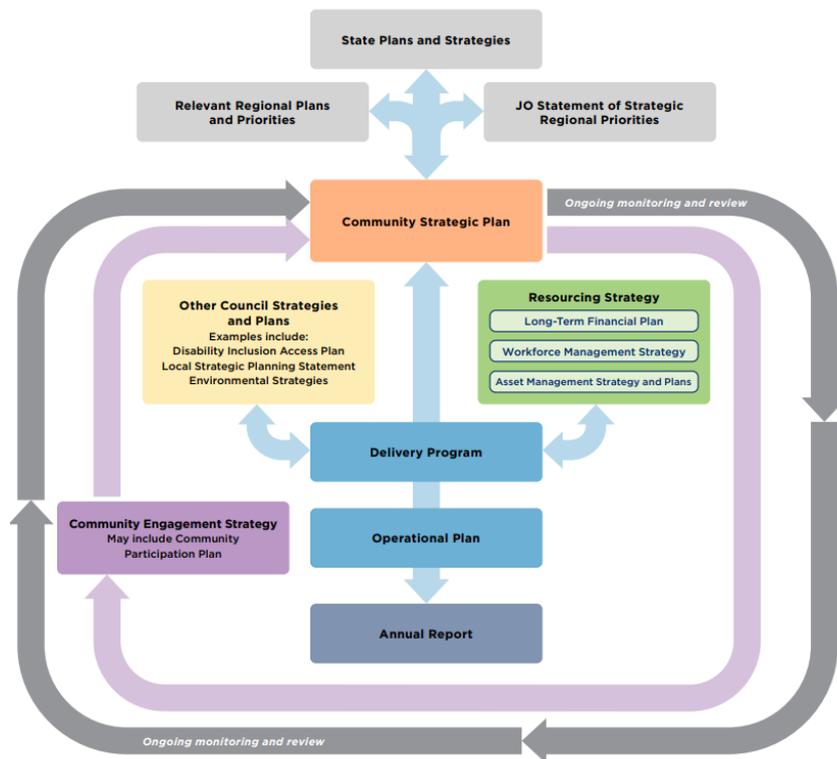
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## How does the QBRS fit into council strategic planning and annual reporting?

The QBRS enables the council to analyse and monitor how well they are performing against the strategic goals and objectives they set in their [Integrated Planning and Reporting](#) (IP&R) documents.

The QBRS refers to the estimate of income and expenditure outlined in the annual budget within the Operational Plan. It details actual results and revises the budget forecast for the remainder of the year. Importantly, it allows councillors to consider, and if required make, budgetary adjustments. QBRS insights and results will inform the next Resourcing Strategy (Long Term Financial Plan) or Delivery Program or lead to an amendment of the Operational Plan.

The graphic below shows how the IP&R framework operates. The QBRS, and council monthly financial reporting, fall into the dark grey ‘ongoing monitoring and review’ cycle.



Council end of year financial statements form part of a council annual report.

**End of year financial statements are backwards looking and are not adequate for internal council reporting or decision-making purposes.**

Section 416 of the *Local Government Act 1993* (the Act) requires councils to present their audited financial statements in a prescribed format by no later than 31 October each year. The [Code of Accounting Practice and Financial Reporting](#) (Code) prescribes the format for NSW councils.

The Code ensures council financial statements are prepared in a reliable, comparable format as the basis for audit and in compliance with Australian Accounting Standards. The prescribed

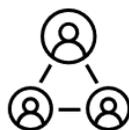
format also ensures that the financial statements clearly and consistently communicate each council's end of year financial position to their local community.

Council financial statements are required to be finalised and audited each year by the NSW Audit Office within 4 months after the end of a financial year. They provide a summary of past transactions and are an external report to the public. Given they are backwards looking reports, council end of year financial statements, published in annual reports, should not be used for internal decision-making purposes.

On the other hand, the QBRS is a financial management report, tailored to provide actionable financial information to councillors, as the key decision makers of council. The QBRS uses the latest financial data to ensure councillors are examining and considering the potential impact of their decisions, the likelihood and consequences of risks and the council's ability to respond to unforeseen developments on future financial sustainability.

## What are the roles and responsibilities of councillors, councils and the community?

Councillors, council staff and the community all have an active role to play in the financial performance of a council.



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### The role of councillors

**The councillors determine the strategic and spending priorities for the council and are ultimately responsible for their councils' financial performance**

Mayors and councillors must make open, transparent decisions and ensure strong accountability to their community. They are responsible for looking closely at what the council is spending, how assets are managed and ensuring the council is delivering value for money by containing expenditure within income.

The QBRS is a key process to ensure councillors achieve the objectives and targets they agreed to in their suite of IP&R documents.

Councillors have a crucial role in overseeing the sound financial management of their council and under section 8B of the Act they are responsible for ensuring:

- spending is responsible, sustainable and that council revenue and expenses are aligned,
- council is investing in responsible and sustainable infrastructure for the benefit of its community,
- council financial and asset management policies are sound and effective, including its performance management and reporting, asset management and enhancement, funding decisions and risk management practices, and
- intergenerational equity is achieved by ensuring that the current generation funds council costs and that all decisions consider the long-term financial effects on future generations.

Councillors should ask questions and seek sufficient information from council staff to enable them to understand the financial situation of the council. A range of suggested questions is provided in the ‘*What is the purpose of transparent performance reporting?*’ section of these draft Guidelines.

If councillors feel they have insufficient information on which to base a decision or monitor or assess a project or proposal it is important that the general manager is asked to provide further information. The general manager has a responsibility to provide councillors with the financial information, advice and support it needs to oversee council’s financial management. Under the Act, councillors have an obligation to make all reasonable efforts to acquire and maintain the skills necessary to perform their role including with respect to understanding council finances.

The OLG provides a range of support and resources to assist councillors. OLG’s “Hit the Ground Running” webinars and OLG’s “Accounting and Financial Reporting” webinars provide councillors with advice about the financial information they should be given. These resources also encourage councillors to question if the information is sufficient and appropriate, could it be streamlined, and if there is additional financial information that would be useful. Copies of the presentations and recordings of the webinars are available for councillors and council staff to access at any time on the OLG website via the Council Portal.

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## The role of the general manager

**The general manager is required to ensure the mayor and councillors are given timely information, advice and support and to ensure the council meets its financial obligations**

Section 209 of Regulation outlines the particular responsibilities of the general manager in relation to council accounting practices to ensure:

- compliance with the provisions of the Act, regulations and any other written law relating to a council's financial obligations,
- measures are taken to secure the effective, efficient and economical management of financial operations,
- authorising and recording procedures are established to provide effective control over a council's assets, liabilities, revenue and expenditure and secure the accuracy of the accounting records, and
- that the lines of authority and the responsibilities of council financial and accounting staff are clearly defined.

In relation to the QBRS and council financial performance, section 335(f) of the Act requires the general manager to ensure that the mayor and other councillors are given timely information, advice and support to effectively discharge their duties.

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## The role of the responsible accounting officer

**The responsible accounting officer needs to establish and maintain a system of budgetary control and enable monthly monitoring of council's income and expenditure**

The general manager designates someone to be the council's responsible accounting officer (RAO) or can designate themselves as the RAO (Regulation s.196).

Section 203 of the Regulation requires the council's responsible accounting officer to prepare and submit a QBRS to a council meeting within 2 months of the end of each quarter.

The purpose of the RAO considering and reporting on council's financial performance in the QBRS is to assess if the council's projected year end result as at the end of each quarter has any likely impact on the council's financial position based on the original estimate of income and expenditure determined in the council's Resourcing Strategy. If the position is unsatisfactory the RAO is required to make recommendations for remedial action.

To do this, the responsible accounting officer needs to:

**Establish and maintain a system of budgetary control (Regulation s.202(a))**

**Enable council's actual income and expenditure to be monitored and compared monthly (Regulation s.202(a))**

**Report to the next meeting of council if actual income or expenditure is materially different to the original estimate (Regulation s.202(b))**

**Submit the QBRS to a council meeting no later than 2 months after the end of each quarter (except June quarter) (Regulation s.203(1))**

**Ensure a report is included stating whether the RAO believes the council's financial performance is satisfactory, and if not, what recommendations should be implemented (Regulations s.203 (2 a and b))**

These draft Guidelines also require additional actions from the RAO as outlined in the '*What needs to be reported in the QBRS and when*' section.

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## The role of the community

Councils manage significant resources and provide a broad range of assets and services for their communities.

Financial reporting is an important part of a transparent, accountable and effectively run council. It is also a critical element to ensure that council is making decisions that are in the best interest of the community, now and into the future, and that the council remains financially sustainable.

Community members should have access to the information outlined in these Guidelines so they can understand, monitor and hold their council to account for its financial wellbeing.

They should review the council's financial reports and ask the questions highlighted in the '*What is the purpose of transparent performance reporting?*' section of these draft Guidelines.

They should also ensure that the council is reporting its QBRS on time and in a manner that is openly available to the community.

# What needs to be reported in the QBRS and when?

## What needs to be presented to a council meeting?

The QBRS needs to provide sufficient information to alert councillors, council staff and the community to any potential issues that may impact the council's ability to achieve the strategies and financial targets set in council's IP&R documentation and to maintain council's targeted financial position

The QBRS should adequately disclose the council's overall financial performance and provide sufficient information to enable informed and transparent decision making.

The QBRS needs to show the revised estimated income and expenditure for the year against the original estimate of annual income and expenditure determined in council's Operational Plan, along with explanations for variances and, if required, recommended changes.

These draft Guidelines establish the **mandated** and standardised requirements to be included in a QBRS presented to the councillors at a council meeting, including:

- a QBRS Financial Overview – providing a one-page snapshot of how council is performing at the end of the quarter
- Income and Expenses Budget Review Statement in **each** of the following formats (where applicable to a council):
  - Consolidated fund
  - General fund
  - Water fund
  - Sewer Fund
  - Waste fund
- Capital Budget Review Statement,
- Cash and Investments Budget Review Statement,
- Summary of Developer Contributions, and
- A report from the RAO stating whether the RAO believes councils financial position is satisfactory, and if not, what recommendations should be implemented.

