

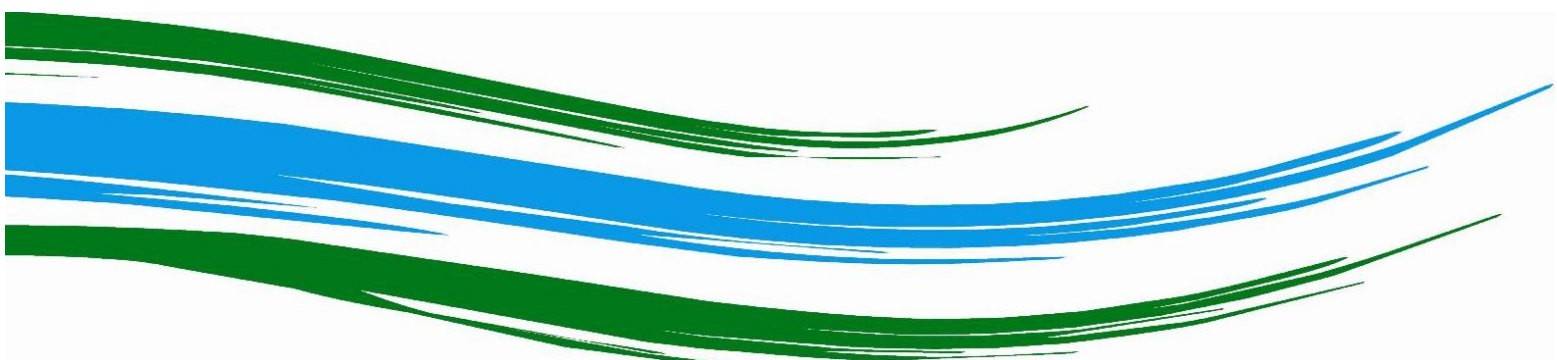


Camden Council

Attachments

Ordinary Council Meeting
23 April 2019

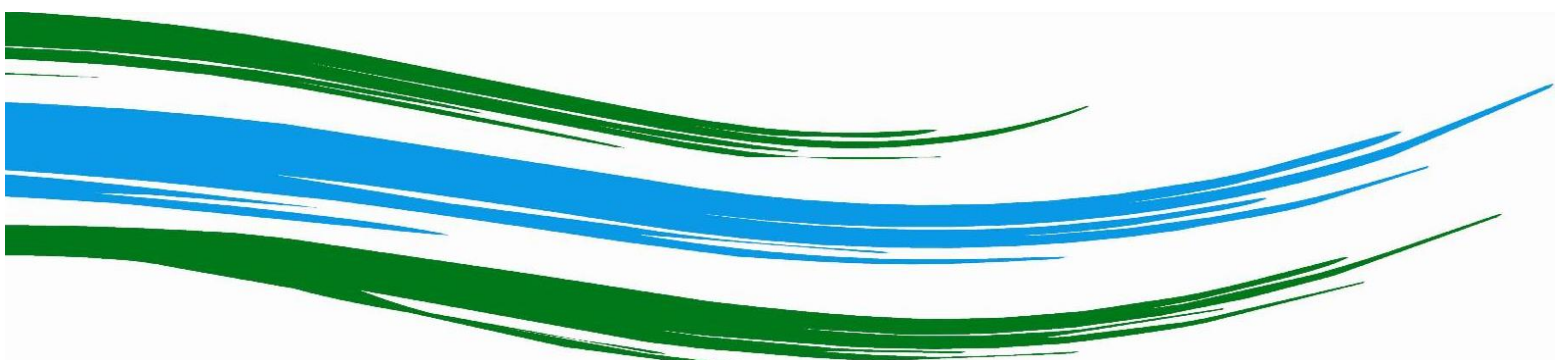
Camden Council
Administration Centre
70 Central Avenue
Oran Park



ORDINARY COUNCIL

ATTACHMENTS - ORDINARY COUNCIL

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10/04/19

Issue	Officer Response	Proposed Action
<p>14.0 Landcom</p> <p>14.1 Landcom raises no objections to proposal.</p>	<p>Noted.</p>	<p>No further action required.</p>



camden
council

ORD03



Attachment 1

Planning Proposal Amendment No. 15 – Glenlee

Post Exhibition Changes

April 2019

 70 Central Ave,
Oran Park NSW 2570

 PO Box 183, Camden 2570

 4654 7777

 DX 25807

 mail@camden.nsw.gov.au

 camden.nsw.gov.au

 4654 7829

 ABN: 31 117 341 764

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BACKGROUND SUMMARY

The subject site of Glenlee is shared by two local government areas being Camden Council and Campbelltown City Council. A summary of the locality can be found at Figure 1.

Summary

Both Councils at their respective meetings on 23 April 2013, resolved to proceed with seeking a Gateway Determination for the rezoning of the Glenlee area.

A separate Gateway Determination was issued to each Council on 3 July 2013.

The Department of Planning and Environment (DPE) is currently considering a request for a gateway extension from the Councils and has advised the requested gateway extension to June 2019 will be issued to the Councils in due course.

The LEP process has been coordinated as a Joint Planning Proposal by the Councils and as such Plan Making Authority will be transferred to the Department of Planning.

2013 - 2016:

A Project Plan and Communications Strategy, which detailed the planning process and outputs was signed by both Councils and the Proponent on 30 August 2013. As per the Plan and Strategy, a Project Control Group (PCG) and Project Working Group (PWG) were established to guide the management of the LEP process.

The Planning Proposals for each Council was generally consistent with the aim to rezone the Glenlee site for predominantly industrial use, part environmental conservation with provisions for a proposed road corridor.

13 Specialist Studies were completed to support the Planning Proposal. The Specialist Studies provided detailed findings with recommendations to minimise potential adverse impacts and to ensure quality environmental outcomes from the Planning Proposal.

In addition to the 13 Specialist Studies the Gateway Determination required consultation to be undertaken with 28 various State Agencies and Public Authorities. The consultation received no outstanding objections however was subject to conditions from the State Agencies and Public Authorities.

As a result of the Specialist Studies and consultation with State Agencies and Public Authorities, the Councils proposed amendments for a revised Gateway from the Department of Planning and Environment (DPE). This included findings from the Traffic Study and Modelling Specialist Study that there is additional capacity within the road network to allow for an increase to the gross floor area (GFA) cap for warehousing and industrial development as imposed by the original Gateway.

Additionally, the findings from the Ecological and Riparian Corridor Specialist Study recommended further protection of the remnant native vegetation on site and its rehabilitation with the replacement of the E3 Environmental Management zone by a more suitable E2 Environmental Conservation zone.

2017:

Councils received a revised Gateway from DPE on 4 October 2017. The main amendments in the revised Gateway included:

- An increase to the Gross Floor Area cap to 90,000sqm for warehousing and general industrial use as a result of the Traffic Study and Modelling Specialist Study.
- The replacement of the E3 Environmental Management zone with E2 Environmental Conservation Zone.
- The removal of the IN2 Light Industrial zone and replacement with IN1 Industrial zone.
- Changes to development standards in the IN1 General Industrial zone to ensure consistency between Councils.



2018:

The Glenlee Planning Proposal (incorporating the above changes), the draft Glenlee Development Control Plan, and the Council Report and Resolution (11 April 2017) were all placed on exhibition from 17 January 2018 to 16 February 2018.

No formal objections were received by State Agencies, Public Authorities or the community, however recommendations from State Agencies and Public Authorities were provided.

Where justifiable these recommendations were considered to finalise the Glenlee Development Control Plan (attached) and the Glenlee Planning Proposal (this document). A Submissions Response Table is also attached to this Planning Proposal.

Locality

The 109ha (approximately) site is located within the Camden LGA and the Campbelltown LGA. The larger portion of the site is within Campbelltown (71ha), whilst site access is via roads located within the Camden LGA. The site and approximate LGA boundary is shown in Figure 1. An aerial photo is shown in Figure 2.

In the longer term the site is proposed to be accessed via an extension of Liz Kemohan Drive (known as Spring Farm Parkway) to the M31 Hume Motorway. Funding for this extension (from Liz Kemohan Drive to the M31 Hume Motorway) is proposed to form part of the Greater Macarthur Special Infrastructure Contributions Scheme (SIC). The proposed SIC was recently placed on public exhibition by the DPE as part of the Greater Macarthur 2040: An Interim Plan for the Greater Macarthur Growth Area.

Glenlee has existing rail access via a private rail siding that connects to the Main Southern Railway Line.

The site is currently zoned RU1 Primary Production and has a minimum lot size of 40ha under the Camden LEP 2010. The site has primarily been used for industrial purposes for several decades and is currently used for truck and machinery depots, coal washery and reject coal emplacement, a green waste and recycling facility.

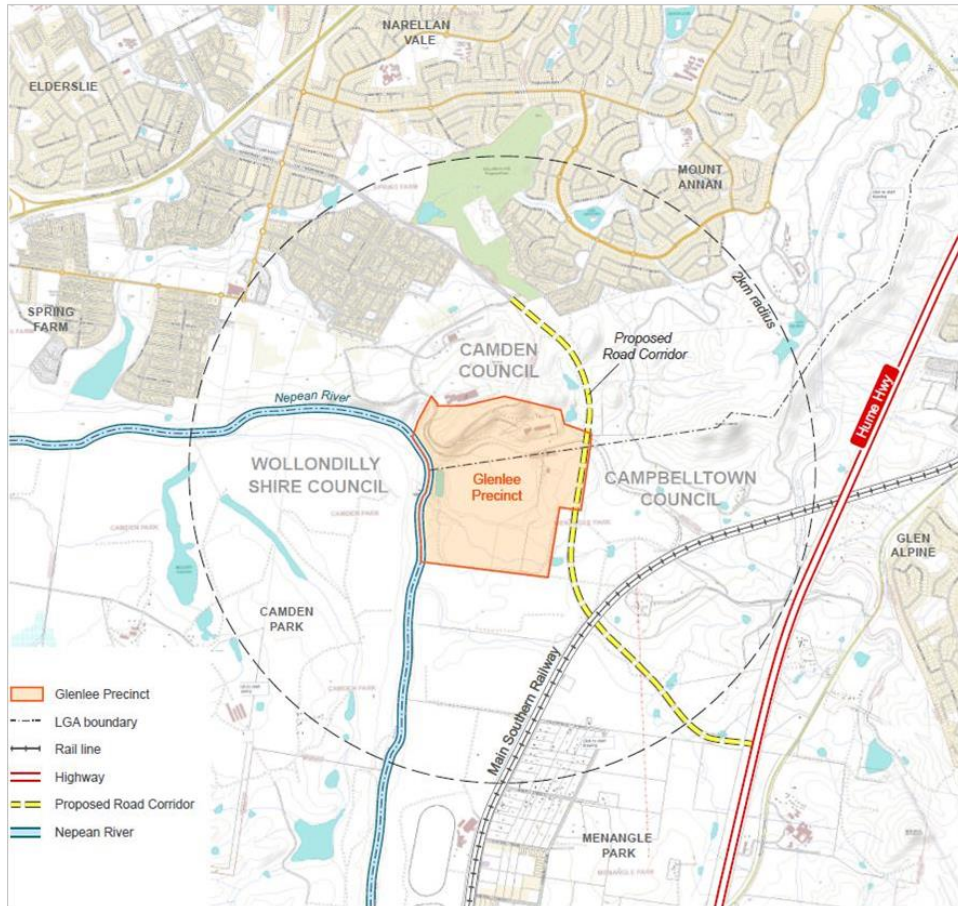


Figure 1: Locality Map (Source: Geolyse)

PURPOSE OF PLANNING PROPOSAL

The purpose of this Planning Proposal (PP) is to rezone land within the Glenlee Precinct by amending Camden Local Environmental Plan 2010 (CLEP 2010) to permit the development of the land for mainly industrial focused purposes, together with lands for environmental conservation and provision for a proposed road corridor as future infrastructure.

The intention of the PP is to allow the land to be redeveloped in a form compatible with the Site's context (current industrial land uses and essentially a brownfield site) within the immediate area.

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The main objective of the Planning Proposal is to rezone the subject lands under Camden Local Environmental Plan (LEP) 2010 from RU1 Primary Production zone to a predominantly IN1 General Industrial zone.

The rezoning to industrial land is conditional and restricted via a gross floor area cap (GFA) on the amount of warehousing and industrial which can be developed. The purpose of the GFA cap is to ensure traffic generation from the proposal does not exceed the capacity of the road network. The GFA cap is 90,000sqm, which applies collectively to both Camden and Campbelltown LGAs for the entire Glenlee Precinct.

Glenlee will also include an E2 Environmental Conservation zone to riparian lands and environmentally sensitive areas with future provision for a road corridor zoned SP2 Infrastructure marked as Future Road Corridor.

As such, the Planning Proposal will rezone the subject lands from the RU1 Primary Production zone to the following zones:

- IN1 General Industrial;
- SP2 Infrastructure (Marked as Future road corridor); and
- E2 Environmental Conservation zone.

The development standards to be achieved include:

- Minimum lot size of 4000sqm;
- Maximum building height limit of 12m; and
- Floor space ratio of nil.

The above development standards were amended to be consistent with General Industrial zone IN1 for the Glenlee land within Campbelltown City Council under the revised Gateway Determination (issued on 4 October 2017).

Additionally, to address concerns raised during the Public Exhibition Period related to environmental protection works, the enforcement of the GFA cap and guarantees to ensure road capacity improvements are made to support the proposal, Glenlee will be identified as an Urban Release Area and a new clause will be inserted in Camden LEP 2010:

Subject to legal drafting: 6.6 Matters to be specifically considered for development at Glenlee

- (1) Before granting consent for the subdivision of the urban release area shown as "Glenlee" on the Urban Release Area Map, the consent authority must consider whether adequate environmental protection works have been carried out. The matters to be taken into consideration by the consent authority are:
 - (a) Whether arrangements to the satisfaction of Council are in place to secure environmental protection works;
 - (b) Whether the development is temporary or permanent in nature;
 - (c) The proximity to land zoned E2 Environmental Conservation;
 - (d) The environmental effect development will have on land zoned E2 Environmental Conservation; and
 - (e) If environmental protection works have been undertaken.
- (2) The total gross floor area on all land shown as "Glenlee" on the Urban Release Area Map must not exceed 25,000 square metres for warehouse and industrial activity.
- (3) Despite any other provision of this Plan, development consent must not be granted for development unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure.

The current and proposed LEP maps are provided in Part 4. Refer to Figures 2 and 3 (below) that illustrates the existing and proposed zones for Glenlee.

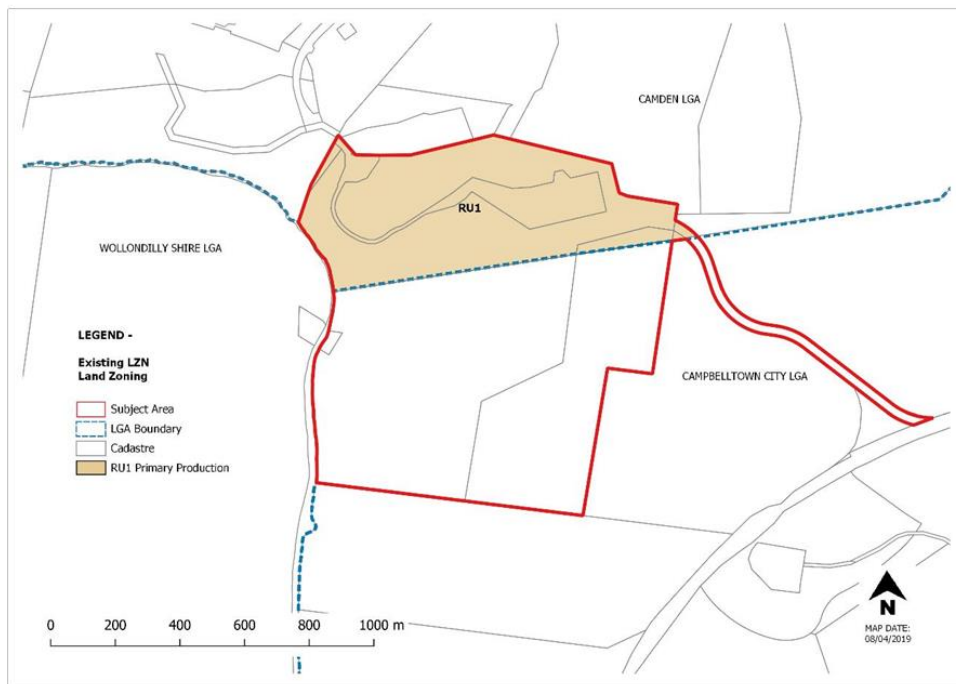


Figure 2: Existing Land Zone Map

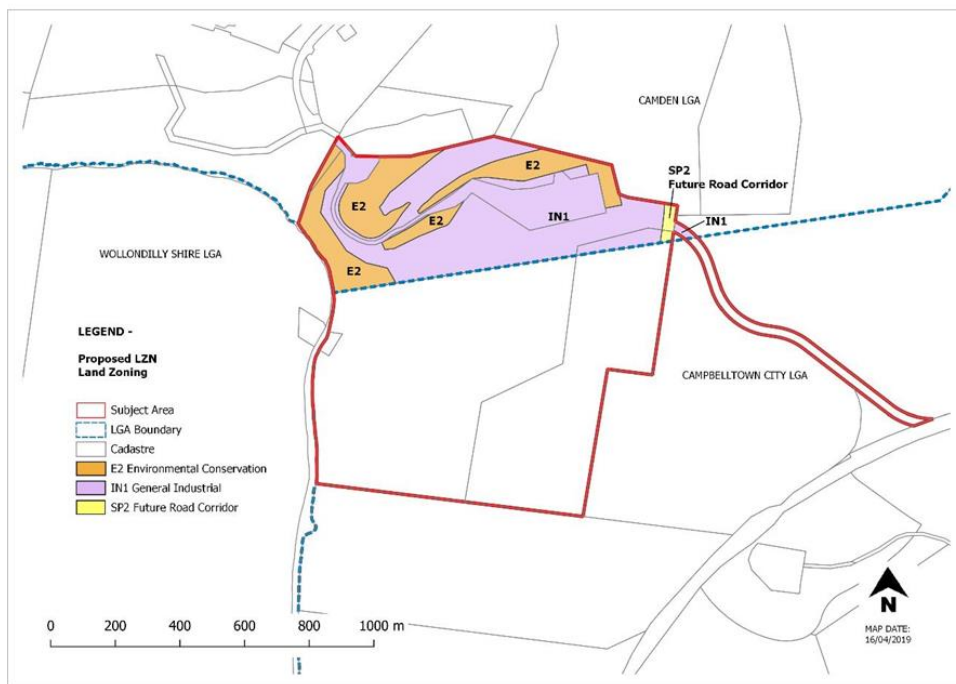


Figure 3: Proposed Land Zone Map

The delivery of the abovementioned objectives are supported by the following visions and intended outcomes for the subject site:

- A sustainable and coordinated extension to the Spring Farm and Menangle Park Urban Release Areas will be achieved in the form of an employment Urban Release Area close to residential areas.
- Natural systems will be conserved and enhanced. These natural systems will provide habitat linkages between the Nepean River, Bush Corridor in Spring Farm and the Australian Botanic Garden Mount Annan.
- Water quality of the Nepean River will be maintained through the provision of sustainable systems having regard to Water Sensitive Urban Design (WSUD) principles that will underpin an integrated Water Cycle Management Strategy.
- Improvements to existing road network will be undertaken with the plan to provide road access from the site via an extension of Liz Kemohan Drive to the M31 Motorway.



PART 2: EXPLANATION OF PROVISIONS

The Camden Local Environmental Plan 2010 will be amended in the following way:

Land Zoning Map – from RU1 Primary Production zone to:

- IN1 General Industrial zone;
- SP2 Infrastructure zone (marked as Future road corridor); and
- E2 Environmental Conservation zone.

Other proposed amendments include a change from the minimum lot size of 40ha to 4000sqm; a change to the building height limit from 9.5m to 12m; a floor space ratio of nil and the identification of Glenlee as an Urban Release Area. The existing and proposed amendments under Camden LEP 2010 are summarised below in Table 1.

Table 1: Existing and Proposed Amendments under Camden LEP 2010

Camden LEP 2010 Development Standards	Existing	Proposed
Zoning	RU1 Primary Production zone RU1 Primary Production zone RU1 Primary Production zone	IN1 General Industrial zone E2 Environmental Conservation zone SP2 Infrastructure (marked as Future road corridor)
Minimum Lot Size	40ha	4000sqm (applies to IN1 zone only)
Height of Buildings	9.5m	12m
Floor Space Ratio	Nil	Nil
Maximum Gross Floor Area (Glenlee)	Nil	GFA cap to be set at a total of 90,000sqm for warehousing and industrial activity. The cap has been split between the two LGAs as required by DPE: Camden: 25,000sqm Campbelltown: 65,000sqm
Urban Release Area	Not applicable	Glenlee be identified as an Urban Release Area and a new clause be inserted into Camden LEP 2010: Subject to legal drafting: 6.6 Matters to be specifically considered for development at Glenlee (1) Before granting consent for the subdivision of the urban release area shown as "Glenlee" on the Urban Release Area Map, the consent authority must consider whether adequate environmental protection works have been carried out. The matters to be taken into consideration by the consent authority are: (a) Whether arrangements to the satisfaction of Council are in place to secure environmental protection works; (b) Whether the development is temporary or permanent in nature; (c) The proximity to land zoned E2 Environmental Conservation; (d) The environmental effect development will have on land zoned E2 Environmental Conservation; and (e) If environmental protection works have been undertaken. (2) The total gross floor area on all land shown as "Glenlee" on the Urban Release Area Map must not exceed 25,000 square metres for warehouse and industrial activity. (3) Despite any other provision of this Plan, development consent must not be granted for development unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure.

LEP Sheet Sets 14, 17 and 18 will be amended to reflect Table 1.

Since the original Gateway the Planning proposal has undergone 7 key changes. The primary changes include the following:

1. An increase to the GFA cap of 90,000sqm, which prohibits development of warehousing and industrial uses over this gross floor area.
2. The replacement of the E3 Environment Management zone with an E2 Environmental Conservation zone.
3. Removal of an IN2 Light Industrial zone.
4. Maximum building height is to be increased from 11m to 12m for the IN1 General Industrial zone.
5. A reduction in the minimum lot size of 40ha to 4000sqm for IN1 General Industrial zone.
6. A floor space ratio of nil for IN1 General Industrial zone will apply.
7. Glenlee will be identified as an Urban Release Area.

These changes are discussed further below.

PART 3: JUSTIFICATION

Proposed Amendments sought to Gateway Determination prior to Public Exhibition

Increase to GFA Cap

As previously discussed, the Gateway Determination imposed a gross floor area (GFA) cap to restrict the quantity of warehousing and industrial development on the site, given the limited road access via Camden LGA and uncertainty as to the timing of new road infrastructure.

The detailed Traffic Study and modelling has identified that the road network has additional capacity to support the increase in the GFA cap from 12,500sqm for warehousing to 90,000sqm, subject to further upgrades at the intersection of Liz Kemohan Drive and Camden Bypass. The proposed increase to GFA cap is supported by the RMS and TfNSW, subject to conditions.

The original Gateway has since been revised to reflect the new GFA cap of 90,000sqm for warehousing under the current Gateway, which applies collectively to both Camden (25,000sqm) and Campbelltown LGAs for the entire Glenlee Precinct.

The 90,000sqm GFA cap has been divided across the two LGAs with 25,000sqm applying to Camden's LEP and 65,000sqm applying to Campbelltown's LEP.

Replace E3 Environmental Management Zone with E2 Environmental Conservation Zone

The Gateway Determination proposed an E3 Environment Management zone to apply to riparian and environmentally sensitive lands on the site. The E3 Environment Management zone was found to be unsuitable, given that dwellings are still permitted within this zone.

It was recommended that an E2 Environmental Conservation zone, which prohibits dwellings, would be the more suitable zone to complement the environmental attributes of this land. The consultation undertaken with the Office of Environment and Heritage (OEH) has shown their support for the E2 Environmental Conservation zone.

As a result, both Councils have amended the Planning Proposal to replace the E3 Environmental Management zone with an E2 Environmental Conservation zone under the revised Gateway Determination.

Other Amendments

Other minor amendments that were sought in the revised Gateway were to remove the incorrect reference to an IN2 Light Industrial zone and have only one industrial zone for the site IN1 General Industrial zone. Under the Gateway the development standards as applicable to the IN2 Light Industrial zone will then apply to the IN1 General Industrial zone:

- Minimum lot size of 4000sqm (applies to IN1 zone only);
- Maximum building height limit of 12m;
- Floor space ratio of nil.

Note Camden Council did not propose an IN2 Light Industrial zone in the original Planning Proposal and the IN2 Light Industrial zone was considered to be an incorrect reference issued in the original Gateway Determination.

The maximum building height as issued in the Gateway is proposed to be increased from 11m to 12m for the Industrial zone. The increase in building height from 11m to 12m is proposed to ensure consistency with the maximum building height permitted for industrial zones under controls in Campbelltown Local Environmental Plan 2015.

Refer to Table 2 below, which shows the existing Gateway and the amendments that were sought under the revised Gateway Determination.

Table 2: Proposed Amendments sought to Gateway Determination prior to Public Exhibition

	Original Gateway	Revised Gateway
Zoning	IN1 General Industrial zone and IN2 Light Industrial zone	IN1 General Industrial zone (only)
	E3 Environmental Management zone	E2 Environmental Conservation zone
GFA cap	GFA cap to be set at a total of 12,500sqm for warehousing or 10,000sqm for general industrial use (or a combination of both).	GFA cap to be set at a total of 90,000sqm for warehousing and industrial use. The cap has been split between the two LGAs as required by DPE. Camden: 25,000sqm Campbelltown: 65,000sqm
Development Standards for Industrial Zoning	FSR - 1:1	FSR - Nil
	Building Height - 11m	Building Height - 12m
	Lot Size – 2000sqm	Lot Size – 4000sqm

Post Exhibition Amendments

The draft Planning Proposal, specialist studies and draft DCP were publicly exhibited from 17 January to 16 February 2018. Public agencies were also notified of the public exhibition.

A total of 16 submissions were received in response to the public exhibition (15 public agency submissions and 1 community submission). The submissions raised several concerns with the proposal that have been addressed and are discussed below. No objection to the proposal was received. Further details are contained in Part 5 Community Consultation.

A submission response table detailing the public agency submissions and Council officer response is provided as an attachment to this Planning Proposal. The submissions are provided as a supporting document.

Key changes as a result of the exhibition period are outlined below.

Glenlee is to be Nominated as an Urban Release Area (URA)

Concern was raised by TfNSW and RMS as to who the acquisition authority would be for the Spring Farm Parkway and what mechanisms would be in place to ensure necessary associated intersection upgrades at Camden Bypass and Liz Kernohan Drive.

To address these concerns Glenlee will be included as an Urban Release Area in the Camden Local Environmental Plan 2010. Part 6 Urban Release Areas (Camden Local Environmental Plan 2010) contains clauses that ensure the consent authority must consider necessary infrastructure such as the future Spring Farm Parkway and intersection upgrades at Camden Bypass and Liz Kernohan Drive before subdivision and development can occur.

Additionally, earmarking Glenlee as an Urban Release Area will ensure that the management of the E2 Environmental Conservation zone is considered and future vegetation maintenance occurs under private ownership in perpetuity. The management of the E2 zoned land was a concern raised by the Office of Environment and Heritage (Environment).

Subject to legal drafting: 6.6 Matters to be specifically considered for development at Glenlee

- (1) *Before granting consent for the subdivision of the urban release area shown as "Glenlee" on the Urban Release Area Map, the consent authority must consider whether adequate environmental protection works have been carried out. The matters to be taken into consideration by the consent authority are:

 - (a) *Whether arrangements to the satisfaction of Council are in place to secure environmental protection works;*
 - (b) *Whether the development is temporary or permanent in nature;*
 - (c) *The proximity to land zoned E2 Environmental Conservation;*
 - (d) *The environmental effect development will have on land zoned E2 Environmental Conservation; and*
 - (e) *If environmental protection works have been undertaken.**
- (2) *The total gross floor area on all land shown as "Glenlee" on the Urban Release Area Map must not exceed 25,000 square metres for warehouse and industrial activity.*
- (3) *Despite any other provision of this Plan, development consent must not be granted for development unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure.*

The E2 Environmental Conservation Zone is to be Expanded

The E2 Environmental Conservation zone has been expanded to include a riparian corridor in the north eastern portion of the Site. This is to satisfy the Office of Environment and Heritage, Department of Industry (Water) and the Australian Botanic Garden Mount Annan's objective to create a continuous E2 Environmental Conservation zone from the Nepean River to the Australian Botanic Garden Mount Annan to facilitate the movement of fauna and enhance and protect biodiversity in sensitive areas.

This change also addresses Department of Industry (Water) concerns regarding inconsistencies with Guidelines for Riparian Corridors on Waterfront Land (Department of Industry (Water) 2012).



SP2 Infrastructure will be changed to SP2 Future Road Corridor

To address issues raised by RMS and TfNSW regarding road acquisition for the Future Spring Farm Parkway, the corridor will be changed from SP2 Infrastructure to SP2 Future Road Corridor. At the advice of the Department of Planning and Environment it was indicated that the road will be a State road and is subject to a Voluntary Planning Agreement between the State (including RMS) and the proponent of the Planning Proposal. Changing the corridor from SP2 Infrastructure to SP2 Future Road Corridor means that the acquisition authority can be negotiated at a future time after the Planning Proposal has been lodged.

The Gross Floor Area (GFA) Cap is to be Distributed Between Both Councils

The proposed GFA cap of 90,000sqm must be split between two Local Government Areas and their subsequent Local Environmental Plans (LEP). At the advice of Department of Planning and Environment, and after consultation with the proponent, it was proposed that the GFA cap be split so each respective LEP contain a portion of the 90,000sqm cap:

1. Camden Local Environmental Plan 2010: 25,000sqm GFA Cap, and
2. Campbelltown Local Environmental Plan 2015: 65,000sqm GFA Cap.

A new clause will be inserted into CLEP 2010 as below:

Subject to legal drafting: 6.6 Matters to be specifically considered for development at Glenlee

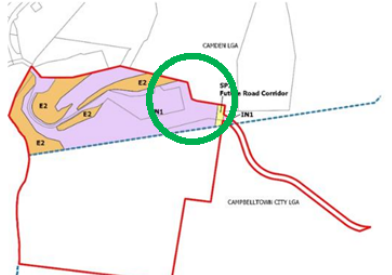
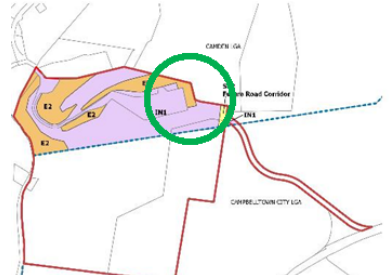
- (2) The total gross floor area on all land shown as "Glenlee" on the Urban Release Area Map must not exceed 25,000 square metres for warehouse and industrial activity.*

Other Changes

Other changes relate to the wording of the Glenlee Development Control Plan to strengthen environmental aims and clarify the ongoing maintenance of vegetation zones. Additionally, Vegetation Management Zones will also be expanded in the DCP to reflect changes to the above expansion of the E2 Environmental Conservation zone.

Refer to Table 3 which shows a summary of the exhibited and proposed Planning Proposal.

Table 3: Proposed Amendments after Public Exhibition

Issue	Exhibited	Proposed
<p>E2 Environmental Conservation Zone</p>		
<p>Urban Release Area (URA)</p>	<p>When the Glenlee Planning Proposal was exhibited it was not identified as a URA.</p>	<p>Glenlee be identified as an Urban Release Area and a new clause will be inserted into CLEP 2010: Subject to legal drafting: 6.6 Matters to be specifically considered for development at Glenlee</p> <ol style="list-style-type: none"> (1) Before granting consent for the subdivision of the urban release area shown as "Glenlee" on the Urban Release Area Map, the consent authority must consider whether adequate environmental protection works have been carried out. The matters to be taken into consideration by the consent authority are: <ol style="list-style-type: none"> (a) Whether arrangements to the satisfaction of Council are in place to secure environmental protection works; (b) Whether the development is temporary or permanent in nature; (c) The proximity to land zoned E2 Environmental Conservation; (d) The environmental effect development will have on land zoned E2 Environmental Conservation; and (e) If environmental protection works have been undertaken. (2) The total gross floor area on all land shown as "Glenlee" on the Urban Release Area Map must not exceed 25,000 square metres for warehouse and industrial activity. (3) Despite any other provision of this Plan, development consent must not be granted for development unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure.
<p>SP2 zone</p>	<p>SP2 Infrastructure</p>	<p>SP2 Future Road Corridor</p>
<p>Gross Floor Area (GFA) Cap</p>	<p>90,000sqm total</p>	<p>Camden LEP 2010: 25,000sqm Campbelltown LEP 2015: 65,000sqm</p> <p>A new clause will be inserted into CLEP 2010 as below: Subject to legal drafting: 6.6 Matters to be specifically considered for development at Glenlee</p> <ol style="list-style-type: none"> (2) The total gross floor area on all land shown as "Glenlee" on the Urban Release Area Map must not exceed 25,000 square metres for warehouse and industrial activity.

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

The Planning Proposal is not prepared as a result of any specific strategic study or report. However, the proposed use of the subject site as an industrial precinct is considered to contribute to employment lands, which is considered a high priority as identified in the Greater Sydney Region Plan, which is discussed in Part 4 of the Planning Proposal.

Camden LGA falls within the Western City District. A key priority as identified in the Western City District Plan is to create a “Productive City” to deliver local jobs to support a diverse range with access to transport. Glenlee will contribute to the existing industrial lands to create new employment opportunities at the local level of Camden LGA and strengthen the productivity baseline at the district level to further add value to the Western City.

Glenlee will also contribute to new job targets as identified as a key action within the Western City District Plan, which is discussed in Part 4 of the Planning Proposal.

The planning of Spring Farm Parkway is highlighted as an action for future infrastructure to be provided as per the Western City District Plan. The Glenlee Planning Proposal will include future provision for the proposed road corridor of Spring Farm Parkway to link with Camden Bypass via Liz Kernohan Drive and extend to the M31 Hume Motorway. The Spring Farm Parkway will provide further relief to Narellan Road and Appin Road and support development in the proposed Menangle Park and Gilead areas.

The earlier strategic planning documents, Metropolitan Strategy (2005) and the draft South West Subregional Strategy had identified the Glenlee Precinct for investigation for future employment opportunities. The land was also defined as proposed employment in the draft Metropolitan Strategy to 2031.

Since the drafting of this Planning Proposal Glenlee has been identified as an employment area in Greater Macarthur 2040 to form part of the Greater Macarthur Area.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that the Planning Proposal provides the best way of achieving the intended outcome. The current zoning only permits agricultural uses to be undertaken on the site. The only means of achieving uses of an industrial nature, outside of existing use rights for the current industrial use, would be a Planning Proposal to rezone the lands to a complimentary zone.

Is there a net community benefit?

The Centres Policy 2009 and Department of Planning and Infrastructure Guidelines for preparing a Planning Proposal require a Net Community Benefits Test to be undertaken new centres. Whilst the Planning Proposal is not a centre, the evaluation criteria for conducting a “net community benefit test” is provided in Table 4 on the next page.

Table 4: Net Community Benefits Test

Evaluation Criteria	Determination Y/N	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Y	The proposed rezoning is in accordance with the overarching metropolitan plan - "A Plan For Growing Sydney" and the Greater Sydney Region Plan and the Western City District Plan (refer to Part B, Question 4 in this Planning Proposal). The land has been identified as employment lands within a number of strategic documents referred to in this report. The rezoning of the site will realise the objectives of such documents.
Is the LEP located in a global / regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional / subregional strategy?	Y	<p>The subject site is not specifically identified within a key strategic employment precinct, however, the potential use of the site "as an intermodal site" is consistent with the Western City District Plan. The Plan aims to protect land to serve Sydney's transport needs, including intermodal sites and associated corridors.</p> <p>The site of Glenlee is also identified within the Greater Macarthur Priority Growth Area, which aims to coordinate land use and infrastructure planning. This Plan aims to support the future development of areas such as Menangle Park and Gilead areas. Glenlee is located in the vicinity of Menangle Park, which will provide opportunities for employment lands to the local community of Menangle Park.</p>
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landowners?	N	<p>The proposed rezoning is unlikely to create a precedent within the locality or change the expectations in respect of the site. The adjoining lands to the northwest and southeast are either zoned for urban purposes (Spring Farm) or under investigation for urban purposes (Menangle Park). The subject site is therefore considered to be an area in between two major release areas, including the existing Mount Annan Estate.</p> <p>Importantly, the land will integrate with the Menangle Park Urban Release Area and Urban Growth's employment aspirations.</p>
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Y	All other spot rezonings before Council in the Camden Local Government Area generally comply with Council's strategic direction. This proposal also complies with higher level Government Strategies and Council's strategic direction.

Evaluation Criteria	Determination Y/N	Comment
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Y	<p>The site when rezoned will facilitate permanent employment close to residential areas and freight rail infrastructure.</p> <p>The proposal will also create employment through the construction stages to provide the infrastructure and industrial buildings, delivering an economic benefit to the community.</p> <p>The PP will not result in the loss of employment lands.</p>
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	N	N/A
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	Y	<p>The existing public infrastructure will be required to be upgraded to meet the needs of the proposal with regards to the intersection at Camden Bypass and Liz Kernohan Drive. The site will also require improved access for pedestrian and cyclists. New bus services are also proposed to cater the site. Whilst the existing road network is considered to be acceptable, there is a long term plan for vehicular access to link with the site via the proposed Spring Farm Parkway, which will provide access to connect with the M31 Motorway.</p> <p>The site is connected to the main southern railway line via a private rail line. There is capacity for freight services to and from the site by rail.</p>
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	Y	<p>The proposal will result in less travel distances with employment being located near local residential areas, such as Spring Farm and Mount Annan.</p> <p>From the air quality study undertaken, it was indicated that the proposal may have a minor increase in greenhouse gas emissions, which is considered to be acceptable.</p>
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	N	The proposal will aid the business plan for the construction of the Spring Farm Parkway, which will require significant investment in public infrastructure. The site will also utilise the existing infrastructure and services of the local road and rail network. The developer will extend and upgrade infrastructure to service the development as detailed in the technical studies and identified in Part C, Question 9 in this Planning Proposal.
Will the proposal impact on land that the Government has identified a need to protect (e.g. and with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	N	<p>Conservation initiatives will be focused on the environmental conservation land as identified in the proposal.</p> <p>The land identified for industrial purposes is not mapped as flood affected.</p>

Evaluation Criteria	Determination Y/N	Comment
Will the LEP be compatible or complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community?	Y	The proposed local industrial precinct is near the residential area of Mount Annan and Spring Farm. The amenity of these Residential areas will be maintained by the existing air quality / odour buffer in place between dwellings located in Spring Farm and the existing Spring Farm Resource Recovery Facility.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N	The development does not involve the rezoning of land to a commercial zone. As such, the proposal is unlikely to negatively impact on nearby commercial facilities / centres.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N	The Glenlee Industrial precinct is not a centre and will not function as a centre. It will support the functions of other key centres such as Camden, Narellan and the Greater Macarthur Priority Growth Area.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	Y	<p>The development of the Site would not be realized for employment purposes, as incremental urban development occurs to the east and west and the demand for employment lands increases.</p> <p>The PP would result in the land being remediated, employment generation would occur, ecological land would be rehabilitated and improved water quality would result.</p> <p>Should the proposal not proceed, the lands would remain being used for industrial purposes, but without the required zoning in place.</p> <p>If the rezoning is not realised, then the potential employment opportunities will not occur and the site will remain in its current state. It is clear that the development of the site for industrial purposes will create employment opportunities for the LGA and the District.</p>
Will the public domain improve?	Y	A draft Development Control Plan has been prepared that seeks to create a high quality public domain. The potential exists for pedestrian / cycle linkages within and surrounding the site.