Councils may add additional narrative, commentary and supplementary information, however each council in NSW must use, **and not adjust**, the standardised templates in these draft Guidelines.

These draft Guidelines also introduce a new requirement for each council to report their QBRS with a covering financial overview and then report at consolidated, general, water, sewer AND waste fund level (where applicable to councils). These draft Guidelines also introduce a requirement to provide a summary of developer contributions. This shift to report the various council funds will ensure that councillors, council staff and communities have a clear picture of not only how their council is operating at a holistic level, but also how each fund is operating on its own merit.

To build transparency, accountability and community trust, council staff need to ensure the QBRS is easily located on council's website.

**Councillors are required to consider the QBRS presented to it, resolve to note the QBRS and adopt appropriate action to correct an unsatisfactory position identified in the QBRS. Council cannot make changes to the budget unless the budget adjustments have been considered and adopted by councillors, as the governing body of the council.**

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## What needs to be reported to the Office of Local Government?

These draft Guidelines establish a new process requiring all NSW councils to provide the OLG with a full copy of each of the QBRS documents mandated in these draft Guidelines and a copy of the relevant resolution.

These draft Guidelines also establish a new process for all NSW councils to provide OLG with an electronic QBRS data return, on a quarterly basis. OLG will issue an electronic data template, aligned to the templates in these draft Guidelines, for this purpose.

Separate to the QBRS process and as explained earlier in the 'End of year financial statements' section of these Guidelines, council financial statements are required to be finalised and audited by 31 October each year. These Guidelines, issued under section 203 (3) of the Regulation, mandate the requirement that each councils' end of year financial data must be provided in the form of an annual financial data return (FDR) to OLG by 31 October each year.

OLG will use the QBRS and FDR financial reporting data to monitor compliance, undertake performance reviews and risk assessments, and if required undertake any necessary regulatory enforcement.

Currently the FDR is published on the [YourCouncil](#) website. In time, and to ensure the community has readily available and comparable data, OLG intends to also publish council QBRS information on the [YourCouncil](#) website.

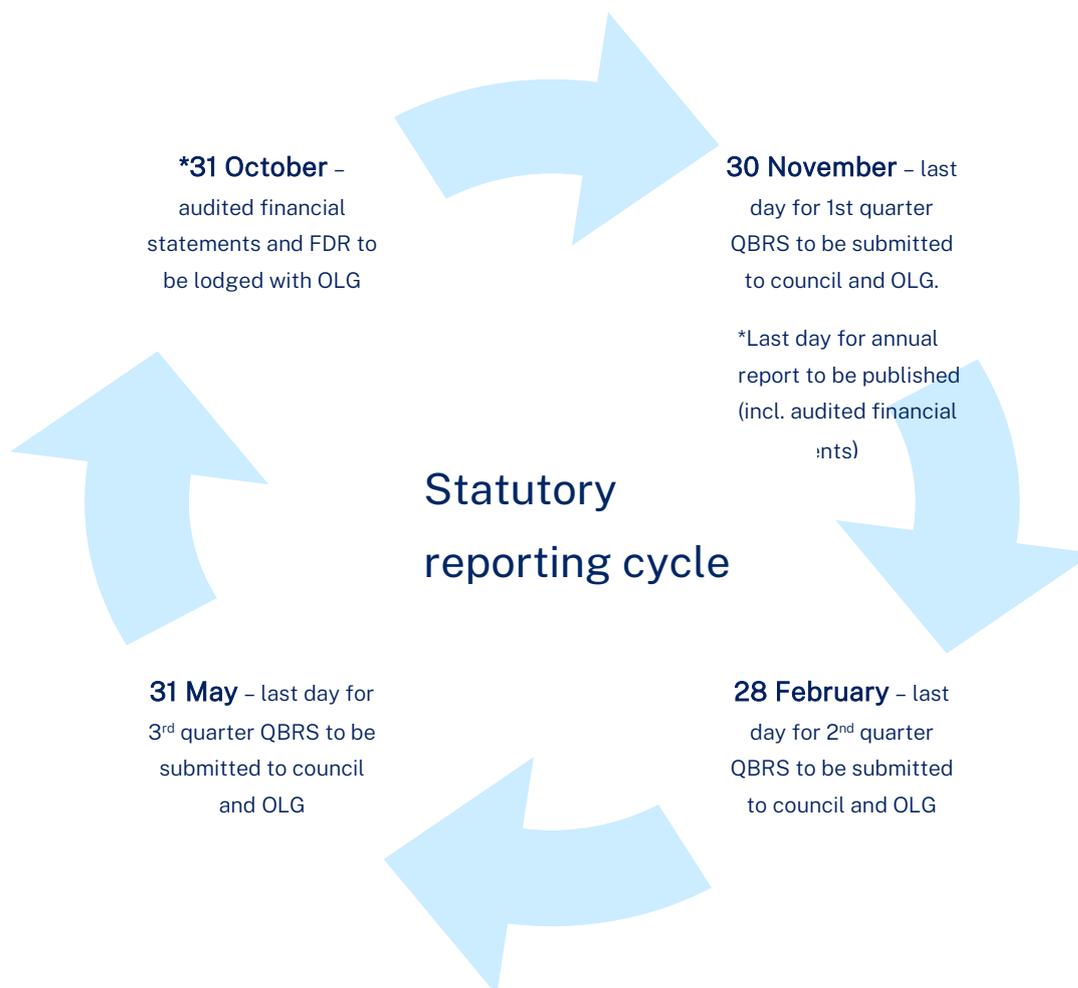
## When does the QBRS need to be presented?

Section 203 of the Regulation requires that the QBRS must be reported to councillors at a council meeting within 2 months after the end of each quarter, except the 4<sup>th</sup> (June) quarter.

The community is entitled to have access to accurate, reliable and openly available financial information. Council staff need to ensure their QBRS documentation is easy to find on council's webpage.

To appropriately manage resources and to understand current council financial positions and performance, monthly financial information should also be prepared, discussed and presented to councillors.

Monthly financial reports should include, as a minimum, an income statement for the month and year to date, a balance sheet, council's cash position, highlight material budget variances and an include an investment report.



While the table above outlines statutory financial reporting timeframes, councillors should not wait for the QBRS to receive an update on their council’s financial performance. The items marked with an asterix (\*) are not part of the QBRS cycle.

While the QBRS is a mandated report, financial reporting information should be provided to councillors at least monthly – council staff should not wait for the QBRS to present and discuss financial information with councillors.

## QBRS minimum reporting templates

### Template report by RAO

The following template is the minimum requirement for the RAO’s statement and should be submitted with the QBRS minimum reporting templates.

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2021.

It is my opinion that the Quarterly Budget Review Statement for [Name] Council for the quarter ended xx/xx/xx indicates that Council’s projected financial position at 30/6/XX will be *satisfactory* / *unsatisfactory* at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

*In the case of an unsatisfactory financial position:*

*The responsible accounting officer is to state recommendations for remedial action here.*

Signed: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Name

Responsible Accounting Officer, [Name] Council

# QBRs Overview

QBRs FINANCIAL OVERVIEW (Name) Council Budget review for the quarter ended - XX XXXXXXX 20XX											
DESCRIPTION	Previous Year	Current Year	Approved	Approved	Approved	Approved	Approved	Recommended	Projected	VARIANCE	ACTUAL
	Actual 20xx/xx \$000's	Original Budget 20xx/xx \$000's	Changes Review Q1 \$000's	Changes Review Q2 \$000's	Changes Review Q3 \$000's	Budget	changes for council resolution \$000's	year end Result 20xx/xx \$000's	ORIGINAL budget v PYE 20xx/xx \$000's	YTD 20xx/xx \$000's	
Net Operating before Capital	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
<b>Consolidated</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Principal Repayments*											
Total borrowings*											
External restrictions	0	0	0	0	0	0	0	0	0	0	0
Internal Allocations	0	0	0	0	0	0	0	0	0	0	0
Unallocated	0	0	0	0	0	0	0	0	0	0	0
<b>Total Cash and Cash Equivalents</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Capital Funding	0	0	0	0	0	0	0	0	0	0	0
Capital Expenditure	0	0	0	0	0	0	0	0	0	0	0
<b>Net Capital</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Developer Contribution	Opening	Total Cash	Total Interest	Total Expended	Total Internal	Held as	Cumulative balance of internal
	Balance As at 1 July 20xx \$000's	Contributions Received As at this Q \$000's	Earned As at this Q \$000's	As at this Q \$000's	Borrowings (to)/from As at this Q \$000's	Restricted Asset As at this Q \$000's	borrowings (to)/from As at this Q \$000's
Total Developer Contributions	0	0	0	0	0	0	0

\* requires manual input  
 'Approved changes' include any budget changes endorsed at a council meeting during the quarter.

# Income and Expenses Budget Review Statement – Consolidated Fund

Income and Expenses Budget Review Statement										
[Name] Council										
Budget review for the quarter ended - XX XXXXXXXX 20XX										
Consolidated Fund										
Description	Previous Year	Current Year	Approved Changes	Approved Changes	Approved Changes	Revised	Recommen	Projected	VARIANCE	ACTUAL
	Actual	Budget	Review	Review	Review	Budget	ded for council resolution	year end Result	ORIGINAL budget v	YTD
	20xx/xx	20xx/xx	Q 1	Q 2	Q 3			20xx/xx	20xx/xx	20xx/xx
	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's
<b>INCOME</b>										
Rates and Annual Charges									0	
User Charges and Fees									0	
Other Revenue									0	
Grants and Contributions - Operating									0	
Grants and Contributions - Capital									0	
Interest and Investment Income									0	
Other Income									0	
Net gain from disposal of assets									0	
<b>Total Income from continuing operations</b>	0	0	0	0	0	0	0	0	0	0
<b>EXPENSES</b>										
Employee benefits and on-costs									0	
Materials & Services									0	
Borrowing Costs									0	
Depreciation									0	
Other Expenses									0	
Net Loss from Disposal of Assets									0	
<b>Total Expenses from continuing operations</b>	0	0	0	0	0	0	0	0	0	0
<b>Net Operating Result from continuing operations</b>	0	0	0	0	0	0	0	0	0	0
<b>Net Operating Result before capital items</b>	0	0	0	0	0	0	0	0	0	0

**Notes**

Original Budget +/- approved budget changes in previous quarters = REVISED Budget

Revised Budget +/- recommended changes this quarter = PROJECTED year results

The quarterly recommended changes to the revised budget are to include:

- 1) an explanation for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan
- 2) any impacts of year to date expenditure on recommended changes to budget

**Explanations are to be in plain English and in a style that is easily understood by readers of non-financial information.**

**The narrative is important in understanding why budget changes are necessary.**

# Income and Expenses Budget Review Statement – General Fund

Income and Expenses Budget Review Statement										
[Name] Council										
Budget review for the quarter ended - XX XXXXXXXX 20XX										
General Fund										
Description	Previous Year	Current Year	Approved Changes	Approved Changes	Approved Changes	Revised	Recommen	Projected	VARIANCE	ACTUAL
	Actual	Budget	Review	Review	Review	Budget	ded for council resolution	gear end Result	ORIGINAL budget v	YTD
	20xx/xx	20xx/xx	Q 1	Q 2	Q 3			20xx/xx	20xx/xx	20xx/xx
	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's
<b>INCOME</b>										
Rates and Annual Charges									0	
User Charges and Fees									0	
Other Revenue									0	
Grants & Contributions - Operating									0	
Grants and Contributions - Capital									0	
Interest and Investment Income									0	
Other Income									0	
Net gain from disposal of assets									0	
<b>Total Income from continuing operations</b>	0	0	0	0	0	0	0	0	0	0
<b>EXPENSES</b>										
Employee benefits and on-costs									0	
Materials & Services									0	
Borrowing Costs									0	
Depreciation									0	
Other Expenses									0	
Net Loss from Disposal of Assets									0	
<b>Total Expenses from continuing operations</b>	0	0	0	0	0	0	0	0	0	0
<b>Net Operating Result from continuing operations</b>	0	0	0	0	0	0	0	0	0	0
<b>Net Operating Result before capital items</b>	0	0	0	0	0	0	0	0	0	0

**Notes**

Original Budget +/- approved budget changes in previous quarters = REVISED Budget

Revised Budget +/- recommended changes this quarter = PROJECTED year results

The quarterly recommended changes to the revised budget are to include:

- 1) an explanation for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan
- 2) any impacts of year to date expenditure on recommended changes to budget

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**The narrative is important in understanding why budget changes are necessary.**

# Income and Expenses Budget Review Statement – Water Fund

Income and Expenses Budget Review Statement										
[Name] Council										
Budget review for the quarter ended - XX XXXXXXX 20XX										
Water Fund										
Description	Previous Year	Current Year Original	Approved Changes	Approved Changes	Approved Changes	Revised	Recommended changes for council resolution	Projected year end	VARIANCE	ACTUAL
	Actual	Budget	Review	Review	Review	Budget		Result	ORIGINAL budget v	YTD
	20xx/xx	20xx/xx	Q 1	Q 2	Q 3			20xx/xx	20xx/xx	20xx/xx
	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's
<b>INCOME</b>										
Access Charges										0
User Charges										0
Fees										0
Grants & Contributions - Operating										0
Interest and Investment Income										0
Other Income										0
Net gain from disposal of assets										0
<b>Total Income from continuing operations</b>	0	0	0	0	0	0	0	0	0	0
<b>EXPENSES</b>										
Employee benefits and on-costs										0
Materials & Services										0
Borrowing Costs										0
Depreciation										0
Water purchase charges										0
Calculated taxation equivalents										0
Debt guarantee fee										0
Other Expenses										0
Net Loss from Disposal of Assets										0
<b>Total Expenses from continuing operations</b>	0	0	0	0	0	0	0	0	0	0
<b>Surplus / Deficit from continuing operations before capital amounts</b>	0	0	0	0	0	0	0	0	0	0
Grants and Contributions - Capital										0
<b>Surplus / Deficit from continuing operations after capital amounts</b>	0	0	0	0	0	0	0	0	0	0

**Notes**  
 Original Budget +/- approved budget changes in previous quarters = REVISED Budget  
 Revised Budget +/- recommended changes this quarter = PROJECTED year results

The quarterly recommended changes to the revised budget are to include:  
 1) an explanation for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan  
 2) any impacts of year to date expenditure on recommended changes to budget

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**The narrative is important in understanding why budget changes are necessary.**

# Income and Expenses Budget Review Statement – Sewer Fund

**Income and Expenses Budget Review Statement**  
**[Name] Council**  
**Budget review for the quarter ended - XX XXXXXXXX 20XX**  
**Sewer Fund**

Description	Previous Year	Current Year Original	Approved Changes	Approved Changes	Approved Changes	Revised Budget	Recommended changes for council resolution	Projected year end	VARIANCE	ACTUAL YTD
	Actual	Budget	Review	Review	Review	Budget		Result	ORIGINAL budget +	
	20xx/xx \$000's	20xx/xx \$000's	Q 1 \$000's	Q 2 \$000's	Q 3 \$000's	\$000's	\$000's	20xx/xx \$000's	20xx/xx \$000's	20xx/xx \$000's
<b>INCOME</b>										
Access charges									0	
User charges									0	
Liquid trade-waste charges									0	
Fees									0	
Grants and contributions - Operating									0	
Interest and Investment Income									0	
Other Income									0	
Net gain from disposal of assets									0	
<b>Total Income from continuing operations</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>EXPENSES</b>										
Employee benefits and on-costs									0	
Materials & Services									0	
Borrowing Costs									0	
Depreciation									0	
Calculated taxation equivalents									0	
Debt Guarantee fee									0	
Other Expenses									0	
Net Loss from Disposal of Assets									0	
<b>Total Expenses from continuing operations</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Surplus / Deficit from continuing operations before capital amounts</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Grants and Contributions - Capital									0	
<b>Surplus / Deficit from continuing operations after capital amounts</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Notes**

Original Budget +/- approved budget changes in previous quarters = REVISED Budget

Revised Budget +/- recommended changes this quarter = PROJECTED year results

The quarterly recommended changes to the revised budget are to include:

- 1) an explanation for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan
- 2) any impacts of year to date expenditure on recommended changes to budget

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**The narrative is important in understanding why budget changes are necessary.**

# Income and Expenses Budget Review Statement – Waste Fund

Income and Expenses Budget Review Statement										
[Name] Council										
Budget review for the quarter ended - XX XXXXXXXX 20XX										
Waste Fund										
Description	Previous Year	Current Year	Approved Changes	Approved Changes	Approved Changes	Revised	Recommen ded	Projected	VARIANCE	ACTUAL
	Actual	Budget	Review	Review	Review	Budget	ded for council resolution	year end	ORIGINAL	YTD
	20xx/xx	20xx/xx	Q 1	Q 2	Q 3			20xx/xx	budget v	20xx/xx
	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's
<b>INCOME</b>										
Annual Charges									0	
User Charges and Fees									0	
Grants & Contributions - Operating									0	
Interest and Investment Income									0	
Other Income									0	
Net gain from disposal of assets									0	
<b>Total Income from continuing operations</b>	0	0	0	0	0	0	0	0	0	0
<b>EXPENSES</b>										
Employee benefits and on-costs									0	
Materials & Services									0	
Borrowing Costs									0	
Depreciation									0	
Calculated taxation equivalents									0	
Debt Guarantee fee									0	
Other Expenses									0	
Net Loss from Disposal of Assets									0	
<b>Total Expenses from continuing operations</b>	0	0	0	0	0	0	0	0	0	0
<b>Surplus / Deficit from continuing operations before capital amounts</b>	0	0	0	0	0	0	0	0	0	0
Grants and Contributions - Capital									0	
<b>Surplus / Deficit from continuing operations after capital amounts</b>	0	0	0	0	0	0	0	0	0	0

**Notes**

Original Budget +/- approved budget changes in previous quarters = REVISED Budget

Revised Budget +/- recommended changes this quarter = PROJECTED year results

The quarterly recommended changes to the revised budget are to include:

- 1) an explanation for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan
- 2) any impacts of year to date expenditure on recommended changes to budget

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**The narrative is important in understanding why budget changes are necessary.**

# Capital Budget Review Statement

Capital Budget Review Statement										
[Name] Council										
Budget review for the quarter ended - XX XXXXXXX 20XX										
Description	Previous Year	Current Year	Approved	Approved	Approved	Revised	Recommend	Projected	VARIANCE	ACTUAL
	Actual	Original	Changes	Changes	Changes	Budget	ed changes	year end	ORIGINAL	YTD
	20xx/xx	20xx/xx	Review	Review	Review		for council	Result	budget v	
	\$000's	\$000's	Q 1	Q 2	Q 3	\$000's	resolution	20xx/xx	OR	20xx/xx
			\$000's	\$000's	\$000's			\$000's	\$000's	\$000's
<b>CAPITAL FUNDING</b>										
Rates & other untied funding										0
Capital Grants & Contributions										0
Reserves - External Restrictions										0
Reserves - Internally Allocated										0
New Loans										0
Proceeds from sale of Assets										0
<i>Other - specify</i>										0
<b>Total Capital Funding</b>	0	0	0	0	0	0	0	0	0	0
<b>CAPITAL EXPENDITURE</b>										
WIP										0
New Assets										0
Asset Renewal										0
<i>Other - specify</i>										0
<b>Total Capital Expenditure</b>	0	0	0	0	0	0	0	0	0	0
<b>Net Capital Funding - Surplus / Deficit</b>	0	0	0	0	0	0	0	0	0	0

**Notes**

Original Budget +/- approved budget changes in previous quarters = REVISED Budget

Revised Budget +/- recommended changes this quarter = PROJECTED year results

Where the **Total Capital Funding** and the **Total Capital Expenditure** values do not match an explanation is to be provided.