Overall, the proposal will provide a net community benefit for the following reasons:

- It constitutes a balanced and appropriate use of land and is in keeping with the residential area in the vicinity and that of development planned for lands immediately adjoining, although somewhat removed given the topography of the site.
- Significant employment opportunities will be realised.
- Flora and fauna corridors will be progressively rehabilitated in correlation with the progression of development.
- The proposal will not result in any significant adverse environmental impacts.
- It will create local employment opportunities through construction job generation associated with the civil and building works to the benefit of the local economy.
- Site remediation and interface with adjoining lands.
- The proposal can leverage from the existing rail infrastructure on the site.

Q3. 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)?

A Plan for Growing Sydney

A Plan for Growing Sydney provides a framework for strengthening the global competitiveness of Sydney and delivering strong investment and jobs growth in Western Sydney. This metropolitan plan for Sydney is proposed to be amended with the Greater Sydney Region Plan. The new strategic direction is focused on the concept of Greater Sydney as a metropolis of three cities, the eastern, central and western city.

The proposed amendment will accompany new district plans for the Sydney Region. The District Plans will sit in the middle of the hierarchy of metropolitan, district and local planning for the Greater Sydney Region.

Glenlee is located within the Camden and Campbelltown LGAs and falls within the Western City District Plan. A key priority as identified in the Western City District is to create a “Productive City” to deliver local jobs to support a diverse range with access to transport.

Glenlee will contribute to new industrial land to create employment opportunities at the local level and strengthen the productivity baseline at the district level to further add value to the Western City.

Glenlee will contribute to new job targets as identified as a key action of the Western City District Plan.

“A Plan for Growing Sydney” reinforces the Government’s vision for Sydney as “a strong global city, a great place to live.”

To achieve this vision, the Government has set down the four goals below that Sydney will be:

- a competitive economy with world-class services and transport;
- a city of housing choice with homes that meet our needs and lifestyles;
- a great place to live with communities that are strong, healthy and well connected; and
- a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

The strategy is the Government's action plan, which will deliver the above goals for Sydney. Each goal has a number of priority areas (directions which provide a focus for the actions). The actions include:

- accelerating urban renewal across Sydney at train stations, providing homes closer to jobs;
- growing a more internationally competitive Sydney CBD;
- growing Greater Parramatta as Sydney's second CBD;
- transforming the productivity of Western Sydney through growth and investment;
- enhancing capacity at Sydney's Gateways – Port Botany, Sydney Airport and Western Sydney Airport;
- delivering the infrastructure that is needed;
- promoting Sydney's arts and culture, tourism and entertainment industries;
- protecting our natural environment; and
- managing long-term growth.

A Plan for Growing Sydney is consistent with the following directions which specifically relate to the Planning Proposal:

- Ensure adequate land for economic activity, investment and jobs in the right locations using new employment capacity targets;
- Promote employment in Western Sydney by facilitating growth in Strategic Centres and developing employment lands with detailed land use and infrastructure plans;
- Prepare and implement measures to assist development of low cost space for creative industries and business start-ups;
- Strengthen existing and emerging freight and industry clusters; and
- Build the capacity of Sydney's rail freight network.

The Planning Proposal is further consistent with the above actions in that it will specifically provide the following:

1. The subject site has been identified in a number of planning documents for employment lands. The Site is located close to the residential areas of Spring Farm, Mount Annan and Narellan Vale, including the future Menangle Park Release Area and Greater Macarthur Priority Growth Area. The development of the site will provide a boost to the local economy, making provision for local jobs and investment. The rezoning of the land is consistent with this Strategy and provides such land close to where people live, thereby reducing the number of employment trips outside the region, increasing productivity and reducing environmental impacts.
2. The subject site is a Brownfield site, currently being used for industrial uses for a number of years, however it is currently zoned for rural purposes. The site will promote further employment opportunities when fully developed. Currently the site is under-utilised with a majority of the site used for low-key uses, mainly to do with the fact that emplacement of coal reject operation is currently being undertaken. When the coal reject operations are completed, there will be a level platform to enable the land to be developed for industrial related uses. Infrastructure has been addressed in a number of technical reports.
3. An opportunity exists for start-up businesses to occur on the site as the emplacement operations are completed or when the land is ready for development.
4. The site will be connected to major road networks, such as connection with the M31 Motorway, when the proposed Spring Farm Parkway is extended from Liz Kernohan Drive. On and off ramps are proposed as part of the regional road network and the Menangle Park Release Area. The connection of these roads will strengthen freight services in the region and beyond.
5. As stated, the site has an existing rail siding, which connects to the Main Southern Rail Network. This siding provides for opportunities for freight related businesses to establish on the Site once developed for industrial purposes. The presence of the existing siding presents specific site characteristics that could be enhanced to promote freight and logistics-type industries to locate at Glenlee.

Western City District Plan

The Western City District Plan was released by the Greater Sydney Commission in March 2018. The Western City District Plan is seeking to guide the growth of the District within the context of Greater Sydney's three cities to improve the District's social, economic and environmental assets.

The subject site is within the Western Parkland City.

The Planning Proposal is consistent with the priorities for the Western City District Plan as outlined in the table below:

Table 5: Relevant Priorities under Western City District Plan

Western City District Plan	Compliance Statements
Planning Priority W7: Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City.	The Planning Proposal aligns with this priority by providing a future transport corridor to connect the proposed industrial precinct of Glenlee with the future construction of Spring Farm Parkway to the M31 Hume Motorway.
Planning Priority W10: Maximising freight and logistics opportunities and planning and managing industrial and urban services land.	The Planning Proposal aligns with this priority by creating a new industrial precinct to allow opportunities for freight and logistics businesses.
Planning Priority W14: Protecting and enhancing bushland and biodiversity.	The Planning Proposal aligns with this priority with the protection of the remnant native vegetation on site and its further rehabilitation. It will allow environmentally sensitive land and riparian corridors on the site to be rezoned as environmental conservation and will create a suitable buffer surrounding the industrial land.

The Glenlee Planning Proposal is considered to be consistent with these priorities in the Western District Plan and will create employment lands close to local residential areas with access to transport; contributing to new job targets and further strengthening the productivity of the locality, district and overall Western Parkland City.

Greater Sydney Region Plan

The Greater Sydney Region Plan was released by the Greater Sydney Commission in March 2018. The Plan is seeking to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of three cities – the Western Parkland City, The Central River City and the Eastern Harbour City.

The Planning Proposal is consistent with the priorities for the Greater Sydney Region Plan as outlined in the table below:

Table 6: Relevant Priorities under Greater Sydney Region Plan

Greater Sydney Region Plan	Compliance Statements
Productivity Objective 23: Industrial and urban services land is planned, protected and managed.	The Planning Proposal aligns with this objective by creating a new industrial precinct, which is well planned, protected and managed.
Sustainability Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced	The Planning Proposal aligns with this objective as it protects remnant native vegetation and conserves a riparian corridor with an E2 Environmental Conservation zone.

Q4. Will the Planning Proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Community Strategic Plan

Council adopted the Community Strategic Plan (CSP) in June 2017. The Plan is a road map for a long term community vision with key directions, objectives, strategies and indicators.

The Planning Proposal is consistent with the CSP's key Directions. In particular, a key Direction under the CSP is to provide for "a *prosperous economy*," with the following Strategies:

- Strategy 3.1.1 Ensure employment, tourism and educational opportunities are expanded across the Camden LGA.
- Strategy 3.1.4 Strengthen and support business growth and attract new industries.

The Planning Proposal is consistent with the Plan and specifically with the above Strategies, which will create an industrial precinct within the local area.

Camden Rural Lands Strategy

Council adopted a revised Rural Lands Strategy (Strategy) in November 2018. The Strategy is intended to guide Council's decision making on rural land. The broad intent of the Strategy is to protect Camden's remaining rural lands (outside the South West Growth Area).

The Planning Proposal for this site predates the Strategy. While the Planning Proposal is not required to address the Strategy, Council officers have assessed the proposal against the Strategy's assessment criteria for rezoning rural land.

Proposals must be consistent with state and local strategic plans.

The Gateway Determination notes the Planning Proposal's inconsistency with the Minister for Planning's direction seeking the protection of rural lands is of minor significance and no further approval is required.

The Planning Proposal is consistent with relevant state and local strategic plans in that it seeks to provide for employment. It is also consistent with state and local strategic plans in that remnant vegetation will be protected and enhanced.

The draft DCP includes controls to ensure conservation and enhancement of vegetation by requiring a Vegetation Management Plan (VMP) and an 88B restriction requiring compliance with the VMP.

Proposals must not adversely impact on the operation of existing rural enterprises.

The site has primarily been used for industrial related purposes for several years. There are no existing rural enterprises on the site. The proposal is unlikely to impact on existing rural enterprises in the vicinity.

Proposals must be a logical extension to existing urban areas.

The site is supported by existing and proposed infrastructure, including Liz Kemohan Drive, Glenlee rail siding and the proposed SFP extension to the M31 Hume Motorway.

The site adjoins urban development, is currently used for industrial land uses and the utilities required to support the proposal can be provided.

Proposals must not reduce the quality of scenic landscapes, vistas, ridgelines or heritage values.

A Landscape and Visual Assessment recommends development design guidelines and landscape controls be implemented to ensure any proposed development will not result in unacceptable visual and landscape impacts to heritage properties (Glenlee House and Camden Park Estate) and the Australian Botanic Garden.

The recommended design controls have been provided in the draft DCP.

Q5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The proposal is subject to the provisions of a range of State Environmental Planning Policies. The subject policies are noted below in Table 7 and, importantly, do not prohibit and / or significantly constrain the Planning Proposal.

Table 7: Consistency with State Environmental Planning Policies

SEPP	Comment
State Environmental Planning Policy No 1 - Development Standards	Not applicable (As referenced in Camden LEP 2010. Clause 4.6 of LEP makes provision for variations to development standards)
State Environmental Planning Policy No 19 - Bushland in Urban Areas	Not applicable (Camden is not included in the land applicable schedule)
State Environmental Planning Policy No 21 - Caravan Parks	Not applicable (Caravan Parks are prohibited under the proposed zones as currently prevailing in Camden LEP 2010)
State Environmental Planning Policy No 33 Hazardous and Offensive Development	Not inconsistent for land zoned IN1.
State Environmental Planning Policy No 36 - Manufactured Home Estates	Not applicable (Camden is in the Sydney Region which is excluded from the Policy's application)
State Environmental Planning Policy No 44 - Koala Habitat Protection	Not inconsistent
State Environmental Planning Policy No 50 - Canal Estate Development	Not applicable
State Environmental Planning Policy No 55 – Remediation of Land	Applicable (refer to technical study and Site Auditor's Interim Advice that preliminary investigations of site are adequate. Phase 2 investigations to be undertaken later, when site is to be developed as site conditions may change. Remedial Strategies are adequate, technically feasible and environmentally justifiable.
State Environmental Planning Policy No 62 - Sustainable Aquaculture	Not permitted in the proposed zones
State Environmental Planning Policy No 64 - Advertising and Signage	Not inconsistent
State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development	Not applicable
State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes)	Not applicable
Sydney Regional Environmental Plan No 20 (SREP 20)	Not inconsistent
Sydney Regional Environmental Plan No. 9 (No.2) (Extractive Industries)	Not applicable
State Environmental Planning Policy (Aboriginal Land) 2019	Not applicable
State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not applicable

SEPP	Comment
State Environmental Planning Policy (Coastal Management) 2018	Not applicable
State Environmental Planning Policy (Concurrences) 2018	Not applicable
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	Not inconsistent
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Not inconsistent
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Not applicable (industrial proposal)
State Environmental Planning Policy (Infrastructure) 2007	Not inconsistent
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Not inconsistent – Coal Seam Gas operation is located in the area. The proposal and future use of the site can be suitably managed to meet the requirements of all legislative and best practice guidelines.
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	Not inconsistent
State Environmental Planning Policy (Primary Production and Rural Development) 2019	Inconsistent – the land is not classified as high class agricultural land on the Land Classification Map. Both the Metropolitan Strategy (2005) and the Greater Sydney Region Plan have Identified the Glenlee Precinct for Investigation for future employment opportunities. The site is currently used for industrial related uses and the current rural zone does not reflect these uses. The Department of Primary Industries (Agriculture) has no objections to the rezoning the land to industrial.
State Environmental Planning Policy (State and Regional Development) 2011	Not inconsistent
State Environmental Planning Policy (State Significant Precincts) 2005	Not applicable
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	Not applicable
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not applicable
State Environmental Planning Policy (Urban Renewal) 2010	Not applicable
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Not applicable
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable
State Environmental Planning Policy (Western Sydney Parklands) 2009	Not applicable

The subject SEPP's do not prohibit and/or significantly constrain the PP



Q6. Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes, the Section 9.1 Directions detail matters to be addressed in LEPs so as to achieve particular principles, aims and objectives or policies.

The Planning Proposal is consistent with the applicable Ministerial Directions (s.9.1 Directions) see Table 8 below.

Table 8: Consideration of Ministerial Directions

s.9.1 Direction Title	Applicable	Consistent	Comments
1.0 Employment and Resources			
1.1 Business and Industrial Zones	Y	Y	The proposal is industrial in nature and not inconsistent with the permissible land uses under the Standard Template. The Planning Proposal will adopt the objectives within the proposed zones. The Planning Proposal will increase the amount of industrial floor space available for the area and overall District. The Planning Proposal is consistent with the other strategies that nominate the site as a candidate area for employment.
1.2 Rural Zones	Y	N	The Site is currently used for industrial related uses and the current rural zone does not reflect these uses. The land is not classified as high class agricultural land on the Land Classification Map. The Department of Primary Industries (Agriculture) has no objections to the Planning Proposal. The DPE have noted in their Gateway Determination on 3 July 2013 that inconsistencies with Section 9.1 Directions by the Minister (Directions 1.2 Rural Zones, 1.5 Rural Lands and 6.3 Site Specific Provisions) are of minor significance.
1.3 Mining, Petroleum Production and Extractive Industries	Y	Y	The site overlies coal exploration and other extractive resources. Consultation with NSW Dept of Industry (Resources and Energy) and the Mine Subsidence Board was undertaken as part of the Gateway. There were no objections raised by these Agencies and advice was received that the Planning Proposal is unlikely to impact on the extraction of resources in the near to medium terms.
1.5 Rural Lands	Y	Y	The land is not considered to be prime agricultural land. The land is currently used for industrial uses. The site is considered to be a brownfield site and is proposed to be rezoned for industrial related uses. The DPE have noted in their Gateway Determination on 3 July 2013 that inconsistencies with Section 9.1 Directions by the Minister (Directions 1.2 Rural Zones, 1.5 Rural Lands and 6.3 Site Specific Provisions) are of minor significance.
s.9.1 Direction Title	Applicable	Consistent	Comments
2.0 Environment and Heritage			
2.1 Environment Protection Zones	Y	Y	Refer to comments above and the various technical studies. Flora and fauna corridors are proposed by the rezoning to link with the Spring Farm Bush Corridor, the Nepean River and ABG. It is considered that the proposal is consistent with the objective of this direction.
2.3 Heritage Conservation	Y	Y	Yes. A Heritage Impact Study has recommended that there will be no loss to heritage significance to the items and impacts can be adequately mitigated / managed.

s.9.1 Direction Title	Applicable	Consistent	Comments
3.0 Housing Infrastructure and Urban Developments			
3.4 Integrating Land Use and Transport	Y	Y	Yes. Integration of land use and transport is fundamental to the Planning Proposal. The site for future industrial lands is ideally located close to residential urban release areas to reduce distance travelled by car. The site also has existing rail access with potential for intermodal expansion.
s.9.1 Direction Title	Applicable	Consistent	Comment
4.0 Hazard and Risk			
4.1 Acid Sulphate Soils	Y	Y	No. The property is not known to be affected by acid sulfate soils according to Council's map. This has been addressed in the technical reports.
4.2 Mine Subsidence and Unstable Land	Y	Y	Yes. The site is no longer located within a Mine Subsidence area. Consultation with NSW Dept of Industry (Resources and Energy) and the Mine Subsidence Board had previously raised no objections to the Planning Proposal.
4.4 Planning for Bushfire Protection	Y	Y	Yes. Addressed in the bushfire assessment report. The required APZs can be managed on site and buildings can be designed and constructed to meet standards.
s.9.1 Direction Title	Applicable	Consistent	Comments
5.0 Regional Planning			
5.1 Implementation of Regional Strategies	Y	Y	Yes. The PP is consistent with regional strategies. The site has been identified as a site for employment for the region in Greater Macarthur 2040 The Site can create a number of employment opportunities as envisioned by these strategies.
s.9.1 Direction Title	Applicable	Consistent	Comments
6.0 Local Plan Making			
6.1 Approval and Referral Requirements	Y	Y	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. This Planning Proposal is consistent with the provisions of Camden LEP 2010 and the objective with this Direction.
6.2 Reserving Land for Public Purpose	Y	Y	Yes. The proposal involves rezoning a portion of the land for future infrastructure, i.e. the proposed Spring Farm Parkway as actioned in the Western City District Plan. Department of Planning and Environment (DPE) have advised Council Officers that the future Spring Farm Parkway will be a State Road and an agreement will be undertaken between the State (including RMS) and the proponent. To ensure an agreement between the State and the proponent is made before subdivision occurs, Glenlee will be identified as an Urban Release Area in the Camden Local Environmental Plan 2010 so that <i>Clause 6.1 Arrangements for designated State public infrastructure</i> can apply.

6.3 Site Specific Provisions	Y	N	In this case, the proposed IN1 General Industrial zone will be imposed with a maximum GFA for the proposed development of warehousing and industrial land. This is to ensure the capacity of the road network will be adequate and that the proposal will not result in adverse traffic impacts to the surroundings. The DPE have noted in their Gateway Determination on 3 July 2013 that inconsistencies with Section 9.1 Directions by the Minister (Directions 1.2 Rural Zones, 1.5 Rural Lands and 6.3 Site Specific Provisions) are of minor significance.
s.9.1 Direction Title	Applicable	Consistent	Comments
7.0 Metropolitan Planning			
7.1 Implementation of the A Plan for Growing Sydney	Y	Y	* The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney The Planning Proposal is consistent with A Plan for Growing Sydney, Greater Sydney Region Plan and the Western City District Plan.

Q7. 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?

It is unlikely that this proposal will have adverse impacts on critical habitat or threatened species, populations or ecological communities, or their habitats. The flora and fauna aspects of this proposal have been addressed in the specialist studies and are summarised below.

The Ecological Assessment revealed overall, the ecological values of the site are highly degraded due to the coal washery activities including the emplacement of reject material, clearing, major weed incursion, fragmentation of habitat, and barriers to the movements of fauna.

The site does contain some remnant native vegetation predominately confined to the riparian zone along the Nepean River and in the northwest of the site comprised of 2.4 ha Cumberland Plain Woodland (CPW) and 7.1 hectares of River-flat Eucalypt Forest (RfFF). The CPW as assessed on site, does not meet the condition criteria under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The Study identified three potential ecological corridors within the Glenlee site, which are recommended to be contained as Vegetation Management Zones including Zone A adjacent to Nepean River, Zone B comprised between the Nepean River and the Australian Botanic Garden Mount Annan in the north of the site and Zone C associated with the modified drainage line known as Caleys Creek.

The study has recommended an environmental protection zone to be applied to the three ecological corridors and a Vegetation Management Plan (VMP) be prepared for each of the corridors to allow for further rehabilitation of the native vegetation communities on the site. Council will require in the Glenlee DCP that a Vegetation Management Plan (VMP) be registered on title when the first subdivision occurs to ensure maintenance of vegetation is ongoing in perpetuity. In addition to the Glenlee DCP requiring a VMP be placed on covenant a clause will be inserted into the Camden LEP 2010 that requires the consent authority to consider if adequate environmental protection works have been undertaken on land zoned E2 in Glenlee.

Q8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The draft Planning Proposal and associated technical studies have indicated that the subject site can feasibly accommodate the proposal. A summary of the specialist studies are provided below:

Transport and Access

The revised Gateway Determination imposed a GFA cap of 90,000m² to restrict the quantity of warehousing and industrial development on the site given the limited road access via the Camden LGA only and the uncertainty related to timing of new road infrastructure connecting the site to the M31 Hume Motorway. The restriction on GFA is to ensure traffic generation from the proposal does not exceed the capacity of the existing road network, subject to the upgrade of the Camden Bypass and Liz Kernohan Drive intersection (as identified in the traffic study).

The upgrades required in the short to medium term at the intersection of Liz Kernohan Drive and Camden Bypass include two extensions of the right turn on the eastern and southern approach of the intersection.

The GFA cap of 90,000m² is supported by Roads and Maritime Services (RMS) and Transport for NSW (TfNSW), subject to conditions. These conditions include that the full scope of intersection works, associated triggers (GFA cap) and a funding mechanism for road upgrade works are identified and agreed between all stakeholders prior to the gazettal of the LEP. It is intended that the cap be removed after the construction of Spring Farm Parkway (SFP) to the M31 Hume Motorway. This matter is discussed in more detail later in this report.

Current Access Strategy

Current access to the site is via Barrow Road, on the western side of the Spring Farm Advanced Resource Recovery Park (SFARRP), which connects to the site.

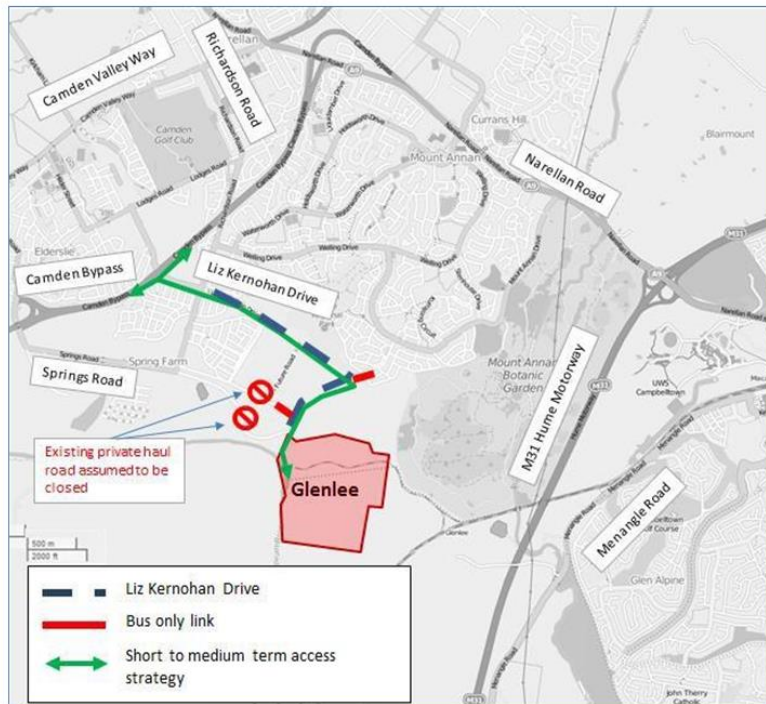


Figure 4: Current Access Strategy for Glenlee

Future Access Strategy

The future access strategy assumes the construction of the SFP to the M31 Hume Motorway and Menangle Road. Traffic to and from the site would access the M31 Hume Motorway via the SFP and an interchange with the Motorway.

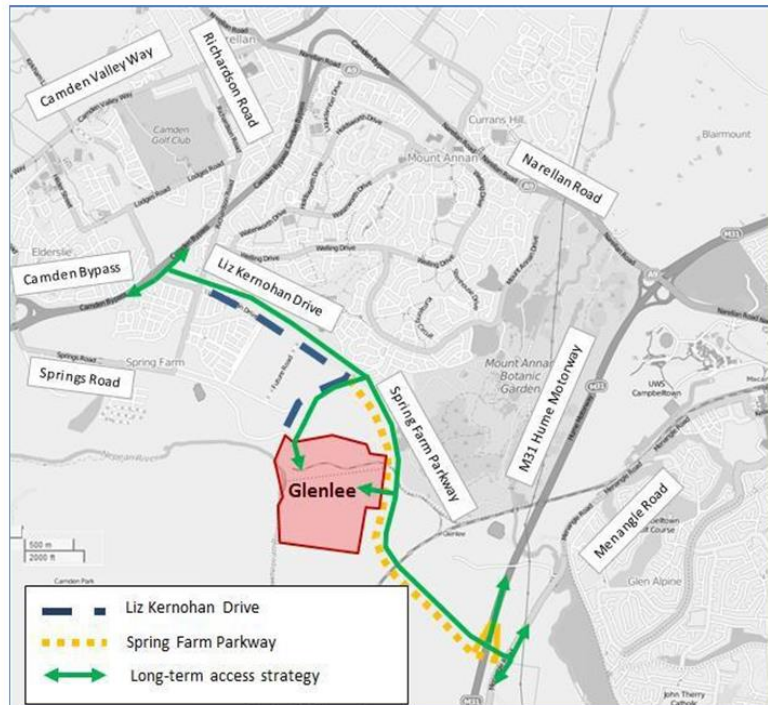


Figure 5: Future Access Strategy for Glenlee

Land Capability Report

The geotechnical studies assessed the coal emplacement area, comprised of fill from washery reject and tailings produced by the coal washery. The studies found that the geotechnical constraints of the site can be managed by ground treatment and that redevelopment for industrial land use is feasible from a geotechnical perspective.

The draft DCP includes controls to address the geotechnical stability of future development on site.

Bushfire

The site is identified as bushfire prone land. A bushfire assessment was prepared in accordance with Planning for Bushfire Protection (PBP) NSW Rural Fire Service 2006. A combination of bushfire protection measures, based on PBP, is recommended to manage the bushfire threat, which includes the provision of Asset Protection Zones (APZ), adequate access, water supply for firefighting and the installation of utilities. The assessment found the site is capable of accommodating future industrial development subject to compliance with appropriate bushfire protection measures.

Contamination

The site has been used for many years for industrial related purposes. Accordingly, a Phase 1 and Phase 2 investigation was undertaken to review the site history and activities to identify potentially contaminated areas and associated contaminants of potential concern.

An Environment Protection Authority (EPA) accredited site auditor found the proposed contamination management measures (contained in the Phase 1 and Phase 2 contamination reports) to identify and mitigate contamination at future DA stages appropriate.

The draft DCP includes controls to implement the contamination management measures.

Noise and Vibration

The noise and vibration study found that operational noise, based on the expected future development of the site, can be managed with correct site planning and assessment of individual sites to comply with established environmental noise criteria under the Industrial Noise Policy (INP). Potential noise impacts be considered at the DA stage once future land uses are known.

Non-indigenous Heritage / Visual and Landscape Assessment

An assessment on the heritage items in the vicinity of the site was undertaken including Glenlee House, Camden Park Estate and the Australian Botanic Garden. The report found the Planning Proposal will have no adverse impact on these heritage items provided appropriate controls and development guidelines are implemented. The recommended controls to minimise adverse visual impacts on the heritage significance of items are provided in 3.1 Visual Impact of the draft DCP.

Air Quality / Odour Assessment

The assessment undertaken for air quality and odour found that future industrial uses on the site may have the potential to impact on local air quality dependent upon their operations. However, as current industrial activities cease on site, there is also potential to improve the local ambient air quality through a reduction in emissions.

The report recommends that potential air quality impacts be considered at the DA stage once future land uses are known.

Indigenous Heritage

The report found the majority of the site has nil to low archaeological value due to the highly disturbed nature of the land. The report identifies four items as having low and moderate significance. Of the four items, two were located at the southern end of the site (low potential) and two were located near the northern most road (moderate potential).

Further consultation with Aboriginal stakeholders and compliance with relevant legislation will be required at DA stage should future development propose to disturb the items.

Riparian Corridor Study

The riparian corridor study identified three potential environmental corridors within the site as per the ecological assessment. Key recommendations of the study include that the emplacement batters should be rehabilitated to a riparian / bushland corridor and that the rehabilitated batters will have the potential to take up a biodiversity role.

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

The proposal will provide a positive social and economic benefit to the South West District. The proposal will contribute and provide additional diversity in the supply of employment generating uses. The Net Community Benefits Test demonstrates a positive outcome for the region.

Q10. Is there adequate public infrastructure for the Planning Proposal?

The Traffic Impact Assessment Report prepared by Aecom dated 20 May 2016 and traffic modelling undertaken by AECOM has recommended the GFA cap could be increased to 90,000sqm.

This is subject to further road upgrades to the intersection of Liz Kernohan Drive and Camden Bypass in the short to medium term (by 2021). All other intersections are considered to perform satisfactorily to accommodate the proposed increase to the GFA cap. The specific upgrades required to the Liz Kernohan Drive and Camden Bypass intersection include 2 extensions of the right turn storage lane on the eastern and southern approach of the intersection.

In the long term, should the Spring Farm Parkway not be built, an additional requirement will be a short through lane of 200m on both the Northern approach and southern departure.

The site is connected to the main southern railway line via a single private rail line and operates as an intermodal site. As such, there is capacity for freight services from the site by rail.

An assessment of services for potable water, wastewater, gas, power and telecommunications was undertaken with the relevant providers. In summary, the service providers advised the required utilities can be provided to accommodate future industrial development on the site.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Gateway determination as issued required consultation with State or Commonwealth Public Authorities. This included:

- Consultation required under section 3.25 of the EP&A Act
 - *Before an environmental planning instrument is made, the relevant authority must consult with the Chief Executive of the Office of Environment and Heritage if, in the opinion of the relevant authority, critical habitat or threatened species, populations or ecological communities, or their habitats, will or may be adversely affected by the proposed instrument.*
- Consultation required in accordance with a Ministerial Direction under section 9.1 of the EP&A Act
- Consultation that is required because in the opinion of the Minister (or delegate), a State or Commonwealth public authority will or may be adversely affected by the proposed LEP.



State and Commonwealth public authorities in Table 9 were consulted as part of the public exhibition.

Table 9: Updated Government Department Names

Gateway Department Name	Current Department Name
Transport for NSW	Transport for NSW
	Transport for NSW – Railcorp
RMS	Transport for NSW – RMS
	Transport for NSW STA
Fire and Rescue NSW	Fire and Rescue NSW
NSW Trade and Investment	NSW Trade and Investment – Mineral Resources and Energy
NSW Trade and Investment – Minerals and Petroleum	NSW Dept of Industry – Resources and Energy Division
NSW Dept of Primary Industries - Agriculture	NSW Dept of Industry – Agriculture NSW
	NSW Dept of Industry – NSW Office of Water
Hawkesbury - Nepean Catchment Authority	Water NSW
Landcom	Urban Growth
OEH	OEH – NSW Heritage Division
	OEH – Environment Division
AGL	Unchanged
Sydney Water	Unchanged
Telstra	Unchanged
Endeavour Energy	Unchanged
Australian Botanic Garden Mount Annan	Unchanged
Mine Subsidence Board	Unchanged
NSW Rural Fire Service	Unchanged
Cubbitch Barta Native Title Claimants Aboriginal Corporation	Unchanged
Australian Rail Track Corporation (owner of the rail spur)	Unchanged
Busways	Unchanged
Tharawal Local Aboriginal Land Council	Unchanged
Tharawal Aboriginal Corporation	Unchanged
Mygunyah Camden Aboriginal Residents Group	Unchanged
Campbelltown Council	Unchanged
Wollondilly Council	Unchanged
NSW Environment Protection Authority	Unchanged

PART 4: MAPS

Existing and Proposed Maps - Camden LEP 2010

Maps: Zoning; Lot Size; Height of Buildings; Floor Space Ratio; Land Reserve Acquisition.

See maps on the following pages.