Carry over funding from previous year should be identified and any proposed carry forwards into next financial year are to be explained.

The quarterly recommended changes to the revised budget are to include:

- 1) an explanation for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan
- 3) any impacts of year to date expenditure on recommended changes to budget

**Explanations are to be in plain English and in a style that is easily understood by readers of non-financial information.**

**The narrative is important in understanding why budget changes are necessary.**

# Cash and Investments Budget Review Statement

Cash and Investments Budget Review Statement										
[Name] Council										
Budget review for the quarter ended - XX XXXXXXXX 20XX										
Description	Previous Year	Current Year	Approved	Approved	Approved	Revised	Recommended	Projected	VARIANCE	ACTUAL
	Actual	Original	Changes	Changes	Changes	Budget	changes	year end	ORIGINAL	YTD
	20xx/xx	20xx/xx	Review	Review	Review		for council	Result	budget v PYE	
	\$000's	\$000's	Q 1	Q 2	Q 3	\$000's	resolution	20xx/xx	20xx/xx	20xx/xx
			\$000's	\$000's	\$000's		\$000's	\$000's	\$000's	\$000's
<b>Total Cash, Cash Equivalents &amp; Investments</b>										
<b>EXTERNALLY RESTRICTED</b>										
Water Fund										0
Sewer Fund										0
Developer contributions - General										0
Developer contributions - Water										0
Developer contributions - Sewer										0
Transport for NSW Contributions										0
Domestic waste management										0
Stormwater management										0
Other (please specify)										0
<b>Total Externally Restricted</b>	0	0	0	0	0	0	0	0	0	0
<b>Cash, cash equivalents &amp; investments not subject to external restrictions</b>	0	0	0	0	0	0	0	0	0	0
<b>INTERNAL ALLOCATIONS</b>										
Employee leave entitlements										0
<i>insert nature of allocation</i>										0
<i>insert nature of allocation</i>										0
<i>insert nature of allocation</i>										0
<b>Total Internally Allocated</b>	0	0	0	0	0	0	0	0	0	0
<b>Unallocated</b>	0	0	0	0	0	0	0	0	0	0

**External Restrictions** - must be used for a specific purpose and are not to be used for general operations. The funds are bound by legislation or third party agreement that restricts their use.  
**Internal Allocations** - Council have allocated by resolution or policy to identified programs of work and any forward plans identified by Council. These allocations are at the discretion of council.

## Developer Contribution Summary

Summary Developer Contributions										
[Name] Council										
Budget review for the quarter ended - XX XXXXXXXX 20XX										
Purpose	Opening Balance As at 1 July 20xx \$000's	Contributions Received			Total Actual Interest Earned As at this Q \$000's	Total Amounts Expended As at this Q \$000's	Total Internal Borrowings (to)/from As at this Q \$000's	Held as Restricted Asset As at this Q \$000's	Cumulative balance of internal borrowings (to)/from	
		Total Actual Cash As at this Q \$000's	Total Non-Cash Land As at this Q \$000's	Total Non-Cash Other As at this Q \$000's					As at this Q \$000's	Q
Drainage								0		
Roads								0		
Traffic facilities								0		
Parking								0		
Open space								0		
Community facilities								0		
Other								0		
<b>Total S7.11 Under plans</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
S7.11 Not under plans								0		
S7.12 Levies								0		
S7.4 Planning agreements								0		
S64 Contributions								0		
Other								0		
<b>Total Developer Contributions</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	

**Notes**

All developer contributions received are to be disclosed, and distinguished as cash or non cash. Recognition occurs when Council gains control over the asset (cash or non cash).

Councils have obligations to provide facilities from contribution revenue levied on developers under the provisions of s7.4,7.11 and 7.12 of the EPA Act 1979.

Developer contributions may only be expended for the purpose for which the contributions were required, however council may apply contributions according to the priorities established in work schedules for the contribution plan.



**Submission to the Office of Local Government on the Draft Quarterly Budget Review Statement Guidelines**

Campbelltown City Council provides this submission for consideration to the proposed changes to the Quarterly Budget Review Statement Guidelines.

**Background**

The Integrated Planning and Reporting (IP&R) Framework has changed the way councils in NSW plan, document and report on their plans for the future. The Framework first came into practice in 2009 and begins with the aspirations of our community over a period of ten years, which is reported through the Community Strategic Plan.

The Quarterly Budget Review Statement (QBRS) is a mechanism within the IP&R Framework for transparent reporting to Council and the community on the management of significant financial resources to ensure effective oversight of the financial performance of Council.

The QBRS supplements the information contained in the Delivery Program Report and allows Council to monitor actual income and expenditure against the original and forecast budgets and adjust if necessary. The QBRS is also an informative document that may identify amendments required in future Operational Plans.

**Consultation Feedback on the draft Guidelines**

<b>Effective Oversight</b>	
Does the revised process proposed in the draft Guidelines enable effective oversight and strengthen transparency?	<p>Neutral</p> <p>The current process is sound, however some components reported aren't always reliable as a point in time report, such as Cash and Investments and Key Performance Indicators. These statements are impacted by closing financial transactions at the end of the financial year that are either not known or reliably measured on a quarterly basis.</p> <p>The proposed Guidelines also do not provide further integration with Corporate Planning reporting process and the 6 monthly reporting on the Delivery Program.</p>
<b>Transparency</b>	
What is the role of the RAO in your council and what assurance should the RAO provide when signing the QBRS?	<p>The Responsible Accounting Officer (RAO) performs the functions like that of a Chief Financial Officer and is included in Executive and Council meetings as a significant contributor on the financial decisions of Council.</p> <p>The RAO should provide assurance of the QBRS and provide commentary for significant or material adjustments.</p>
Should the reference in the Regulation at 203(2)(b) to 'estimate of income and expenditure' be extended? If so, should cash, reserves, assets,	<p>No</p> <p>Quarterly Income Statements are sufficient to give assurance on operating performance at a point in time (quarterly).</p>

liabilities or other considerations be included?	
<b>Timeliness</b>	
Do you think a Q4 QBRS process should be implemented to improve effective oversight and the timeliness of year-round reporting to councillors?	<p>No</p> <p>A Q4 QBRS would just be a duplication of the Performance to budget which is disclosed and audited in the annual financial statements via the Material Budget Variations note to the Financial Statement.</p> <p>Delivery Program outcomes are reported to Councils Audit Risk and Improvement Committee and Council on a quarterly basis as well as in the Annual Report which is a key point of accountability between Council and its community.</p> <p>Furthermore, reforecasting or adjustments to budgets should not be occurring at the completion to the financial year when the budget is reset as part of the next years corporate planning cycle.</p>
Alternatively, should an end of year summary report be implemented?	<p>No</p> <p>Councils Annual Financial Statements and Delivery Program are reported to Councils Audit Risk and Improvement Committee and Council on a quarterly basis as well as in the Annual Report which is a key point of accountability between Council and its community. These comprehensive statutory reports should remain as the formal final year end reports to Council and the community.</p>
What financial reporting information do you provide to your councillors monthly?	<p>Campbelltown City Council provides a monthly Investments and Revenue Report that provide the performance and compliance to the Investment Policy as well as Revenue Receivables outstanding and ageing report.</p>
<b>Builds Trust</b>	
Should councils ensure the QBRS, and other publicly available financial reports be available as stand-alone documents on councils websites, in addition to through council business papers? If not, why not?	<p>Neutral</p> <p>These reports are already all publicly available via the business paper each quarter. Further, as Council meetings are live-streamed and recorded the contents of the QBRS and any discussion on the night is captured. This provides transparency to the Council and community.</p>
<b>Minimises Risk</b>	
What impediments, if any, would you have to provide accurate and timely	<p>The proposed Waste Fund quarterly reporting would not provide any additional benefit to the users of the QBRS report. The recovery cost for waste services is based on a reasonable</p>

<p>reporting at a fund level on a quarterly basis? How could these be overcome?</p>	<p>cost basis under Section 504(3) of the <i>Local Government Act</i>. For transparency, Campbelltown City Council provides detailed FAQ information on our website to our residents regarding the domestic waste charge as a cost neutral service.</p>
<p>Do the standardised templates include the right information to understand how council is tracking against its intended plan and to make decisions, including any necessary budget adjustments? If no, what information should be reported in a QBRs?</p>	<p>No</p> <p>The Income Statement and Capital Expenditure Reports provide adequate information regarding estimates however the Cash and Investment Budget Review Statement is not an accurate representation of projected balances as it can be impacted by unknown timing factors and reserve transfers that are subject to end of financial year reporting processes.</p> <p>Campbelltown City Council also provides a summary report that front ends the QBRs templates to explain any budget movements of materiality.</p> <p>There should be further refinement of the guidelines to better integrate the integrated planning and reporting requirements and changes to the Delivery Program and Operational Plan and how that is aligned to the QBRs.</p>
<p>Should any additional financial information be reported in the state-wide standardised QBRs templates? If so, what additional information should be mandated?</p>	<p>Yes</p> <p>Campbelltown City Council notes that a decision is yet to be made regarding the Key Performance Indicators Statement and would comment that this statement does not provide point in time reliable information on a quarterly basis as some significant transactions are not finalised until end of financial year, e.g. contract liabilities relating to grant income, employee leave entitlements as of 30 June etc.</p> <p>Campbelltown City Council would support the removal of this reporting statement as it is reported within the Financial Statements document and audited. The results within the Financial Statements are used by the Office of Local Government to review sustainability as well as publishing the Time Series Data return to allow councils to self-assess against similar councils for comparative purposes.</p> <p>There should be further refinement of the guidelines to better integrate the integrated planning and reporting requirements and changes to the Delivery Program and Operational Plan and how that is aligned to the QBRs.</p>
<p>What analysis do you do at the end of the financial year to inform the development of the next year's budget?</p>	<p>Timing is always a challenge in the annual cycle. That is, the financial year is barely 50% complete when the draft budget for the following year needs to be proposed and balanced. To</p>

	<p>inform the forecasts Campbelltown considers a range of data including previous years actuals, current years part actuals and future cost drivers and revenue assumptions.</p> <p>Campbelltown City Council's Executive Team set the budget and Operational Plan parameters that are guided by the Long Term Financial Plan and the Community Strategic Plan. These parameters are then cascaded to managers for budget development coupled with an application process for new priorities or an adjustment to service levels.</p> <p>Campbelltown City Council performs budget triage meetings with senior staff and budget managers to interrogate detailed estimates and to ensure governance around the implementation of parameters with final Executive meetings occurring late February to finalise the Integrated Planning and Reporting suite of documents and commitments. These meetings also review any budget outliers or variations that are expected beyond the parameter setting.</p>
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**Summary**

Campbelltown City Council would like to thank the Office of Local Government for providing the opportunity to make a submission on the draft Quarterly Business Review Statement.

## **8.8 Minutes of the Audit Risk and Improvement Committee meeting held 25 November 2024**

### **Reporting Officer**

Governance Project Officer  
City Planning and Corporate Services

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### **Officer's Recommendation**

That the minutes of the Audit Risk and Improvement Committee held 25 November 2024 be noted.

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### **Purpose**

To seek Council's endorsement of the minutes of the Audit Risk and Improvement Committee meeting held 25 November 2024.

### **Report**

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

### **Reports listed for consideration**

#### **6.1 Internal Audit Update**

That the Committee receive and note the internal audit update.

#### **6.2 ARIC Strategic Workplan 2025-28**

That the Committee request the Strategic Workplan 2025-28 be reviewed with consideration of the example plan presented in item 7 and reported back to the next committee meeting with further detail.

**ACTION: Upon appointment of the new committee members an extraordinary meeting will be scheduled.**

#### **6.3 ARIC and Internal Audit Charters for Council Adoption**

That the Committee approve the Council's Audit, Risk and Improvement Committee and Internal Audit Charters.

#### **6.4 Audited Financial Statements 2023-24**

That the information be noted.

**ACTION: Quarterly review be presented to ARIC with commentary on deviations.**

**ACTION: Draft Financial Statements including notes be presented to ARIC.**

**Note:** The committee discussed sector-wide challenges with respect to waste disposal and infrastructure risk assessment. Management provided an overview of Council's approach to these matters.

#### **6.5 Audit Office of NSW Engagement Closing Report 2023-24**

That the information be noted.

#### **6.6 Outstanding Management Letter Point Update - External Audit**

That the information be noted.

#### **6.7 Risk Management Update**

That the committee note the information in the report.

#### **6.8 Compliance and Reporting Matters**

That the information be noted.

#### **6.9 Continuous Improvement Report: Quarter 1**

That the ARIC note the following:

1. Quarter 1 progress report on Continuous Improvement Actions.
2. Attached Service Review Report: Review of Council's grant application processes

#### **6.10 Operational Plan 2024-25: Q1 Progress Report**

That the ARIC note:

1. The Quarter 1 Progress Report for the Operational Plan 2024-25.
2. The Quarter 4 Progress Summary for the Operational Plan 2023-24.

#### **6.11 Cyber Security Program Progress Report**

That the ARIC note the Cyber Security Program Progress Report.

## **Attachments**

1. Minutes of the Audit Risk and Improvement Committee held 25 November 2024  
(contained within this report)

# CAMPBELLTOWN CITY COUNCIL

## Minutes Summary

**Audit Risk and Improvement Committee Meeting held at 4:30pm on Monday, 25 November 2024.**

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<b>7.</b>	<b>GENERAL BUSINESS</b>	<b>24</b>

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**Minutes of the Audit Risk and Improvement Committee Meeting held on 25 November 2024**

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<b>Present</b>	Mr Bruce Hanrahan - Independent Member (Chairperson) Mr Jim Mitchell - Independent Member Ms Rhonda Wheatley - Independent Member (Via MSTeams) Councillor Warren Morrison
<b>In attendance</b>	Ms Lindy Deitz - Chief Executive Officer Mr Jai Rowell - Deputy General Manager   City Governance, Planning and Futures Mr Ben Hoyle - Deputy General Manager   Director of City Services and Lifestyles Mr Sam Helweh - Internal Auditor Mr Jim Baldwin - Director City Planning and Environment Ms Nicole Jenkins - Executive Manager People and Performance Ms Sabrina Peroumal - Executive Manager Corporate Support Services Ms Monique Dunlop - Manager Governance and Risk Ms Cathy Gavin - Manager Financial Services Mr Chris Magee - Manager Insights and Corporate Strategy Mr Chee Wong - Senior Financial Accountant Mr Warren Kear - Risk Coordinator Mr Saad Aslam - Cyber Security Lead Ms Cassie Malone - Director, Financial Audit Services - Audit Office of NSW (Via MSTeams) Desmond Quach - Audit Leader Financial Audit (Via MSTeams)

**1. ACKNOWLEDGEMENT OF LAND**

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

**2. APOLOGIES**

Ms Corinne Mears - Executive Manager Corporate Services and Governance  
Ms Samantah Joss - Senior Management Accountant  
Mr Siddharth Gupta - Senior Auditor - Financial Audit

**3. CONFIRMATION OF MINUTES****3.1 Minutes of the Ordinary Meeting of the Audit Risk and Improvement Committee held 24 September 2024**

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

That the Minutes of the Ordinary Audit Risk and Improvement Committee Meeting held 24 September 2024, copies of which have been circulated to each Councillor, be taken as read and confirmed.

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

There were no Declarations of Interest made at this meeting.

#### **5. CHIEF EXECUTIVE OFFICER UPDATE**

##### **Election – New Councillor – Induction**

The Council election was held in September 2024 with 8 new Councillors elected. This is a record number of new Councillors and is a busy time for Council as they are inducted.

##### **New Operating Model and Structure**

New operating model – after a very robust and engaging consultation process with over 200 pieces of feedback from staff and teams, some proposed changes have been made to the original proposal to accommodate the insightful feedback from within the organisation. The next step is for the proposal to be presented to the Joint Consultative Committee early December as well as Council.

##### **Annual General Meeting**

The Annual General Meeting was held on 12 November 2024 where the Council's financial results were presented along with the Audit Office presenting on the conduct and scope of the audit. Council did receive unqualified audit opinions which is great news.

##### **WSIG Projects**

Council awarded funding for 21 Projects totalling \$171m. Deeds with NSW Government executed April 2024.

Currently, Council has completed due-diligence activities (site investigations) and is currently evaluating the Lead Project Designers as part of the Request for Tender requirements.

Council expects design activities to commence post-Christmas shutdown, with associated construction activities (where appropriate) to commence in the second half of 2025.

##### **Corporate Planning and Budget Process**

The CEO and the DGM – City Governance, Planning and Futures attended the Local Government Conference with our Councillors in Tamworth which was a very successful event.

##### **Farewell and Recruitment of new ARIC Members**

It is with mixed emotions that Council farewells Bruce Hanrahan and Jim Mitchell from our ARIC committee. The CEO extended her sincerest appreciation of the positive impact they have had on Council and the great level of assurance over Council's governance activities. The CEO wished both outgoing Committee members well in the future.

##### **CEO presented Recognition of Service to committee members**

Recruitment of the two ARIC members is underway with expressions of interest now closed. A large number of applications were received. It is envisaged that interviews will be held over the next few weeks.

## 6. REPORTS

### 6.1 Internal Audit Update

#### Reporting Officer

Internal Auditor  
City Governance

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#### Officer's Recommendation

That the Committee receive and note the internal audit update.

#### Committee's Recommendation: (Hanrahan/Mitchell)

That the internal audit update was received and noted by the Committee.

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### 6.2 ARIC Strategic Workplan 2025-28

#### Reporting Officer

Internal Auditor  
City Governance

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#### Officer's Recommendation

That the Committee approve the Strategic Workplan 2025-28 for council endorsement

#### Committee's Recommendation:

That the Committee request the Strategic Workplan 2025-28 be reviewed with consideration of the example plan presented in item 7 and reported back to the next ARIC meeting with further detail.

**ACTION: Upon appointment of the new committee members an extraordinary meeting will be scheduled.**

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### **6.3 ARIC and Internal Audit Charters for Council Adoption**

#### **Reporting Officer**

Internal Auditor  
City Governance

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

That the Committee approve the Council's Audit, Risk and Improvement Committee and Internal Audit Charters.

#### **Committee's Recommendation:**

That the Committee approve the Council's Audit, Risk and Improvement Committee and Internal Audit Charters for endorsement by Council.

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### **6.4 Audited Financial Statements 2023-24**

#### **Reporting Officer**

Manager Financial Services  
City Governance

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

That the information be noted.

#### **Committee's Recommendation: (Hanrahan/Wheatley)**

That the information be noted.

**ACTION: Quarterly review be presented to ARIC with commentary on deviations.**

**ACTION: Draft Financial Statements including notes be presented to ARIC.**

**Note:** The committee discussed sector-wide challenges with respect to waste disposal and infrastructure risk assessment. Management provided an overview of Council's approach to these matters.

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## **6.5 Audit Office of NSW Engagement Closing Report 2023-24**

### **Reporting Officer**

Manager Financial Services and Senior Financial Accountant  
City Governance

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### **Officer's Recommendation**

That the information be noted.

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

That the information be noted.

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## **6.6 Outstanding Management Letter Point Update - External Audit**

### **Reporting Officer**

Executive Manager Corporate Services and Governance  
City Governance

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### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Hanrahan/Wheatley)**

That the information be noted.

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## **6.7 Risk Management Update**

### **Reporting Officer**

Risk Coordinator  
City Governance

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### **Officer's Recommendation**

That the committee note the information in the report.

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

That the committee note the information in the report.

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## **6.8 Compliance and Reporting Matters**

### **Reporting Officer**

Manager Governance and Risk  
City Governance

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### **Officer's Recommendation**

That the information be noted.

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

That the information be noted.