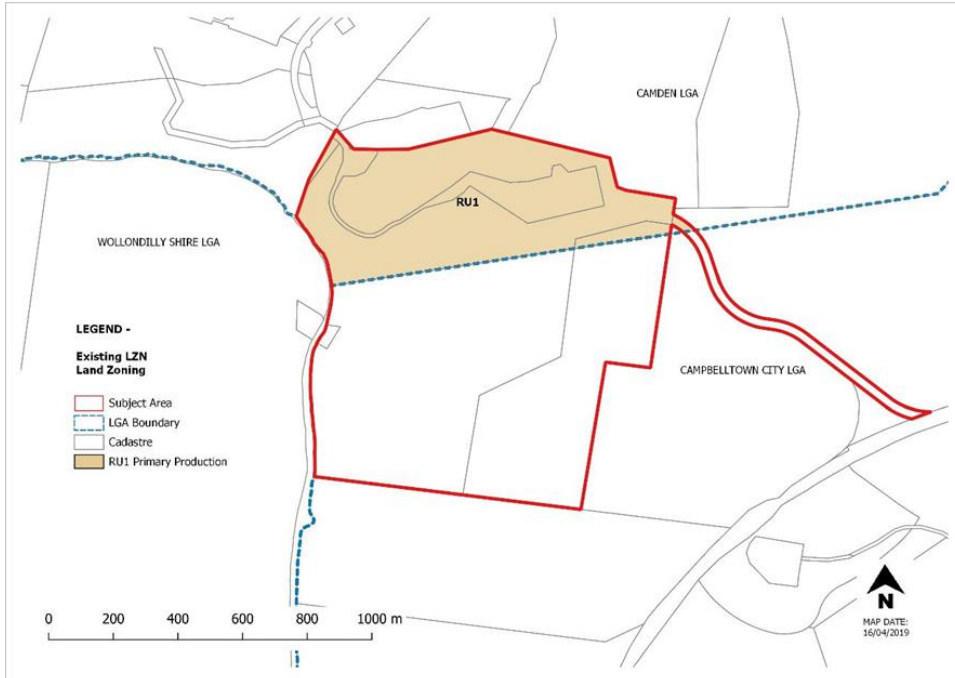


Figure 6: Existing Land Zone Map

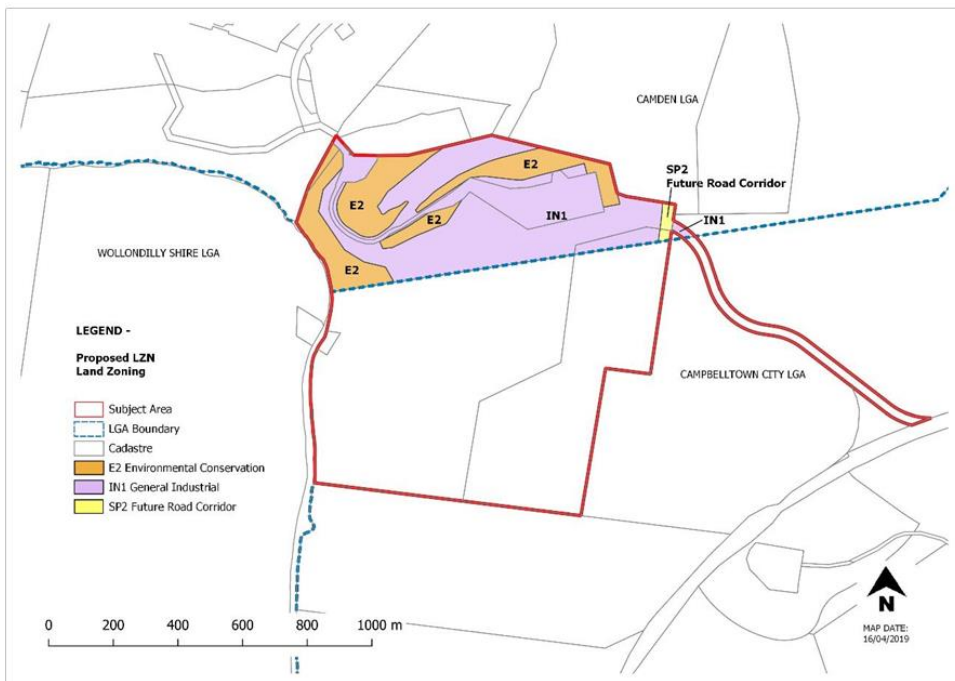


Figure 7: Proposed Land Zone Map

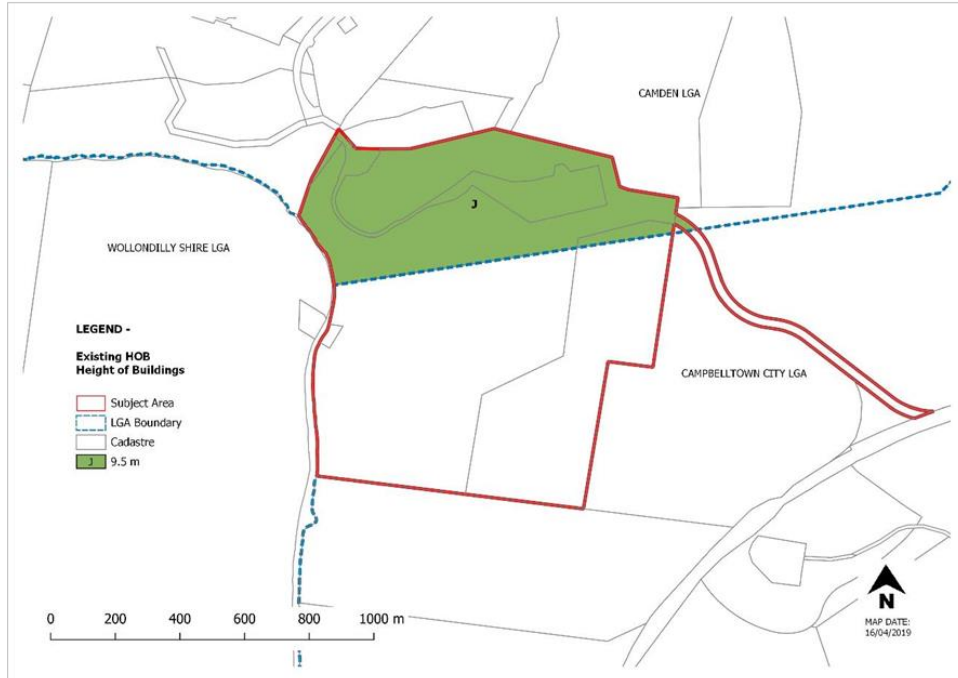


Figure 8: Existing Height of Building Map

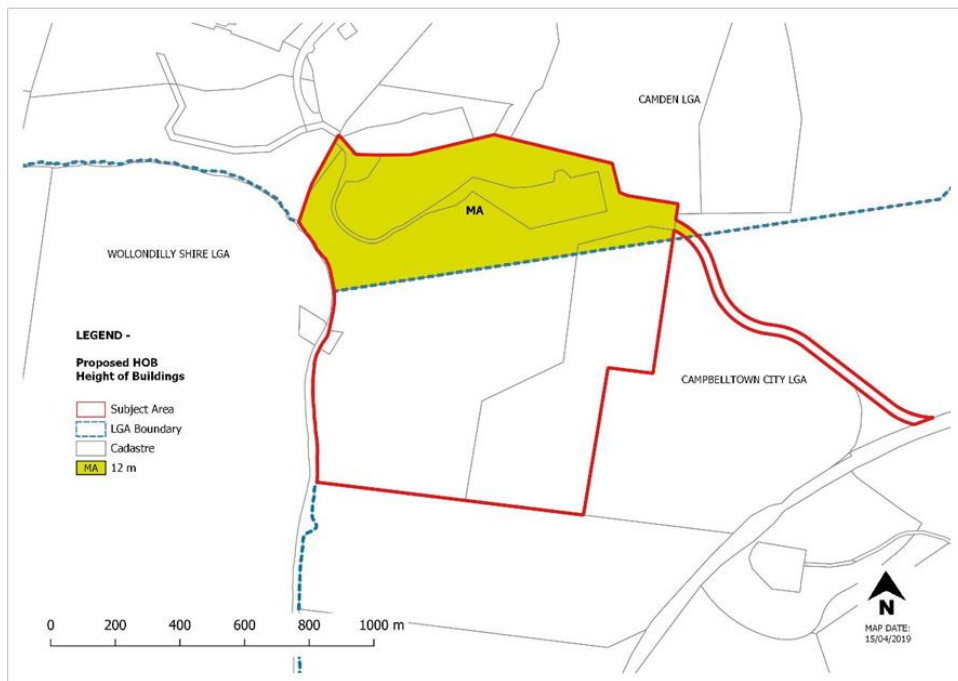


Figure 9: Proposed Height of Building Map

Camden Council Amendment No. 15 – Glenlee

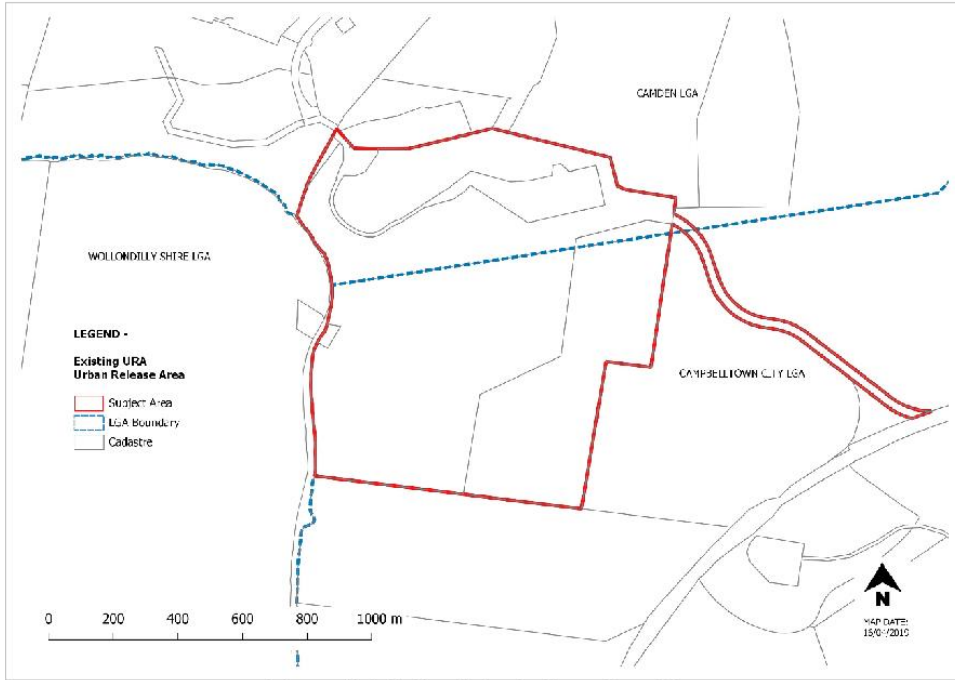


Figure 10: Existing Urban Release Area Map

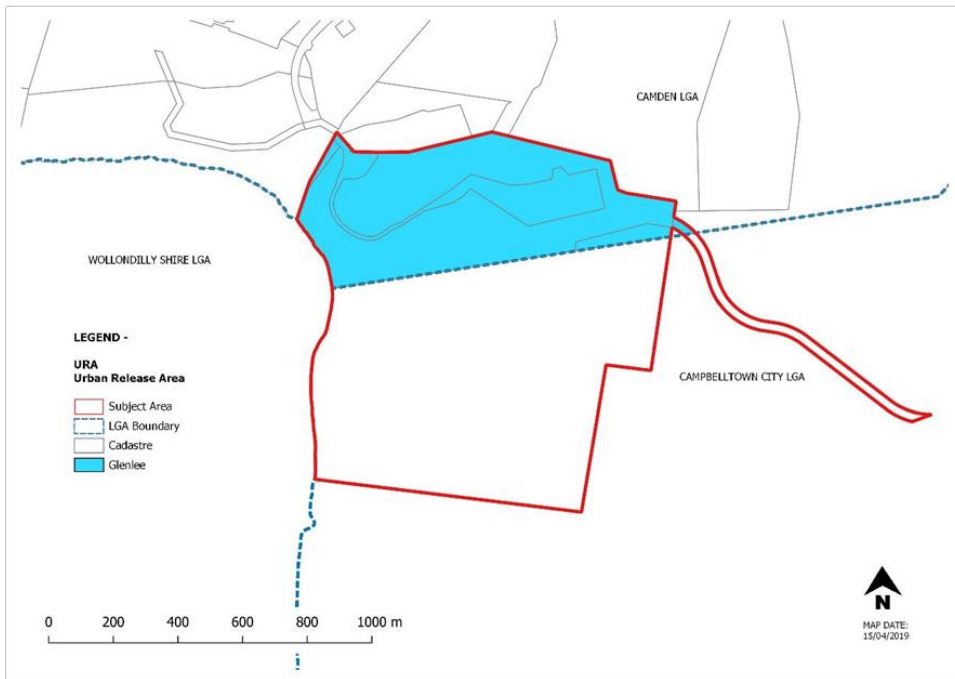


Figure 11: Proposed Urban Release Area Map

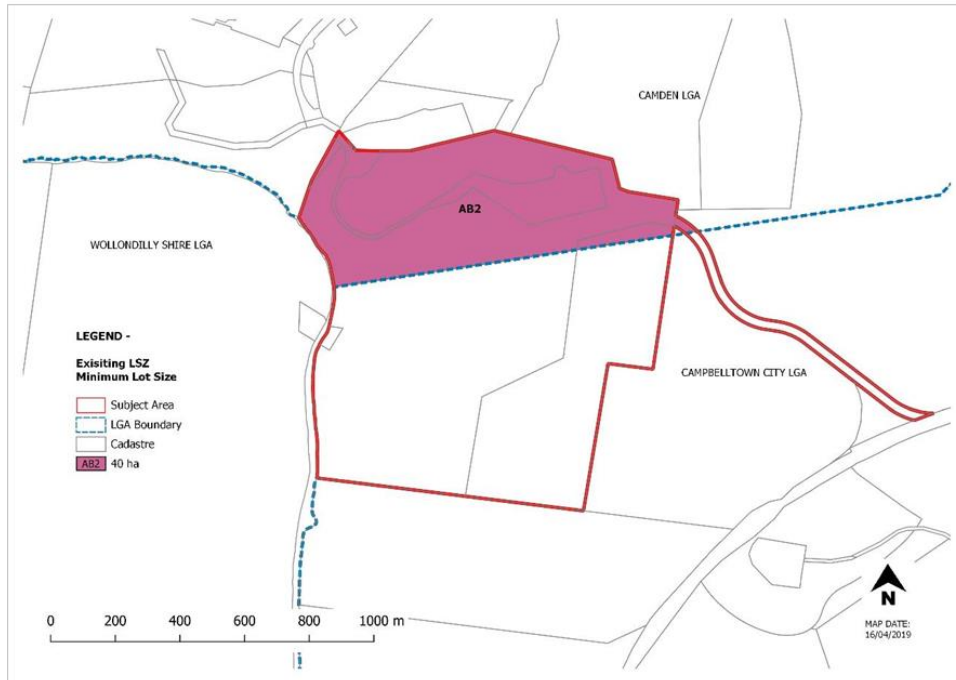


Figure 12: Existing Minimum Lot Size Map

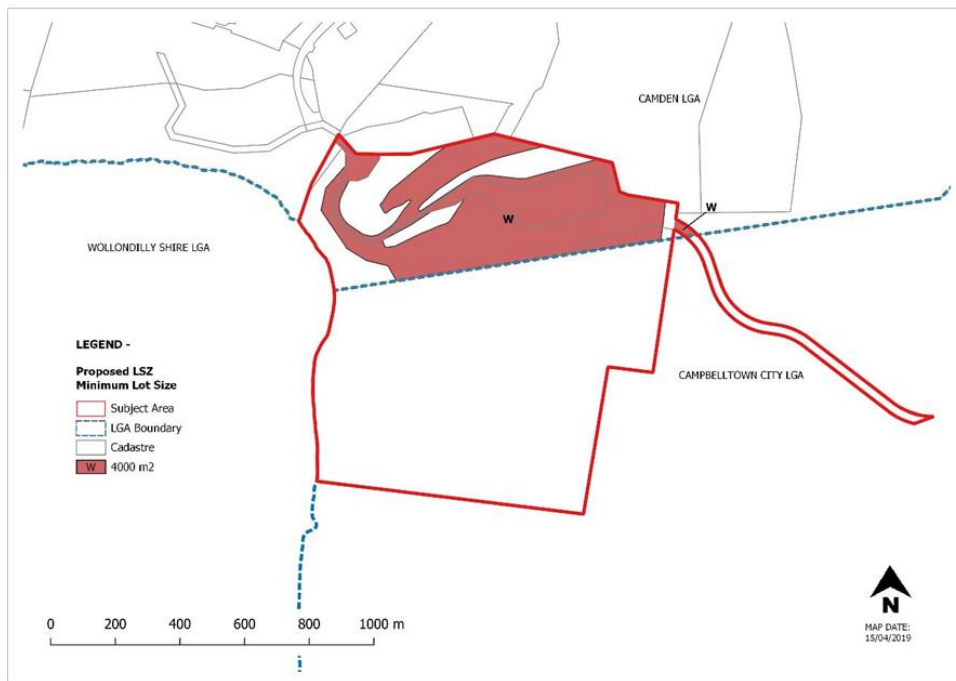


Figure 13: Proposed Minimum Lot Size Map

Taking into consideration the above, the following LEP maps require amendment and/or creation:

Land Zoning Map:

- 1450_COM_LZN_014_010_20130827
- 1450_COM_LZN_017_020_20181112
- 1450_COM_LZN_018_010_20181112

Lot Size Map:

- 1450_COM_LSZ_014_010_20131107
- 1450_COM_LSZ_017_020_20180430
- 1450_COM_LSZ_018_010_20180430

Heights of Buildings Map:

- 1450_COM_HOB_014_010_20130522
- 1450_COM_HOB_017_020_20180430
- 1450_COM_HOB_018_010_20180430

Urban Release Area Map:

- 1450_COM_URA_014_010_20100701
- 1450_COM_URA_017_020_20140808
- 1450_COM_URA_018_010_20100701

The required maps have been prepared in accordance with the Standard Technical Requirements for LEP maps.

PART 5: COMMUNITY CONSULTATION

The draft Planning Proposal, specialist studies and draft DCP were publicly exhibited from 17 January to 16 February 2018. Public agencies were also notified of the public exhibition. A total of 16 submissions were received in response to the public exhibition (15 public agency submissions and 1 community submission). No objections were received however some submissions raised concerns which have been adequately addressed and discussed under Part 3 Justification, Post Exhibition Amendments. A summary of key issues is below.

1.0 Transport for NSW and Roads and Maritime Services

1.1 Spring Farm Parkway (SFP)

TfNSW and RMS have not indicated they are willing to be the acquisition authority for the SFP that traverses the eastern part of the site. The submission requests Council require the proponent to dedicate the land for the SFP as public road at no cost to the NSW Government.

TfNSW and RMS request the SFP be included in a planning agreement between Campbelltown Council, Camden Council and the proponent and for the planning agreement to be executed prior to completion of the Planning Proposal.

Officer comment

The proponent is in discussions with DPE, TfNSW and RMS regarding a planning agreement for the future dedication of land for the SFP. There is no requirement for Council to be a party to any state planning agreement.

The DPE has confirmed the SFP will be a state road. This means the NSW Government will be responsible for the SFP's acquisition and construction.

In the absence of an agreement from TfNSW and RMS to be the acquisition authority, the DPE's advice is to zone the SFP as SP2 'Future road corridor' and delete the proposed land reservation acquisition map. This will enable a state public agency acquisition authority to be identified at a future time (once agreed at a state level).

DPE has also advised Council to identify the site as an 'urban release area' under the Camden LEP 2010. The site's status as an urban release area will trigger the application of clause 6.1 of Camden LEP 2010 'Arrangement for designated State public infrastructure'.

Subject to the draft Planning Proposal being finalised, development consent cannot be granted for subdivision unless the Director-General (Secretary) of the DPE is satisfied that arrangements are in place to contribute towards the provision of identified state infrastructure, including the SFP.

Recommended post-exhibition amendment

To address the above agency submissions, the following amendments are recommended to the Planning Proposal:

- Replace SP2 Infrastructure with SP2 'Future road corridor' for the SFP corridor;
- Delete land reservation acquisition map; and
- Identify the site as an urban release area under Camden LEP 2010.



1.2 Camden Bypass / Liz Kernohan Drive intersection upgrade

TfNSW and RMS request the intersection upgrade works at Camden Bypass/Liz Kernohan Drive and associated funding mechanism be identified and agreed between all stakeholders prior to completion of the Planning Proposal.

Officer comment

The proponent is in discussions with DPE, TfNSW and RMS on a proposed planning agreement for the intersection upgrade works. The DPE has agreed to resolve this matter with the proponent before finalising the Planning Proposal.

It is recommended that a clause be inserted in the Camden LEP 2010 that requires confirmation from the Secretary of the DPE that arrangements are in place for delivery of state public infrastructure. This means that development consent must not be granted unless arrangements are in place for the delivery of the upgrade works at the Camden Bypass / Liz Kernohan Drive intersection.

Recommended post-exhibition amendment

A clause is proposed to be inserted in the Camden LEP 2010 'Matters to be considered for development at Glenlee' to require the Secretary to certify in writing that development consent must not be granted unless consideration has been given to designated state public infrastructure (which includes the intersection of Camden Bypass / Liz Kernohan Drive).

2.0 Office of Environment and Heritage (Environment), Australian Botanic Garden and Department of Industry (Water)

2.1 East-west environmental corridor

The agencies recommend a continuous, east-west environmental corridor link be established between the Nepean River and the Australian Botanic Garden to facilitate the movement of fauna. The agencies recommend existing roads that run through the proposed environment corridor be zoned E2 Environmental Conservation zone (to match the zoning of the corridor), rather than IN1 General Industrial.

Officer comment

Given site constraints, it is not feasible to provide a continuous east-west corridor in this location. The east-west environmental corridor runs through the centre of the site where existing roads are located that provide access to the site. The proponent has advised that, due to topographical constraints, the existing road corridors will be retained, with existing roads to be reconstructed (at a future time) to meet public road standards.

There is however potential to increase the area of land zoned E2 Environmental Conservation in the north-eastern portion of the site by approximately 7,700m² to include a riparian corridor area (refer to Table 3). Council officers have consulted with the proponent in relation to this matter.

Council officers also recommend a draft clause in Camden LEP 2010 that requires consideration of environmental protection works required as part of the assessment of any future DAs. The proposed clause will strengthen the requirement for the delivery of environmental corridors in conjunction with future DAs for industrial development.

In addition, a post-exhibition amendment to the draft DCP is recommended to require DAs for roads that traverse the corridor to give consideration for fauna crossing opportunities.

Recommended post-exhibition amendment

To address the above submissions, the following amendments are recommended:

- Replace part of the IN1 General Industrial zone with E2 Environmental Conservation zone (north-eastern part of the site as shown in Figure 3);
- Insert a clause into the Camden LEP 2010 'Matters to be considered for development at Glenlee' to require assessment of environmental protection works to be carried out in conjunction with development; and
- Insert a DCP control to require DAs for roads that traverses the east-west corridor, to address opportunities for fauna crossing.

3.0 Office of Environment and Heritage (Environment) and Department of Industry (Water)

3.1 Width of Nepean River Riparian Corridor

Concern is raised regarding the width of the Nepean River corridor. A continuous width of 100m is requested to be provided.

Officer Comment

The riparian corridor width is calculated from the centre of the Nepean River to the highest bank, as recommended in the Riparian Corridor Study. The width of the riparian corridor varies from 75m to over 100m, due to the location of an existing road (that provides the only road access to the site). The road is expected to remain in its current location due to steep topography. This will also limit future environmental impacts.

4.0 Community Submission

A submission response table including the community submission and Council officer response is provided as an attachment to the report. The community submission is provided as a supporting document.

The community submission requests the Glenlee rail siding be used for passenger rail services, including the construction of a rail station and carpark.

Officer Comment

The issue raised in the community submission is a matter for the state government regarding the provision of public transport. It is outside the scope of the draft Planning Proposal to address this matter. The existing rail siding could continue to be used for freight.

PART 6: PROJECT TIMELINE

The Planning Proposal is subject to the Revised Gateway Determination being issued. The estimated timeframe for the finalisation of the Planning Proposal was initially 18 months. An extension of 12 months has since being granted due to the time taken to complete the majority of the Specialist Reports.

Table 10: Project Timeline

Commencement date of Gateway determination	10 July 2013
Timeframe for the completion of required technical information	September 2016
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	November 2016 – February 2018
Commencement and completion dates for public exhibition period	17 January – 16 February 2018
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	April 2018
Report to Councils (Camden & Campbelltown)	May 2019
Finalisation of the amendment	June 2019
Plan amendment is made	July 2019

PART 7: APPENDICIES (TO BE UPDATED POST COUNCIL MEETING)

Specialist Studies (provided separately)

ORD03

Attachment 1



Gateway Determination





Contact: David Radich
 Phone: (02) 9860 1568
 Email: David.Radich@planning.nsw.gov.au
 Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP_2013_CAMDE_012_00 (13/08727)

Mr Ron Moore
 General Manager
 Camden Council
 PO Box 183
 CAMDEN NSW 2570

Dear Mr Moore,

Planning proposal to amend Camden Local Environmental Plan 2010

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land at Glenlee to IN1 General Industrial, SP2 Infrastructure and E3 Environmental Management; apply a minimum lot size of 2000sqm, maximum building height of 11m and maximum floor space ratio of 1:1 for land proposed to be zoned IN2; remove certain development controls on land proposed to be zoned SP2 and E3; identify land at Liz Kernohan Drive on the Land Reservation Acquisition Map and include a new provision which prohibits development of warehousing and industrial uses over a certain gross floor area until a road connection between the Camden Bypass and Hume Highway is provided.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

While I support Council's proposal to cap warehousing and industrial gross floor area on the subject site at Glenlee, it is considered that a satisfactory arrangements provision which permits development above the cap subject to road improvements being undertaken is not appropriate because of the lack of certainty over the construction and timing of these improvements. Consequently, while the cap on gross floor area is to remain in the planning proposal, the proposal is to clearly advise that the proposed local provision does not allow development to exceed the gross floor area cap, until a subsequent planning proposal is submitted to amend/remove the cap, once suitably provisions for infrastructure have been agreed on.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan. Council is reminded that it must not use its delegation where there is an unresolved agency objection to the proposal. In this instance, Council is to contact the regional office of the department to seek assistance in resolving the matter so that the plan may proceed under delegation.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact David Radich of the regional office of the department on 02 9860 1568.

Yours sincerely,


Daniel Keary
Acting Executive Director
Metropolitan Planning

3/7/13



Gateway Determination

Planning proposal (Department Ref: PP_2013_CAMDE_012_00): to facilitate the development of land at Glenlee.

I, the Acting Executive Director, Metropolitan Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Camden Local Environmental Plan (LEP) 2010 to rezone land at Glenlee to IN1 General Industrial, SP2 Infrastructure and E3 Environmental Management; apply a minimum lot size of 2000sqm, maximum building height of 11m and maximum floor space ratio of 1:1 for land proposed to be zoned IN2; remove certain development controls on land proposed to be zoned SP2 and E3; identify land at Liz Kernohan Drive on the Land Reservation Acquisition Map and include a new provision which prohibits development of warehousing and industrial uses over a certain gross floor area should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - (a) clearly advise that the proposed local provision does not allow warehouse and industrial development to exceed the gross floor area cap. The removal/amendment to the cap can only occur via a subsequent planning proposal, once suitably provisions for infrastructure have been agreed on.
 - (b) nominate, in consultation with Campbelltown City Council, the portion of the gross floor area cap applying to land within the Camden local government area, or alternatively, indicate that the proposed cap applies to land within both Camden and Campbelltown local government areas (which is subject to planning proposals PP_2013_CAMDE_012_00 and PP_2013_CAMPB_001_00);
 - (c) include maps/figures which show road access to/from the site in the short, medium and long term. All maps are to be at an appropriate scale and clearly identify the subject site;
 - (d) include a project timeline, consistent with Section 2.6 Part 6 of the *A Guide to Preparing Planning Proposal*; and
 - (e) replace 'Amendment No.20 - Glenlee' with 'Amendment No.15 - Glenlee' on the cover sheet of the proposal.

2. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - geotechnical
 - flora, fauna and habitat
 - surface, groundwater and flooding
 - bushfire hazard management
 - Aboriginal and European heritage
 - scenic quality, visual, acoustic and air quality
 - transport, access and movement
 - capacity of infrastructure, services and facilities
 - consideration of Sydney Regional Environmental Plan 20 – Hawkesbury Nepean River
 - consideration of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Once the above information has been obtained and consultation has been undertaken with public authorities, and prior to undertaking public exhibition, Council is to update its consideration of S117 Directions 2.3 Heritage Conservation, 3.4 Integrating Land Use and

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Transport, 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection to reflect the outcomes of the work and consultation undertaken.

3. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and other relevant parties and/or to comply with the requirements of or demonstrate consistency with relevant S117 Directions:
 - AGL
 - Landcom
 - Sydney Water
 - Telstra
 - Transport for NSW
 - Endeavour Energy
 - Fire and Rescue NSW
 - NSW Trade and Investment
 - Australian Botanic Gardens
 - NSW Department of Primary Industries – Agriculture
 - Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - NSW Trade and Investment – Minerals and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
 - Office of Environment and Heritage (S117 Directions 2.1 Environment Protection Zones and 2.3 Heritage Conservation)
 - Hawkesbury - Nepean Catchment Management Authority (S117 Direction 2.1 Environment Protection Zones)
 - Adjoining LGAs (including Campbelltown City Council)
 - The owner of the rail spur
 - Roads and Maritime Services to confirm the special purpose zone and acquisition responsibilities

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

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- 7. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated **3RD** day of **July** 2013.


Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure

ORD03

Attachment 1



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Camden Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_CAMDE_012_00	Planning proposal to rezone land at Glenlee to IN1 General Industrial, SP2 Infrastructure and E3 Environmental Management; apply a minimum lot size of 2000sqm, maximum building height of 11m and maximum floor space ratio of 1:1 for land proposed to be zoned IN2; remove certain development controls on land proposed to be zoned SP2 and E3; identify land at Liz Kernohan Drive on the Land Reservation Acquisition Map and include a new provision which prohibits development of warehousing and industrial uses over a certain gross floor area.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated

3/7/2013

A handwritten signature in black ink, appearing to read 'Daniel Keary'.

Daniel Keary
 Acting Executive Director
 Metropolitan Planning
 Planning Operations and Regional Delivery
 Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_CAMDE_012_00
Date Sent to Department under s56	June 2013
Date considered at LEP Review Panel	27/06/2013
Gateway determination date	03/07/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information:

Revised Gateway Determination





Alteration of Gateway Determination

Planning Proposal (Department Ref: PP_2013_CAMDE_012_00)

I, the Executive Director, Regions at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* ("the Act") to alter the Gateway determination dated 3 July 2013 (as since altered) for the proposed amendment to the Camden Local Environmental Plan 2010 as follows:

1. Change the description of the Planning Proposal

from

"I, the Acting Executive Director, Metropolitan Planning at the Department of Planning and Infrastructure as the delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Camden Local Environmental Plan (LEP) 2010 to rezone land at Glenlee to IN1 General Industrial, SP2 Infrastructure and E3 Environmental Management; apply a minimum lot size of 2000sqm; maximum building height of 11m and maximum floor space ratio of 1:1 for land proposed to be zoned IN2, remove certain development controls on land proposed to be zoned SP2 and E3; identify land at Liz Kernohan Drive on the Land Reservation Acquisition Map and include a new provision which prohibits development of warehousing and industrial uses over a certain gross floor area, should proceed subject to the following conditions:"

to

"I, the Executive Director, Regions, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Camden Local Environmental Plan (LEP) 2010 to rezone land at Glenlee to IN1 General Industrial, SP2 Infrastructure and E2 Environmental Conservation; apply a minimum lot size of 4000sqm, a maximum building height of 12m and no maximum floor space ratio for land proposed to be zoned IN1 General Industrial; remove certain development controls on land proposed to be zoned SP2 and E2; identify land at Liz Kernohan Drive on the Land Reservation Acquisition Map; and include a new provision which prohibits development of warehousing and industrial uses over a certain gross floor area, should proceed subject to the following conditions:"

PP_2013_CAMDE_012_00 (17/06665)



2. Delete:

“condition 1”

and replace with new condition 1:

1. Prior to undertaking consultation, Council is to amend the planning proposal to:
 - (a) confirm that the proposed local provision does not allow warehouse and industrial development to exceed the gross floor area cap of 90,000sqm. (note: the removal /amendment to the cap can only occur via a subsequent planning proposal, once suitable provisions for infrastructure have been agreed upon;
 - (b) nominate, in consultation with Campbelltown City Council, the portion of the gross floor area cap applying to land within the Camden local government area, or alternatively, indicate that the proposed cap applies to land within both Camden and Campbelltown local government areas (which is subject to planning proposals PP_2013_CAMDE_012_00 and PP_2013_CAMPB_001_00);
 - (c) amend the project timeline to show current projected dates; and,
 - (d) amend the proposed zoning maps within the planning proposal by removing the words ‘SP2 Classified Road’ where these words appear within the maps and replaced with the words ‘SP2 Infrastructure’.

Dated *4th* day of *October* 2017.


Stephen Murray
 Executive Director, Regions
 Planning Services
 Department of Planning and
 Environment

**Delegate of the Greater Sydney
 Commission**

PP_2013_CAMDE_012_00 (17/06665)



17/06665

Mr Ron Moore
General Manager
Camden Council
PO Box 183
CAMDEN NSW 2570

Dear Mr Moore

**Planning Proposal at Glenlee, Menangle Park PP_2013_CAMDE_012_00 –
Alteration of Gateway Determination**

I refer to your letter in relation to revisions to Planning Proposal
PP_2013_CAMDE_012_00 to rezone land at Glenlee, Menangle Park.

I have determined as the delegate of the Greater Sydney Commission, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 3 July 2013 for PP_2013_CAMDE_012_00 (as altered). The Alteration of the Gateway Determination and amended written authorisation to Exercise Delegation are enclosed.

In reaching this decision, I have conditioned the altered determination so that the proposed road corridor is zoned SP2 Infrastructure in the planning proposal in the absence of an agreement from the Roads and Maritime Services to be the acquisition authority. This will allow the proposal to proceed to the community consultation stage and for Council to further investigate the assignment of the acquisition role for the land during the process. In this regard, Council will be required to address section 117 Direction 6.2 Reserving Land for Public Purposes, prior to the plan being made.

If you have any questions in relation to this matter, I have arranged for Ms Chantelle Chow to assist you. Ms Chow can be contacted on (02) 9860 1548.

Yours sincerely

 4 October 2017
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Alteration to Gateway Determination
Written Authorisation to Exercise Delegation



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Camden Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* (the Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_CAMDE_012_00	Planning proposal to rezone land at Glenlee to IN1 General Industrial, SP2 Infrastructure and E2 Environmental Conservation; apply a minimum lot size of 4000sqm, a maximum building height of 12m and no maximum floor space ratio for land proposed to be zoned IN1 General Industrial; remove certain development controls on land proposed to be zoned SP2 and E2; identify land at Liz Kernohan Drive on the Land Reservation Acquisition Map; and include a new provision which prohibits development of warehousing and industrial uses over a certain gross floor area.

In exercising the Greater Sydney Commission's functions under section 59 of the Act, the Council must comply with the Department's "A guide to preparing local environmental plans 2016" and "A guide to preparing planning proposals 2016".

Dated 4th October 2017


Stephen Murray
 Executive Director, Regions
 Planning Services
 Department of Planning and Environment

Delegate of the Secretary
 of the Department of Planning and Environment

PP_2013_CAMDE_012_00 (17/06665)

Gateway Extension

The Department of Planning and Environment (DPE) is currently considering a request for a gateway extension from the Councils and has advised the requested gateway extension to June 2019 will be issued to the Councils in due course.



Submissions Response Table



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Draft Amendment 15 - Glenlee Public Exhibition: Submissions Response Table

Table 1 - Public Agency Submissions		
Submission		Reference
1. Endeavour Energy		1.1 - 1.3
2. Roads and Maritime Services (RMS) and Transport for NSW (TfNSW)		2.1 - 2.4
3. Office of Environment and Heritage (Environment)		3.1 - 3.21
4. Office of Environment and Heritage (Heritage)		4.1
5. Australian Botanic Garden Mount Annan		5.1 - 5.10
6. Environment Protection Authority		6.1 - 6.11
7. Department of Planning and Environment (Resources and Geoscience)		7.1 - 7.3
8. Sydney Water		8.1 - 8.3
9. WaterNSW		9.1
10. Department of Industry (Water)		10.1 - 10.8
11. Department of Primary Industries (Agriculture Land Use Planning)		11.1
12. NSW Rural Fire Service		12.1 - 12.2
13. Wollondilly Council		13.1
14. Landcom		14.1
15. Fire and Rescue NSW		15.1

Table 2 – Community Submission		
Submission		Reference
Community Submission		1.1

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Table 1 – Public Agency Submissions

Issue	Officer Response	Proposed Action
1.0 Endeavour Energy		
1.1 Endeavour Energy notes that there is an easement over Part Lot 1 DP 405624 (railway spur) benefiting Endeavour Energy.	It is the responsibility of DA applicants to check for other infrastructure or easements before future development occurs. The proponent has been notified of the easement benefiting Endeavour Energy.	No further action required.
Existing power infrastructure – Glenlee is currently served by Nepean Transmission Substation, which has spare capacity. Existing assets may require removal and or conversion to an underground configuration to suit the arrangement of Glenlee development.	This requirement is relevant to any future development application stage.	No further action required.
1.2 Endeavour Energy requests that all future development applications submit an application for connection of load via Endeavour Energy's Network Connections Branch, which will carry out the final load assessment to determine the method of supply.	This requirement is relevant to any future development application stage.	No further action required.
1.3 Endeavour Energy suggests that Council should adopt a policy of prudent avoidance by the siting of more sensitive uses away from any electricity infrastructure.	This requirement is relevant to any future development application stage.	No further action required.

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Issue	Officer Response	Proposed Action
2.0 Roads and Maritime Services (RMS) and Transport for NSW (TfNSW)		
<p>2.1 RMS and TfNSW note that the proposed future Spring Farm Parkway (Stage 2) transverses through the eastern part of the subject site. It is recommended that Council, as the roads authority and planning authority for the subject Planning Proposal, give consideration to requesting the proponent dedicate the section of the Link Road through the site as public road at no cost to the NSW Government.</p> <p>This can be included in a Planning Agreement between Campbelltown City Council, Camden Council and the proponent and executed, prior to the gazettal of the Planning Proposal.</p>	<p>The DPE has confirmed the SFP will be a state road. This means the NSW Government will be responsible for the SFP's acquisition and construction.</p> <p>In the absence of an agreement from TfNSW and RMS to be the acquisition authority, the DPE's advice is to zone the SFP as SP2 'Future road corridor' and delete the proposed land reservation acquisition map. This will enable a state public agency acquisition authority to be identified at a future time (once agreed at a state level).</p> <p>The proponent is currently discussing a proposed planning agreement with DPE, TfNSW and RMS that deals with the dedication of land for the SFP. There is no requirement for Council to be a party to any state planning agreement (as requested by TfNSW and RMS).</p> <p>DPE has also advised Council to identify the site as an 'urban release area' under the Camden LEP 2010. The site's status as an urban release area will trigger the application of clause 6.1 of Camden LEP 2010</p>	<p>Replace SP2 Infrastructure with SP2 'Future road corridor' for the SFP corridor.</p> <p>Delete land reservation acquisition map.</p> <p>Amend the Planning Proposal to identify the site as an urban release area under Camden LEP 2010.</p>

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<p>Arrangement for designated State public infrastructure.</p> <p>Subject to the draft Planning Proposal being finalised, under clause 6.1, development consent cannot be granted for subdivision unless the Director-General (Secretary) of the DPE is satisfied that satisfactory arrangements are in place to contribute towards the provision of identified state infrastructure, including the SFP.</p>	
<p>Noted.</p> <p>The Indicative Layout Plan in the draft DCP be renamed as a Concept Layout Plan to avoid misinterpretation. It is also proposed the draft DCP require the first DA to include a more detailed Indicative Layout Plan (ILP), which will show the proposed locations of roads and road connections. This will allow time for the internal road network in Glenlee to be refined after RMS and TfNSW adopt an alignment of the Spring Farm Parkway.</p> <p>Any future ILP will need to be endorsed by Council after consultation with TfNSW and RMS.</p>	<p>RMS and TfNSW note that the access connection from the subject site to / from the future Spring Farm Parkway will be subject to further investigation of this road including environmental studies and a refinement of road design plans.</p>
<p>Amend the draft DCP to rename The Indicative Layout Plan an Indicative Concept Plan.</p> <p>Amend the draft DCP and insert a control that requires the applicant create an Indicative Layout Plan (ILP) as part of the first Development Application and that this ILP be approved by Council as part of the Development Assessment process.</p>	<p>RMS and TfNSW state that the full scope of intersection works at Camden Bypass / Liz Kernohan Drive intersection, associated triggers and funding mechanism should be identified and agreed</p>
<p>Amend the Planning Proposal to identify the site as an urban release area with a 'Matters to be</p>	

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	<p>between all stakeholders (including RMS and TfNSW) prior to the gazettal of the Planning Proposal.</p>	<p>discussions with DPE, TfNSW and RMS on a proposed planning agreement for the intersection upgrade works. The DPE have agreed to resolve this matter with the proponent before finalising the Planning Proposal.</p> <p>Council officers recommend a draft clause in Camden LEP 2010 that requires confirmation from the Secretary of the DPE that satisfactory arrangements are in place for delivery of state public infrastructure. This means that development consent must not be granted unless arrangements are in place for the delivery of the upgrade works at the Camden Bypass / Liz Kernohan Drive intersection.</p> <p>Noted.</p> <p>RMS and TfNSW supports the proposed GFA cap of 90,000sqm until such time that the Spring Farm Parkway is extended from the Hume Motorway to the Camden Bypass.</p>	<p>specifically considered for development at Glenlee' clause under Camden LEP 2010.</p>
<p>2.4</p>		<p>No further action required.</p>	

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Issue	Officer Response	Proposed Action
3.0 Office of Environment and Heritage (Environment)		
<p>3.1 NSW Office of Environment and Heritage (OEH), in principle, supports the E2 zoning and the three biodiversity corridors. However, modifications are requested to the biodiversity corridors. These are discussed in the following sections.</p>	<p>Council has considered OEH's request for modifications to be made to the three biodiversity corridors. Council officers have also consulted with DPE on this matter.</p> <p>A detailed response to the Office of Environment and Heritage (Environment) are discussed below.</p>	See below.
<p>3.2 Nepean Corridor (Management Zone A) OEH recommends that the biodiversity corridor along the Nepean River be clarified. The width of the corridor appears to be different in various figures of the Riparian Corridor Study and the draft DCP.</p> <p>A 40m wide vegetated riparian corridor is recommended by Office of Water requirements for Nepean River at this location and is considered appropriate for the site.</p> <p>It is recommended that a 100m wide corridor be established along the River within the precinct, particularly as the Nepean River corridor is of high ecological value on a regional scale. The Ecological Assessment (dated March 2009) for the adjoining Menangle Park site, recommended rehabilitating a 100m wide corridor along the Nepean River (measured from the top of bank of the River) and where remnant native vegetation extends more than 100m from the banks that these areas should be retained. It is suggested a similar approach is applied for the Glenlee Precinct site in relation to the corridor width along the River.</p>	<p>The riparian corridor width is calculated from the centre of the Nepean River to the highest bank, as recommended in the Riparian Corridor Study. The width of the riparian corridor varies from 75m to over 100m, due to the location of an existing road (that provides the only road access to the site). The road is expected to remain in its current location due to steep topography. This will also limit future environmental impacts.</p> <p>Topography maps have been forwarded to OEH.</p>	No further action required.