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## **6.9 Continuous Improvement Report: Quarter 1**

### **Reporting Officer**

Manager Insights and Corporate Strategy  
City Futures

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### **Officer's Recommendation**

That the ARIC note the following:

1. Quarter 1 progress report on Continuous Improvement Actions.
2. Attached Service Review Report: Review of Council's grant application processes

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

That the ARIC note the following:

1. Quarter 1 progress report on Continuous Improvement Actions.
  2. Attached Service Review Report: Review of Council's grant application processes
-

## 6.10 Operational Plan 2024-25: Q1 Progress Report

### Reporting Officer

Manager Insights and Corporate Strategy  
City Futures

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### Officer's Recommendation

That the ARIC note:

1. The Quarter 1 Progress Report for the Operational Plan 2024-25.
2. The Quarter 4 Progress Summary for the Operational Plan 2023-24.

### Committee's Recommendation: (Hanrahan/Mitchell)

That the ARIC note:

1. The Quarter 1 Progress Report for the Operational Plan 2024-25.
  2. The Quarter 4 Progress Summary for the Operational Plan 2023-24.
- 

## 6.11 Cyber Security Program Progress Report

### Reporting Officer

Executive Manager Corporate Support Systems  
City Governance

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### Officer's Recommendation

That the ARIC note the Cyber Security Program Progress Report.

### Committee's Recommendation: (Hanrahan/Mitchell)

That the ARIC note the Cyber Security Program Progress Report.

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## **7. GENERAL BUSINESS**

The document provided by Committee member Rhonda Wheatley (included as agenda item 7) was discussed and considered by the Committee in conjunction with Item 6.2.

The next meeting of the Audit Risk and Improvement Committee to be confirmed upon appointment of the new committee.

Independent Member Bruce Hanrahan

**Chairperson**

Meeting Concluded: 5:52pm

## 8.9 Reports and Letters Requested

### Reporting Officer

Manager Governance and Risk  
City Planning and Corporate Services

### Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.1.2 Ensure the community is continuously informed about current and future issues affecting Campbelltown and key delivery partners

### Delivery Program

Principal Activity
PA10 Governance and Administration

### Officer's Recommendation

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

### Report

Attached for the information of Councillors is a status list of reports and letters requested from Council as at 1 April 2025.

### Attachments

8.9.1 Reports Requested Register (contained within this report) [↓](#)

8.9.2 Letters Requested Register (contained within this report) [↓](#)

**Reports requested effective 1 April 2025**

Date of Decision Mover	Action Item	Comments / updates	Expected completion date
<b>City Positioning and Transformation</b>			
11.3.25 Berbari	<p>NM 11.5 Australia Day Awards</p> <p>1. That, Council undertakes a report to incorporate a new category in the annual Australia Day awards for those in our community living with disabilities.</p> <p>2. That the All Abilities Award category provide an opportunity for nominees to be considered that go above and beyond to achieve personally, or for the community</p>	<p>a report to be presented to Council at the April 2025 meeting as Item 8.1 on the agenda.</p>	<p>April 2025</p>
<b>City Placemaking and Services</b>			
11.3.25 Hunt	<p>NM 11.10 Remote Control Toy Vehicle Track</p> <p>1. That a report be presented to Council on the feasibility of installing a basic outdoor remote control toy vehicle race track at an appropriate venue within the LGA.</p>	<p>Investigations have commenced.</p>	<p>August 2025</p>
11.3.25 Hunt	<p>NM 11.9 Wheelie Bins</p> <p>1. That Council investigate and report on the feasibility of introducing images locally designed as wheelie bin stickers for residents to purchase to beautify their street environment and promote our local flora and fauna.</p> <p>2. That any profit derived from the sale of these stickers be considered as part of the report be directed to conservation or sustainability programs within the LGA.</p>	<p>Investigations have commenced.</p>	<p>May 2025</p>

**Reports requested effective 1 April 2025**

Date of Decision Mover	Action Item	Comments / updates	Expected completion date
<b>City Placemaking and Services</b>			
11.3.25 Hunt	<p>NM 11.8 Koala Conservation</p> <p>1. That Council investigates opportunities to deliver a community expo and seminar in collaboration with key stakeholders involved in koala conservation in the Campbelltown LGA that focuses on sharing insights and further educating the community about koalas.</p> <p>2. That a report be presented to Council that details current koala research, conservation and monitoring initiatives in the Campbelltown LGA including Council's annual projects/programs and community engagement under the Koalatown program</p>	Investigations have commenced.	July 2025
11.3.25 Cotter	<p>NM 11.7 Local Charitable Organisations</p> <p>1. That Council undertakes a report exploring ways Council can support existing and future charitable organisations connect to local, state, federal funding and other opportunities to increase their grassroots support to our Campbelltown LGA.</p> <p>2. That the report outlines possible ways to increase engagement through workshops, programs, forums and digital resources.</p>	Investigations have commenced.	May 2025
11.3.25 Morrison	<p>NM 11.6 Mobility Scooter Charging Stations</p> <p>1. That Council provides a report on the feasibility of additional charging stations for alternative transportation, such as mobility scooters, e-bikes and e-scooters within the public domain in the LGA.</p>	Investigations have commenced.	July 2025

**Reports requested effective 1 April 2025**

Date of Decision Mover	Action Item	Comments / updates	Expected completion date
<b>City Placemaking and Services</b>			
11.3.25 Berbari	NM 11.4 NSW Seniors Festival  1. That a post-event review report be provided to Council on the NSW Seniors Festival, which celebrates the role and contributions of older adults to our local communities, held 3 - 16 March 2025.	Investigations have commenced.	May 2025
13.8.24 Cotter	NM 11.1 Fisher Ghost Parade  1. That Council investigate and report on the return of the Fishers Ghost Parade to Queen St Campbelltown.	Review underway	August 2025
13.8.24 Cotter	NM 11.2 Dog Park  1. That Council investigate and report on the establishment of a dog park in Glen Alpine or a suitable location in a nearby suburb.	Review underway	August 2025
12.9.23 Hunt	NM 11.2 Bus Stop Shelters  2. That Council, subject to confirmation of bus routes and service standards, review the current installation program of bus stop shelters and explore options to expand to meet community growth and expectations; and 3. That a report is presented on the information received and	a report to be presented to Council at the April 2025 meeting as Item 8.10 on the agenda.	April 2025

**Reports requested effective 1 April 2025**

Date of Decision Mover	Action Item	Comments / updates	Expected completion date
<b>City Placemaking and Services</b>			
13.10.22 Bricevic	<p>NM 11.3 Footbridge over Bow Bowling Creek</p> <p>That Council:</p> <ol style="list-style-type: none"> <li>provide a report on the feasibility of building a footbridge over Bow Bowling Creek (causeway) at Bow Bowling towards Minto.</li> <li>Ensure the report includes particular reference to any current legislative requirements for pedestrian footbridges and addresses accessibility for those with mobility and/or disability issues.</li> <li>That Council also advocate to the Member for Macquarie Fields in relation to the development of the bridge to seek funding to ensure it is built to an appropriate standard.</li> </ol>	<p>a report to be presented to Council at the April 2025 meeting as Item 8.11 on the agenda.</p>	<p>April 2025</p>
14.9.21 Oates	<p>NM 11.2 - Creative Arts Fund</p> <ol style="list-style-type: none"> <li>That a report be presented investigating the establishment/trial of a local creative arts fund with the purpose of providing opportunities to improve the wellbeing, resilience and social cohesion of our community through creative expression and social connection.</li> <li>That the report also include the current and past, small and localised art funding initiatives undertaken by Campbelltown City Council including the cost associated with these initiatives.</li> </ol>	<p>Report currently being finalised.</p>	<p>May 2025</p>

**Reports requested effective 1 April 2025**

Date of Decision Mover	Action Item	Comments / updates	Expected completion date
<b>City Planning and Corporate Services</b>			
11.3.25 Chowdhury	<p>ORD 8.2 Macarthur Gardens North - Amendment to Development Control Plan</p> <p>1. That Council endorse the public exhibition of the draft amendments to the Campbelltown (Sustainable City) Development Control Plan 2015, Volume 2 - Part 16 – Macarthur Gardens North for a minimum period of 28 days.</p> <p>2. That a further report be provided to Council on the outcome of public exhibition.</p>	Public exhibition has been arranged commencing 19 March, 2025.	June 2025
10.12.24 McEwan	<p>NM 11.1 - Aboriginal Road and Place Names</p> <p>2. That a report be presented to Council, detailing the implications and the procedural steps required by the Geographical Names Board, and any other relevant government entities.</p>	Report currently being finalised.	June 2025

**Reports requested effective 1 April 2025**

Date of Decision Mover	Action Item	Comments / updates	Expected completion date
<b>City Planning and Corporate Services</b>			
10.12.24 Chowdhury	ORD 8.2 -Planning Proposal - 13-17 Eagleview Road, Minto  4. That a report on the outcome of the public exhibition of the Planning Proposal be presented to Council for consideration.	This proposal is waiting for a Gateway Determination. The Gateway Determination will specify consultation and public exhibition requirements.	July 2025
13.02.24 Oates	ORD 8.2 - Planning Proposal Request - Hollylea Road, Leumeah  5. That following the completion of public exhibition either: a. where submissions are received by Council in response to public exhibition, a submissions report be presented to Council, or b. where no submissions are received by Council in response to public exhibition, the Planning Proposal be finalised.	Public Exhibition is now closed and submissions received.	June 2025
13.10.20 Lake	NM 11.1 - Charging for parking within the Campbelltown Local Government Area  That a full feasibility report be presented to Council outlining the financial and non-financial implications of introducing paid parking into the Campbelltown Local Government Area.	Further studies are required for paid parking to form a part of a parking strategy.	July 2025

**Letters requested effective 1 April 2025**

Date of Decision Mover	Action Item	Comments / updates
<b>City Positioning and Transformation</b>		
10.12.24 McEwan	<p>NM 11.2 - Koala Awareness Zone on Appin Road</p> <p>1. Write to the NSW Minister for Roads the Hon. John Graham MLC, the NSW Minister for the Environment the Hon. Penny Sharpe MLC and the Minister for Regional Transport and Roads the Hon. Jenny Aitchison MP, seeking their commitment to the earliest delivery of "Koala Awareness" zones beginning from Noorumba Reserve to Mollaty Creek, reducing the speed limits at known koala crossing points on Appin Road from dusk to dawn and install effective koala fencing along Appin Road as well as adding an additional crossing at Mollaty Creek.</p> <p>2. Write to the Member for Campbelltown Mr Greg Warren MP, the Member for Macarthur Dr Mike Freelander MP and the Member for Wollongong the Hon. Paul Scully MP seeking their support and advocacy for the delivery of these koala protection initiatives.</p>	<p>Letters dated 28.01.2025 sent to:                      The Hon Jenny Aitchison MP, Minister for Transport and Roads                      The Hon Penny Sharpe MLC, NSW Minister for the Environment                      The Hon John Graham MLC, Minister for Roads</p> <p>A copy of the above letters were provided to:                      Mr Greg Warren MP, Member for Campbelltown                      Dr Mike Freelander MP, Member for Macarthur                      The Hon Paul Scully MP, Member for Wollongong</p>
10.12.24 McEwan	<p>CO 7.6 - Upper Water Canal – Koala Crossing, Gilead</p> <p>2. That a letter be sent to the Hon Rose Jackson MLC Minister of Water to support our call for works to be completed as a matter of urgency.</p>	<p>Letter dated 18.12.2024 sent to the Hon Rose Jackson MLC, Minister for Water</p>

## 8.10 Bus Shelter Program

### Reporting Officer

Engineering and Traffic Management Coordinator  
City Placemaking and Services

### Community Strategic Plan

Objective	Strategy
2 Places For People	2.2.1 Ensure transport networks are integrated, safe, and meet the needs of all people. 2.1.1 Provide public places and facilities that are accessible, safe, shaded and attractive

### Delivery Program

Principal Activity
PA Roads and Transport

### Officer's Recommendation

That Council note:

1. The installation of 5 new shelters per year for the next five years to enhance community infrastructure.
2. The adoption of an optimised prioritisation methodology to strengthen the bus shelter program, ensuring maximum community benefit and value for money.
3. Ongoing efforts to secure additional funding through grants, private-sector partnerships, and collaboration with government agencies to supplement Council's budget for shelter installations.

### Purpose

This report addresses the Council resolution which called for an examination of bus services and standards within the Campbelltown Local Government Area (LGA).

### History

Bus shelters are integral to Campbelltown's transport infrastructure. While Council has limited influence over bus routes and services, we play a crucial role in ensuring bus stops are safe,

accessible, and comfortable for users. This includes the provision of shelters, footpaths, lighting, street furniture, and the tree canopy—all contributing to an enhanced public and active transport experience.

Historically, funding for bus shelter installation has been limited, often influenced by grant programs and population growth.

At the Council meeting on 12 September 2023, Council resolved:

1. That Council write to the Minister for Transport seeking a review of current bus routes and service standards in Campbelltown Local Government Area, with particular focus on vulnerable community groups such as schools, aged care.
2. That Council, subject to confirmation of bus routes and service standards, review the current installation program of bus stop shelters and explore options to expand to meet community growth and expectations; and
3. That a report is presented on the information received and options to be considered.

In accordance with point 1 of the Council resolution, a letter was sent to then Minister for Transport, the Hon Jo Haylen MP, on 9 October 2023. Council has not received a response. This report addresses points 2 and 3 of the resolution.

## Report

### Current State of Bus Shelters in Campbelltown

Today there are 1,224 bus stops across the Campbelltown LGA, with 20% supported by 252 bus shelters. Ownership and maintenance over these bus shelters varies, including 165 with Council, 3 Transport for NSW (TfNSW) and 84 privately owned by the appointed advertising company. Noting, the advertising contract returns income p.a. that is reinvested into the bus stop program and the vendor is not currently seeking any expansion of new bus stops.

Therefore 972 bus stops across the LGA do not have bus shelters installed.

### Prioritisation of new bus shelters for delivery:

As part of the City Placemaking and Services portfolio continuous improvement approach Council officers are in the process of rolling out a new optimised prioritisation methodology to further strengthen the bus shelter program to deliver the best possible community benefit and value for money. This approach firstly considers the most vulnerable parts of the community to have their basic needs prioritised, using strategic criteria and community insights.

The prioritisation approach includes:

1. Data collection and stakeholder input
2. Service and patronage analysis
3. Community profile analysis
4. Land use and destination analysis

## 5. Scoring and assessment

### **Design considerations:**

New bus shelters will be designed with:

- Standard features: seating, shade, lighting, and accessibility (compliant with the Disability Discrimination Act).
- Optional sustainable features: use of eco-friendly materials, solar panels, live displays for real-time service updates, and bicycle racks.

### **Funding and Program Expansion**

Historically 3 new bus shelters have been budgeted and prioritised each year. By re-prioritising, leveraging partnerships, and adopting cost-effective strategies, the program has been able to increase to 5 per year, for the next 5 years, which will further enhance public transportation infrastructure and work towards meeting the diverse needs and expectations of the community.

In addition to existing budget allocations, Council officers are exploring additional funding sources by:

- Pursuing grants and fostering partnerships with private-sector organizations and government agencies.
- Implementing cost-saving measures, such as standardizing shelter designs and maximizing economies of scale through procurement.
- Developing long-term capital improvement plans to anticipate future needs and sustain the bus shelter network as the population grows

### **Focus on Vulnerable Communities**

Of the 972 bus stops without shelters, 45 are in areas serving vulnerable groups. The breakdown is as follows:

- Aged Care Homes: 1 new shelter required (existing 8)
- Hospitals: None required (1 shelter at Public Hospital; no routes for Campbelltown Private Hospital)
- Schools: 36 new shelters required (34 existing)
- Medical Centres: 3 new shelters required (11 existing)

Of the 45 bus shelter locations identified for vulnerable groups, 25 shelters are scheduled for installation over the next five years.

### **Attachments**

Nil

## 8.11 Footbridge over Bow Bowling Creek, Minto

### Reporting Officer

Engineering and Traffic Management Coordinator  
City Placemaking and Services

### Community Strategic Plan

Objective	Strategy
2 Places For People	2.1.1 Provide public places and facilities that are accessible, safe, shaded and attractive  2.2.1 Ensure transport networks are integrated, safe, and meet the needs of all people.

### Delivery Program

Principal Activity
PA Roads and Transport

### Officer's Recommendation

1. That Council provide in principle support to option 3 noting the project is contingent on grant funding.
2. That Council write to State and Federal Members seeking support for funding of the construction of the pedestrian bridge.

### Purpose

This report explores the feasibility of building a footbridge over Bow Bowling Creek, addressing accessibility concerns for those with mobility challenges, and reviewing potential funding opportunities.

### History

Currently, residents of Bow Bowling have access to Minto Railway Station via a footpath and shared pathway across Bow Bowling Creek. While this path is functional under normal weather conditions, it becomes impassable during heavy rainfall, which results in flooding and poses a risk to pedestrian safety. As a result, individuals often must take alternative, longer routes along Campbelltown Road and Ben Lomond Road or rely on public transport.

At the Council meeting on the 13 October 2022, Council resolved:

1. Provide a report on the feasibility of building a footbridge over Bow Bowing Creek (Causeway) at Bow Bowing towards Minto.
2. Ensure the report includes reference to any current legislative requirements for pedestrian footbridge and addresses accessibility for those with mobility and /or disability issues.
3. That Council also advocate to the Member for Macquarie Fields in relation to the development of the bridge to seek funding to ensure it is built to an appropriate standard.

This report addresses the Council resolution and assesses the feasibility of constructing a pedestrian bridge over Bow Bowing Creek (causeway) at Bow Bowing to improve connectivity to Minto, particularly during adverse weather conditions.

## Report

Council officers have completed a feasibility assessment regarding the construction of a pedestrian bridge that would provide year-round access between Bow Bowing and Minto Railway Station, even during adverse weather conditions. The study has focused on ensuring pedestrian safety and access, particularly during a 1-in-100-year flood event.

The following options were considered:

### Option 1: Do Nothing and Maintain Existing Pathway

- **Advantages:** Low cost as it only requires ongoing maintenance.
- **Disadvantages:** The existing pathway is prone to flooding during heavy rain, leading to significant disruption for pedestrians, particularly during flood events. Alternative routes require long detours, impacting daily commuters.
- **Cost:** \$0.00

### Option 2: Construct a Pedestrian Bridge for Probable Maximum Flood (PMF) Events

- **Advantages:** Would allow access over a 1-in-100-year flood event.
- **Disadvantages:** The bridge would still be inaccessible during the maximum PMF events, as the entire area—including the railway tracks—would be submerged. The cost of such a bridge is prohibitively high given the low volume of daily users (approx. 27 pedestrians per day).
- **Estimated Cost:** \$38 million

### Option 3: Construct a Pedestrian Bridge for 1-in-100-Year Flood Events

- **Advantages:** More cost-effective, provides access during most weather conditions, and offers value for money.
- **Disadvantages:** No access during maximum PMF events, which are rare.
- **Estimated Cost:** \$11 million

In addition to Option 3, constructing a shared path along Campbelltown Road and Ben Lomond Road, connecting Bow Bowing to Minto Railway Station, would ensure connectivity during all weather conditions for pedestrians and cyclists. Council has already submitted a grant

application to the State Government's Get NSW Active program for this infrastructure, with the outcome expected in April-May 2025.

Estimated Cost for Shared Path: \$5 million

Total Estimated (Bridge and Shared Pathway) Cost for Option 3: \$16 million

### **Impact and Community Usage**

Two key assessments were conducted to determine the potential impact of a flood event and pedestrian usage of the pathway:

1. **Flood Mapping:** The assessment confirms that during severe weather conditions, both the basin area and parts of Bow Bowling's residential zones, including the railway tracks, would be submerged, creating significant challenges for connectivity.
2. **Pedestrian Counts:** On average, 27 pedestrians use the existing pathway daily to access Minto Railway Station.