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<p>3.3</p>	<p>Several relevant figures in the draft DCP and Riparian Corridor Study (Riparian Corridor Study) do not include a scale, the scale on Figures 3 and 5 in the RCS is difficult to read so it is unclear what width is proposed?</p> <p>OEH supports the Nepean Corridor being rehabilitated and revegetated but the maintenance of the corridor needs to be ongoing in perpetuity.</p>	<p>No further action required.</p> <p>A draft DCP control requires compliance with a Vegetation Management Plan (VMP) to be registered on the land title as an 88B restriction when subdivision occurs.</p> <p>In addition to draft DCP controls relating to compliance with a VMP a clause will also be inserted into Camden LEP 2010 that requires the consent authority to consider if adequate environmental protection works have been undertaken on land in Glenlee.</p> <p>The draft VMP is being developed to ensure all Management Zones, not just the Nepean River Corridor, are managed in perpetuity.</p> <p>Given site constraints, it is not feasible to provide a continuous east-west corridor in this location. The east-west environmental corridor runs through the centre of the site where existing roads are located that provide access to the site. The proponent has advised that, due to topographical constraints, the existing road corridors will be retained, with existing roads to be reconstructed (at a future time) to meet public road standards.</p> <p>Amend the Planning Proposal and replace part of the IN1 General Industrial zone with E2 Environmental Conservation zone (north-eastern part of the site).</p> <p>Amend the Planning Proposal and insert a clause into Camden LEP 2010 'Matters to be considered for development at Glenlee' to require assessment of environmental protection works.</p>
<p>3.4</p>	<p><u>East-West Terrestrial Link (Management Zone B)</u> OEH recommends a more continuous east-west link be provided to provide better connections between the Nepean River and the Australian Botanic Garden. This would involve modifications to the Indicative Layout Plan and draft DCP.</p>	<p>Amend the Planning Proposal and replace part of the IN1 General Industrial zone with E2 Environmental Conservation zone (north-eastern part of the site).</p> <p>Amend the Planning Proposal and insert a clause into Camden LEP 2010 'Matters to be considered for development at Glenlee' to require assessment of environmental protection works.</p>

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10/04/19	<p>There is however potential to increase the area of land zoned E2 Environmental Conservation in the north-eastern portion of the site by approximately 7,700m² to include a riparian corridor area. Council officers have consulted with the proponent in relation to this matter.</p> <p>Council officers also recommend a draft clause in Camden LEP 2010 that requires consideration of environmental protection works required as part of the assessment of any future DAs. The proposed clause will strengthen the requirement for the delivery of environmental corridors in conjunction with future DAs for industrial development.</p> <p>In addition, a post-exhibition amendment to the draft DCP is recommended to require DAs for roads that traverse the corridor to give consideration for fauna crossing opportunities.</p>	<p>Amend the draft DCP to require DAs for roads that traverses the east-west corridor, to address opportunities for fauna crossing.</p>
<p>3.5 OEH recommends ongoing weed control and vegetation maintenance is undertaken in perpetuity in the East-West link and details be included in the VMP.</p>	<p>A draft DCP control requires compliance with a Vegetation Management Plan (VMP) to be registered on the land title as an 88B restriction when subdivision occurs.</p> <p>In addition to draft DCP controls relating to compliance with a VMP a clause will also be inserted into Camden LEP 2010 that requires the</p>	<p>No further action required.</p>

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<p>3.6</p> <p><u>Caleys Creek Corridor (Management Zone C)</u> OEH would prefer that Management Zone C become the main east-west link and incorporate as much shrub and tree layers as will allow.</p>	<p>consent authority to consider if adequate environmental protection works have been undertaken on land in Glenlee.</p> <p>An east-west link is now provided and the VMP will determine the resultant vegetation for the Caleys Creek Corridor.</p> <p>No further action required.</p>
<p>3.7</p> <p><u>Management Responsibility of Corridors</u> OEH's preference would be for the corridors to remain in public ownership rather than private ownership so that the corridors or that funding and maintenance mechanisms be put in place.</p>	<p>A covenant (88B restriction on the land title) will be required on the site to ensure future vegetation maintenance occurs under private ownership in perpetuity and is consistent with the VMP and the Ecological Study for Glenlee.</p> <p>Amend the Planning Proposal to insert a clause in Camden LEP 2010 relating to Environmental Protection Works to support the existing above-mentioned control in the draft DCP.</p>
<p>3.8</p> <p>OEH states that the Planning Proposal should be in accordance with OEH Principles for the Use of Biodiversity Offsets in NSW.</p> <p>The first principle outlines that impacts to native vegetation are avoided first by using prevention and mitigation measures. If impacts are unavoidable, offsets then must be used to address any remaining impacts to native vegetation.</p>	<p>In addition to draft DCP controls relating to compliance with a VMP a clause will also be inserted into Camden LEP 2010 that requires the consent authority to consider if adequate environmental protection works have been undertaken on land in Glenlee.</p> <p>No further action required.</p>
<p>The Planning Proposal aims to increase vegetation across the site as exemplified by controls in the draft DCP and proposed post exhibition amendments to the Planning Proposal to introduce a clause to consider Environmental protection works. Any clearing of native trees under future Development Applications will be required to comply with the State</p>	<p>No further action required.</p>

		<p>Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) subject to the Planning Proposal proceeding.</p> <p>The SEPP will ensure the biodiversity offset scheme (established under the Land Management and Biodiversity reforms) will apply to proposed clearing of native vegetation that exceeds the offset thresholds in urban areas and environmental conservation zones that does not require development consent.</p>	10/04/19
<p>3.9</p>	<p>OEH recommends the below change to the Development Objectives of D4.5.4 of the draft DCP:</p> <p>9. Promote the conservation of existing bushland and establish or upgrade a continuous fully vegetated corridor to allow for the movement of fauna from the Nepean River through to the Australian Botanic Garden.</p> <p>10. Minimise the impact of development on areas of native vegetation including areas of high biodiversity, archaeological and heritage significance.</p>	<p>Amend the draft DCP to incorporate controls as per Officer Response.</p> <p>Amend Planning Proposal and replace part of the IN1 General Industrial zone with the E2 Environmental Conservation zone (north-eastern portion of the site only).</p>	
<p>3.10</p>	<p>OEH recommends the following changes to the objectives contained in the 'Tree Planting and Biodiversity' section of the draft DCP:</p> <p>2. To promote the conservation of urban bushland and establish continuous and fully vegetated corridors to allow for the movement of fauna.</p>	<p>This recommendation will be incorporated in the draft DCP.</p> <p>The Planning Proposal aims to increase vegetation across the site as exemplified by controls in the draft DCP and proposed post exhibition amendments to the Planning Proposal to introduce a clause to consider Environmental protection works.</p> <p>A continuous fully vegetated corridor is not achievable due to topography</p>	<p>No further action required.</p>

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<p>3. To protect and preserve native vegetation and biological diversity in the Glenlee Precinct in accordance with the principles of ecologically sustainable development including the removal of weed infestations and to avoid first impacts to native vegetation by using prevention and where impacts are unavoidable biodiversity offsets must be used. 6 To ensure native vegetation, tree hollows, standing timber and dead wood, topsoil from remnant areas that are to be cleared is relocated and used in the rehabilitation of the E2 conservation areas.</p>	<p>and site access constraints as discussed in Officer Response for 3.4.</p> <p>Any clearing of native trees under future Development Applications will be required to comply with the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) subject to the Planning Proposal proceeding.</p> <p>The SEPP will ensure the biodiversity offset scheme (established under the Land Management and Biodiversity reforms) will apply to proposed clearing of native vegetation that exceeds the offset thresholds in urban areas and environmental conservation zones that does not require development consent.</p>
<p>3.11</p>	<p>Amend the draft DCP to incorporate controls as per Officer Response.</p>
<p>OEH recommends that Management Zone A controls be amended as follows:</p> <p>a. Management Zone A - Nepean River Corridor</p> <p>i. Asset protection zones must not be located within this management zone including vegetation retained for conservation in this zone</p> <p>ii. An ongoing Weed control program in perpetuity and re-vegetation measures are to be implemented to improve the ecological value of this corridor.</p>	<p>This recommendation will be incorporated in the draft DCP.</p> <p>This recommendation will be incorporated in the draft DCP.</p> <p>This recommendation will be incorporated in the draft DCP.</p>

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<p>3.12</p>	<p>OEH recommends that Management Zone B controls be amended as follows:</p> <ul style="list-style-type: none"> b. Management Zone B - <i>East-West Terrestrial/link</i> <ul style="list-style-type: none"> i. <i>Asset protection zones must not be located within this management zone including vegetation retained for conservation in this zone.</i> ii. <i>An ongoing weed control program in perpetuity and re-vegetation measures are to be implemented to improve the ecological value of this corridor, including the existing African Olive weeds are to be removed where practicable, and replaced by native shrub and ground layer species representative of Cumberland Plain Woodland</i> 	<p>This recommendation will be incorporated in the draft DCP.</p> <p>This recommendation will be incorporated in the draft DCP.</p> <p>This recommendation will be incorporated in the draft DCP.</p>	<p>10/04/19</p> <p>Amend the draft DCP to incorporate controls as per Officer Response.</p>
<p>3.13</p>	<p>OEH recommends that Management Zone C controls be amended as follows:</p> <ul style="list-style-type: none"> c. Management Zone C - <i>Caleys Creek Corridor</i> <ul style="list-style-type: none"> v. <i>An ongoing weed control program in perpetuity and re-vegetation measures are to be implemented to improve the ecological value of this corridor.</i> 	<p>This recommendation will be incorporated in the draft DCP.</p> <p>This recommendation will be incorporated in the draft DCP.</p>	<p>Amend the draft DCP to incorporate controls as per Officer Response.</p>
<p>3.14</p>	<p>OEH recommends that Control 2 be amended as follows:</p> <p>2. A Vegetation Management Plan is to be prepared for Management Zones A, B and C and submitted to and approved by Council with the first development application for the development of land or subdivision within the area of which this draft DCP applies.</p>	<p>This recommendation will be incorporated in the draft DCP.</p>	<p>Amend the draft DCP to incorporate controls as per Officer Response.</p>

10/04/19	Amend the draft DCP to incorporate controls as per Officer Response.	
3.15	<p>OEH recommends that Control 3 be amended as follows:</p> <p>3 The VMP must:</p> <p>a. be prepared and include details on each management zone (A, B and C) in accordance with the Ecological Assessment (EA) prepared by Ecological Australia dated 29 April 2016</p> <p>f. Show areas of native vegetation that are to be removed so that native vegetation, tree hollows, standing timber and dead wood and topsoil from these areas can be salvaged and relocated to the E2 conservation land prior to earthworks commencing</p> <p>g. provide details on an ongoing weed control program for the precinct</p>	<p>This recommendation will be incorporated in the draft DCP.</p> <p>The Planning Proposal aims to increase vegetation across the site as exemplified by controls in the draft DCP and proposed post exhibition amendments to the Planning Proposal to introduce a clause to consider Environmental protection works.</p> <p>Any clearing of native trees under future Development Applications will be required to comply with the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) subject to the Planning Proposal proceeding.</p> <p>The SEPP will ensure the biodiversity offset scheme (established under the Land Management and Biodiversity reforms) will apply to proposed clearing of native vegetation that exceeds the offset thresholds in urban areas and environmental conservation zones that does not require development consent.</p> <p>This recommendation will be incorporated in the draft DCP.</p> <p>This recommendation will be incorporated in the draft DCP.</p>

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3.16	<p>OEH recommends that Control 3(d) and (e) be amended as separate controls i.e. 4 and 5.</p>	<p>This recommendation will be incorporated in the draft DCP.</p>	<p>Amend the draft DCP to incorporate controls as per Officer Response.</p>	10/04/19
3.17	<p>The draft DCP requires the RCS to be considered as part of the preparation of the VMP. The RCS recommends preparing the VMP in accordance with the NSW Office of Water Guidelines which requires maintenance for a minimum of 2 years after the completion of works or until 80% survival rate of each species planted and a maximum 5% weed cover for the treated riparian corridor controlled activity is achieved.</p> <p>OEH recommends that controls be incorporated into the draft DCP to ensure this is achieved. This would include maintenance of the corridor in perpetuity.</p>	<p>A covenant (88B restriction on the land title) will be required on the title of the site to ensure future vegetation maintenance occurs under private ownership in perpetuity and is consistent with the VMP and the Ecological Study for Glenlee.</p> <p>In addition to draft DCP controls relating to compliance with a VMP a clause will also be inserted into Camden LEP 2010 that requires the consent authority to consider if adequate environmental protection works have been undertaken on land in Glenlee.</p>	<p>Amend the Planning Proposal to insert a clause in Camden LEP 2010 relating to Environmental Protection Works.</p>	
3.18	<p>The key in Figure 4 is missing Management Zone C.</p>	<p>Amend draft DCP and Planning Proposal maps / figures to address minor errors.</p>	<p>Amend draft DCP and Planning Proposal maps / figures to address minor errors.</p>	
3.19	<p>OEH recommends that control 4 be amended as follows:</p> <p>Native trees <i>from the relevant local native vegetation community</i> are to be planted every 10m, within the first 3m of the primary street frontage.</p>	<p>This recommendation will be incorporated in the draft DCP.</p>	<p>Amend the draft DCP to incorporate controls as per Officer Response.</p>	
3.20	<p>OEH recommends the following controls also be incorporated:</p> <ul style="list-style-type: none"> • Standing timber should be salvaged, especially tree hollows and tree trunks (greater than approximately 25-30cm in diameter and 3m in length), relocated and used to enhance habitat in E2 land; • Dead wood is relocated to E2 land; 	<p>The Planning Proposal aims to increase vegetation across the site as is exemplified by controls in the draft DCP and proposed post exhibition amendments to the Planning Proposal</p>	<p>No further action required.</p>	

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	<ul style="list-style-type: none"> • Collect seed from native vegetation and use in E2 land; • Native plants (especially juvenile plants) are transplanted where possible from the IN1 land to E2 land; and <p>Top soil from native vegetation areas are cleared and used where appropriate in rehabilitation of E2 land.</p>	<p>to introduce a clause to consider environmental protection works.</p> <p>Any clearing of native trees under future Development Applications will be required to comply with the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) subject to the Planning Proposal proceeding.</p> <p>The SEPP will ensure the biodiversity offset scheme (established under the Land Management and Biodiversity reforms) will apply to proposed clearing of native vegetation that exceeds the offset thresholds in urban areas and environmental conservation zones that does not require development consent.</p>
<p>3.21</p>	<p>OEH states that the existing Due Diligence Aboriginal Heritage Assessment should not substitute an Aboriginal Cultural Assessment.</p>	<p>No further action required.</p> <p>The Due Diligence report in this current Planning Proposal is a review of the studies undertaken in the previous Glenlee Study in 2007-2008. The previous studies undertook a Stage 2 Aboriginal Heritage Report in 2008. Given the conditions of the site, and its continued industrial use, the heritage conditions on site are unlikely to change. Note OEH (Heritage Division) has raised no objection to the <i>Due Diligence Aboriginal Heritage Assessment</i> and did not further request an additional Aboriginal Cultural Assessment.</p>

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Issue	Officer Response	Proposed Action
4.0 Office of Environment and Heritage (Heritage)		
4.1 Heritage Council recommends that future developments comply with site specific and heritage controls in the draft DCP and the Visual and Landscape Assessment.	The draft DCP includes a control requiring a Visual Analysis Report be submitted with any development application for a building or change in ground level. The report is to be prepared by a suitably qualified consultant and must identify visually prominent areas, potential view corridors and potential view impacts to and from Menangle Park, Glenlee Estate, the Australian Botanic Garden Mount Annan and Camden Park Estate as a result of new buildings or finished landforms.	No further action required.

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Issue	Officer Response	Proposed Action
5.0 Australian Botanic Garden Mount Annan		
<p>5.1 Australian Botanic Garden Mount Annan (ABG) recommends that Management Zone B be strengthened to enhance biodiversity outcomes for the east-west link between the Nepean River and ABG.</p>	<p>Given site constraints, it is not feasible to provide a continuous east-west corridor in this location. The east-west environmental corridor runs through the centre of the site where existing roads are located that provide access to the site. The proponent has advised that, due to topographical constraints, the existing road corridors will be retained, with existing roads to be reconstructed (at a future time) to meet public road standards. There is however potential to increase the area of land zoned E2 Environmental Conservation in the north-eastern portion of the site by approximately 7700m² to include a riparian corridor area. Council officers have consulted with the proponent in relation to this matter.</p> <p>Council officers also recommend a draft clause in Camden LEP 2010 that requires consideration of environmental protection works required as part of the assessment of any future DAs. The proposed clause will strengthen the requirement for the delivery of environmental corridors in conjunction with future DAs for industrial development.</p>	<p>Amend the Planning Proposal and replace part of the IN1 General Industrial zone with E2 Environmental Conservation zone (north-eastern part of the site).</p> <p>Amend the Planning Proposal and insert a clause into Camden LEP 2010 'Matters to be considered for development at Glenlee' to require assessment of environmental protection works.</p> <p>Amend the draft DCP to require DAs for roads that traverses the east-west corridor, to address opportunities for fauna crossing.</p>

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		In addition, a post-exhibition amendment to the draft DCP is recommended to require DAs for roads that traverse the corridor to give consideration for fauna crossing opportunities.	
5.2	ABG believes that appropriate measures can be undertaken to improve vegetation on the site. ABG would be happy to be involved in the final VMP.	A VMP for the site is required to be submitted with the first development application. ABG will be notified when the first development application is submitted.	No further action required.
5.3	ABG request that any future tree planting seeks to maximise screening of proposed industrial developments.	The draft DCP incorporates multiple controls related to vegetative screening in section 2.3 Environmental Protection Works, 3.1 Visual Impact and 3.4 Landscaping.	No further action required.
5.4	ABG notes that future development may include development which would be inconsistent with Development Objective 6 of the draft DCP which is to ensure that no future development detract from views to and from the surrounding area including the Australian Botanic Garden. The change in height restricts may be inconsistent with the objective.	The proposed increase in height from 9.5m to 12m is considered acceptable and is unlikely to detract from views to and from the surrounding area including the Australian Botanic Garden. The draft DCP will require a Visual Analysis Report with any Development Application that may potentially impact views to and from Australian Botanic Garden Mount Annan.	No further action required.
5.5	ABG requests that consideration be given to vegetation screening on the eastern side of the development.	It is difficult to provide a vegetation corridor in this location due to the proposed Spring Farm Parkway. Visual impacts of the Spring Farm	Amend the draft DCP to incorporate additional objectives and controls to facilitate additional vegetation throughout the site to

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			10/04/19 Parkway will be managed by RMS and TfNSW. assist in habitat creation, as well as provide screening. The draft DCP may be improved to provide additional on-site vegetation requirements including tree clusters and tree species mix to provide habitat creation and screen buildings.
5.6	ABG notes that odour and dust impacts associated with the existing uses may be reduced because of the Planning Proposal and all future uses will need to be assessed appropriately to mitigate odour and dust.	Noted.	No further action required.
5.7	ABG notes that future uses may result in noise impacts to the picnic shelter area which is approximately 165m from the rail spur and supports controls requiring compliance with the NSW Industrial Noise Policy, EPA and Council's DCP.	Noted.	No further action required.
5.8	ABG would like to explore a 'southern gateway' into the Garden in conjunction with RMS and Councils, which would present an opportunity for future residents to have access to the garden.	This is outside the scope of the Planning Proposal. This may be explored in the detailed planning of the Spring Farm Parkway between ABG, RMS and TfNSW.	No further action required.
5.9	The success of the corridors will require a working relationship with ABG to influence the Spring Farm Parkway design to ensure wildlife movements are achieved.	This is outside the scope of the Planning Proposal. This might be explored in the detailed planning of the Spring Farm Parkway between ABG, RMS and TfNSW.	No further action required.
5.10	ABG would like to work with Councils and other significant natural assets and landowners to achieve important vegetation linkages. A regional cycleway could be achieved which would encourage wildlife movement and provide a recreational amenity for the community.	Noted.	No further action required.

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Issue	Officer Response	Proposed Action
6.0 Environment Protection Authority (EPA)		
<p>6.1 <u>Avoiding Air Pollution Emissions</u> The Environment Protection Authority (EPA) recommend the following controls be included in the draft DCP to minimise air quality emissions:</p> <ul style="list-style-type: none"> • Land uses that have the potential to generate offensive odour should be sited and designed to prevent odour impacts on adjoining land uses. • Any development that is likely to, or capable of, generating levels of air emissions must comply with the Protection of the Environment Operations Act 1997 and its associated regulations. • A detailed Air Quality Impact Assessment in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DEC 2005) should be undertaken to ensure emissions do not cause adverse impact upon human, the environment and community amenity. 	<p>Air Quality Pollutions and Odours are dealt with in Part B.1.17 of the Camden DCP 2011. The EPA has been consulted regarding these controls as part of the exhibition of the Draft Camden DCP 2018.</p> <p>Development that is likely to be impacted upon by atmospheric pollutants and/or odours from existing land uses, may require the undertaking of an odour impact assessment or similar assessment dependent on the type of pollutant being assessed. For odour impact, assessment will be undertaken in accordance with the NSW EPA Draft Policy "Assessment and Management of Odour from Stationary Sources in NSW and Technical Notes".</p>	<p>No further action required.</p>
<p>6.2 <u>Managing Exposure to Air Pollution Along Road and Rail Corridors</u> The EPA recommends that careful planning and design should be undertaken to avoid air pollution impacts associated with road and rail corridors. The DPE's <i>Development Near Rail Corridors and Busy Roads – Interim Guide</i> provides principles which can improve residential environments.</p>	<p>The guide mentioned here provides principles to improve residential environments along busy roads and rail corridors. This Planning Proposal is for an industrial area. Controls to improve residential amenity along busy roads and rail corridors are contained in Camden DCP 2011 and related issues are further assessed at the Development Assessment stage.</p>	<p>No further action required.</p>

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10/04/19	<p>Development Applications will be required to comply with Clause 85 <i>Development adjacent to rail corridors</i> of the Infrastructure SEPP and where applicable obtain concurrence from TfNSW and consider the Interim Construction Noise Guideline.</p> <p>This is outside of the scope of the Glenlee Planning Proposal.</p> <p>Emissions are regulated by the State and Federal government.</p>	<p>6.3 <u>Measures to control construction emissions</u> The EPA recommends the draft DCP include:</p> <ul style="list-style-type: none"> • Strategies to minimise the adverse impact of air pollution upon human health, the environment and community amenity by minimising emissions of particles, oxides of nitrogen and volatile organic compounds at all stages of development • Strategies to minimise emissions and impacts from non-road diesel equipment used in construction; and • Measures that minimise or prevent dust emissions from sites.
	<p>This is outside of the scope of the Glenlee Planning Proposal.</p> <p>Emissions are regulated by the State and Federal government.</p>	<p>6.4 <u>Measures to minimise transport emissions</u> The EPA recommends that transport studies, plans and development proposals include ways to minimise vehicle and diesel emissions by requiring best practice technologies and operations.</p> <p>The EPA also advises that access should only be permitted to diesel locomotives with the lowest practicable noise levels and best practice technology to minimise emission standards.</p>
	<p>This is outside of the scope of the Glenlee Planning Proposal.</p> <p>Emissions are regulated by the State and Federal government. This matter should be considered more broadly than the Glenlee</p>	<p>6.5 <u>Distributed power generation from local combustion sources</u> The EPA recommends that the draft DCP include a provision that requires any such proposals should meet best practice in relation to the management and control of ozone and particle precursors (NOx, sulphur oxides, VOC and particulates). See the EPA's <i>Interim Nitrogen Oxide Policy for Cogeneration in Sydney and the Illawarra</i>.</p>

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	<p>precinct. The EPA has been consulted as part of the public exhibition of the Draft Camden DCP 2018.</p>		
<p>6.6 Water Quality The EPA recommends that the rezoning meet the contemporary targets for the receiving waterways. It was recommended that the Camden Growth Centres DPC stormwater targets be incorporated.</p> <p>In the absence of these standards it is recommended that the following objectives be incorporated:</p> <ul style="list-style-type: none"> Promote development that maintains or restores the community's uses and values of waterways (including human and environmental health) through the achievement of the relevant NSW Water Quality and Flow Objectives; and Promote integrated water cycle management that holistically considers and drives investment in sustainable water supply, reuse, wastewater, and stormwater infrastructure to deliver multiple benefit outcomes for the community. 	<p>This is outside of the scope of the Glenlee Planning Proposal.</p> <p>The draft DCP requires compliance with Council's Engineering Design Specifications which sets water quality targets for the LGA (excluding the South West Growth Area).</p> <p>This matter should be considered more broadly than the Glenlee precinct. The EPA has been consulted as part of the public exhibition of the Draft Camden DCP 2018.</p> <p>The EPA have been consulted on the Draft Camden DCP 2018.</p>		<p>No further action required.</p>
<p>6.7 Noise The EPA recommends that a validation phase be implemented to allow detailed acoustic design input into Subdivision Plans, Construction Certificate Plans and Specifications.</p>	<p>Conditions of Consent after a Development Application is approved already requires noise be monitored.</p>		<p>No further action required.</p>
<p>6.8 Contamination – Alterations to controls The EPA recommends the following amendments to the draft DCP:</p> <ul style="list-style-type: none"> Where remediation is required, a Remediation Action Plan (RAP), prepared by an appropriately qualified person must be lodged with the development application. - EPA recommends that Council consider the use of "certified 	<p>Changes will be made to the term qualified and it will be replaced with certified.</p> <p>Amend the draft DCP to replace the word "qualified" with "certified" when referencing who can prepare a Remediation Action Plan.</p>		<p>22</p>

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<p>6.9</p>	<p><u>Contamination – New controls</u></p> <p>The EPA recommends inclusion of additional contamination controls in the draft DCP:</p> <ol style="list-style-type: none"> Any contaminated land that is identified should be appropriately managed for reducing the risk of harm to human health or any other aspect of the environment. In cases where land is potentially contaminated, the investigation and any remediation and validation work should be carried out in accordance with the guidelines made or approved by the EPA under Section 105 of the Contaminated Land Management Act 1997. The following guidance should be considered: <ul style="list-style-type: none"> Technical Note: Investigation of Service Station Sites, 2014 http://www.epa.nsw.gov.au/publications/contaminatedland/140315servstatsites NSW EPA Sampling Design Guidelines http://www.epa.nsw.gov.au/resources/cim/95059sampgdline.pdf Guidelines for the NSW Site Auditor Scheme (2nd edition) 2006 http://www.epa.nsw.gov.au/resources/cim/auditorguidelines06121.pdf Guidelines for Consultants Reporting on Contaminated Sites, 2011 http://www.epa.nsw.gov.au/resources/cim/20110650cconsultantsguidelines.pdf The National Environment Protection (assessment of contamination) Measures 2013 as amended. <ol style="list-style-type: none"> Consideration should be given to the use of site auditor accredited under the CLM Act to audit the suitability of the land for the proposed use. Furthermore, it is recommended that a site auditor be engaged to review the adequacy of all investigation, remediation and management plans and actions for future developments. 	<p>There are existing controls under Part B Camden DCP 2011 which adequately address contaminated land.</p> <p>The site has been used for various industrial purposes, as such various contamination studies have been undertaken.</p> <p>A Phase 1 investigation was undertaken to review the site history and activities in order to identify potentially contaminated areas and associated contaminants of potential concern.</p> <p>An EPA accredited site auditor has reviewed the contamination studies and agreed with the recommendations in the reports that the Phase 1 investigation is adequate for rezoning. The site auditor has reviewed the remediation strategy and found the proposed remediation approaches acceptable.</p> <p>This matter should be considered more broadly than the Glenlee precinct. The EPA has been consulted as part of the public exhibition of the Draft Camden DCP 2018.</p>	<p>No further action required.</p>
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	<p>d. Prior to any intrusive activities (for example, excavation), an unexpected finds protocol should be prepared for the site. The protocol/plan should include parties who will be responsible in implementing this protocol or the roles and responsibilities for all parties involved. (NB: Although investigations have been conducted at the site to identify potentially contaminated areas, the EPA considers that there is a potential risk for finding unknown materials or to encounter higher contamination levels during excavation or remediation work at the site).</p> <p>e. An Asbestos Monitoring Program should be prepared for the site, since there is potential that asbestos could be encountered at the site. This program should be prepared by a qualified hygienist or other suitably qualified professional. It should include details on the location and frequency of monitoring to be undertaken, trigger levels and trigger level actions and notification protocols.</p> <p>f. Provision that any proponent applying for a development consent, must ensure that the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site to result in significant contamination [note that this would render the proponent the 'person responsible' for the contamination under section 6(2) of CLM Act].</p>	
<p>6.10 <u>Waste Management</u></p> <p>The EPA recommends detailed provisions for waste management be incorporated into the draft DCP:</p> <p>1: Environmental sustainability and best practice Developments will meet requirements for long-term environmental sustainability and best practice when:</p> <ul style="list-style-type: none"> • systems are designed to maximise waste separation and resource recovery. 		<p>This is outside of the scope of the Glenlee Planning Proposal.</p> <p>Waste management is dealt with in B1.9 of Camden DCP 2011.</p> <p>This matter should be considered more broadly than the Glenlee precinct. The EPA has been consulted as part of the public exhibition of the Draft Camden DCP 2018.</p> <p>No further action required.</p>

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	<ul style="list-style-type: none"> • innovative and best practice waste management collection systems and technologies are considered and supported where appropriate. • flexibility in design allows for future changes in waste generation rates, materials collected and methods of collection. <p>2: Effective waste and resource management Developments will achieve effective waste and resource management when:</p> <ul style="list-style-type: none"> • waste services are provided in a seamless and timely manner. • collection points, street widths and street configurations, especially in new subdivisions and precinct developments, allow for waste to be removed safely and conveniently. • the distance residents must travel to dispose of waste is minimised and access is safe and easy for all residents. • functional and convenient storage spaces are provided for waste and recycling, including temporary storage areas for bulky materials like cardboard boxes and bulky household waste. <p>3: Clean, safe and healthy living environments Developments will protect and enhance the quality of life for the community when:</p> <ul style="list-style-type: none"> • negative impacts on amenity for residents, neighbours and the public, such as visually unpleasant waste storage areas, noise from waste collection including traffic noise and bad odours, are minimised. • illegal dumping and litter from bins are minimised through good planning and installation of adequate storage and waste recovery infrastructure. • safe and easy access to waste and recycling storage areas is provided for residents, tenants, building managers and collection contractors. <p>4: Affordability Developments will provide affordable living and working when:</p>
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	<ul style="list-style-type: none"> careful design and construction prevents costly retrofits. operational waste management is cost-effective for residents and tenants. 	<p>10/04/19</p>
<p>6.11</p>	<p>Coal Seam Gas The EPA recommends appropriate measures to be put in place to manage coal seam gas infrastructure on site.</p>	<p>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) regulates CSG. No further action required.</p>

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Issue	Officer Response	Proposed Action
7.0 Department of Planning and Environment (Resources and Geoscience)		
7.1 Notes that Coal and petroleum resources are present and held under titles (EL4470, AUTH248, AUTH281 and PPL4) and these holders should be consulted.	The proponents have been notified of the holder rights regarding resources below ground.	No further action required.
7.2 States that Menangle Park Sand and Soil Proposal holds a consent over part of the area until 2022. Council would need to be satisfied that future development of the subject site does not impact on potential quarry operations or vice versa.	This is a matter relevant to a future DA stage.	No further action required.
7.3 States that the Mining SEPP 2007 will prevail over any inconsistency within the LEP regarding extractive activities, both underground and open cut.	Noted.	No further action required.

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Issue	Officer Response	Proposed Action
8.0 Sydney Water		
8.1 Sydney Water note that there is currently no existing water or wastewater infrastructure to service the proposed development.	Noted. An assessment of services for potable water, wastewater, gas, power and telecommunications was undertaken with the relevant providers. In summary, the providers advised the required services can be provided to accommodate future industrial development on the site.	No further action required.
8.2 Sydney Water state that they will undertake an Option Assessment on servicing the proposed site and surrounding areas. More information about the delivery of the infrastructure will be available in late May 2018	Noted.	No further action required.
8.3 Sydney Water requests that the proponent submit a staging plan for any upgrade requirements of the existing networks to service the proposed development.	Further consultation will take place with Sydney Water at any future development application stage.	No further action required.

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Issue	Officer Response	Proposed Action
<p>9.0 WaterNSW</p>		
<p>9.1 WaterNSW notes the proposal does not fall within Sydney Drinking Water Catchment and is not close enough to the proximity of the WaterNSW Upper Canal to raise concerns of having any impact. On this basis, no objection is raised.</p>	<p>Noted.</p>	<p>No further action required.</p>

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Issue	Officer Response	Proposed Action
10.0 Department of Industry (Water)		
<p>10.1 Department of Industry – Water (DOI Water) provides in principle support for the establishment of 3 biodiversity corridors in the precinct.</p>	Noted.	No further action required.
<p>10.2 DOI Water notes that a riparian corridor to the north-east corner of the site is not included in the E2 zone and is inconsistent with DOI Water's water guidelines. DOI Water recommends that the zoning map and ILP be amended to include a continuous E2 zone, and that the VMP include the north-eastern corridor.</p>	<p>Given site constraints, it is not feasible to provide a continuous east-west corridor in this location. The east-west environmental corridor runs through the centre of the site where existing roads are located that provide access to the site. The proponent has advised that, due to topographical constraints, the existing road corridors will be retained, with existing roads to be reconstructed (at a future time) to meet public road standards.</p>	<p>Amend the Planning Proposal and replace part of the IN1 General Industrial zone with E2 Environmental Conservation zone (north-eastern part of the site).</p> <p>Amend the Planning Proposal and insert a clause into Camden LEP 2010 'Matters to be considered for development at Glenlee' to require assessment of environmental protection works.</p>
	<p>There is however potential to increase the area of land zoned E2 Environmental Conservation in the north-eastern portion of the site by approximately 7700m² to include a riparian corridor area. Council officers have consulted with the proponent in relation to this matter.</p>	<p>Amend the draft DCP to require DAs for roads that traverses the east-west corridor, to address opportunities for fauna crossing.</p>
	<p>Council officers also recommend a draft clause in Camden LEP 2010 that requires consideration of environmental protection works required as part of the assessment of</p>	

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<p>any future DAs. The proposed clause will strengthen the requirement for the delivery of environmental corridors in conjunction with future DAs for industrial development.</p> <p>In addition, a post-exhibition amendment to the draft DCP is recommended to require DAs for roads that traverse the corridor to give consideration for fauna crossing opportunities.</p>	<p>Submission has been received from OEH (Environment), Australian Botanic Garden Mount Annan and other relevant agencies and Council has addressed the issue with the requirement of a VMP for the east-west corridor.</p> <p>A covenant (88B restriction on the land title) will be required on the title of the site to ensure future vegetation maintenance occurs under private ownership in perpetuity and is consistent with the VMP and the Ecological Study for Glenlee.</p> <p>In addition to draft DCP controls relating to compliance with a VMP a clause will also be inserted into Camden LEP 2010 that requires the consent authority to consider if adequate environmental protection works have been undertaken on land in Glenlee.</p>
<p>10.3 DOI Water also recommends that advice be obtained from other government agencies in relation to viability requirements for the east-west corridor.</p>	<p>Amend the Planning Proposal to insert a clause in Camden LEP 2010 relating to Environmental Protection Works.</p>

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10.4	DOI Water support the rehabilitation of Caley's Creek to mimic a naturalised system and the provision of an 80m wide corridor. DOI Water also encourages the establishment of as much shrub and tree layer planting on the emplacement batters of the Caley's Creek as the planting medium will allow.	Noted.	No further action required.	10/04/19
10.5	Management Zone C is missing from the legend in Figure 4 of the draft DCP.	Amend draft DCP and Planning Proposal maps / figures to address minor errors.	Amend draft DCP and Planning Proposal maps / figures to address minor errors.	
10.6	DOI Water considers that public ownership of the riparian corridors fronting waterfront land as the most effective mechanism for ensuring the appropriate long-term management of these areas. The Riparian Corridor Study mentions that management of the corridors could be under Community Title. DOI Water recommends that this option be pursued by Council and that the applicant provide details on how the management and maintenance of the corridors will be funded.	A covenant (88B restriction on the land title) will be required on the site to ensure future vegetation maintenance occurs under private ownership in perpetuity and is consistent with the VMP and the Ecological Study for Glenlee. In addition to draft DCP controls relating to compliance with a VMP a clause will also be inserted into Camden LEP 2010 that requires the consent authority to consider if adequate environmental protection works have been undertaken on land in Glenlee.	No further action required.	
10.7	DOI Water supports the change from E3 to E2 zoning.	Noted.	No further action required.	
10.8	Groundwater impacts should be addressed in the draft DCP.	The draft DCP requires compliance with Council's Engineering Design Specifications which establishes water quality targets for the LGA (excluding the South West Growth Area). Salinity Management is also addressed in B.1.3 of Camden DCP 2011.	No further action required.	

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Issue	Officer Response	Proposed Action
11.0 The Department of Primary Industries (Agriculture)		
<p>11.1 The Department of Primary Industries – Agriculture Land Use Planning have no objection to the proposed Planning Proposal.</p>	<p>Noted.</p>	<p>No further action required.</p>

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Issue	Officer Response	Proposed Action
12.0 Rural Fire Service		
<p>12.1 The Rural Fire Service has considered the Planning Proposal and raised no objections and reiterates previous advice on setback requirements for Forested Wetlands and that the proposal comply with Bushfire Protection 2006.</p>	<p>Noted.</p>	<p>No further action required.</p>
<p>12.2 The Rural Fire Service request that the aims of Planning for Bushfire Protection 2006 be considered in future development applications.</p>	<p>Noted all future Development Applications to comply with Bushfire Protection 2006.</p>	<p>No further action required.</p>

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Issue	Officer Response	Proposed Action
13.0 Wollondilly Council		
13.1 Wollondilly Council raise no objections to proposal.	Noted.	No further action required.

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Issue	Officer Response	Proposed Action
15.0 Fire and Rescue NSW		
<p>15.1 FRNSW offer the following information to enable the minister to review the Planning Proposal and determine if FRNSW are adversely affected by the proposed instrument.</p> <p>Please note that it is FRNSW expectation that Council will fulfil their legislated responsibility under Clause 142 of the Local Government Regulation 2005 and:</p> <ol style="list-style-type: none"> 1. install hydrants in its water mains at such convenient distances and at such places as may be necessary for the ready supply of water to control and extinguish fires, and 2. maintain the hydrants in effective working order. <p>Further it is FRNSW's expectation that Sydney Water will in accordance with Subdivision 4 of the Water Management Regulation 2011, install fire hydrants in water mains at such convenient distances as are necessary to control and extinguish fires and at all times keep the water main charged with water.</p>	<p>Water services for firefighting are relevant to any future development application stage.</p>	<p>No further action required.</p>

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Table 2 – Community Submission

Issue / Comment	Officer Response	Proposed Action
1.0 Community Submission 1 of 1		
<p>1.1 Request that the rail siding in Glenlee be used for commuter rail transport. This would include the construction of a commuter rail station and carpark.</p> <p>There is currently insufficient public transportation servicing this part of Sydney. The use of the railway would reduce air pollution and provide an environmentally friendly way to travel for the community.</p>	<p>The issue raised is a matter for the State government regarding the provision of public transport. It is outside the scope of the draft Planning Proposal to address this matter. The existing rail siding could continue to be used for freight.</p>	<p>No further action required.</p>

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Glenlee draft Development Control Plan



4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

Part D – Controls Applying to Specific Land Uses/Activities

Section 4.5 Site Specific Industrial Controls

INSERT: Subsection - D4.5.4 Glenlee Precinct

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

1.0 Introduction and Application of this Subsection

The Glenlee Precinct is an Urban Release Area located to the south east of Spring Farm and is bound by Menangle Park to the east and Camden Park to the west. The Glenlee Precinct is partly within the Camden Local Government Area (LGA) and partly within the Campbelltown LGA. Accordingly, this subsection forms part of the following Development Control Plan (DCP):

- Camden Development Control Plan 2011

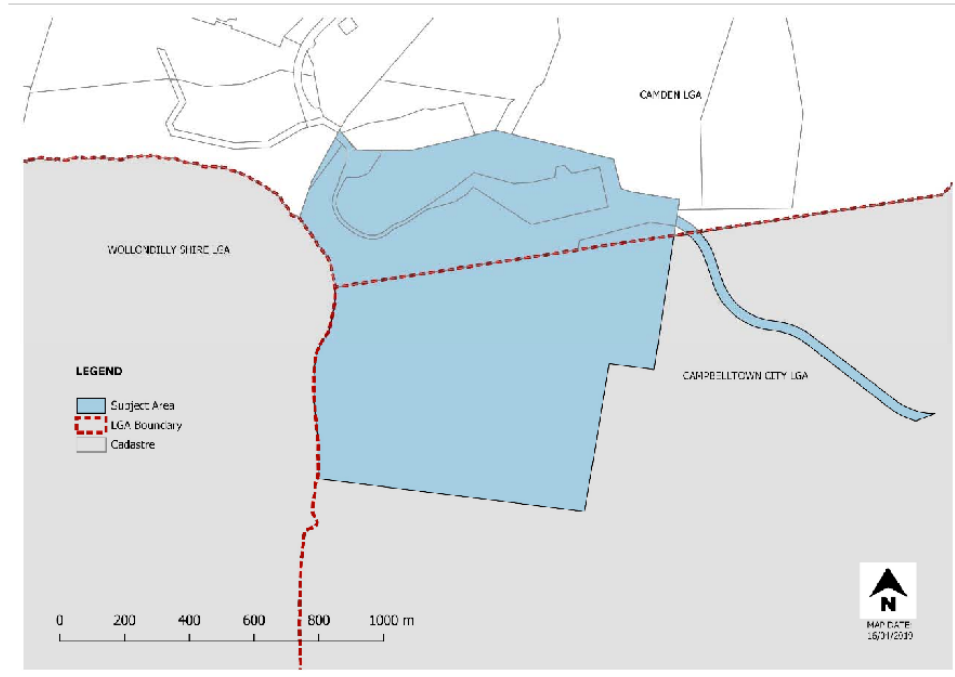


Figure 1: Where this Subsection Applies

The site comprises a raised coal emplacement platform with steep embankments on three sides (western, southern and eastern). A rail siding connects the northern part of the site with the Main Southern Railway line, and the western boundary adjoins the Nepean River. A riparian / environmental protection corridor runs along the western and southern perimeter of the site.