### **Legislative Considerations**

The development of any bridge will comply with legislative requirements and guidelines, including the Flood Risk Management Plan mandated by the Department of Environment and Heritage and the Flood Risk Management Manual. This ensures the bridge is designed to mitigate flood risk in accordance with Australian Standards (AS 5100 for Bridge Design). The potential risks of the project include increased liability for the Council, especially if pedestrians attempt to use the bridge during a PMF event. Mitigation measures, such as closing access during high-risk periods and installing anti-throw screens, have been considered.

### **Conclusion**

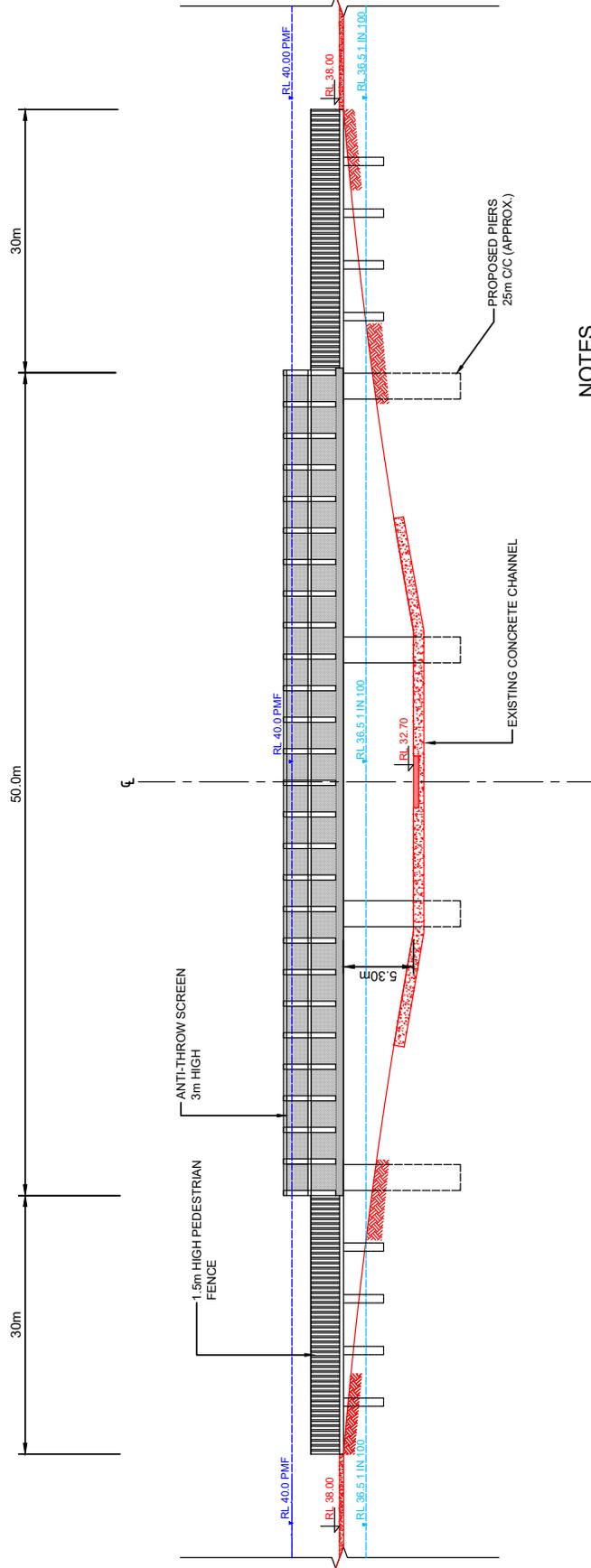
Option 3, which involves constructing a pedestrian bridge for 1-in-100-year flood events and constructing a shared path, is recommended as the most feasible option. This solution balances cost, accessibility, and community need. Given the significant cost of the project, securing funding from State or Federal Government sources is essential.

### **Attachments**

8.11.1 Option 3 details - 1 in 100 Year Event (contained within this report) [↓](#)

8.11.2 Option 3 details - Shared path along St Andrews Rd between St Andrews Rd and Ben Lomond Rd (contained within this report) [↓](#)

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**NOTES**

ALL DIMENSIONS MARKED ARE APPROXIMATE ONLY

**OPTION 3 - BRIDGE OVER 1 IN 100 YEARS EVENT**

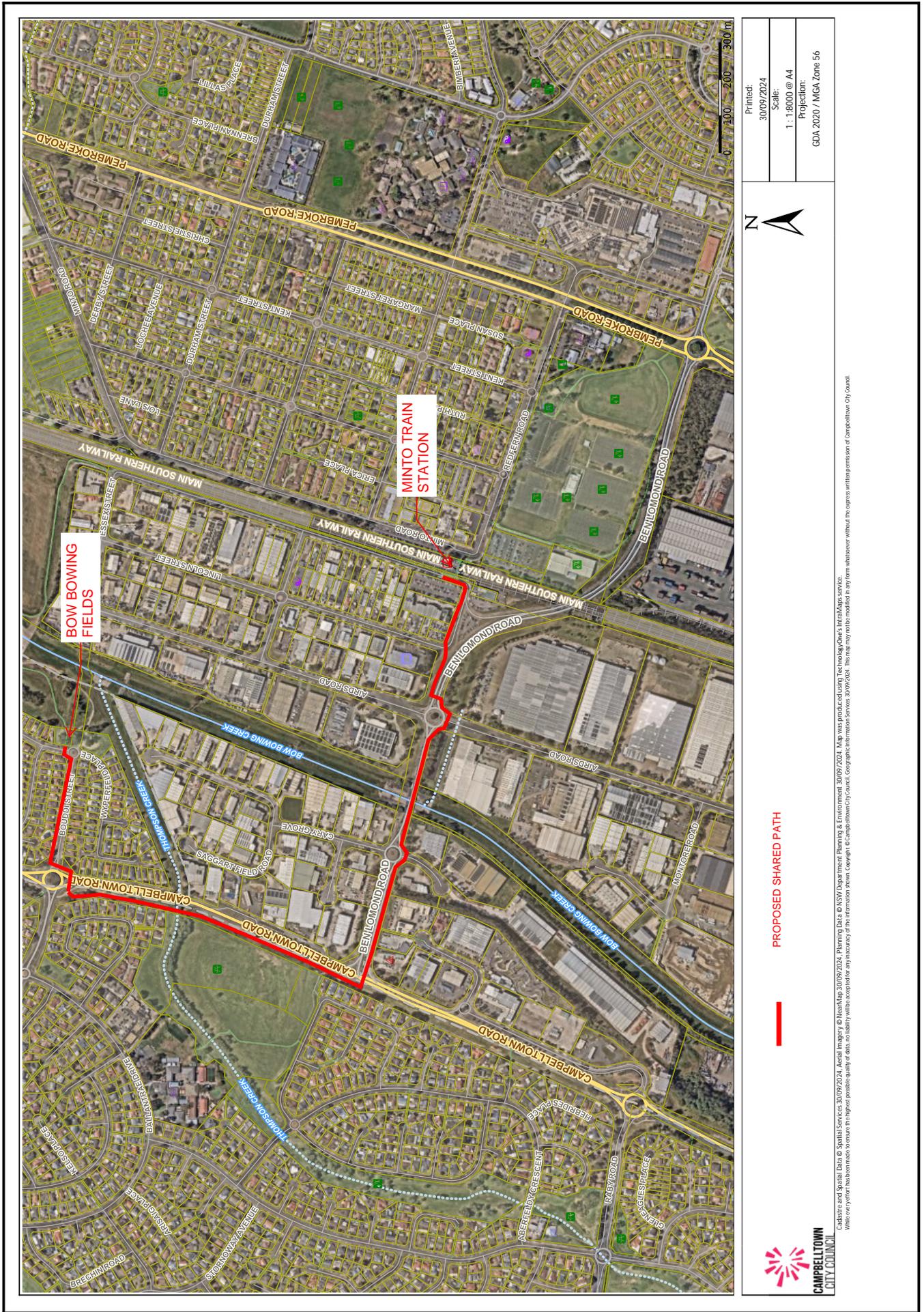
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Revision	Date	Description	Approved

<p><b>CAMPBELLTOWN CITY COUNCIL</b></p> <p><small>City Centre Office, Campbelltown PO Box 57, Campbelltown NSW 2560                  Telephone: 08 4614 0000 Fax: 08 4614 1111                  Email: council@campbelltown.nsw.gov.au                  ABN 31 405 914 087</small></p>	<p>Approved                  Coordinator                  Engineering &amp; Traffic Management                  A/Icon                  Signed                  Date</p>	<p>Checked                  Title                  Name                  Signed                  Date</p>	<p>Drawn: N/N                  Datum: -                  Designed: -                  Date: -                  Surveyed: -</p>	<p>Project:                  BOW BOWING CREEK, MINTO                  PROPOSED PEDESTRIAN BRIDGE                  OPTION 1 - OVER 1% AEP                  Sheet no: - of -                  Job no: ----</p>
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PROPOSED SHARED PATH



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**9. QUESTIONS WITH NOTICE**

Nil

**10. RESCISSION MOTION**

Nil

**11. NOTICE OF MOTION****11.1 Koala Management and Protection**

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**Notice of Motion**

Councillor Jayden Rivera has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 08 April 2025.

That Council provide a report on Koala management and protection by:

1. Exploring road painting and signage opportunities for koala zones at key mitigation areas on local roads in the LGA.
  2. Providing additional koala food tree plantations.
  3. Continuing to support wildlife carers with ongoing koala rehabilitation.
-

**12. URGENT GENERAL BUSINESS**

**13. PRESENTATIONS BY COUNCILLORS**

## **14. CONFIDENTIAL REPORTS FROM OFFICERS**

### **14.1 Licence for Equipment Storage - Town Hall Theatre**

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

-

information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

### **14.2 Licence Agreement - Airds**

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

-

information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