The controls in this subsection relate to the land contained within the Camden LGA only.

Where a development site falls within both LGAs the relevant control in each of the respective DCPs must be considered. A separate Development Application will need to be submitted concurrently to each Council with works proposed in each LGA clearly identified. It is recommended that a pre-DA be submitted for development that falls within both Councils.

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

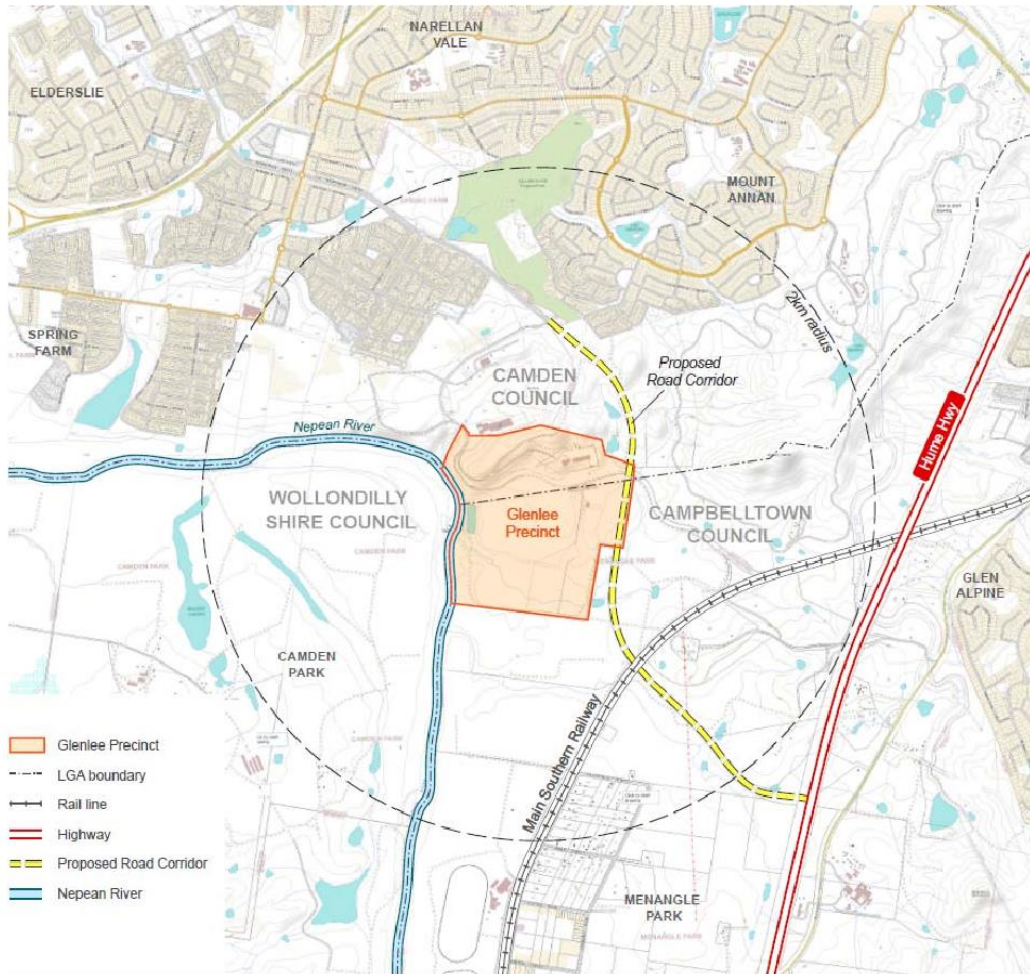


Figure 2: Site and Surrounds

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

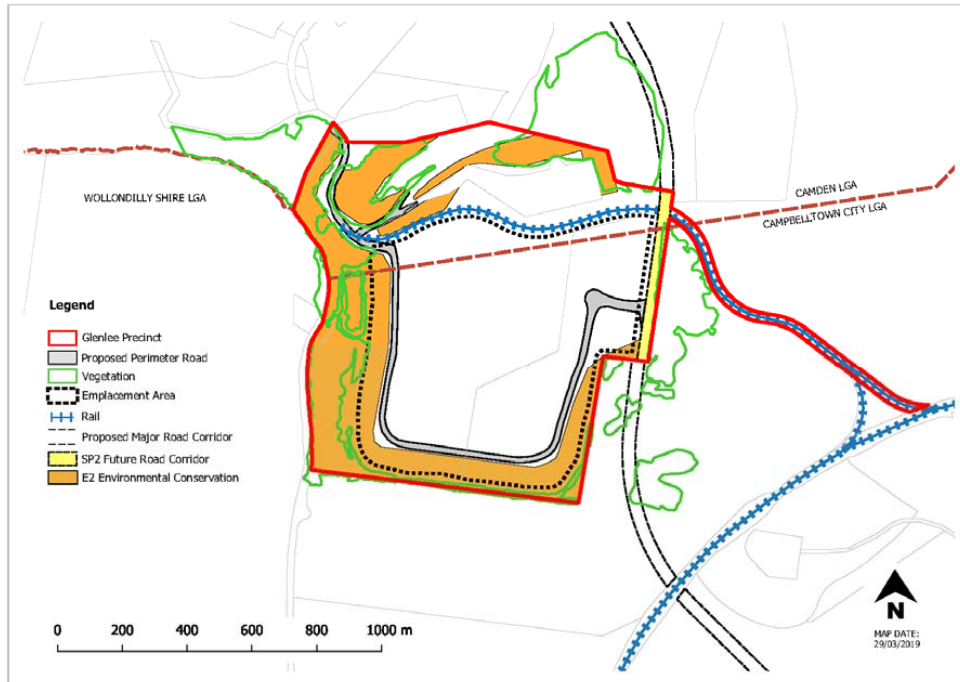


Figure 3: Location of Important Precinct Features

1.1 Desired Future Character Statement

Objectives

1. The Glenlee Precinct (the Precinct) will be an employment area with a mix of sustainable land uses within the landscape context of its elevated position, the Nepean River and the Australian Botanic Garden Mount Annan. These land uses will complement new residential areas currently being released, residential areas proposed to be released, existing rail infrastructure and proposed road infrastructure including the Spring Farm Parkway connection to the M31 Hume Motorway.
2. The Precinct will consist of a variety of industrial, warehouse and logistic development in a vegetated landscaped setting.
3. Landscaping will be incorporated throughout the Precinct to respond to sensitive cultural landscapes and form a distant backdrop when viewed from the M31 Hume Motorway, surrounding residential areas and the Australian Botanic Garden Mount Annan.

1.2 Development Objectives

Objectives

1. Facilitate new development and industries such as industrial, warehousing, logistic activities and the like, that meet the environmental management objectives contained in Part B of this DCP.
2. Provide a framework that will lead to a high standard of development in the Glenlee Precinct, encouraging local employment and creating an area which is pleasant, safe and efficient to work in.
3. Ensure that development takes account of the physical nature of the local environment, particularly the Nepean River, ridgelines and the natural landscape.

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

4. Ensure that development does not result in pollution of waterways, particularly the Nepean River, and protects, restores and enhances riparian corridors.
5. Promote the development of a visually attractive physical environment where the form, scale, colour, shape and texture of urban elements are managed in a way that will achieve an aesthetically pleasing place.
6. Developments must not further detract from views to and from surrounding areas, particularly Menangle Park, Glenlee Estate, Australian Botanic Garden Mount Annan and Camden Park Estate.
7. Ensure the stability of the Emplacement Area (see Figure 3) and stabilisation of embankments through revegetation.
8. Establish environmental criteria and controls for development within the area to ensure that the environmental qualities of adjoining areas are not compromised.
9. Promote the conservation of existing bushland and establish a vegetated corridor to allow for the movement of fauna from the Nepean River through to the Australian Botanic Garden Mount Annan.
10. Minimise the impact of development on areas of native vegetation including areas of high biodiversity, archaeological and heritage significance.
11. Encourage private ownership and maintenance of vegetated / landscaped areas throughout the Precinct.
12. Ensure a legible, safe and convenient pedestrian and cycle network, connecting with networks external to the Precinct.
13. Allow suitable vehicular, pedestrian and cycle connectivity to and from the site including the Macarthur Regional Recreational Trail (see below Note).

Note

A copy of The Macarthur Regional Recreational Trail Concept Report prepared by Clouston Associates dated November 2008 can be obtained by contacting Council.

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

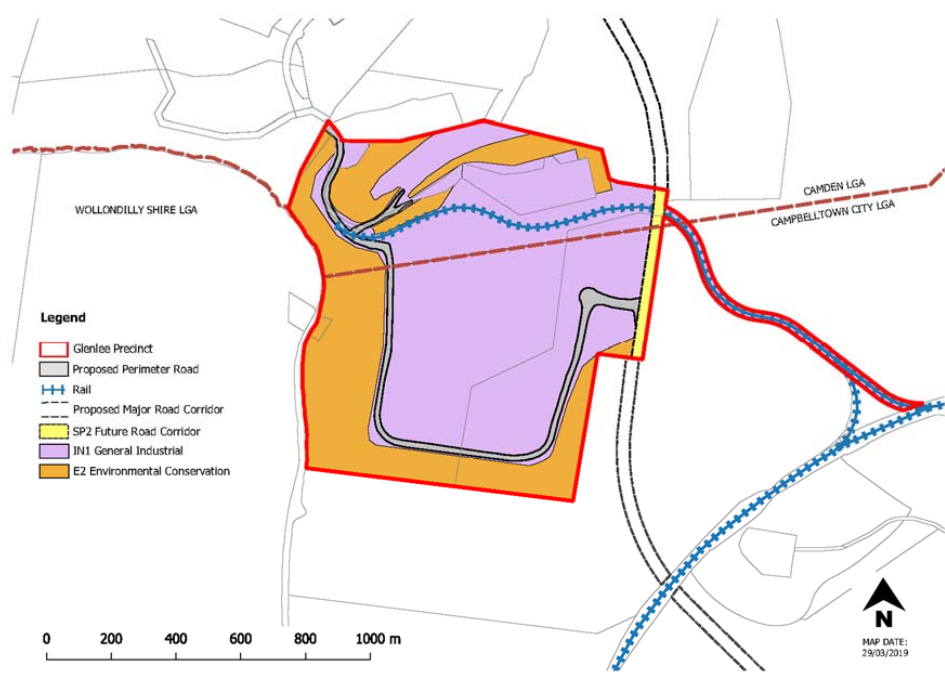


Figure 4: Glenlee Indicative Concept Plan

1.3 Related Studies

This section must be read in conjunction with the following supporting documents. These must be considered when preparing a development application:

1. Visual and Landscape Assessment prepared by Musecape dated October 2016
2. Riparian Corridor Study prepared by AECOM dated 16 May 2016
3. Water Cycle Management Strategy prepared by AECOM dated 13 May 2015
4. Ecological Assessment prepared by Ecological Australia dated 29 April 2016
5. Bushfire Assessment prepared by Ecological Australia dated 29 April 2016 and Addendum 9 November 2016
6. Land Capability Statement - Geotechnical Report prepared by AECOM dated 20 May 2016
7. Traffic Impact Assessment prepared by AECOM dated 20 May 2016 and Addendum September 2016
8. Aboriginal Heritage Due Diligence Assessment prepared by Cultural Heritage Connections dated July 2014
9. Non-Indigenous Heritage Assessment prepared by Musecape dated 24 July 2014
10. Air Quality Assessment prepared by AECOM dated 13 May 2016

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

11. Civil Infrastructure Report prepared by AECOM dated 13 May 2016
12. Remediation Strategy prepared by AECOM dated 13 May 2016
13. Phase 1 Contamination Assessment prepared by AECOM dated 13 May 2016
14. Phase 2 Contamination Assessment prepared by AECOM dated 13 May 2016
15. Noise and Vibration Impact Assessment prepared by AECOM dated 6 May 2015

 4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

2.0 Planning and Design

2.1 Subdivision, Lot Design and Development

Objectives

1. Ensure the creation of lots does not impact adversely on natural and cultural features, existing biodiversity and views and vistas of heritage items.
2. Ensure that development occurs in a logical and staged manner.
3. Ensure that any development that may take place prior to any subdivision does not compromise the intended urban design outcome.
4. Ensure provision of a perimeter road that provides a bushfire asset protection zone, a legible road spine and the opportunity for buildings to address the E2 Environmental Conservation Zone.
5. Minimise the number of access points to major roads, whilst facilitating appropriate connectivity and permeability for all transport modes including pedestrians.

Controls

1. Development must be consistent with the Indicative Concept Plan (Figure 4) and any Council approved Indicative Layout Plan for the site.
2. The first Development Application must include an Indicative Layout Plan (ILP) for the approval of both Camden and Campbelltown Councils. The ILP will form the basis for urban development in the Precinct, including how the Precinct will be developed over time.
3. Development applications for the site must show the vegetation Management Zones described in 2.3 Environmental Protection Works.
4. Development must ensure:
 - (a) proposed roads and driveways are connected to the perimeter road.
 - (b) that development of roads facilitates the development of adjoining lots.
 - (c) an attractive frontage to adjoining vegetation Management Zones or open space land.
 - (d) opportunities for passive surveillance to the public domain.
5. Perimeter public roads must be subject to significant landscape treatment in accordance with an approved Vegetation Management Plan and be compatible with any bushfire management requirements.
6. Battle-axe allotments must be avoided, where possible.
7. Where a Strata or Community Title subdivision is proposed, parking, landscaping, access areas and directory board signs must be included as common property.

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

2.2 Stormwater Management

Objectives

1. To manage the quantity and quality of surface stormwater run-off.
2. To manage flooding and stormwater run-of.
3. To require the implementation of Water Sensitive Urban Design (WSUD) strategies.
4. To ensure the geotechnical stability of future developments and Council infrastructure within the site.

Controls

1. Development applications must comply with Camden Council's Engineering Design and Construction Specifications for controls relating to detention, drainage and Water Sensitive Urban Design, unless an alternative holistic and sustainable strategy is prepared and approved by Council.
2. On contaminated land, on-ground WSUD elements such as bio-retention facilities are not suitable unless the land is remediated and validated.
3. A comprehensive drainage system must be installed within the Precinct, particularly in the Emplacement Area and shallow fill areas to manage potential risk. The drainage system must:
 - (a) efficiently manage the perched water table and any recharge.
 - (b) be designed and constructed to limit embankment erosion, run off and loss of debris from the site.
 - (c) form part of the integrated water cycle management strategy.

Related Studies

Refer to the Water Cycle Management Strategy prepared by AECOM dated 13 May 2015 when considering site specific methods to manage stormwater and pollution control.

2.3 Environmental Protection Works

Objectives

1. To protect, restore and enhance the environmental qualities of water courses, in particular the Nepean River.
2. To promote the conservation of urban bushland and establish vegetated corridors to allow for the movement of fauna.
3. To protect and preserve native vegetation and biological diversity in the Glenlee Precinct in accordance with the principles of ecologically sustainable development including the removal of weed infestations.
4. To maintain and enhance the ecological values within the Precinct and corridors for fauna and flora through revegetation and restoration work.
5. To ensure that all embankments are stabilised with vegetation and bush regeneration.
6. To ensure that adequate soil is provided or available to support landscaping required by this DCP.

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

Controls

1. A Vegetation Management Plan (VMP) must be submitted to Council for approval with the first Development Application for Management Zones A, B and C.
2. Environmental protection works must be carried out in accordance with the VMP.
3. The VMP must be registered on the title of all lots identified as "Glenlee" on the Urban Release Area Maps (Camden Local Environmental Plan 2010) requiring compliance with the VMP.
4. The VMP must:
 - (a) Include details on each management zone (A, B and C).
 - (b) specify what soil works are to be undertaken to support landscaping required to stabilise embankments and screen the site from views from surrounding areas.
 - (c) specify a vegetation landscape buffer along the boundaries of the Precinct in accordance with Control 2 under 3.1 Visual Impact.
 - (d) show areas of vegetation that are to be fenced off and protected when earthworks and civil works are to be undertaken in close proximity.
 - (e) provide details on an ongoing weed control program for the precinct.
5. All roads that traverse vegetation Management Zones must consider fauna crossings.
6. The management of flora, fauna and the riparian corridors must be in accordance with the requirements below. The relevant locations of the Management Zones are contained in Figure 5:
 - (a) Management Zone A – Nepean River
 - (i) Bushfire asset protection zones must not be located within this Management Zone including vegetation retained for conservation in this zone.
 - (ii) An ongoing weed control program in perpetuity and revegetation measures are to be implemented to improve the ecological value of this corridor.
 - (iii) Planting mix is to comprise both upper storey (tree) and lower storey (shrubs and grasses) vegetation using local endemic species.
 - (iv) Undertake soil erosion control during construction, and maintain as required, to prevent sediment flow into this zone.
 - (v) Use of spray grass, hydro seeding geo fabrics or jute weed matting to minimise the loss of top soil while plant establishment takes place must be considered during construction. These management measures must be detailed in the Construction Certificate plans.
 - (vi) Water storage dams and related pumping infrastructure is to be located outside the conservation area.
 - (b) Management Zone B – East West Terrestrial Link
 - (i) Bushfire asset protection zones must not be located within this Management Zone including vegetation retained for conservation in this zone.
 - (ii) An ongoing weed control program in perpetuity and revegetation measures are

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

to be implemented to improve the ecological value of this corridor, including existing African Olive weeds are to be removed and replaced by native shrub and ground layer species representative of Cumberland Plain Woodland.

- (c) Management Zone C – Caley's Creek Corridor
- (i) A riparian corridor must be applied from the Caley's Creek watercourse to the top of the Emplacement Area, where the Creek is present or on the boundary of the Precinct (see Figure 3, Figure 5 and Figure 6).
 - (ii) Soil remediation is to be undertaken in this area to encourage growth of Cumberland Plain or River-Flat Eucalypt Forest community.
 - (iii) Restoration planting adjacent to the watercourse should comprise of plants in of the River-Flat Eucalypt Forest community.
 - (iv) Embankments must be planted with a vegetation community reflective of the locality and be able to adapt to soil conditions and slope.
 - (v) The vegetation on the top of the Emplacement Area must comply with Bushfire Asset Protection Zone requirements.
 - (vi) An ongoing weed control program in perpetuity and revegetation measures are to be implemented to improve the ecological value of this corridor.

Note

Clause 6.6 of the Camden LEP 2010 sets out the matters to be considered by Council to determine if environmental protection works must be undertaken in conjunction with a development.

Related Studies

The recommendations contained in the following documents are to be used to inform the preparation of the Vegetation Management Plan:

- Ecological Assessment prepared by Ecological Australia dated 29 April 2016;
- Riparian Corridor Study prepared by AECOM and dated 16 May 2016;
- Remediation Strategy prepared by AECOM dated 13 May 2016;
- Phase 1 Contamination Assessment prepared by AECOM dated 13 May 2016; and
- Phase 2 Contamination Assessment prepared by AECOM dated 13 May 2016.

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

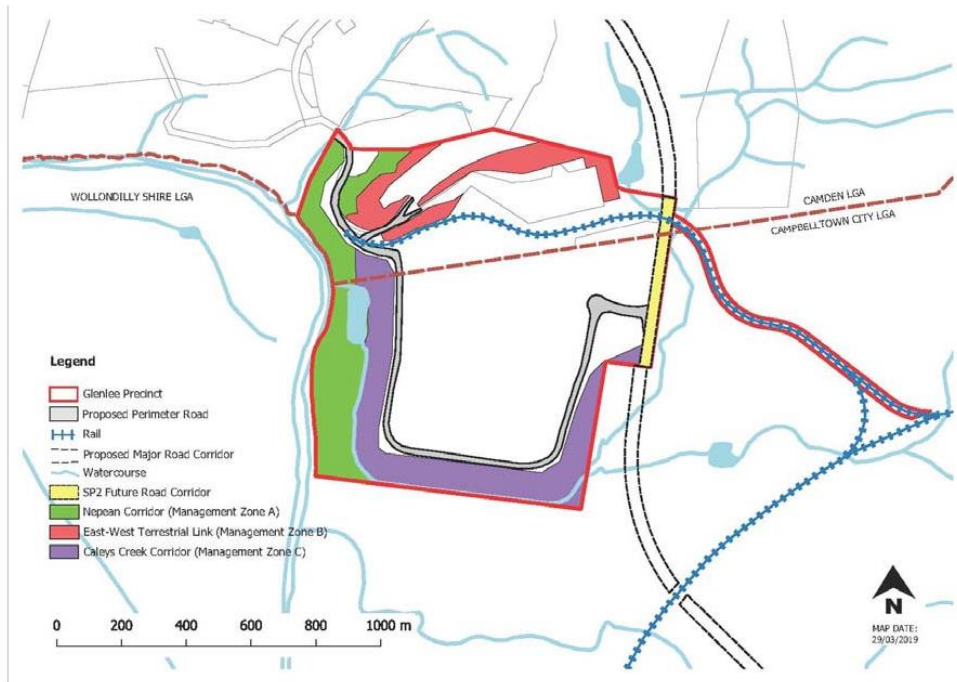


Figure 5: Location of Vegetation Management Zones in Glenlee

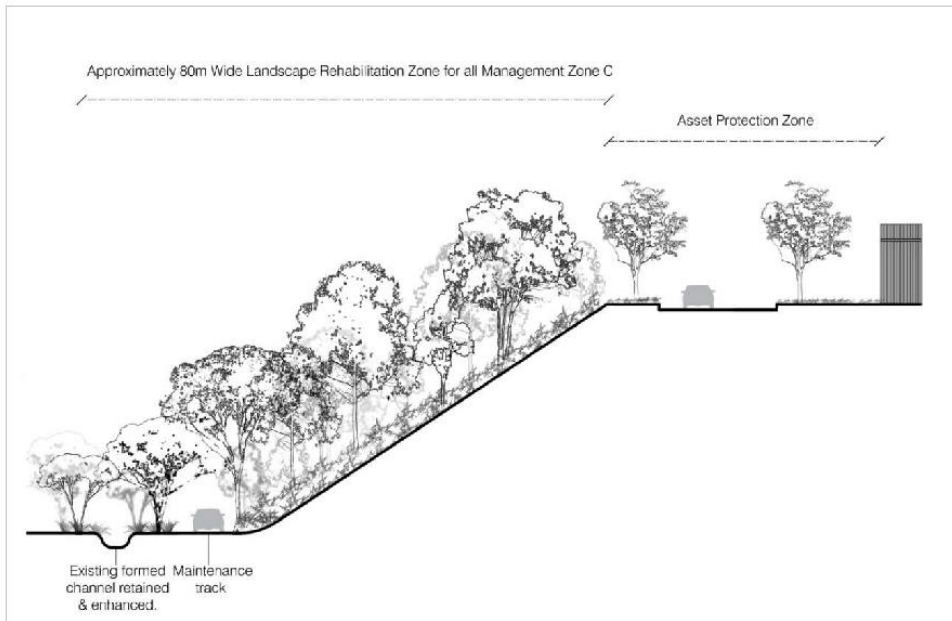


Figure 6: Indicative Structure of the Riparian Corridor for Management Zone C

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

2.4 Contamination

Objectives

1. To protect the environment by ensuring that Potentially Contaminated Areas (PCAs) within the Glenlee Precinct are remediated.

Controls

1. Development Applications outside of Potentially Contaminated Areas (PCAs) identified at Figure 7, must be accompanied by a Stage 1 Preliminary Site Investigation prepared in accordance with *State Environmental Planning Policy 55 – Remediation of Land and Council's contamination policy – Management of Contaminated Lands*.
2. Development Applications within Potentially Contaminated Areas (PCAs) identified at Figure 7, must be accompanied by a Stage 2 Detailed Site Investigation prepared in accordance with *State Environmental Planning Policy 55 – Remediation of Land and Council's contamination policy – Management of Contaminated Lands*.
3. Where remediation is required a Remediation Action Plan (RAP), prepared by a certified consultant, must be submitted with the development application.

Note

Developments relating to coal seam gas infrastructure are to be undertaken with consideration to the exclusion zones contained in State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

Related Studies

The following reports contain site specific recommendations which may help inform your RAP:

- Remediation Strategy prepared by AECOM dated 13 May 2016;
- Phase 1 Contamination Assessment prepared by AECOM dated 13 May 2016; and
- Phase 2 Contamination Assessment prepared by AECOM dated 13 May 2016.

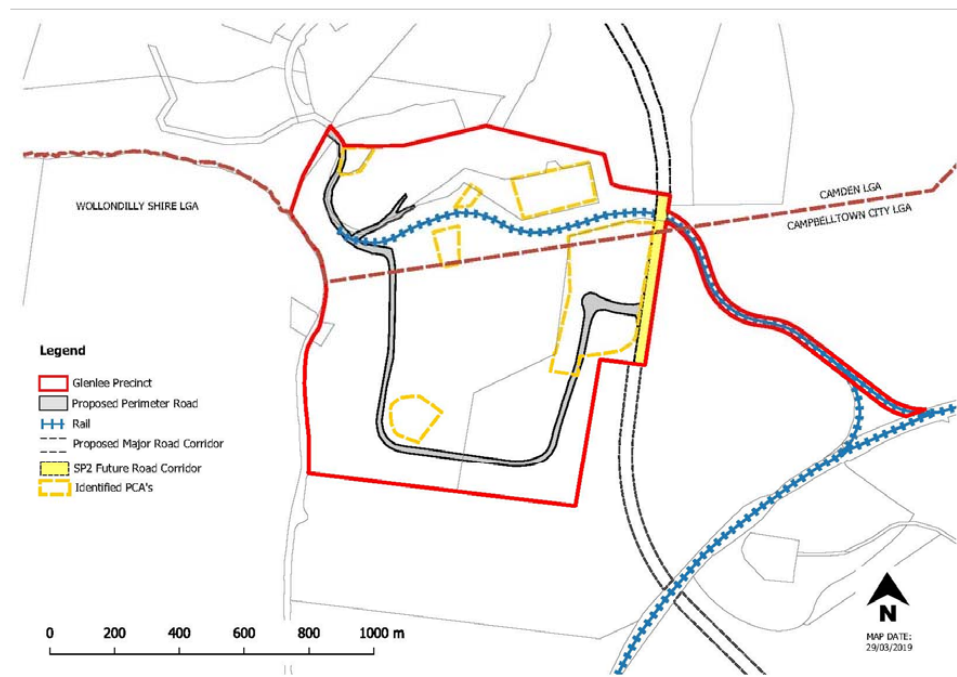


Figure 7: Potentially Contaminated Areas in Glenlee

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

2.5 Geotechnical Works

Objectives

1. To ensure the geotechnical stability of existing and future developments and Council infrastructure within the site.
2. To mitigate impacts associated with erosion and instability of subsoils.
3. To ensure that landscaping and vegetation are used to stabilise the Precinct.

Controls

1. Development applications that involve the construction of new buildings, structures, roads or footpaths are to be accompanied by a geotechnical report, prepared by a suitably qualified consultant.
2. A capping layer of granular fill at a minimum depth of 2m, or otherwise specified by a geotechnical engineer, must be provided over the entire Emplacement Area.
3. Embankments must be suitably stabilised to prevent erosion and addressed in the geotechnical report.
4. Loose surface material must be suitably treated.
5. Developments on the Emplacement Area must support the continued growth of vegetation.
6. The new ground level resulting from ground level changes must be detailed as part of any development application.

Related Studies

The findings contained in the Land Capability Statement - Geotechnical Report prepared by AECOM dated 20 May 2016 should be considered when preparing plans for geotechnical works.

2.6 Transport Network

Objectives

1. Ensure the transport network accommodates all transport modes.
2. To optimise access without compromising the safety and efficiency of the surrounding network.
3. To develop a legible, safe and convenient pedestrian and cycle network, connecting with networks external to the Precinct including the Macarthur Regional Recreational Trail.
4. To provide safe, efficient access and maneuvering.

Controls

1. The first Development Application must include a Transport Management Plan (TMP) for the approval of both Camden and Campbelltown Councils in conjunction with an Indicative Layout Plan as required in Control 2 in 2.1 Subdivision, Lot Design and Development. The TMP must consider the location of public transport routes, pedestrian walkways and cycleways.
2. A clear road hierarchy must be reinforced through landscape treatment including street trees.

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

3. Road design must address all modes of transport.
4. All roads must have a minimum carriageway width of 13m.
5. Pedestrian and transport routes must have consideration to connections with the Macarthur Regional Recreational Trail (refer to Note).
6. Roads that will connect to the future Spring Farm Parkway must be constructed to the boundary of the Spring Farm Parkway Land Reservation Corridor (zoned SP2 Future Road Corridor in the Camden Local Environmental Plan 2010).

Related Studies

Consideration should be given to the Traffic Impact Assessment prepared by AECOM dated 20 May 2016 and Addendum September 2016 when preparing a Transport Management Plan.

Note

Infrastructure such as roads, drainage and cycleways are to be designed in accordance with Camden Council's Engineering Design and Construction Specification and Engineering Design Specification.

Note

The Macarthur Regional Recreational Trail Concept Report prepared by Clouston Associates dated November 2008 can be obtained by contacting Council.

3.0 Site Specific Industrial Controls

3.1 Visual Impact

Objectives

1. To ensure that view corridors are sensitively managed and identified between Glenlee and surrounding significant rural and historic sites.
2. To mitigate visual impacts with vegetative screening.
3. To require well-designed development in visually prominent locations.
4. To ensure that light spill and glare from external lighting does not impact adversely upon the use and enjoyment of adjoining premises and surrounding areas, particularly residential and rural areas or compromise road safety.

Controls

1. A Visual Analysis Report must be submitted with any development application for the construction of a new building or change in ground level. The report is to be prepared by a suitably qualified consultant and must identify visually prominent areas, potential view corridors and potential view impacts to and from Menangle Park, Glenlee Estate, the Australian Botanic Garden Mount Annan and Camden Park Estate as a result of new buildings or finished landforms.
2. Vegetative screening must be provided along the southern and western perimeter of the Precinct and should incorporate upper, middle and lower canopy plantings. Details of the vegetative screening are to be included in the Vegetation Management Plan.
3. Services and utilities must be placed underground, where feasible. If provided overhead, infrastructure must be designed to minimise visual impact, particularly in respect to significant sites surrounding the Precinct.

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

4. Council may request an external lighting strategy be submitted with development applications. The strategy must detail the location and design of lighting and the proposed hours of operation with reference to AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

Note

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

Related Studies

Consideration should be given to the Visual and Landscape Assessment prepared by Musecape dated October 2016 when preparing a Visual Analysis Report.

3.2 Setbacks

Objective

1. To provide setbacks to facilitate appropriate landscaping and to allow buildings to sit appropriately within the landscape.

Control

1. Front setbacks from the street must be a minimum of 10m. Secondary frontage setbacks, for corner allotments must be a minimum of 3m.

3.3 Building Design and Siting

Objectives

1. To optimise integration of buildings with the natural topography, landscape and relative positioning of other buildings in the street and the surrounding context.
2. To require a high standard of architectural design, utilising quality materials and finishes.
3. To establish varied and articulated building frontages that address the existing or future public domain.
4. To require the design of attractive and appropriate amenities for staff.
5. To ensure fencing has been designed with regard to the desired future character of the Precinct.

Controls

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

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

decorative masonry blocks (non-standard concrete blocks), precast panels (coloured and / or textured to a high-quality finish), glass, natural timber or other building materials that present attractively to the public domain.

2. Siting / Building Orientation:

- (a) Buildings must be integrated with the natural landscape and the existing and future streetscape with an articulated and landscaped appearance when viewed from the Vegetation Management Zones.
- (b) Building elevations oriented towards residential areas must be minimised. Where this is unavoidable, the building is to be designed to ameliorate negative impacts.
- (c) Buildings must be designed to maximise solar efficiency, landscape design at the frontage and passive surveillance.
- (d) Buildings and structures must be consistent with any future public roads on or adjacent to the Precinct.
- (e) On lots with multiple street frontages, such as corner lots, buildings must be designed to address both streets.

3. Fencing:

- (a) Fencing is to be constructed of non-reflective materials, consistent with the colour pallet prescribed in Control 1 of Architectural Design (above).
- (b) Fencing must be of an open form so as not impede sight lines for drivers.
- (c) Fencing is to be contained wholly within the site.
- (d) Fencing must be located behind required landscaped areas.

3.4 Landscaping

Objectives

1. To create a landscape character and amenity that is appropriate to the scale and nature of the development.
2. Encourage development which provides attractive staff amenities through landscaping.
3. To minimise the visual impact of any development from the surrounding area.
4. To create habitat creation and encourage fauna movement.

Controls

1. A detailed landscape plan, prepared by a suitably qualified consultant, must be submitted with all development applications for the subdivision of land and or erection of buildings. The landscape plan must detail landscaping and the location, height and type of fencing proposed within the site.
2. Landscaping should provide sufficient vegetative screening of buildings, outdoor activities and structures when viewed from surrounding areas including Menangle Park, Glenlee Estate, the Australian Botanic Garden Mount Annan and Camden Park Estate.
3. Details must be submitted demonstrating what soil works are required to support landscaping and street tree planting.

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

4. Street setbacks are to comprise a minimum 50% of soft landscaping.
5. Staff amenities and open spaces, such as break-out spaces must be incorporated into landscaped areas to provide attractive working environments.
6. Fencing must be softened with landscaping and planting.
7. Automatic irrigation systems must be installed for all landscaped areas.
8. Local Cumberland Plain Woodland tree species are to be planted in clusters of 5 to 7 trees consisting of at least two varieties, planted at 5m centres in two informal staggered rows (see Figure 8). The clusters are to be positioned within the first 3m of the primary street setback. A 75mm layer of leaf mulch shall be applied evenly over the entire planting area after planting. At the time of planting, the trees must have a minimum planted height of 2m with suitable hardwood stakes and ties. Tree stock to be sourced in minimum 75L container. Trees are to reach a mature height of at least 8m. Trees are to be located 0.5m from the back of kerb and a minimum of 1m from any other concrete surface. Positioning of the tree planting must ensure the following can be achieved:
 - (a) space for future driveways and waste storage collections points;
 - (b) street lighting, utilities, bus stops and pedestrian crossings; and
 - (c) appropriate sight distances in accordance with relevant standards.

The plantings are subject to a 12 months establishment and maintenance period at the end of which plantings must have signs of healthy and vigorous growth.

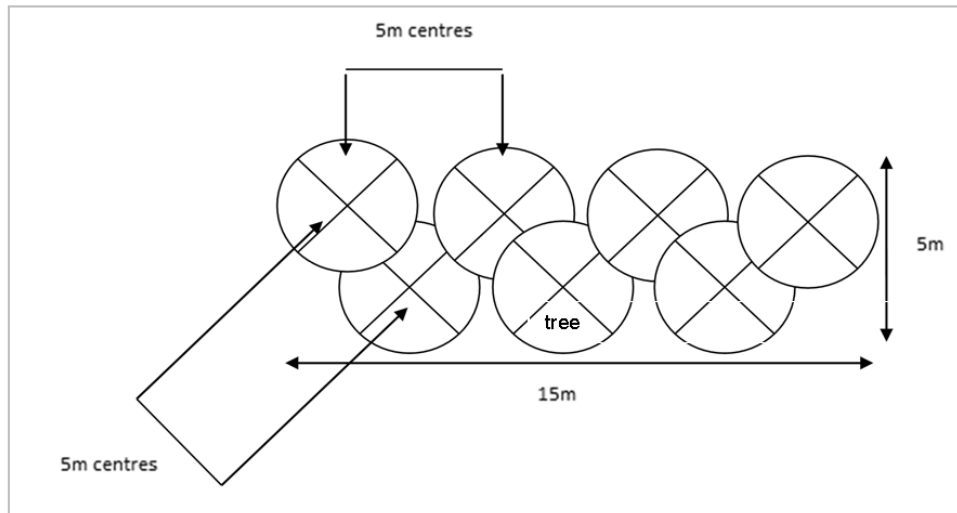


Figure 8: Tree Cluster Guide



ORDINARY COUNCIL

ORD07

SUBJECT: PROPOSED AMENDMENT NO. 15 TO CAMDEN LEP 2010 AND CAMDEN DCP 2011 - GLENLEE

FROM: Director Planning & Environmental Services

TRIM #: 17/61257

PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement to request a revised Gateway Determination for draft Amendment 15 (Glenlee) to the Camden Local Environmental Plan 2010, and for Council to resolve to proceed to formal public exhibition of the draft Planning Proposal including a draft DCP once an amended Gateway Determination has been issued by the Department of Planning and Environment (DPE).

The draft Planning Proposal (as amended) is provided as **Attachment 1 to this report**. The supporting specialist studies contained as **Appendices 1-13** of the Planning Proposal are provided on Council's **website**, due to the size of these documents.

BACKGROUND

The 107 hectare Glenlee site extends across the Camden Local Government Area (LGA) and into the adjoining Campbelltown LGA. The larger portion of the site is within the Campbelltown LGA, whilst all road access to Glenlee is via the Camden LGA. The subject site and the local government boundaries are shown in **Figure 1**.

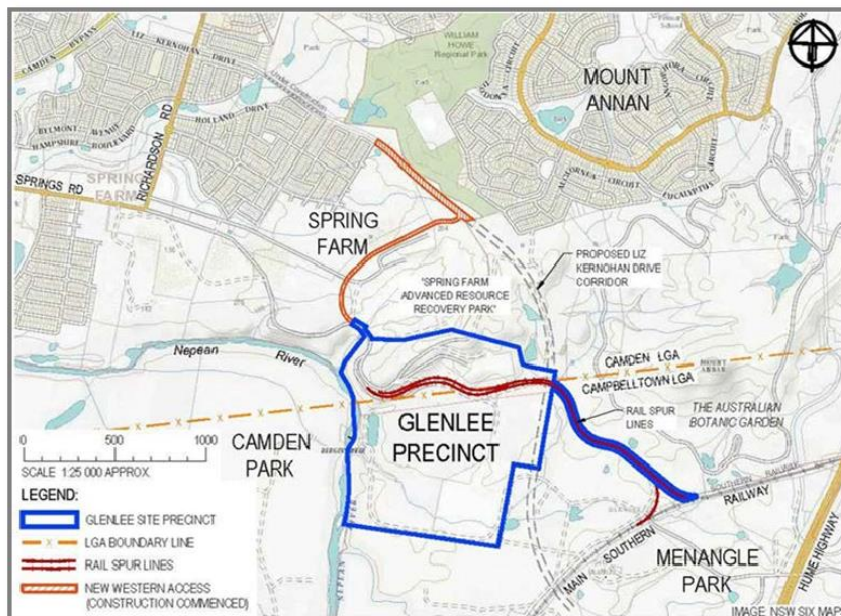


Figure 1: Locality Map (Source: Geolyse)

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ORD03

Attachment 2



The Glenlee site has primarily been used for industrial related purposes for a number of years and currently accommodates the industrial uses of the Sada Services landholding (truck depot, coal washery and reject coal emplacement), Camden Soil Mix (truck depot, green waste and recycling facility) and TRN (truck depot).

In 2012, a draft Planning Proposal for Glenlee was submitted by the proponents, Glenlee Consortium (Sada Services P/L, TRN Group and J & W Tripodi Holdings P/L) to rezone the subject site to IN1 General Industrial, E2 Environmental Conservation and SP2 Infrastructure. At the same time, the proponents lodged a Planning Proposal with Campbelltown City Council for the land that falls within the Campbelltown LGA.

On 23 April, 2013, Council resolved to forward the draft Planning Proposal to the DPE for a Gateway Determination.

A Gateway Determination was issued from DPE on 3 July, 2013 and is provided as **Attachment 2 to this report**. The Gateway required the preparation of 13 specialist studies. The findings of the studies are detailed later in this report.

In addition, the Gateway Determination required consultation with public agencies. Consultation with the public agencies was undertaken in September, 2015 and all necessary changes have been made to the studies.

Councillors were briefed on the proposal on 14 February, 2017.

MAIN REPORT

The Glenlee Planning Proposal has been undertaken as a joint Planning Proposal with Campbelltown City Council. The specialist studies included as appendices to the Planning Proposal have been reviewed by officers of both councils for the purpose of public exhibition.

As a result of the specialist studies undertaken, a number of changes are recommended to the original Gateway Determination received in 2013. These changes are discussed later in the report.

Specialist Studies

The Gateway Determination required the following specialist studies to be undertaken prior to exhibition.

1. Aboriginal Heritage;
2. Air Quality;
3. Bushfire Assessment;
4. Civil Infrastructure;
5. Contamination;
6. Ecological;
7. Land Capability;
8. Non- Indigenous Heritage;
9. Noise & Vibration;
10. Riparian Corridor;
11. Traffic;
12. Visual & Landscape Assessment;
13. Water Cycle Management.

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Overall, the specialist studies recommend the Planning Proposal has merit and any potential impacts can be managed and mitigated.

The findings of the specialist studies are summarised below and have informed the preparation of the site specific DCP. A copy of the draft amendments to Camden DCP 2011 are provided as **Attachment 3 to this report**.

Aboriginal Heritage

The report found the majority of the site has nil to low archaeological value due to the highly disturbed nature of the land. The report identifies four items as having low-moderate significance. Of the four, two were located at the southern end of the site (low potential) and two were located near the northern most road (moderate).

Further consultation with Aboriginal stakeholders and compliance with relevant legislation will be required should future development propose to disturb the items.

Air Quality

The assessment undertaken for air quality and odour found that future industrial uses on the site may have the potential to impact on local air quality dependent upon their operations. However, as current industrial activities cease on site, there is potential to improve the local ambient air quality through a reduction in emissions.

The report recommends that potential future air quality impacts be further considered at the development application stage.

Bushfire Assessment

The site is identified as bushfire prone land. A bushfire assessment was prepared in accordance with *Planning for Bushfire Protection (PBP) NSW Rural Fire Service 2006*.

A combination of bushfire protection measures, based on PBP, is recommended to manage the bushfire threat, which includes the provision of Asset Protection Zones (APZ), adequate access, water supply for firefighting and the installation of utilities.

The assessment found the site is capable of accommodating future industrial development subject to compliance with appropriate bushfire protection measures.

Civil Infrastructure

An assessment of services for potable water, wastewater, gas, power and telecommunications was undertaken with the relevant providers. In summary, the providers advised the required services can be provided to accommodate future industrial development on the site.

Contamination

The site has been used for industrial related purposes. As such, various contamination studies were undertaken. A Phase 1 investigation was undertaken to review the site history and activities in order to identify potentially contaminated areas and associated contaminants of potential concern.



An EPA accredited site auditor has reviewed the contamination studies and agreed with the recommendations in the reports that the Phase 1 investigation is adequate for rezoning. The site auditor has reviewed the remediation strategy and found the proposed remediation approaches acceptable.

Ecological

The ecological assessment concluded the ecological values of the site are highly degraded due to the coal washery activities including the emplacement of reject coal material. The site contains some remnant native vegetation predominantly confined to the riparian zone along the Nepean River and in the northwest of the site.

The study identified three potential ecological corridors within the site. The three ecological corridors are proposed to be zoned as E2 Environmental Conservation with a Vegetation Management Plan (VMP) to be prepared for each of the corridors to allow for further rehabilitation of the native vegetation communities on the site.

Land Capability

The geotechnical studies assessed the coal emplacement area, comprised of fill from washery reject and tailings produced by the coal washery. The studies recommend the geotechnical constraints of the site can be managed by ground treatment and that redevelopment for industrial land use is feasible from a geotechnical perspective.

The draft DCP includes controls to ensure the geotechnical stability of any proposed development on site.

NonIndigenous Heritage

An assessment on the heritage items in the vicinity of the site was undertaken including Glenlee House, Camden Park Estate and the Australian Botanic Garden. The report found the Planning Proposal will have no adverse impact on these heritage items provided appropriate controls and development guidelines are implemented. The recommended controls to minimise adverse impacts on the heritage significance of items are provided in the draft DCP.

Riparian

The riparian corridor study identified three potential biodiversity corridors within the site as per the ecological assessment. Key recommendations of the study conclude that the emplacement batters should be rehabilitated to a riparian/bushland corridor and that the rehabilitated batters will have the potential to take up a biodiversity role.

Traffic

The Gateway Determination imposed a gross floor area (GFA) cap to restrict the quantity of warehousing and industrial development on the site, given the limited road access via the Camden LGA only and the uncertainty as to the timing of new road infrastructure connecting the site to the M31 Hume Motorway. The restriction on the GFA was to ensure traffic generation from the proposal does not exceed the capacity of the existing road network.

The preliminary traffic calculations undertaken prior to Gateway Determination estimated the GFA cap to be set at a total of 12,500m² for warehousing or 10,000m² general industrial use (or a combination of both).

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The detailed traffic study and modelling undertaken at post-Gateway recommends the GFA cap could be increased to 90,000m² subject to further road upgrades to the intersection of Liz Kernohan Drive and Camden By Pass in the short to medium term (by 2021). All other intersections are considered to perform satisfactorily to accommodate projected traffic for 90,000m² of GFA..

The upgrades required in the short to medium term at the intersection of Liz Kernohan Drive and Camden By Pass includes two extensions of the right turn on the eastern and southern approach of the intersection

The proposed GFA cap increase to 90,000m² is supported by Roads and Maritime Services (RMS) and Transport for NSW (TfNSW), subject to conditions. These conditions include that the full scope of intersection works, associated triggers (GFA cap) and a funding mechanism for road upgrade works are identified and agreed between all stakeholders prior to the gazettal of the LEP.

The GFA cap of 90,000m² represents 9ha of the total 73ha of industrial land that may potentially be developed at Glenlee. Further development on the site above the GFA cap of 90,000m² will require the completion of the Spring Farm Parkway to the M31 Motorway.

Short to Medium Term (2017- 2021) Access Strategy

The short to medium term (2017-2021) strategy relies upon the extension of Liz Kernohan Drive to connect to an industrial haul road that is being constructed on the western side of the Spring Farm Advanced Resource Recovery Park (SFARRP), which will connect to the Glenlee site. It is anticipated that these new sections of road will be completed prior to the Glenlee Precinct being developed.

Long Term (2031) Access Strategy

The longterm access strategy of Glenlee assumes the construction of Spring Farm Parkway to the M31 Hume Motorway and Menangle Road. Traffic to and from Glenlee would access the M31 Hume Motorway via Spring Farm Parkway and the new interchange with the Motorway.

Noise and Vibration

The noise and vibration study found that operational noise, based on the expected future development of the site, can be managed with correct site planning and assessment of individual sites to comply with established environmental noise criteria under the Industrial Noise Policy (INP).

The study also provides an acoustic assessment for the residential development located along the Liz Kernohan Drive from the expected traffic volumes associated with warehousing from a proposed GFA cap of 90,000m². The study concludes there is no requirement for additional acoustic treatments to the existing and approved residential development along Liz Kernohan Drive.



Landscape and Visual Assessment

This report provides an assessment of the visual catchment and the landscape character of the adjoining areas including parts of the Australian Botanic Garden, Glenlee House, Camden Park estate and lands within the Menangle Park Masterplan Study Area.

The study recommends development design guidelines and landscape controls be implemented to ensure any proposed development will not result in unacceptable visual and landscape impacts to the State heritage properties, Glenlee House and Camden Park Estate and the Australian Botanic Garden. The recommended design controls have been provided in the draft DCP.

Water Cycle Management

An assessment has been undertaken of the water cycle management of the proposal to ensure quality stormwater targets can be met to prevent potential pollutants being discharged to the nearby Nepean River.

The study recommends a Water Cycle Management Strategy be prepared to accompany development applications to manage the quantity and quality of surface stormwater runoff, stability of the site and to encourage Water Sensitive Urban Design (WSUD). The draft DCP has recommendations from the strategy, which will require all proposed development to satisfy these requirements for stormwater management on the site.

Public Agencies

Following the finalisation of the draft specialist studies and in accordance with the Gateway requirements, Council officers undertook consultation with public agencies.

Consultation was required with 28 public agencies. The consultation raised no outstanding objections to the Planning Proposal, subject to conditions. The public agencies will be further notified during the exhibition period.

Amendments to Gateway Determination

As a result of detailed studies and public agency consultation, it is recommended that a revised Gateway approval be sought from DPE. **Table 1** below outlines the suggested amendments.

Table 1: Proposed Amendments to be sought in a Revised Gateway Determination

Gateway Determination	Existing	Proposed
Zoning	IN1 General Industrial IN2 Light Industrial.	IN1 General Industrial.
	E3 Environmental Management .	E2 Environmental Conservation.

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GFA cap	GFA cap to be set at a total of 12,500m ² for warehousing or 10,000m ² for general industrial use (or a combination of both).	GFA cap to be set at a total of 90,000m ² for warehousing & general industrial use.
Development Standards for Industrial Zoning	FSR 1:1 Building Height - 11m Lot Size – 2000m ² .	FSR - 1:1 Building Height - 12m Lot Size – 2000m ² .

Zoning Amendments

Zoning amendments sought in the revised Gateway include removing the reference to an IN2 – Light Industrial zone and having only the IN1 – General Industrial zone apply to the site. The reference to the IN2 – Light Industrial zone is considered an error in the original Gateway Determination.

The Gateway Determination proposed an E3 – Environment Management zone to apply to riparian and environmentally sensitive lands on the site. The E3 Environmental Management zone is considered unsuitable, as 'dwellings' are a permissible use.

It is recommended that an E2 – Environmental Conservation zone is the more suitable zone to complement the environmental attributes of this land. The Office of Environment and Heritage (OEH) has indicated that it supports the E2 – Environmental Conservation zone.

It is suggested that Council now seek to amend the Planning Proposal with an E2 – Environmental Conservation zone under a revised Gateway Determination.

Increase to GFA Cap

This matter has been addressed under the Traffic section of this report. It is recommended that Council seek a revised Gateway Determination from DPE to increase the GFA cap to 90,000m².

Other Amendments

The maximum building height as issued in the Gateway Determination is proposed to be increased from 11m to 12m. The increase is to ensure consistency with the maximum building height permitted for industrial zones under the LEP controls of Campbelltown City Council.

Proposed Amendments to Camden DCP 2011

A draft amendment relating to Part D (Controls Applying to Specific Land Uses/Activities) of the Camden DCP 2011 has been prepared as a result of the specialist studies commissioned post Gateway Determination. A copy of the draft amendments to Camden DCP 2011 is provided as **Attachment 3 to this report**.



A summary of the key controls proposed in the draft DCP are provided below:

Sites located in both Camden and Campbelltown LGAs

For sites that traverse both Camden and Campbelltown LGAs and where controls are inconsistent, a merit assessment will be undertaken to determine the suitable controls for the proposed development.

Vegetation Management Plan

The first development application on the site will require Vegetation Management Plans (VMPs) to be undertaken in accordance with the ecological study. Compliance with the VMP will be enforced by registered covenant on the title of the development lots.

Geotechnical

Construction of proposed new buildings, roads and footpaths will require a geotechnical study to ascertain the stability of the subsurface and to recommend further proposed geotechnical treatment as may be required.

Visual Impact

A requirement for new buildings or works that may impact on identified view corridors to undertake a visual impact assessment as part of the development application

Exhibition Period

Subject to Council's resolution and a revised Gateway Determination being issued by DPE, the draft Planning Proposal will proceed to public exhibition.

The draft Planning Proposal including the draft DCP will be publicly exhibited for a period of 28 days. The public exhibition will occur concurrently with Campbelltown City Council's Planning Proposal for Glenlee as required under the Gateway Determination.

During the exhibition, the community, including landowners who may be directly impacted by the Proposal, will be notified and have an opportunity to make a submission.

FINANCIAL IMPLICATIONS

There are no direct financial implications for Council as a result of this report.

CONCLUSION

The draft Planning Proposal seeks to rezone the subject land at Glenlee from RU1 – Primary Production to IN1 – Industrial. The draft Planning Proposal is supported by a suite of detailed specialist studies, and a site specific DCP. Formal consultation has also been undertaken with relevant state authorities and public agencies.

As a result of the specialist studies and consultation, it is recommended that Council now seek a revised Gateway Determination from the DPE as outlined in this report.

Subject to DPE issuing a revised Gateway Determination, it is recommended the draft Planning Proposal, draft Camden DCP 2011 (Part D – Glenlee) and supporting specialist studies proceed to public exhibition for a period of 28 days. The public



exhibition will occur concurrently with Campbelltown City Council's Planning Proposal for its land in Glenlee.

Should unresolved submissions be received during the public exhibition period, a further report will be submitted to Council detailing those submissions received.

Should no unresolved submissions be received, the draft Planning Proposal will be forwarded to DPE for the Plan to be made.

RECOMMENDED

That Council:

- i. endorse the amended draft Planning Proposal to be forwarded to the Department of Planning and Environment for a revised Gateway Determination and advise that Council will be using its delegation pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979*; and
- ii. should the amended draft Planning Proposal not receive a revised Gateway Determination, notify the proponent that the amended Planning Proposal will not proceed,
- iii. subject to receiving a favourable response from the Department of Planning and Environment, proceed directly to publicly exhibit the amended Planning Proposal in accordance with the requirements of the Gateway Determination; and
- iv. subject to no unresolved submissions being received,
 - a. forward the draft Planning Proposal - Amendment No. 15, Glenlee to the Department of Planning and Environment for the Plan to be made; and
 - b. grant delegations to the General Manager to adopt the proposed changes to draft Camden DCP 2011 and publically notify the adoption in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations; or
- v. if unresolved submissions are received, require a further report to Council outlining the result of the public exhibition.

Resolution: Moved Councillor C Cagney, Seconded Councillor Campbell that Council:

- i. endorse the amended draft Planning Proposal to be forwarded to the Department of Planning and Environment for a revised Gateway Determination and advise that Council will be using its delegation pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979*;
- ii. should the amended draft Planning Proposal not receive a revised Gateway Determination, notify the proponent that the amended Planning Proposal will not proceed;
- iii. subject to receiving a favourable response from the Department of

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Planning and Environment, proceed directly to publicly exhibit the amended Planning Proposal in accordance with the requirements of the Gateway Determination;

- iv. subject to no unresolved submissions being received;
 - a. forward the draft Planning Proposal - Amendment No. 15, Glenlee to the Department of Planning and Environment for the Plan to be made; and
 - b. grant delegations to the General Manager to adopt the proposed changes to draft Camden DCP 2011 and publicly notify the adoption in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations; or
- v. if unresolved submissions are received, require a further report to Council outlining the result of the public exhibition.

ORD57/17 THE MOTION ON BEING PUT WAS CARRIED

(Councillors Sidgreaves, Symkowiak, Campbell, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

ATTACHMENTS

1. Planning Proposal for Glenlee
2. Gateway determination Glenlee
3. Draft Camden DCP 2011 - Glenlee

Draft Amendment 15 - Glenlee Public Exhibition: Submissions Response Table

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Table 1 - Public Agency Submissions	
Submission	Reference
1. Endeavour Energy	1.1 - 1.3
2. Roads and Maritime Services (RMS) and Transport for NSW (TfNSW)	2.1 - 2.4
3. Office of Environment and Heritage (Environment)	3.1 - 3.21
4. Office of Environment and Heritage (Heritage)	4.1
5. Australian Botanic Garden Mount Annan	5.1 - 5.10
6. Environment Protection Authority	6.1 - 6.11
7. Department of Planning and Environment (Resources and Geoscience)	7.1 - 7.3
8. Sydney Water	8.1 - 8.3
9. WaterNSW	9.1
10. Department of Industry (Water)	10.1 - 10.8
11. Department of Primary Industries (Agriculture Land Use Planning)	11.1
12. NSW Rural Fire Service	12.1 - 12.2
13. Wollondilly Council	13.1
14. Landcom	14.1
15. Fire and Rescue NSW	15.1

Table 2 – Community Submission	
Submission	Reference
Community Submission	1.1

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Table 1 – Public Agency Submissions

Issue	Officer Response	Proposed Action
1.0 Endeavour Energy		
1.1	Endeavour Energy notes that there is an easement over Part Lot 1 DP 405624 (railway spur) benefiting Endeavour Energy.	It is the responsibility of DA applicants to check for other infrastructure or easements before future development occurs. The proponent has been notified of the easement benefiting Endeavour Energy.
	Existing power infrastructure – Glenlee is currently served by Nepean Transmission Substation, which has spare capacity. Existing assets may require removal and or conversion to an underground configuration to suit the arrangement of Glenlee development.	This requirement is relevant to any future development application stage.
1.2	Endeavour Energy requests that all future development applications submit an application for connection of load via Endeavour Energy's Network Connections Branch, which will carry out the final load assessment to determine the method of supply.	This requirement is relevant to any future development application stage.
1.3	Endeavour Energy suggests that Council should adopt a policy of prudent avoidance by the siting of more sensitive uses away from any electricity infrastructure.	This requirement is relevant to any future development application stage.

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	Issue	Officer Response	Proposed Action
	2.0 Roads and Maritime Services (RMS) and Transport for NSW (TfNSW)		
2.1	<p>RMS and TfNSW note that the proposed future Spring Farm Parkway (Stage 2) transverses through the eastern part of the subject site. It is recommended that Council, as the roads authority and planning authority for the subject Planning Proposal, give consideration to requesting the proponent dedicate the section of the Link Road through the site as public road at no cost to the NSW Government.</p> <p>This can be included in a Planning Agreement between Campbelltown City Council, Camden Council and the proponent and executed, prior to the gazettal of the Planning Proposal.</p>	<p>The DPE has confirmed the SFP will be a state road. This means the NSW Government will be responsible for the SFP's acquisition and construction.</p> <p>In the absence of an agreement from TfNSW and RMS to be the acquisition authority, the DPE's advice is to zone the SFP as SP2 'Future road corridor' and delete the proposed land reservation acquisition map. This will enable a state public agency acquisition authority to be identified at a future time (once agreed at a state level).</p> <p>The proponent is currently discussing a proposed planning agreement with DPE, TfNSW and RMS that deals with the dedication of land for the SFP. There is no requirement for Council to be a party to any state planning agreement (as requested by TfNSW and RMS).</p> <p>DPE has also advised Council to identify the site as an 'urban release area' under the Camden LEP 2010. The site's status as an urban release area will trigger the application of</p>	<p>Replace SP2 Infrastructure with SP2 'Future road corridor' for the SFP corridor.</p> <p>Delete land reservation acquisition map.</p> <p>Amend the Planning Proposal to identify the site as an urban release area under Camden LEP 2010.</p>

		<p>clause 6.1 of Camden LEP 2010 'Arrangement for designated State public infrastructure'.</p> <p>Subject to the draft Planning Proposal being finalised, under clause 6.1, development consent cannot be granted for subdivision unless the Director-General (Secretary) of the DPE is satisfied that satisfactory arrangements are in place to contribute towards the provision of identified state infrastructure, including the SFP.</p>	
2.2	<p>RMS and TfNSW note that the access connection from the subject site to / from the future Spring Farm Parkway will be subject to further investigation of this road including environmental studies and a refinement of road design plans.</p>	<p>Noted.</p> <p>The Indicative Layout Plan in the draft DCP be renamed as a Concept Layout Plan to avoid misinterpretation. It is also proposed the draft DCP require the first DA to include a more detailed Indicative Layout Plan (ILP), which will show the proposed locations of roads and road connections. This will allow time for the internal road network in Glenlee to be refined after RMS and TfNSW adopt an alignment of the Spring Farm Parkway.</p> <p>Any future ILP will need to be endorsed by Council after consultation with TfNSW and RMS.</p>	<p>Amend the draft DCP to rename The Indicative Layout Plan an Indicative Concept Plan.</p> <p>Amend the draft DCP and insert a control that requires the applicant create an Indicative Layout Plan (ILP) as part of the first Development Application and that this ILP be approved by Council as part of the Development Assessment process.</p>

2.3	<p>RMS and TfNSW state that the full scope of intersection works at Camden Bypass / Liz Kernohan Drive intersection, associated triggers and funding mechanism should be identified and agreed between all stakeholders (including RMS and TfNSW) prior to the gazettal of the Planning Proposal.</p>	<p>The upgrade of this intersection is a state matter as the Camden Bypass is a state road. The proponent is in discussions with DPE, TfNSW and RMS on a proposed planning agreement for the intersection upgrade works. The DPE have agreed to resolve this matter with the proponent before finalising the Planning Proposal.</p> <p>Council officers recommend a draft clause in Camden LEP 2010 that requires confirmation from the Secretary of the DPE that satisfactory arrangements are in place for delivery of state public infrastructure. This means that development consent must not be granted unless arrangements are in place for the delivery of the upgrade works at the Camden Bypass / Liz Kernohan Drive intersection.</p>	<p>Amend the Planning Proposal to identify the site as an urban release area with a 'Matters to be specifically considered for development at Glenlee' clause under Camden LEP 2010.</p>
2.4	<p>RMS and TfNSW supports the proposed GFA cap of 90,000sqm until such time that the Spring Farm Parkway is extended from the Hume Motorway to the Camden Bypass.</p>	<p>Noted.</p>	<p>No further action required.</p>

Issue	Officer Response	Proposed Action	
3.0 Office of Environment and Heritage (Environment)			
3.1	NSW Office of Environment and Heritage (OEH), in principle, supports the E2 zoning and the three biodiversity corridors. However, modifications are requested to the biodiversity corridors. These are discussed in the following sections.	Council has considered OEH's request for modifications to be made to the three biodiversity corridors. Council officers have also consulted with DPE on this matter. A detailed response to the Office of Environment and Heritage (Environment) are discussed below.	See below.
3.2	<u>Nepean Corridor (Management Zone A)</u> OEH recommends that the biodiversity corridor along the Nepean River be clarified. The width of the corridor appears to be different in various figures of the Riparian Corridor Study and the draft DCP. A 40m wide vegetated riparian corridor is recommended by Office of Water requirements for Nepean River at this location and is considered appropriate for the site. It is recommended that a 100m wide corridor be established along the River within the precinct, particularly as the Nepean River corridor is of high ecological value on a regional scale. The Ecological Assessment (dated March 2009) for the adjoining Menangle Park site, recommended rehabilitating a 100m wide corridor along the Nepean River (measured from the top of bank of the River) and where remnant native vegetation extends more	The riparian corridor width is calculated from the centre of the Nepean River to the highest bank, as recommended in the Riparian Corridor Study. The width of the riparian corridor varies from 75m to over 100m, due to the location of an existing road (that provides the only road access to the site). The road is expected to remain in its current location due to steep topography. This will also limit future environmental impacts. Topography maps have been forwarded to OEH.	No further action required.

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	<p>than 100m from the banks that these areas should be retained. It is suggested a similar approach is applied for the Glenlee Precinct site in relation to the corridor width along the River.</p> <p>Several relevant figures in the draft DCP and Riparian Corridor Study (Riparian Corridor Study) do not include a scale, the scale on Figures 3 and 5 in the RCS is difficult to read so it is unclear what width is proposed?</p>		
3.3	<p>OEH supports the Nepean Corridor being rehabilitated and revegetated but the maintenance of the corridor needs to be ongoing in perpetuity.</p>	<p>A draft DCP control requires compliance with a Vegetation Management Plan (VMP) to be registered on the land title as an 88B restriction when subdivision occurs.</p> <p>In addition to draft DCP controls relating to compliance with a VMP a clause will also be inserted into Camden LEP 2010 that requires the consent authority to consider if adequate environmental protection works have been undertaken on land in Glenlee.</p> <p>The draft VMP is being developed to ensure all Management Zones, not just the Nepean River Corridor, are managed in perpetuity.</p>	<p>No further action required.</p>
3.4	<p><u>East-West Terrestrial Link (Management Zone B)</u> OEH recommends a more continuous east-west link be provided to provide better connections between the Nepean River and the Australian Botanic Garden. This would involve modifications to the Indicative Layout Plan and draft DCP.</p>	<p>Given site constraints, it is not feasible to provide a continuous east-west corridor in this location. The east-west environmental corridor runs through the centre of the site where existing roads are located that provide access to the site. The proponent has advised that, due to topographical constraints,</p>	<p>Amend the Planning Proposal and replace part of the IN1 General Industrial zone with E2 Environmental Conservation zone (north-eastern part of the site).</p> <p>Amend the Planning Proposal and insert a clause into Camden LEP</p>

		<p>the existing road corridors will be retained, with existing roads to be reconstructed (at a future time) to meet public road standards.</p> <p>There is however potential to increase the area of land zoned E2 Environmental Conservation in the north-eastern portion of the site by approximately 7,700m² to include a riparian corridor area. Council officers have consulted with the proponent in relation to this matter.</p> <p>Council officers also recommend a draft clause in Camden LEP 2010 that requires consideration of environmental protection works required as part of the assessment of any future DAs. The proposed clause will strengthen the requirement for the delivery of environmental corridors in conjunction with future DAs for industrial development.</p> <p>In addition, a post-exhibition amendment to the draft DCP is recommended to require DAs for roads that traverse the corridor to give consideration for fauna crossing opportunities.</p>	<p>2010 'Matters to be considered for development at Glenlee' to require assessment of environmental protection works.</p> <p>Amend the draft DCP to require DAs for roads that traverses the east-west corridor, to address opportunities for fauna crossing.</p>
3.5	<p>OEH recommends ongoing weed control and vegetation maintenance is undertaken in perpetuity in the East-West link and details be included in the VMP.</p>	<p>A draft DCP control requires compliance with a Vegetation Management Plan (VMP) to be registered on the land title as an 88B restriction when subdivision occurs.</p>	<p>No further action required.</p>

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		In addition to draft DCP controls relating to compliance with a VMP a clause will also be inserted into Camden LEP 2010 that requires the consent authority to consider if adequate environmental protection works have been undertaken on land in Glenlee.	
3.6	<u>Caleys Creek Corridor (Management Zone C)</u> OEH would prefer that Management Zone C become the main east-west link and incorporate as much shrub and tree layers as will allow.	An east-west link is now provided and the VMP will determine the resultant vegetation for the Caleys Creek Corridor.	No further action required.
3.7	<u>Management Responsibility of Corridors</u> OEH's preference would be for the corridors to remain in public ownership rather than private ownership so that the corridors or that funding and maintenance mechanisms be put in place.	A covenant (88B restriction on the land title) will be required on the title of the site to ensure future vegetation maintenance occurs under private ownership in perpetuity and is consistent with the VMP and the Ecological Study for Glenlee. In addition to draft DCP controls relating to compliance with a VMP a clause will also be inserted into Camden LEP 2010 that requires the consent authority to consider if adequate environmental protection works have been undertaken on land in Glenlee.	Amend the Planning Proposal to insert a clause in Camden LEP 2010 relating to Environmental Protection Works to support the existing above-mentioned control in the draft DCP.
3.8	OEH states that the Planning Proposal should be in accordance with OEH Principles for the Use of Biodiversity Offsets in NSW. The first principle outlines that impacts to native vegetation are avoided first by using prevention and mitigation measures. If impacts are unavoidable, offsets then must be used to address	The Planning Proposal aims to increase vegetation across the site as is exemplified by controls in the draft DCP and proposed post exhibition amendments to the Planning Proposal to introduce a clause to consider	No further action required.

	any remaining impacts to native vegetation.	<p>Environmental protection works. Any clearing of native trees under future Development Applications will be required to comply with the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) subject to the Planning Proposal proceeding.</p> <p>The SEPP will ensure the biodiversity offset scheme (established under the Land Management and Biodiversity reforms) will apply to proposed clearing of native vegetation that exceeds the offset thresholds in urban areas and environmental conservation zones that does not require development consent.</p>	
3.9	<p>OEH recommends the below change to the Development Objectives of D4.5.4 of the draft DCP:</p> <p>9. Promote the conservation of existing bushland and establish or upgrade a continuous fully vegetated corridor to allow for the movement of fauna from the Nepean River through to the Australian Botanic Garden.</p> <p>10. Minimise the impact of development on areas of native vegetation including areas of high biodiversity, archaeological and heritage significance.</p>	<p>A continuous fully vegetated corridor is not achievable due to topography and site access constraints as discussed in Officer Response for 3.4.</p> <p>This recommendation will be incorporated in the draft DCP.</p>	<p>Amend the draft DCP to incorporate controls as per Officer Response.</p> <p>Amend Planning Proposal and replace part of the IN1 General Industrial zone with the E2 Environmental Conservation zone (north-eastern portion of the site only).</p>
3.10	OEH recommends the following changes to the objectives contained in the 'Tree Planting and Biodiversity' section of the draft DCP:	The Planning Proposal aims to increase vegetation across the site as is exemplified by controls in the draft DCP and proposed post exhibition amendments to the Planning Proposal to introduce a clause to consider	No further action required.

	<p>2. To promote the conservation of urban bushland and establish continuous and fully vegetated corridors to allow for the movement of fauna.</p> <p>3. To protect and preserve native vegetation and biological diversity in the Glenlee Precinct in accordance with the principles of ecologically sustainable development including the removal of weed infestations and to avoid first impacts to native vegetation by using prevention and where impacts are unavoidable biodiversity offsets must be used.</p> <p>6 To ensure native vegetation, tree hollows, standing timber and dead wood, topsoil from remnant areas that are to be cleared is relocated and used in the rehabilitation of the E2 conservation areas.</p>	<p>Environmental protection works. A continuous fully vegetated corridor is not achievable due to topography and site access constraints as discussed in Officer Response for 3.4.</p> <p>Any clearing of native trees under future Development Applications will be required to comply with the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) subject to the Planning Proposal proceeding.</p> <p>The SEPP will ensure the biodiversity offset scheme (established under the Land Management and Biodiversity reforms) will apply to proposed clearing of native vegetation that exceeds the offset thresholds in urban areas and environmental conservation zones that does not require development consent.</p>	
3.11	<p>OEH recommends that Management Zone A controls be amended as follows:</p> <p>a. Management Zone A - Nepean River Corridor</p> <p>i. Asset protection zones must not be located within this management zone including vegetation retained for conservation in this zone</p> <p>ii. An ongoing Weed control program in perpetuity and re-vegetation measures are to be implemented to improve the</p>	<p>This recommendation will be incorporated in the draft DCP.</p> <p>This recommendation will be incorporated in the draft DCP.</p> <p>This recommendation will be incorporated in the draft DCP.</p>	<p>Amend the draft DCP to incorporate controls as per Officer Response.</p>

	ecological value of this corridor.		
3.12	<p>OEH recommends that Management Zone B controls be amended as follows:</p> <p>b. Management Zone B - East- West Terrestrial/ink</p> <p>i. Asset protection zones must not be located within this management zone including vegetation retained for conservation in this zone.</p> <p>ii. An ongoing weed control program in perpetuity and re-vegetation measures are to be implemented to improve the ecological value of this corridor, including the existing African Olive weeds are to be removed where practicable, and replaced by native shrub and ground layer species representative of Cumberland Plain Woodland</p>	<p>This recommendation will be incorporated in the draft DCP.</p> <p>This recommendation will be incorporated in the draft DCP.</p> <p>This recommendation will be incorporated in the draft DCP.</p>	<p>Amend the draft DCP to incorporate controls as per Officer Response.</p>
3.13	<p>OEH recommends that Management Zone C controls be amended as follows:</p> <p>c. Management Zone C - Caleys Creek Corridor</p> <p>v. An ongoing weed control program in perpetuity and re-vegetation measures are to be implemented to improve the ecological value of this corridor.</p>	<p>This recommendation will be incorporated in the draft DCP.</p> <p>This recommendation will be incorporated in the draft DCP.</p>	<p>Amend the draft DCP to incorporate controls as per Officer Response.</p>
3.14	<p>OEH recommends that Control 2 be amended as follows:</p> <p>2 A Vegetation Management Plan is to be prepared for Management Zones A, B and C and submitted to and approved by Council with the first development application for the development of land or subdivision within the area of which this draft DCP applies.</p>	<p>This recommendation will be incorporated in the draft DCP.</p>	<p>Amend the draft DCP to incorporate controls as per Officer Response.</p>

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3.15	<p>OEH recommends that Control 3 be amended as follows:</p>		
	<p>3 The VMP must:</p> <p>a. be prepared <i>and include details on each management zone (A, B and C)</i> in accordance with the Ecological Assessment (EA) prepared by Ecological Australia dated 29 April 2016</p> <p><i>f. Show areas of native vegetation that are to be removed so that native vegetation, tree hollows, standing timber and dead wood and topsoil from these areas can be salvaged and relocated to the E2 conservation land prior to earthworks commencing</i></p> <p><i>g. provide details on an ongoing weed control program for the precinct</i></p>	<p>This recommendation will be incorporated in the draft DCP.</p> <p>The Planning Proposal aims to increase vegetation across the site as is exemplified by controls in the draft DCP and proposed post exhibition amendments to the Planning Proposal to introduce a clause to consider Environmental protection works.</p> <p>Any clearing of native trees under future Development Applications will be required to comply with the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) subject to the Planning Proposal proceeding.</p> <p>The SEPP will ensure the biodiversity offset scheme (established under the Land Management and Biodiversity reforms) will apply to proposed clearing of native vegetation that exceeds the offset thresholds in urban areas and environmental conservation zones that does not require development consent.</p> <p>This recommendation will be</p>	<p>Amend the draft DCP to incorporate controls as per Officer Response.</p>

		incorporated in the draft DCP. This recommendation will be incorporated in the draft DCP.	
3.16	OEH recommends that Control 3(d) and (e) be amended as separate controls i.e. 4 and 5.	This recommendation will be incorporated in the draft DCP.	Amend the draft DCP to incorporate controls as per Officer Response.
3.17	<p>The draft DCP requires the RCS to be considered as part of the preparation of the VMP. The RCS recommends preparing the VMP in accordance with the NSW Office of Water Guidelines which requires maintenance for a minimum of 2 years after the completion of works or until 80% survival rate of each species planted and a maximum 5% weed cover for the treated riparian corridor controlled activity is achieved.</p> <p>OEH recommends that controls be incorporated into the draft DCP to ensure this is achieved. This would include maintenance of the corridor in perpetuity.</p>	<p>A covenant (88B restriction on the land title) will be required on the title of the site to ensure future vegetation maintenance occurs under private ownership in perpetuity and is consistent with the VMP and the Ecological Study for Glenlee.</p> <p>In addition to draft DCP controls relating to compliance with a VMP a clause will also be inserted into Camden LEP 2010 that requires the consent authority to consider if adequate environmental protection works have been undertaken on land in Glenlee.</p>	Amend the Planning Proposal to insert a clause in Camden LEP 2010 relating to Environmental Protection Works.
3.18	The key in Figure 4 is missing Management Zone C.	Amend draft DCP and Planning Proposal maps / figures to address minor errors.	Amend draft DCP and Planning Proposal maps / figures to address minor errors.
3.19	<p>OEH recommends that control 4 be amended as follows:</p> <p>Native trees from the relevant local native vegetation community are to be planted every 10m, within the first 3m of the primary street frontage.</p>	This recommendation will be incorporated in the draft DCP.	Amend the draft DCP to incorporate controls as per Officer Response.
3.20	<p>OEH recommends the following controls also be incorporated:</p> <ul style="list-style-type: none"> Standing timber should be salvaged, especially tree hollows and tree trunks (greater than approximately 25- 	The Planning Proposal aims to increase vegetation across the site as is exemplified by controls in the draft	No further action required.

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	<p>30cm in diameter and 3m in length), relocated and used to enhance habitat in E2 land;</p> <ul style="list-style-type: none"> • Dead wood is relocated to E2 land; • Collect seed from native vegetation and use in E2 land; • Native plants (especially juvenile plants) are transplanted where possible from the IN1 land to E2 land; and <p>Top soil from native vegetation areas are cleared and used where appropriate in rehabilitation of E2 land.</p>	<p>DCP and proposed post exhibition amendments to the Planning Proposal to introduce a clause to consider environmental protection works.</p> <p>Any clearing of native trees under future Development Applications will be required to comply with the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) subject to the Planning Proposal proceeding.</p> <p>The SEPP will ensure the biodiversity offset scheme (established under the Land Management and Biodiversity reforms) will apply to proposed clearing of native vegetation that exceeds the offset thresholds in urban areas and environmental conservation zones that does not require development consent.</p>	
3.21	<p>OEH states that the existing Due Diligence Aboriginal Heritage Assessment should not substitute an Aboriginal Cultural Assessment.</p>	<p>The Due Diligence report in this current Planning Proposal is a review of the studies undertaken in the previous Glenlee Study in 2007-2008. The previous studies undertook a Stage 2 Aboriginal Heritage Report in 2008. Given the conditions of the site, and its continued industrial use, the heritage conditions on site are unlikely to change. Note OEH (Heritage Division) has raised no objection to the <i>Due Diligence Aboriginal Heritage Assessment</i> and did not further request an additional Aboriginal</p>	<p>No further action required.</p>

Issue	Officer Response	Proposed Action
4.0 Office of Environment and Heritage (Heritage)		
4.1	Heritage Council recommends that future developments comply with site specific and heritage controls in the draft DCP and the Visual and Landscape Assessment.	The draft DCP includes a control requiring a Visual Analysis Report be submitted with any development application for a building or change in ground level. The report is to be prepared by a suitably qualified consultant and must identify visually prominent areas, potential view corridors and potential view impacts to and from Menangle Park, Glenlee Estate, the Australian Botanic Garden Mount Annan and Camden Park Estate as a result of new buildings or finished landforms.

Cultural Assessment.

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	Issue	Officer Response	Proposed Action
5.0 Australian Botanic Garden Mount Annan			
5.1	<p>Australian Botanic Garden Mount Annan (ABG) recommends that Management Zone B be strengthened to enhance biodiversity outcomes for the east-west link between the Nepean River and ABG.</p>	<p>Given site constraints, it is not feasible to provide a continuous east-west corridor in this location. The east-west environmental corridor runs through the centre of the site where existing roads are located that provide access to the site. The proponent has advised that, due to topographical constraints, the existing road corridors will be retained, with existing roads to be reconstructed (at a future time) to meet public road standards. There is however potential to increase the area of land zoned E2 Environmental Conservation in the north-eastern portion of the site by approximately 7700m² to include a riparian corridor area. Council officers have consulted with the proponent in relation to this matter.</p> <p>Council officers also recommend a draft clause in Camden LEP 2010 that requires consideration of environmental protection works required as part of the assessment of any future DAs. The proposed clause will strengthen the requirement for the</p>	<p>Amend the Planning Proposal and replace part of the IN1 General Industrial zone with E2 Environmental Conservation zone (north-eastern part of the site).</p> <p>Amend the Planning Proposal and insert a clause into Camden LEP 2010 'Matters to be considered for development at Glenlee' to require assessment of environmental protection works.</p> <p>Amend the draft DCP to require DAs for roads that traverses the east-west corridor, to address opportunities for fauna crossing.</p>

		<p>delivery of environmental corridors in conjunction with future DAs for industrial development.</p> <p>In addition, a post-exhibition amendment to the draft DCP is recommended to require DAs for roads that traverse the corridor to give consideration for fauna crossing opportunities.</p>	
5.2	<p>ABG believes that appropriate measures can be undertaken to improve vegetation on the site. ABG would be happy to be involved in the final VMP.</p>	<p>A VMP for the site is required to be submitted with the first development application. ABG will be notified when the first development application is submitted.</p>	<p>No further action required.</p>
5.3	<p>ABG request that any future tree planting seeks to maximise screening of proposed industrial developments.</p>	<p>The draft DCP incorporates multiple controls related to vegetative screening in section 2.3 Environmental Protection Works, 3.1 Visual Impact and 3.4 Landscaping.</p>	<p>No further action required.</p>
5.4	<p>ABG notes that future development may include development which would be inconsistent with Development Objective 6 of the draft DCP which is to ensure that no future development detract from views to and from the surrounding area including the Australian Botanic Garden. The change in height restricts may be inconsistent with the objective.</p>	<p>The proposed increase in height from 9.5m to 12m is considered acceptable and is unlikely to detract from views to and from the surrounding area including the Australian Botanic Garden.</p> <p>The draft DCP will require a Visual Analysis Report with any Development Application that may potentially impact views to and from Australian Botanic Garden Mount Annan.</p>	<p>No further action required.</p>

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5.5	ABG requests that consideration be given to vegetation screening on the eastern side of the development.	<p>It is difficult to provide a vegetation corridor in this location due to the proposed Spring Farm Parkway. Visual impacts of the Spring Farm Parkway will be managed by RMS and TfNSW.</p> <p>The draft DCP may be improved to provide additional on-site vegetation requirements including tree clusters and tree species mix to provide habitat creation and screen buildings.</p>	Amend the draft DCP to incorporate additional objectives and controls to facilitate additional vegetation throughout the site to assist in habitat creation, as well as provide screening.
5.6	ABG notes that odour and dust impacts associated with the existing uses may be reduced because of the Planning Proposal and all future uses will need to be assessed appropriately to mitigate odour and dust.	Noted.	No further action required.
5.7	ABG notes that future uses may result in noise impacts to the picnic shelter area which is approximately 165m from the rail spur and supports controls requiring compliance with the NSW Industrial Noise Policy, EPA and Council's DCP.	Noted.	No further action required.
5.8	ABG would like to explore a 'southern gateway' into the Garden in conjunction with RMS and Councils, which would present an opportunity for future residents to have access to the garden.	This is outside the scope of the Planning Proposal. This may be explored in the detailed planning of the Spring Farm Parkway between ABG, RMS and TfNSW.	No further action required.
5.9	The success of the corridors will require a working relationship with ABG to influence the Spring Farm Parkway design to ensure wildlife movements are achieved.	This is outside the scope of the Planning Proposal. This might be explored in the detailed planning of the Spring Farm Parkway between ABG, RMS and TfNSW.	No further action required.

5.10	ABG would like to work with Councils and other significant natural assets and landowners to achieve important vegetation linkages. A regional cycleway could be achieved which would encourage wildlife movement and provide a recreational amenity for the community.	Noted.	No further action required.
Issue		Officer Response	Proposed Action
6.0 Environment Protection Authority (EPA)			
6.1	<p><u>Avoiding Air Pollution Emissions</u> The Environment Protection Authority (EPA) recommend the following controls be included in the draft DCP to minimise air quality emissions:</p> <ul style="list-style-type: none"> • Land uses that have the potential to generate offensive odour should be sited and designed to prevent odour impacts on adjoining land uses. • Any development that is likely to, or capable of, generating levels of air emissions must comply with the Protection of the Environment Operations Act 1997 and its associated regulations. • A detailed Air Quality Impact Assessment in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DEC 2005) should be undertaken to ensure emissions do not cause adverse impact upon human, the environment and community amenity. 	<p>Air Quality Pollutions and Odours are dealt with in Part B1.17 of the Camden DCP 2011. The EPA has been consulted regarding these controls as part of the exhibition of the Draft Camden DCP 2018.</p> <p>Development that is likely to be impacted upon by atmospheric pollutants and/or odours from existing land uses, may require the undertaking of an odour impact assessment or similar assessment dependent on the type of pollutant being assessed. For odour impact, assessment will be undertaken in accordance with the NSW EPA Draft Policy "Assessment and Management of Odour from Stationary Sources in NSW and Technical Notes".</p>	No further action required.
6.2	<p><u>Managing Exposure to Air Pollution Along Road and Rail Corridors</u> The EPA recommends that careful planning and design should be undertaken to avoid air pollution impacts associated with road and</p>	The guide mentioned here provides principles to improve residential environments along busy roads and rail corridors. This Planning Proposal	No further action required.

	<p>rail corridors. The DPE's <i>Development Near Rail Corridors and Busy Roads – Interim Guide</i> provides principles which can improve residential environments.</p>	<p>is for an industrial area. Controls to improve residential amenity along busy roads and rail corridors are contained in Camden DCP 2011 and related issues are further assessed at the Development Assessment stage. Development Applications will be required to comply with Clause 85 <i>Development adjacent to rail corridors</i> of the Infrastructure SEPP and where applicable obtain concurrence from TfNSW and consider the Interim Construction Noise Guideline.</p>	
6.3	<p><u>Measures to control construction emissions</u> The EPA recommends the draft DCP include:</p> <ul style="list-style-type: none"> • Strategies to minimise the adverse impact of air pollution upon human health, the environment and community amenity by minimising emissions of particles, oxides of nitrogen and volatile organic compounds at all stages of development • Strategies to minimise emissions and impacts from non-road diesel equipment used in construction; and • Measures that minimise or prevents dust emissions from sites. 	<p>This is outside of the scope of the Glenlee Planning Proposal.</p> <p>Emissions are regulated by the State and Federal government.</p>	No further action required.
6.4	<p><u>Measures to minimise transport emissions</u> The EPA recommends that transport studies, plans and development proposals include ways to minimise vehicle and diesel emissions by requiring best practice technologies and operations.</p> <p>The EPA also advises that access should only be permitted to diesel locomotives with the lowest practicable noise levels and best practice technology to minimise emission standards.</p>	<p>This is outside of the scope of the Glenlee Planning Proposal.</p> <p>Emissions are regulated by the State and Federal government.</p>	No further action required.

6.5	<p><u>Distributed power generation from local combustion sources</u> The EPA recommends that the draft DCP include a provision that requires any such proposals should meet best practice in relation to the management and control of ozone and particle precursors (NOx, sulphur oxides, VOC and particulates). See the EPA's: <i>Interim Nitrogen Oxide Policy for Cogeneration in Sydney and the Illawarra</i>.</p>	<p>This is outside of the scope of the Glenlee Planning Proposal.</p> <p>Emissions are regulated by the State and Federal government. This matter should be considered more broadly than the Glenlee precinct. The EPA has been consulted as part of the public exhibition of the Draft Camden DCP 2018.</p>	No further action required.
6.6	<p><u>Water Quality</u> The EPA recommends that the rezoning meet the contemporary targets for the receiving waterways. It was recommended that the Camden Growth Centres DPC stormwater targets be incorporated.</p> <p>In the absence of these standards it is recommended that the following objectives be incorporated:</p> <ul style="list-style-type: none"> Promote development that maintains or restores the community's uses and values of waterways (including human and environmental health) through the achievement of the relevant NSW Water Quality and Flow Objectives; and Promote integrated water cycle management that holistically considers and drives investment in sustainable water supply, reuse, wastewater, and stormwater infrastructure to deliver multiple benefit outcomes for the community. 	<p>This is outside of the scope of the Glenlee Planning Proposal.</p> <p>The draft DCP requires compliance with Council's Engineering Design Specifications which sets water quality targets for the LGA (excluding the South West Growth Area).</p> <p>This matter should be considered more broadly than the Glenlee precinct. The EPA has been consulted as part of the public exhibition of the Draft Camden DCP 2018.</p> <p>The EPA have been consulted on the Draft Camden DCP 2018.</p>	No further action required.
6.7	<p><u>Noise</u> The EPA recommends that a validation phase be implemented to allow detailed acoustic design input into Subdivision Plans, Construction Certificate Plans and Specifications.</p>	Conditions of Consent after a Development Application is approved already requires noise be monitored.	No further action required.

6.8	<p><u>Contamination – Alterations to controls</u> The EPA recommends the following amendments to the draft DCP:</p> <ul style="list-style-type: none"> Where remediation is required, a Remediation Action Plan (RAP), prepared by an appropriately qualified person must be lodged with the development application. - EPA recommends that Council consider the use of "certified consultants" rather than use of "appropriately qualified consultants". See Notes #1 below for details. 	Changes will be made to the term qualified and it will be replaced with certified.	Amend the draft DCP to replace the word "qualified" with "certified" when referencing who can prepare a Remediation Action Plan.
6.9	<p><u>Contamination – New controls</u></p> <p>The EPA recommends inclusion of additional contamination controls in the draft DCP:</p> <ol style="list-style-type: none"> Any contaminated land that is identified should be appropriately managed for reducing the risk of harm to human health or any other aspect of the environment. In cases where land is potentially contaminated, the investigation and any remediation and validation work should be carried out in accordance with the guidelines made or approved by the EPA under Section 105 of the Contaminated Land Management Act 1997. The following guidance should be considered: <ul style="list-style-type: none"> Technical Note: Investigation of Service Station Sites, 2014 http://www.epa.nsw.gov.au/publications/contaminatedland/140315servstatsites <ul style="list-style-type: none"> NSW EPA Sampling Design Guidelines http://www.epa.nsw.gov.au/resources/lcm/95059sampgdline.pdf Guidelines for the NSW Site Auditor Scheme (2nd edition) 2006 http://www.epa.nsw.gov.au/resources/lcm/auditorlines06121.pdf <ul style="list-style-type: none"> Guidelines for Consultants Reporting on Contaminated Sites, 2011 http://www.epa.nsw.gov.au/resources/lcm/20110650c 	<p>There are existing controls under Part B Camden DCP 2011 which adequately address contaminated land.</p> <p>The site has been used for various industrial purposes, as such various contamination studies have been undertaken.</p> <p>A Phase 1 investigation was undertaken to review the site history and activities in order to identify potentially contaminated areas and associated contaminants of potential concern.</p> <p>An EPA accredited site auditor has reviewed the contamination studies and agreed with the recommendations in the reports that the Phase 1 investigation is adequate for rezoning. The site auditor has reviewed the remediation strategy and found the proposed remediation approaches acceptable.</p>	No further action required.

	<p>onsultantsglines.pdf</p> <ul style="list-style-type: none"> • The National Environment Protection (assessment of contamination) Measures 2013 as amended. <p>c. Consideration should be given to the use of site auditor accredited under the CLM Act to audit the suitability of the land for the proposed use. Furthermore, it is recommended that a site auditor be engaged to review the adequacy of all investigation, remediation and management plans and actions for future developments.</p> <p>d. Prior to any intrusive activities (for example, excavation), an unexpected finds protocol should be prepared for the site. The protocol/plan should include parties who will be responsible in implementing this protocol or the roles and responsibilities for all parties involved. (NB: Although investigations have been conducted at the site to identify potentially contaminated areas, the EPA considers that there is a potential risk for finding unknown materials or to encounter higher contamination levels during excavation or remediation work at the site).</p> <p>e. An Asbestos Monitoring Program should be prepared for the site, since there is potential that asbestos could be encountered at the site. This program should be prepared by a qualified hygienist or other suitably qualified professional. It should include details on the location and frequency of monitoring to be undertaken, trigger levels and trigger level actions and notification protocols.</p> <p>f. Provision that any proponent applying for a development consent, must ensure that the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site to result in significant contamination [note that this would render the proponent the 'person responsible' for the contamination under section 6(2) of CLM Act].</p>	<p>This matter should be considered more broadly than the Glenlee precinct. The EPA has been consulted as part of the public exhibition of the Draft Camden DCP 2018.</p>	
6.10	<p><u>Waste Management</u></p> <p>The EPA recommends detailed provisions for waste management</p>	<p>This is outside of the scope of the Glenlee Planning Proposal.</p>	<p>No further action required.</p>

be incorporated into the draft DCP:

1: Environmental sustainability and best practice

Developments will meet requirements for long-term environmental sustainability and best practice when:

- systems are designed to maximise waste separation and resource recovery.
- innovative and best practice waste management collection systems and technologies are considered and supported where appropriate.
- flexibility in design allows for future changes in waste generation rates, materials collected and methods of collection.

2: Effective waste and resource management

Developments will achieve effective waste and resource management when:

- waste services are provided in a seamless and timely manner.
- collection points, street widths and street configurations, especially in new subdivisions and precinct developments, allow for waste to be removed safely and conveniently.
- the distance residents must travel to dispose of waste is minimised and access is safe and easy for all residents.
- functional and convenient storage spaces are provided for waste and recycling, including temporary storage areas for bulky materials like cardboard boxes and bulky household waste.

3: Clean, safe and healthy living environments

Developments will protect and enhance the quality of life for the community when:

- negative impacts on amenity for residents, neighbours and the public, such as visually unpleasant waste storage areas, noise from waste collection including traffic noise and bad odours, are minimised.

Waste management is dealt with in B1.9 of Camden DCP 2011.

This matter should be considered more broadly than the Glenlee precinct. The EPA has been consulted as part of the public exhibition of the Draft Camden DCP 2018.

	<ul style="list-style-type: none"> illegal dumping and litter from bins are minimised through good planning and installation of adequate storage and waste recovery infrastructure. safe and easy access to waste and recycling storage areas is provided for residents, tenants, building managers and collection contractors. <p>4: Affordability Developments will provide affordable living and working when:</p> <ul style="list-style-type: none"> careful design and construction prevents costly retrofits. operational waste management is cost-effective for residents and tenants. 		
6.11	<p><u>Coal Seam Gas</u> The EPA recommends appropriate measures to be put in place to manage coal seam gas infrastructure on site.</p>	State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) regulates CSG.	No further action required.

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	Issue	Officer Response	Proposed Action
7.0 Department of Planning and Environment (Resources and Geoscience)			
7.1	Notes that Coal and petroleum resources are present and held under titles (EL4470, AUTH248, AUTH281 and PPL4) and these holders should be consulted.	The proponents have been notified of the holder rights regarding resources below ground.	No further action required.
7.2	States that Menangle Park Sand and Soil Proposal holds a consent over part of the area until 2022. Council would need to be satisfied that future development of the subject site does not impact on potential quarry operations or vice versa.	This is a matter relevant to a future DA stage.	No further action required.
7.3	States that the Mining SEPP 2007 will prevail over any inconsistency within the LEP regarding extractive activities, both underground and open cut.	Noted.	No further action required.

Issue		Officer Response	Proposed Action
8.0 Sydney Water			
8.1	Sydney Water note that there is currently no existing water or wastewater infrastructure to service the proposed development.	Noted. An assessment of services for potable water, wastewater, gas, power and telecommunications was undertaken with the relevant providers. In summary, the providers advised the required services can be provided to accommodate future industrial development on the site.	No further action required.
8.2	Sydney Water state that they will undertake an Option Assessment on servicing the proposed site and surrounding areas. More information about the delivery of the infrastructure will be available in late May 2018	Noted.	No further action required.
8.3	Sydney Water requests that the proponent submit a staging plan for any upgrade requirements of the existing networks to service the proposed development.	Further consultation will take place with Sydney Water at any future development application stage.	No further action required.

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Issue	Officer Response	Proposed Action
9.0 WaterNSW		
9.1	WaterNSW notes the proposal does not fall within Sydney Drinking Water Catchment and is not close enough to the proximity of the WaterNSW Upper Canal to raise concerns of having any impact. On this basis, no objection is raised.	Noted.
		No further action required.

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Issue	Officer Response	Proposed Action	
10.0 Department of Industry (Water)			
10.1	Department of Industry – Water (DOI Water) provides in principle support for the establishment of 3 biodiversity corridors in the precinct.	Noted.	No further action required.
10.2	DOI Water notes that a riparian corridor to the north-east corner of the site is not included in the E2 zone and is inconsistent with DOI Water's water guidelines. DOI Water recommends that the zoning map and ILP be amended to include a continuous E2 zone, and that the VMP include the north-eastern corridor.	<p>Given site constraints, it is not feasible to provide a continuous east-west corridor in this location. The east-west environmental corridor runs through the centre of the site where existing roads are located that provide access to the site. The proponent has advised that, due to topographical constraints, the existing road corridors will be retained, with existing roads to be reconstructed (at a future time) to meet public road standards.</p> <p>There is however potential to increase the area of land zoned E2 Environmental Conservation in the north-eastern portion of the site by approximately 7700m² to include a</p>	<p>Amend the Planning Proposal and replace part of the IN1 General Industrial zone with E2 Environmental Conservation zone (north-eastern part of the site).</p> <p>Amend the Planning Proposal and insert a clause into Camden LEP 2010 'Matters to be considered for development at Glenlee' to require assessment of environmental protection works.</p> <p>Amend the draft DCP to require DAs for roads that traverses the east-west corridor, to address opportunities for fauna crossing.</p>

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		<p>riparian corridor area. Council officers have consulted with the proponent in relation to this matter.</p> <p>Council officers also recommend a draft clause in Camden LEP 2010 that requires consideration of environmental protection works required as part of the assessment of any future DAs. The proposed clause will strengthen the requirement for the delivery of environmental corridors in conjunction with future DAs for industrial development.</p> <p>In addition, a post-exhibition amendment to the draft DCP is recommended to require DAs for roads that traverse the corridor to give consideration for fauna crossing opportunities.</p>	
10.3	DOI Water also recommends that advice be obtained from other government agencies in relation to viability requirements for the east-west corridor.	<p>Submission has been received from OEH (Environment), Australian Botanic Garden Mount Annan and other relevant agencies and Council has addressed the issue with the requirement of a VMP for the east-west corridor.</p> <p>A covenant (88B restriction on the land title) will be required on the title of the site to ensure future vegetation maintenance occurs under private ownership in perpetuity and is consistent with the VMP and the Ecological Study for Glenlee.</p>	Amend the Planning Proposal to insert a clause in Camden LEP 2010 relating to Environmental Protection Works.

		In addition to draft DCP controls relating to compliance with a VMP a clause will also be inserted into Camden LEP 2010 that requires the consent authority to consider if adequate environmental protection works have been undertaken on land in Glenlee.	
10.4	DOI Water support the rehabilitation of Caleys Creek to mimic a naturalised system and the provision of an 80m wide corridor. DOI Water also encourages the establishment of as much shrub and tree layer planting on the emplacement batters of the Caleys Creek as the planting medium will allow.	Noted.	No further action required.
10.5	Management Zone C is missing from the legend in Figure 4 of the draft DCP.	Amend draft DCP and Planning Proposal maps / figures to address minor errors.	Amend draft DCP and Planning Proposal maps / figures to address minor errors.
10.6	DOI Water considers that public ownership of the riparian corridors fronting waterfront land as the most effective mechanism for ensuring the appropriate long-term management of these areas. The Riparian Corridor Study mentions that management of the corridors could be under Community Title. DOI Water recommends that this option be pursued by Council and that the applicant provide details on how the management and maintenance of the corridors will be funded.	<p>A covenant (88B restriction on the land title) will be required on the title of the site to ensure future vegetation maintenance occurs under private ownership in perpetuity and is consistent with the VMP and the Ecological Study for Glenlee.</p> <p>In addition to draft DCP controls relating to compliance with a VMP a clause will also be inserted into Camden LEP 2010 that requires the consent authority to consider if adequate environmental protection works have been undertaken on land in Glenlee.</p>	No further action required.

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10.7	DOI Water supports the change from E3 to E2 zoning.	Noted.	No further action required.
10.8	Groundwater impacts should be addressed in the draft DCP.	The draft DCP requires compliance with Council's Engineering Design Specifications which establishes water quality targets for the LGA (excluding the South West Growth Area). Salinity Management is also addressed in B1.3 of Camden DCP 2011.	No further action required.

Issue

Officer Response

Proposed Action

11.0 The Department of Primary Industries (Agriculture)

11.1	The Department of Primary Industries – Agriculture Land Use Planning have no objection to the proposed Planning Proposal.	Noted.	No further action required.
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Issue	Officer Response	Proposed Action
12.0 Rural Fire Service		
12.1	The Rural Fire Service has considered the Planning Proposal and raised no objections and reiterates previous advice on setback requirements for Forested Wetlands and that the proposal comply with Bushfire Protection 2006.	Noted.
12.2	The Rural Fire Service request that the aims of Planning for Bushfire Protection 2006 be considered in future development applications.	Noted all future Development Applications to comply with Bushfire Protection 2006.
No further action required.	No further action required.	

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Issue	Officer Response	Proposed Action
13.0 Wollondilly Council		
13.1	Wollondilly Council raise no objections to proposal.	Noted.
		No further action required.

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Issue		Officer Response	Proposed Action
14.0 Landcom			
14.1	Landcom raises no objections to proposal.	Noted.	No further action required.

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	Issue	Officer Response	Proposed Action
15.0 Fire and Rescue NSW	<p>15.1 FRNSW offer the following information to enable the minister to review the Planning Proposal and determine if FRNSW are adversely affected by the proposed instrument.</p> <p>Please note that it is FRNSW expectation that Council will fulfil their legislated responsibility under Clause 142 of the Local Government Regulation 2005 and:</p> <ol style="list-style-type: none"> 1. install hydrants in its water mains at such convenient distances and at such places as may be necessary for the ready supply of water to control and extinguish fires, and 2. maintain the hydrants in effective working order. <p>Further it is FRNSW's expectation that Sydney Water will in accordance with Subdivision 4 of the Water Management Regulation 2011, install fire hydrants in water mains at such convenient distances as are necessary to control and extinguish fires and at all times keep the water main charged with water.</p>	<p>Water services for firefighting are relevant to any future development application stage.</p>	<p>No further action required.</p>

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Table 2 – Community Submission

	Issue / Comment	Officer Response	Proposed Action
1.0 Community Submission 1 of 1			
1.1	<p>Request that the rail siding in Glenlee be used for commuter rail transport. This would include the construction of a commuter rail station and carpark.</p> <p>There is currently insufficient public transportation servicing this part of Sydney. The use of the railway would reduce air pollution and provide an environmentally friendly way to travel for the community.</p>	<p>The issue raised is a matter for the State government regarding the provision of public transport. It is outside the scope of the draft Planning Proposal to address this matter. The existing rail siding could continue to be used for freight.</p>	<p>No further action required.</p>

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

Part D – Controls Applying to Specific Land Uses/Activities

Section 4.5 Site Specific Industrial Controls

INSERT: Subsection - D4.5.4 Glenlee Precinct

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

1.0 Introduction and Application of this Subsection

The Glenlee Precinct is an Urban Release Area located to the south east of Spring Farm and is bound by Menangle Park to the east and Camden Park to the west. The Glenlee Precinct is partly within the Camden Local Government Area (LGA) and partly within the Campbelltown LGA. Accordingly, this subsection forms part of the following Development Control Plan (DCP):

- Camden Development Control Plan 2011

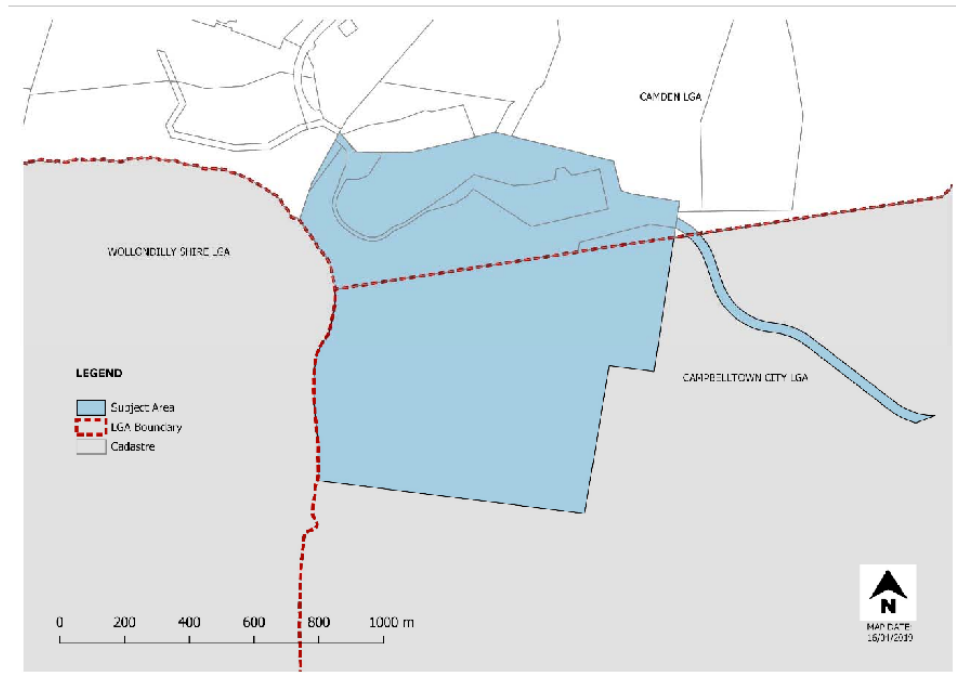


Figure 1: Where this Subsection Applies

The site comprises a raised coal emplacement platform with steep embankments on three sides (western, southern and eastern). A rail siding connects the northern part of the site with the Main Southern Railway line, and the western boundary adjoins the Nepean River. A riparian / environmental protection corridor runs along the western and southern perimeter of the site.

The controls in this subsection relate to the land contained within the Camden LGA only.

Where a development site falls within both LGAs the relevant control in each of the respective DCPs must be considered. A separate Development Application will need to be submitted concurrently to each Council with works proposed in each LGA clearly identified. It is recommended that a pre-DA be submitted for development that falls within both Councils.

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

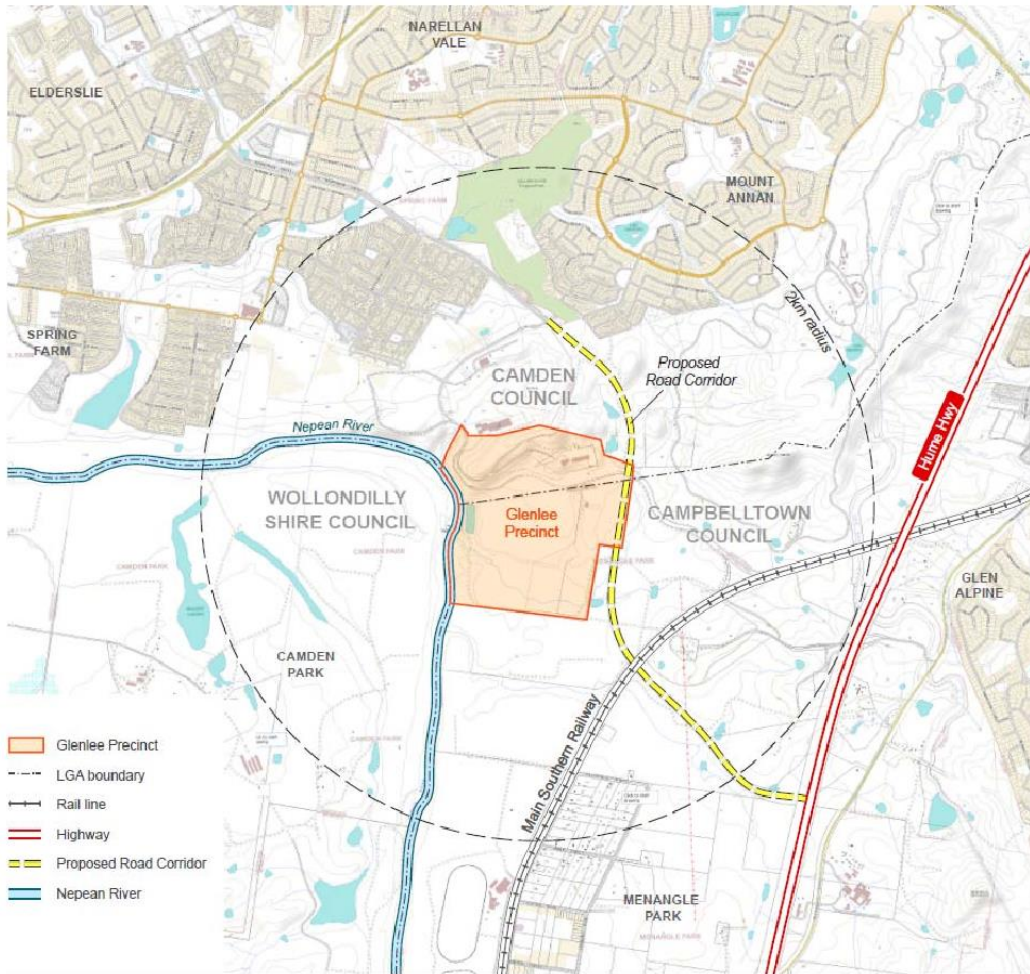


Figure 2: Site and Surrounds

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

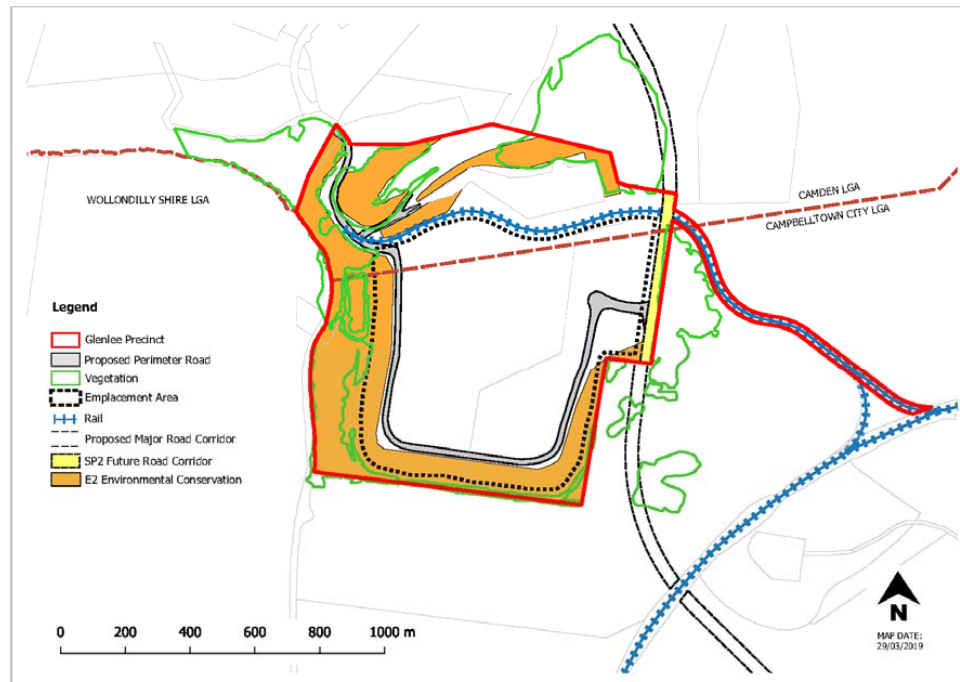


Figure 3: Location of Important Precinct Features

1.1 Desired Future Character Statement

Objectives

1. The Glenlee Precinct (the Precinct) will be an employment area with a mix of sustainable land uses within the landscape context of its elevated position, the Nepean River and the Australian Botanic Garden Mount Annan. These land uses will complement new residential areas currently being released, residential areas proposed to be released, existing rail infrastructure and proposed road infrastructure including the Spring Farm Parkway connection to the M31 Hume Motorway.
2. The Precinct will consist of a variety of industrial, warehouse and logistic development in a vegetated landscaped setting.
3. Landscaping will be incorporated throughout the Precinct to respond to sensitive cultural landscapes and form a distant backdrop when viewed from the M31 Hume Motorway, surrounding residential areas and the Australian Botanic Garden Mount Annan.

1.2 Development Objectives

Objectives

1. Facilitate new development and industries such as industrial, warehousing, logistic activities and the like, that meet the environmental management objectives contained in Part B of this DCP.
2. Provide a framework that will lead to a high standard of development in the Glenlee Precinct, encouraging local employment and creating an area which is pleasant, safe and efficient to work in.
3. Ensure that development takes account of the physical nature of the local environment, particularly the Nepean River, ridgelines and the natural landscape.

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

4. Ensure that development does not result in pollution of waterways, particularly the Nepean River, and protects, restores and enhances riparian corridors.
5. Promote the development of a visually attractive physical environment where the form, scale, colour, shape and texture of urban elements are managed in a way that will achieve an aesthetically pleasing place.
6. Developments must not further detract from views to and from surrounding areas, particularly Menangle Park, Glenlee Estate, Australian Botanic Garden Mount Annan and Camden Park Estate.
7. Ensure the stability of the Emplacement Area (see Figure 3) and stabilisation of embankments through revegetation.
8. Establish environmental criteria and controls for development within the area to ensure that the environmental qualities of adjoining areas are not compromised.
9. Promote the conservation of existing bushland and establish a vegetated corridor to allow for the movement of fauna from the Nepean River through to the Australian Botanic Garden Mount Annan.
10. Minimise the impact of development on areas of native vegetation including areas of high biodiversity, archaeological and heritage significance.
11. Encourage private ownership and maintenance of vegetated / landscaped areas throughout the Precinct.
12. Ensure a legible, safe and convenient pedestrian and cycle network, connecting with networks external to the Precinct.
13. Allow suitable vehicular, pedestrian and cycle connectivity to and from the site including the Macarthur Regional Recreational Trail (see below Note).

Note

A copy of The Macarthur Regional Recreational Trail Concept Report prepared by Clouston Associates dated November 2008 can be obtained by contacting Council.

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

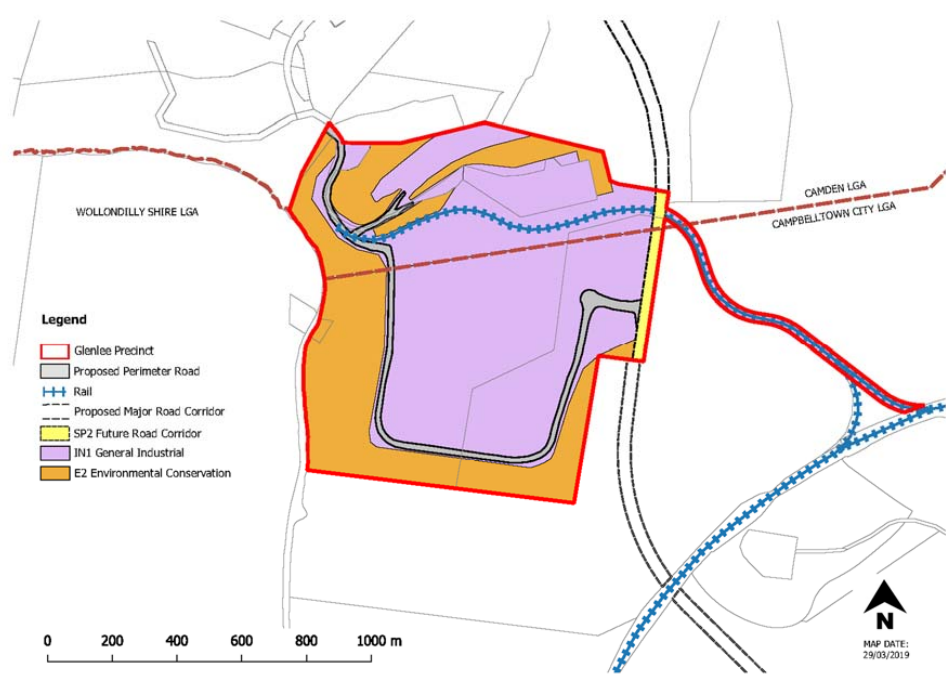


Figure 4: Glenlee Indicative Concept Plan

1.3 Related Studies

This section must be read in conjunction with the following supporting documents. These must be considered when preparing a development application:

1. Visual and Landscape Assessment prepared by Musecape dated October 2016
2. Riparian Corridor Study prepared by AECOM dated 16 May 2016
3. Water Cycle Management Strategy prepared by AECOM dated 13 May 2015
4. Ecological Assessment prepared by Ecological Australia dated 29 April 2016
5. Bushfire Assessment prepared by Ecological Australia dated 29 April 2016 and Addendum 9 November 2016
6. Land Capability Statement - Geotechnical Report prepared by AECOM dated 20 May 2016
7. Traffic Impact Assessment prepared by AECOM dated 20 May 2016 and Addendum September 2016
8. Aboriginal Heritage Due Diligence Assessment prepared by Cultural Heritage Connections dated July 2014
9. Non-Indigenous Heritage Assessment prepared by Musecape dated 24 July 2014
10. Air Quality Assessment prepared by AECOM dated 13 May 2016

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

11. Civil Infrastructure Report prepared by AECOM dated 13 May 2016
12. Remediation Strategy prepared by AECOM dated 13 May 2016
13. Phase 1 Contamination Assessment prepared by AECOM dated 13 May 2016
14. Phase 2 Contamination Assessment prepared by AECOM dated 13 May 2016
15. Noise and Vibration Impact Assessment prepared by AECOM dated 6 May 2015

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

2.0 Planning and Design**2.1 Subdivision, Lot Design and Development****Objectives**

1. Ensure the creation of lots does not impact adversely on natural and cultural features, existing biodiversity and views and vistas of heritage items.
2. Ensure that development occurs in a logical and staged manner.
3. Ensure that any development that may take place prior to any subdivision does not compromise the intended urban design outcome.
4. Ensure provision of a perimeter road that provides a bushfire asset protection zone, a legible road spine and the opportunity for buildings to address the E2 Environmental Conservation Zone.
5. Minimise the number of access points to major roads, whilst facilitating appropriate connectivity and permeability for all transport modes including pedestrians.

Controls

1. Development must be consistent with the Indicative Concept Plan (Figure 4) and any Council approved Indicative Layout Plan for the site.
2. The first Development Application must include an Indicative Layout Plan (ILP) for the approval of both Camden and Campbelltown Councils. The ILP will form the basis for urban development in the Precinct, including how the Precinct will be developed over time.
3. Development applications for the site must show the vegetation Management Zones described in 2.3 Environmental Protection Works.
4. Development must ensure:
 - (a) proposed roads and driveways are connected to the perimeter road.
 - (b) that development of roads facilitates the development of adjoining lots.
 - (c) an attractive frontage to adjoining vegetation Management Zones or open space land.
 - (d) opportunities for passive surveillance to the public domain.
5. Perimeter public roads must be subject to significant landscape treatment in accordance with an approved Vegetation Management Plan and be compatible with any bushfire management requirements.
6. Battle-axe allotments must be avoided, where possible.
7. Where a Strata or Community Title subdivision is proposed, parking, landscaping, access areas and directory board signs must be included as common property.

 4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

2.2 Stormwater Management

Objectives

1. To manage the quantity and quality of surface stormwater run-off.
2. To manage flooding and stormwater run-of.
3. To require the implementation of Water Sensitive Urban Design (WSUD) strategies.
4. To ensure the geotechnical stability of future developments and Council infrastructure within the site.

Controls

1. Development applications must comply with Camden Council's Engineering Design and Construction Specifications for controls relating to detention, drainage and Water Sensitive Urban Design, unless an alternative holistic and sustainable strategy is prepared and approved by Council.
2. On contaminated land, on-ground WSUD elements such as bio-retention facilities are not suitable unless the land is remediated and validated.
3. A comprehensive drainage system must be installed within the Precinct, particularly in the Emplacement Area and shallow fill areas to manage potential risk. The drainage system must:
 - (a) efficiently manage the perched water table and any recharge.
 - (b) be designed and constructed to limit embankment erosion, run off and loss of debris from the site.
 - (c) form part of the integrated water cycle management strategy.

Related Studies

Refer to the Water Cycle Management Strategy prepared by AECOM dated 13 May 2015 when considering site specific methods to manage stormwater and pollution control.

2.3 Environmental Protection Works

Objectives

1. To protect, restore and enhance the environmental qualities of water courses, in particular the Nepean River.
2. To promote the conservation of urban bushland and establish vegetated corridors to allow for the movement of fauna.
3. To protect and preserve native vegetation and biological diversity in the Glenlee Precinct in accordance with the principles of ecologically sustainable development including the removal of weed infestations.
4. To maintain and enhance the ecological values within the Precinct and corridors for fauna and flora through revegetation and restoration work.
5. To ensure that all embankments are stabilised with vegetation and bush regeneration.
6. To ensure that adequate soil is provided or available to support landscaping required by this DCP.

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

Controls

1. A Vegetation Management Plan (VMP) must be submitted to Council for approval with the first Development Application for Management Zones A, B and C.
2. Environmental protection works must be carried out in accordance with the VMP.
3. The VMP must be registered on the title of all lots identified as "Glenlee" on the Urban Release Area Maps (Camden Local Environmental Plan 2010) requiring compliance with the VMP.
4. The VMP must:
 - (a) Include details on each management zone (A, B and C).
 - (b) specify what soil works are to be undertaken to support landscaping required to stabilise embankments and screen the site from views from surrounding areas.
 - (c) specify a vegetation landscape buffer along the boundaries of the Precinct in accordance with Control 2 under 3.1 Visual Impact.
 - (d) show areas of vegetation that are to be fenced off and protected when earthworks and civil works are to be undertaken in close proximity.
 - (e) provide details on an ongoing weed control program for the precinct.
5. All roads that traverse vegetation Management Zones must consider fauna crossings.
6. The management of flora, fauna and the riparian corridors must be in accordance with the requirements below. The relevant locations of the Management Zones are contained in Figure 5:
 - (a) Management Zone A – Nepean River
 - (i) Bushfire asset protection zones must not be located within this Management Zone including vegetation retained for conservation in this zone.
 - (ii) An ongoing weed control program in perpetuity and revegetation measures are to be implemented to improve the ecological value of this corridor.
 - (iii) Planting mix is to comprise both upper storey (tree) and lower storey (shrubs and grasses) vegetation using local endemic species.
 - (iv) Undertake soil erosion control during construction, and maintain as required, to prevent sediment flow into this zone.
 - (v) Use of spray grass, hydro seeding geo fabrics or jute weed matting to minimise the loss of top soil while plant establishment takes place must be considered during construction. These management measures must be detailed in the Construction Certificate plans.
 - (vi) Water storage dams and related pumping infrastructure is to be located outside the conservation area.
 - (b) Management Zone B – East West Terrestrial Link
 - (i) Bushfire asset protection zones must not be located within this Management Zone including vegetation retained for conservation in this zone.
 - (ii) An ongoing weed control program in perpetuity and revegetation measures are

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

to be implemented to improve the ecological value of this corridor, including existing African Olive weeds are to be removed and replaced by native shrub and ground layer species representative of Cumberland Plain Woodland.

- (c) Management Zone C – Caley's Creek Corridor
- (i) A riparian corridor must be applied from the Caley's Creek watercourse to the top of the Emplacement Area, where the Creek is present or on the boundary of the Precinct (see Figure 3, Figure 5 and Figure 6).
 - (ii) Soil remediation is to be undertaken in this area to encourage growth of Cumberland Plain or River-Flat Eucalypt Forest community.
 - (iii) Restoration planting adjacent to the watercourse should comprise of plants in of the River-Flat Eucalypt Forest community.
 - (iv) Embankments must planted with a vegetation community reflective of the locality and be able to adapt to soil conditions and slope.
 - (v) The vegetation on the top of the Emplacement Area must comply with Bushfire Asset Protection Zone requirements.
 - (vi) An ongoing weed control program in perpetuity and revegetation measures are to be implemented to improve the ecological value of this corridor.

Note

Clause 6.6 of the Camden LEP 2010 sets out the matters to be considered by Council to determine if environmental protection works must be undertaken in conjunction with a development.

Related Studies

The recommendations contained in the following documents are to be used to inform the preparation of the Vegetation Management Plan:

- Ecological Assessment prepared by Ecological Australia dated 29 April 2016;
- Riparian Corridor Study prepared by AECOM and dated 16 May 2016;
- Remediation Strategy prepared by AECOM dated 13 May 2016;
- Phase 1 Contamination Assessment prepared by AECOM dated 13 May 2016; and
- Phase 2 Contamination Assessment prepared by AECOM dated 13 May 2016.

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

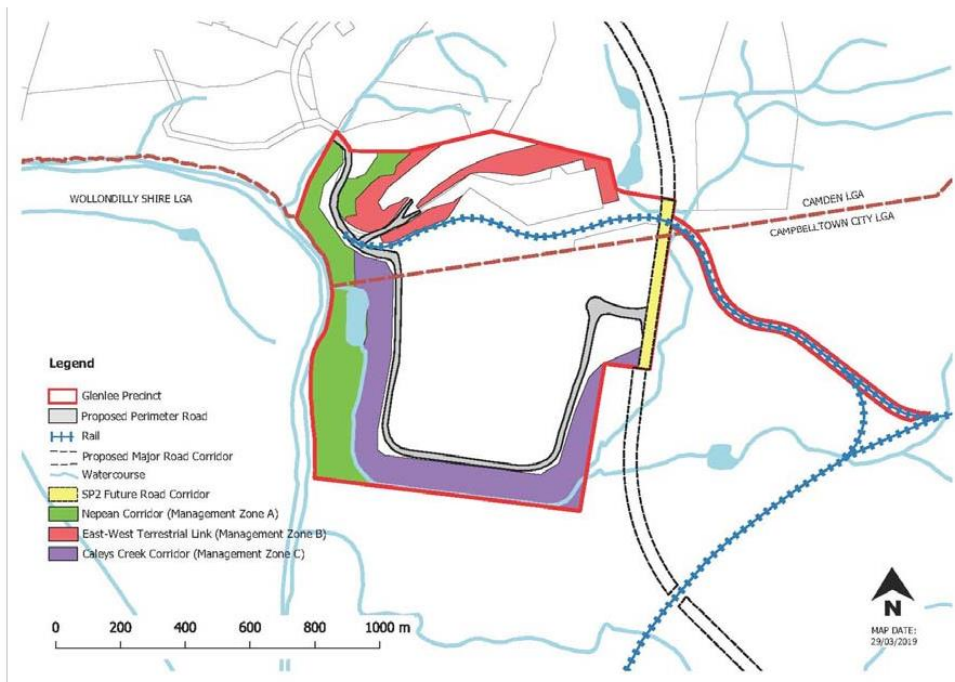


Figure 5: Location of Vegetation Management Zones in Glenlee

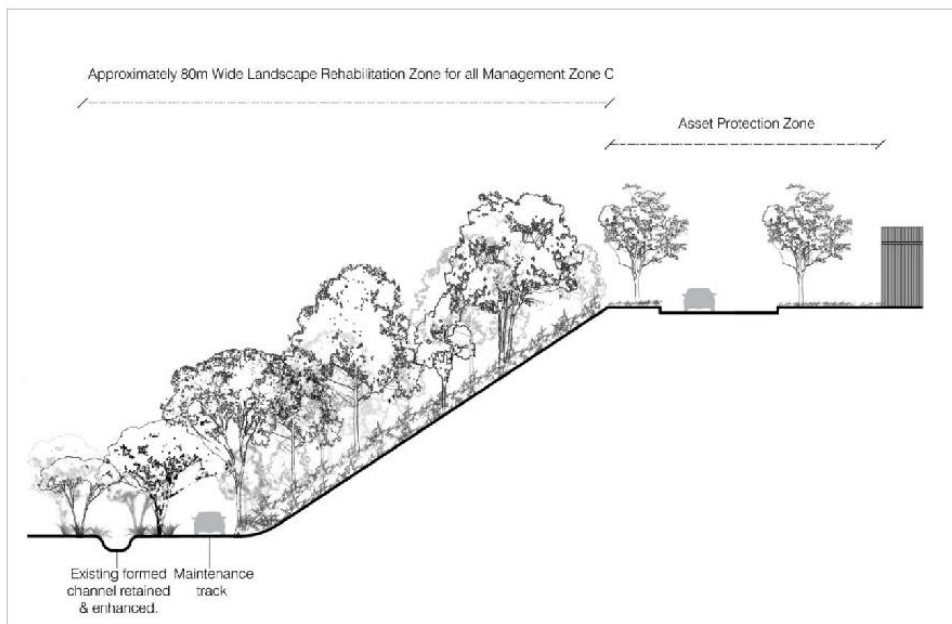


Figure 6: Indicative Structure of the Riparian Corridor for Management Zone C

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

2.4 Contamination**Objectives**

1. To protect the environment by ensuring that Potentially Contaminated Areas (PCAs) within the Glenlee Precinct are remediated.

Controls

1. Development Applications outside of Potentially Contaminated Areas (PCAs) identified at Figure 7, must be accompanied by a Stage 1 Preliminary Site Investigation prepared in accordance with *State Environmental Planning Policy 55 – Remediation of Land* and Council's contamination policy – *Management of Contaminated Lands*.
2. Development Applications within Potentially Contaminated Areas (PCAs) identified at Figure 7, must be accompanied by a Stage 2 Detailed Site Investigation prepared in accordance with *State Environmental Planning Policy 55 – Remediation of Land* and Council's contamination policy – *Management of Contaminated Lands*.
3. Where remediation is required a Remediation Action Plan (RAP), prepared by a certified consultant, must be submitted with the development application.

Note

Developments relating to coal seam gas infrastructure are to be undertaken with consideration to the exclusion zones contained in State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

Related Studies

The following reports contain site specific recommendations which may help inform your RAP:

- Remediation Strategy prepared by AECOM dated 13 May 2016;
- Phase 1 Contamination Assessment prepared by AECOM dated 13 May 2016; and
- Phase 2 Contamination Assessment prepared by AECOM dated 13 May 2016.

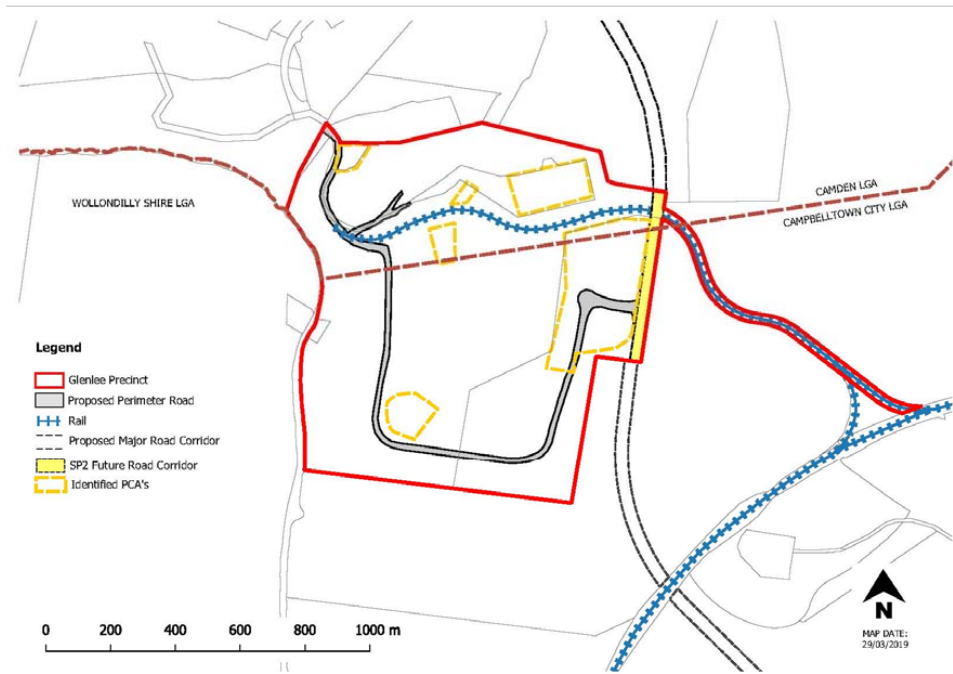


Figure 7: Potentially Contaminated Areas in Glenlee

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

2.5 Geotechnical Works

Objectives

1. To ensure the geotechnical stability of existing and future developments and Council infrastructure within the site.
2. To mitigate impacts associated with erosion and instability of subsoils.
3. To ensure that landscaping and vegetation are used to stabilise the Precinct.

Controls

1. Development applications that involve the construction of new buildings, structures, roads or footpaths are to be accompanied by a geotechnical report, prepared by a suitably qualified consultant.
2. A capping layer of granular fill at a minimum depth of 2m, or otherwise specified by a geotechnical engineer, must be provided over the entire Emplacement Area.
3. Embankments must be suitably stabilised to prevent erosion and addressed in the geotechnical report.
4. Loose surface material must be suitably treated.
5. Developments on the Emplacement Area must support the continued growth of vegetation.
6. The new ground level resulting from ground level changes must be detailed as part of any development application.

Related Studies

The findings contained in the Land Capability Statement - Geotechnical Report prepared by AECOM dated 20 May 2016 should be considered when preparing plans for geotechnical works.

2.6 Transport Network

Objectives

1. Ensure the transport network accommodates all transport modes.
2. To optimise access without compromising the safety and efficiency of the surrounding network.
3. To develop a legible, safe and convenient pedestrian and cycle network, connecting with networks external to the Precinct including the Macarthur Regional Recreational Trail.
4. To provide safe, efficient access and maneuvering.

Controls

1. The first Development Application must include a Transport Management Plan (TMP) for the approval of both Camden and Campbelltown Councils in conjunction with an Indicative Layout Plan as required in Control 2 in 2.1 Subdivision, Lot Design and Development. The TMP must consider the location of public transport routes, pedestrian walkways and cycleways.
2. A clear road hierarchy must be reinforced through landscape treatment including street trees.

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

3. Road design must address all modes of transport.
4. All roads must have a minimum carriageway width of 13m.
5. Pedestrian and transport routes must have consideration to connections with the Macarthur Regional Recreational Trail (refer to Note).
6. Roads that will connect to the future Spring Farm Parkway must be constructed to the boundary of the Spring Farm Parkway Land Reservation Corridor (zoned SP2 Future Road Corridor in the Camden Local Environmental Plan 2010).

Related Studies

Consideration should be given to the Traffic Impact Assessment prepared by AECOM dated 20 May 2016 and Addendum September 2016 when preparing a Transport Management Plan.

Note

Infrastructure such as roads, drainage and cycleways are to be designed in accordance with Camden Council's Engineering Design and Construction Specification and Engineering Design Specification.

Note

The Macarthur Regional Recreational Trail Concept Report prepared by Clouston Associates dated November 2008 can be obtained by contacting Council.

3.0 Site Specific Industrial Controls

3.1 Visual Impact

Objectives

1. To ensure that view corridors are sensitively managed and identified between Glenlee and surrounding significant rural and historic sites.
2. To mitigate visual impacts with vegetative screening.
3. To require well-designed development in visually prominent locations.
4. To ensure that light spill and glare from external lighting does not impact adversely upon the use and enjoyment of adjoining premises and surrounding areas, particularly residential and rural areas or compromise road safety.

Controls

1. A Visual Analysis Report must be submitted with any development application for the construction of a new building or change in ground level. The report is to be prepared by a suitably qualified consultant and must identify visually prominent areas, potential view corridors and potential view impacts to and from Menangle Park, Glenlee Estate, the Australian Botanic Garden Mount Annan and Camden Park Estate as a result of new buildings or finished landforms.
2. Vegetative screening must be provided along the southern and western perimeter of the Precinct and should incorporate upper, middle and lower canopy plantings. Details of the vegetative screening are to be included in the Vegetation Management Plan.
3. Services and utilities must be placed underground, where feasible. If provided overhead, infrastructure must be designed to minimise visual impact, particularly in respect to significant sites surrounding the Precinct.

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

4. Council may request an external lighting strategy be submitted with development applications. The strategy must detail the location and design of lighting and the proposed hours of operation with reference to AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

Note

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

Related Studies

Consideration should be given to the Visual and Landscape Assessment prepared by Musecape dated October 2016 when preparing a Visual Analysis Report.

3.2 Setbacks**Objective**

1. To provide setbacks to facilitate appropriate landscaping and to allow buildings to sit appropriately within the landscape.

Control

1. Front setbacks from the street must be a minimum of 10m. Secondary frontage setbacks, for corner allotments must be a minimum of 3m.

3.3 Building Design and Siting**Objectives**

1. To optimise integration of buildings with the natural topography, landscape and relative positioning of other buildings in the street and the surrounding context.
2. To require a high standard of architectural design, utilising quality materials and finishes.
3. To establish varied and articulated building frontages that address the existing or future public domain.
4. To require the design of attractive and appropriate amenities for staff.
5. To ensure fencing has been designed with regard to the desired future character of the Precinct.

Controls

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

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

decorative masonry blocks (non-standard concrete blocks), precast panels (coloured and / or textured to a high-quality finish), glass, natural timber or other building materials that present attractively to the public domain.

2. Siting / Building Orientation:
 - (a) Buildings must be integrated with the natural landscape and the existing and future streetscape with an articulated and landscaped appearance when viewed from the Vegetation Management Zones.
 - (b) Building elevations oriented towards residential areas must be minimised. Where this is unavoidable, the building is to be designed to ameliorate negative impacts.
 - (c) Buildings must be designed to maximise solar efficiency, landscape design at the frontage and passive surveillance.
 - (d) Buildings and structures must be consistent with any future public roads on or adjacent to the Precinct.
 - (e) On lots with multiple street frontages, such as corner lots, buildings must be designed to address both streets.
3. Fencing:
 - (a) Fencing is to be constructed of non-reflective materials, consistent with the colour pallet prescribed in Control 1 of Architectural Design (above).
 - (b) Fencing must be of an open form so as not impede sight lines for drivers.
 - (c) Fencing is to be contained wholly within the site.
 - (d) Fencing must be located behind required landscaped areas.

3.4 Landscaping

Objectives

1. To create a landscape character and amenity that is appropriate to the scale and nature of the development.
2. Encourage development which provides attractive staff amenities through landscaping.
3. To minimise the visual impact of any development from the surrounding area.
4. To create habitat creation and encourage fauna movement.

Controls

1. A detailed landscape plan, prepared by a suitably qualified consultant, must be submitted with all development applications for the subdivision of land and or erection of buildings. The landscape plan must detail landscaping and the location, height and type of fencing proposed within the site.
2. Landscaping should provide sufficient vegetative screening of buildings, outdoor activities and structures when viewed from surrounding areas including Menangle Park, Glenlee Estate, the Australian Botanic Garden Mount Annan and Camden Park Estate.
3. Details must be submitted demonstrating what soil works are required to support landscaping and street tree planting.

4.5.4 Glenlee Precinct (Part D4 Camden DCP 2011)

4. Street setbacks are to comprise a minimum 50% of soft landscaping.
5. Staff amenities and open spaces, such as break-out spaces must be incorporated into landscaped areas to provide attractive working environments.
6. Fencing must be softened with landscaping and planting.
7. Automatic irrigation systems must be installed for all landscaped areas.
8. Local Cumberland Plain Woodland tree species are to be planted in clusters of 5 to 7 trees consisting of at least two varieties, planted at 5m centres in two informal staggered rows (see Figure 8). The clusters are to be positioned within the first 3m of the primary street setback. A 75mm layer of leaf mulch shall be applied evenly over the entire planting area after planting. At the time of planting, the trees must have a minimum planted height of 2m with suitable hardwood stakes and ties. Tree stock to be sourced in minimum 75L container. Trees are to reach a mature height of at least 8m. Trees are to be located 0.5m from the back of kerb and a minimum of 1m from any other concrete surface. Positioning of the tree planting must ensure the following can be achieved:
 - (a) space for future driveways and waste storage collections points;
 - (b) street lighting, utilities, bus stops and pedestrian crossings; and
 - (c) appropriate sight distances in accordance with relevant standards.

The plantings are subject to a 12 months establishment and maintenance period at the end of which plantings must have signs of healthy and vigorous growth.

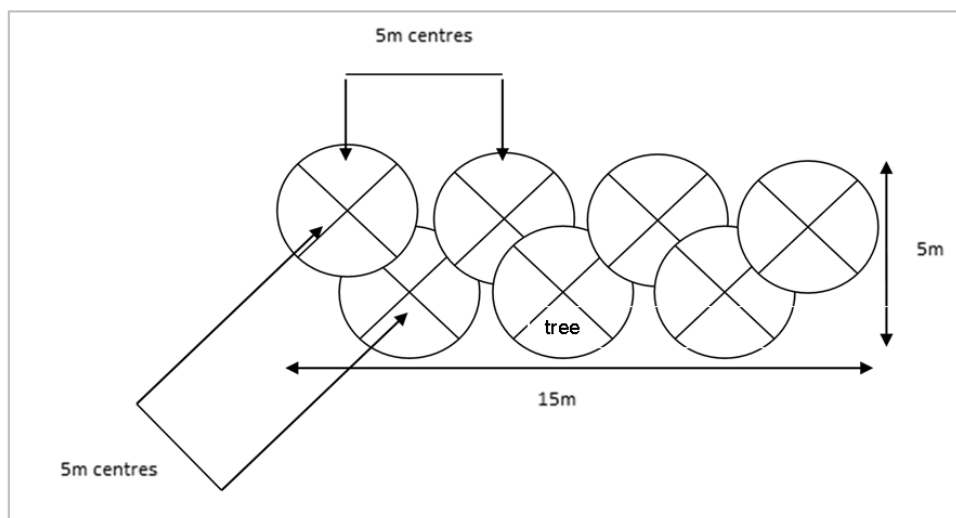


Figure 8: Tree Cluster Guide

ORD04

Attachment 1



**CODE OF
CONDUCT
POLICY
P3.0109.9**

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PART 1 INTRODUCTION

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

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

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

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

A Council's or joint organisation's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a Council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct. Councillors, administrators, members of staff of Councils, delegates of Councils, (including members of Council Committees that are delegates of a Council) and any other person a Council's adopted code of conduct applies to, must comply with the applicable provisions of their Council's code of conduct. It is the personal responsibility of Council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct.

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

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

Guide to ethical decision making

If you are unsure about the ethical issues around an action or decision you are about to take, you should consider these five points:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with Council's policy and with Council's objectives and the Code of Conduct?
- What will the outcome be for the employee or Councillor, work colleagues, Council, persons with whom you are associated and any other parties?
- Do these outcomes raise a conflict of interest or lead to private gain or loss at public expense?

- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

Remember – you have the right to question any instruction or direction given to you that you think may be unethical or unlawful. If you are uncertain about an action or decision, you may need to seek advice from other people. This may include your supervisor or a senior officer, your union representatives, the Office of Local Government, the Ombudsman's Office and the Independent Commission Against Corruption.

Independent Commission Against Corruption 8281 5999
NSW Ombudsman 9286 1000
NSW Office of Local Government 4428 4100

DRAFT

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

administrator	an administrator of a Council appointed under the Act other than an administrator appointed under section 66
Committee	see the definition of 'Council Committee'
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures
Council	includes county Councils and joint organisations
Council Committee	a Committee established by a Council comprising of Councillors, staff or other persons that the Council has delegated functions to
Council Committee member	a person other than a Councillor or member of staff of a Council who is a member of a Council Committee other than a wholly advisory Committee
Council official	includes Councillors, members of staff of a Council, administrators, Council Committee members, members of advisory Committees of a Council, delegates of Council, independent conduct reviewers, contractors and volunteers of a Council, officers of entities owned by a Council and, for the purposes of clause 4.16, Council advisers
Councillor	any person elected or appointed to civic office, including the Mayor and includes members and chairpersons of county Councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
conduct	includes acts and omissions
delegate of Council	a person (other than a Councillor or member of staff of a Council) or body, and the individual members of that body, to whom a function of the Council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes Council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
General Manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LGA
LGA	the <i>Local Government Act 1993</i>

local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
regional planning panel	a regional planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
Mayor	includes the chairperson of a county Council or a joint organisation
members of staff of a Council	includes members of staff of county Councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative,	a voting representative of the board of a joint organisation
wholly advisory	a Council Committee that the Council has not delegated any Committee functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

3.1 You must not conduct yourself in a manner that:

- (a) is likely to bring the Council or other Council officials into disrepute
- (b) is contrary to statutory requirements or the Council's administrative requirements or policies
- (c) is improper or unethical
- (d) is an abuse of power
- (e) causes, comprises or involves intimidation or verbal abuse
- (f) involves the misuse of your position to obtain a private benefit
- (g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.

3.2 You must act lawfully and honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (section 439).

Fairness and equity

3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

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

Harassment and discrimination

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

Bullying

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

Work health and safety

- 3.12 All Council officials, including Councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety. Specifically, you must:
- (a) take reasonable care for your own health and safety
 - (b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - (c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the Council to ensure workplace health and safety
 - (d) cooperate with any reasonable policy or procedure of the Council relating to workplace health or safety that has been notified to Council staff
 - (e) report accidents, incidents, near misses, to the General Manager or such other staff member nominated by the General Manager, and take part in any incident investigations
 - (f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

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

Binding caucus votes

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

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at Council and Committee meetings or other proceedings of the Council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other Council officials or any members of the public present during Council or Committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts Council or Committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a Councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the Council, or of a Committee of the Council.

Without limiting this clause, you must not:

- (a) leave a meeting of the Council or a Committee for the purpose of depriving the meeting of a quorum, or
- (b) submit a rescission motion with respect to a decision of the purposes of voting against it to prevent another Councillor from submitting a rescission motion with respect to the same decision, or
- (c) deliberately seek or impede the consideration of business at a meeting.

Prohibited Substance and Alcohol in the workplace

- 3.23 Council is committed to providing a safe, healthy and productive workplace that is free from hazards relating to prohibited substances and alcohol use. Members of staff should refer to Council's Prohibited Substance and Alcohol Policy.

PART 4 PECUNIARY INTERESTS

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

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this code

- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- (f) if you are a Council Committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the Council Committee
- (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- (h) an interest you have arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the Committee) of the association, or is a partner of the partnership
- (i) an interest you have arising from the making by the Council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:
 - (i) the performance by the Council at the expense of your relative of any work or service in connection with roads or sanitation
 - (ii) security for damage to footpaths or roads
 - (iii) any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council, or by or under any contract
- (j) an interest relating to the payment of fees to Councillors (including the Mayor and deputy Mayor)
- (k) an interest relating to the payment of expenses and the provision of facilities to Councillors (including the Mayor and deputy Mayor) in accordance with a policy under section 252 of the LGA
- (l) an interest relating to an election to the office of Mayor arising from the fact that a fee for the following 12 months has been determined for the office of Mayor
- (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor or a Council Committee member
- (o) an interest arising from the appointment of a Councillor to a body as a representative or delegate of the Council, whether or not a fee or other recompense is payable to the representative or delegate.

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

What disclosures must be made by a designated person?

4.8 Designated persons include:

- (a) the General Manager
- (b) other senior staff of the Council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the Council) who is a member of staff of the Council or a delegate of the Council and who holds a position identified by the Council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their

exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest

- (d) a person (other than a member of the senior staff of the Council) who is a member of a Committee of the Council identified by the Council as a Committee whose members are designated persons because the functions of the Committee involve the exercise of the Council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the Committee and the member's private interest.

4.9 A designated person:

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

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

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

4.12 The General Manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

4.13 A disclosure by the General Manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the Council and the Council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

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

4.14 A member of staff of Council, other than a designated person, must disclose in writing to their Manager or the General Manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.

4.15 The staff member's Manager or the General Manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by Council advisers?

4.16 A person who, at the request or with the consent of the Council or a Council Committee, gives advice on any matter at any meeting of the Council or Committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.

4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by Council Committee member?

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

What disclosures must be made by a Councillor?

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

Disclosure of interests in written returns

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

Disclosure of pecuniary interests at meetings

- 4.28 A Councillor or a Council Committee member who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or Committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

- 4.29 The Councillor or Council Committee member must not be present at, or in sight of, the meeting of the Council or Committee:
- (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a Council or Council Committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the General Manager in writing by a Councillor or a Council Committee member to the effect that the Councillor or Council Committee member, or the Councillor's or Council Committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
 - (b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the Council in which it is given (whichever is the sooner), sufficient disclosure of the Councillor's or Council Committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council or Council Committee after the date of the notice.
- 4.33 A Councillor or a Council Committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Councillor or Council Committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a Councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a Councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the Council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the Council's area, and
 - (b) the pecuniary interest arises only because of an interest of the Councillor in the Councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - (c) the Councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.

- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - (b) be laid on the table at a meeting of the Council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor or a Council Committee member who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the Council or Committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A Councillor or a Council Committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the Council or Committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

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PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

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

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

Political donations

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

- (a) made by a major political donor in the previous four years, and
- (b) the major political donor has a matter before Council,

you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.

5.17 For the purposes of this Part:

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

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

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

Loss of quorum as a result of compliance with this part

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

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

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor or a Council Committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the Council or Committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

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

- 5.22 Where the Minister exempts a Councillor or Committee member from complying with a requirement under this Part under clause 5.21, the Councillor or Committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

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

Personal dealings with Council

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

PART 6 PERSONAL BENEFIT

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

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers or gifts and benefits to be dealt with?

- 6.5 You must not:
- (a) seek or accept a bribe or other improper inducement
 - (b) seek gifts or benefits of any kind
 - (c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - (d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - (e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - (f) participate in competitions for prizes where eligibility is based on the Council being in or entering into a customer–supplier relationship with the competition organiser
 - (g) personally, benefit from reward points programs when purchasing on behalf of the Council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your Manager or the General Manager in writing. The

recipient, Manager, or General Manager must ensure that, at a minimum, the following details are recorded in the Council's gift register:

- (a) the nature of the gift or benefit
- (b) the estimated monetary value of the gift or benefit
- (c) the name of the person who provided the gift or benefit, and
- (d) the date on which the gift or benefit was received.

- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the Council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:

- (a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
- (b) gifts of alcohol that do not exceed a value of \$50
- (c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- (d) prizes or awards that do not exceed \$50 in value.

Gifts and benefits of more than token value

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

"Cash-like gifts"

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

Improper and undue influence

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

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of Councillors and administrators

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

Obligations of staff

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

Inappropriate interactions

- 7.6 You must not engage in any of the following inappropriate interactions:
- (a) Councillors and administrators approaching staff and staff organisations to discuss

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

Councillor and Staff Contact

7.7 Councillors are permitted to contact Directors, and Managers nominated by the General Manager, directly on matters regarding their roles as elected representatives. Information should not be sought on any issue where a Councillor may have a conflict of interest or which pertains to a matter on which a declaration of pecuniary interest has been lodged. Contact must be directed in the workplace or in an 'on duty' setting only. Councillors may not seek advice from staff below the level of Director or Manager.

7.8 Despite clause 7.7, Councillors are permitted to contact members of staff below the level of Director or Manager who are undertaking secretarial or minute taking roles for, or who are members of or invitees to meetings of, Committees, panels or other official Council groups but only in respect of the business or administration of those groups or as otherwise permitted by the General Manager. Contact must be directed in the workplace or in an 'on duty' setting only.

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

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

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

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

Use of certain Council information

- 8.9 In regard to information obtained in your capacity as a Council official, you must:
 - a) subject to clause 8.14, only access Council information needed for Council business

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

Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of Council information, you must:
- (a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - (b) protect confidential information
 - (c) only release confidential information if you have authority to do so
 - (d) only use confidential information for the purpose for which it is intended to be used
 - (e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - (f) not use confidential information with the intention to cause harm or detriment to the Council or any other person or body
 - (g) not disclose any confidential information discussed during a confidential session of a Council or Committee meeting or any other confidential forum (such as, but not limited to, workshops)

Personal information

- 8.12 When dealing with personal information you must comply with:
- (a) the *Privacy and Personal Information Protection Act 1998*
 - (b) the *Health Records and Information Privacy Act 2002*
 - (c) the Information Protection Principles and Health Privacy Principles
 - (d) the Council's privacy management plan
 - (e) the Privacy Code of Practice for Local Government

Use of Council resources

- 8.13 You must use Council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14 Union delegates and consultative Committee members may have reasonable access to Council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- (a) the representation of members with respect to disciplinary matters
 - (b) the representation of employees with respect to grievances and disputes
 - (c) functions associated with the role of the local consultative Committee.
- 8.15 You must be scrupulous in your use of Council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

- 8.16 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use Council resources (including Council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:
- (a) for the purpose of assisting your election campaign or the election campaign of others, or
 - (b) for other non-official purposes.
- 8.19 You must not convert any property of the Council to your own use unless properly authorised.

Internet access

- 8.20 You must not use Council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the Council's reputation.

Council record keeping

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

Councillor access to Council buildings

- 8.25 Councillors and administrators are entitled to have access to the Council chamber, Committee room, Mayor's office (subject to availability), Councillors' rooms, and public areas of Council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the General Manager.

8.26 Councillors and administrators must not enter staff-only areas of Council buildings without the approval of the General Manager (or their delegate) or as provided for in the procedures governing the interaction of Councillors and Council staff.

8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence Council staff decisions.

Social Media

8.28 You must not use social media to post or share comments, photos, videos, electronic recordings or other information that:

- (a) is offensive, humiliating, threatening or intimidating to other Council officials or those that deal with the Council
- (b) contains content about the Council that is misleading or deceptive
- (c) divulges confidential Council information
- (d) breaches the privacy of other Council officials or those that deal with Council
- (e) contains allegations of suspected breaches of this code or information about the consideration of a matter under the Procedures, or
- (f) could be perceived to be an official comment on behalf of the Council where you have not been authorised to make such comment.

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

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

Detrimental action

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

Compliance with requirements under the procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

- 9.9 Where you are a Councillor or the General Manager, you must comply with any Council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under the procedures

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

Complaints alleging a breach of this part

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

SCHEDULE 1 DISCLOSURES OF INTEREST AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21

PART 1 – PRELIMINARY

DEFINITIONS

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- (a) in relation to a person other than a corporation, the last residential or business address of the person known to the Councillor or designated person disclosing the address, or
- (b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- (c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the Interpretation Act 1987.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- (a) the allotment of shares in a company
- (b) the creation of a trust in respect of property
- (c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- (d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- (e) the exercise by a person of a general power of appointment over property in favour of another person
- (f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- (a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- (b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth.

occupation includes trade, profession and vocation

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- (a) in the case of a return made under clause 4.21(a), the date on which a person became a Councillor or designated person
- (b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- (c) in the case of a return made under clause 4.21(c), the date on which the Councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

- (a) a person's spouse or de facto partner
- (b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- (c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- (d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales*: A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property*: A reference in this schedule or in schedule 2 to real property in which a Councillor or designated person has an interest includes a reference to any real property situated in Australia in which the Councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations*: For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a Councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

PART 2: PECUNIARY INTERESTS TO BE DISCLOSED IN RETURNS

Real property

5. A person making a return under clause 4.21 of this code must disclose:
 - (a) the street address of each parcel of real property in which they had an interest on the return date, and
 - (b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - (c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - (a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - (b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a Councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
 - (a) a description of each gift received in the period since 30 June of the previous financial year, and
 - (b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - (a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - (b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - (c) the donor was a relative of the donee, or
 - (d) subject to paragraph (a), it was received prior to the person becoming a Councillor or designated person.
11. For the purpose of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of the code must disclose:
 - (a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous year, and
 - (b) the dates on which the travel was undertaken, and

- (c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- (a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or Council vehicles), or
 - (b) was made by a relative of the traveller
 - (c) was made by a relative of the traveler, or was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - (d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - (e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - (f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - (g) subject to paragraph (d) it was received prior to the person becoming a Councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- (a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - (b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - (c) the nature of the interest, or the position held, in each of the corporations, and
 - (d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- (a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - (b) required to apply its profits or other income in promoting its objects, and
 - (c) prohibited from paying any dividend to its members
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a Councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- (a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - (b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - (c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a Councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a Councillor or designated person.

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- (a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - (b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- (a) in relation to income from an occupation of the person:
 - (i) a description and occupation, and

- (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and iii) if the person has entered into a partnership with other persons, the name (if any) under which the
 - (iii) partnership is conducted, or
 - (b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - (c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case maybe.
29. The source of any income received by the person that they ceased to receive prior to becoming a Councillor or designated person need not be disclosed.
30. A fee paid to a Councillor or to the Mayor or deputy Mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- (a) on the return date, and
 - (b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- (a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
 - (b) the person was liable to pay the debt to a relative, or
 - (c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - (d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or

- (e) subject to paragraph (a), the debt was discharged prior to the person becoming a Councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

SCHEDULE 2 FORM OF WRITTEN RETURNS OF INTERESTS SUBMITTED UNDER
CLAUSE 4.21

DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS' RETURN

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the General Manager after becoming a Councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a Councillor or designated person.
3. If you have previously lodged a return with the General Manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the General Manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a Councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the General Manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

IMPORTANT INFORMATION

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the General Manager in a register of returns. The General Manager is required to table all returns at a Council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS

By
(full name of Councillor or designated person)

.....
(Councillor's or designated person's signature)

In respect of the period from [date] to [date]

.....
(date form completed)

G. POSITION IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS	
Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date/*at any time during the return period	Description of position
H. DEBTS	
Name and address of each person to whom I was liable to pay any debts *at the return date/*at any time during the return period	
I. DISPOSITIONS OF PROPERTY	
1. Particulars of each disposition of real property by me at any time during the return period as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time.	
2. Particulars of each disposition of property to a person by any other person under arrangements made by me, being dispositions made at any time during the return period, as a result of which I obtained, either wholly or in part, the use and benefit of the property.	
J. DISCRETIONARY DISCLOSURES	

SCHEDULE 3 FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37

FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a Councillor has in the Councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the Council or Council Committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by _____ [full name of Councillor] in the matter of _____ [insert name of environmental planning instrument] which is to be considered at a meeting of Camden Council [or _____ Committee (as the case requires)] to be held on the _____ day of 20 .

Pecuniary interest	
Address of land in which Councillor or an associated person, company or body has a proprietary interest (the "identified land") 1	
Relationship of identified land to Councillor [Tick or cross one box.]	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of Councillor has interest in the land.

Matter giving rise to pecuniary interest	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the "subject land") 3 [Tick or cross one box]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on Councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	

[If more than one pecuniary interest is to be declared, reprint the above and fill in for each additional interest.]

Councillor's signature

Date

[This form is to be retained by Council's General Manager and included in full in the minutes of the meeting]

- 1 Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.
- 2 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a Councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

* * *

RELEVANT LEGISLATIVE INSTRUMENTS:	<i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2005</i> <i>Public Interest Disclosures Act 1994</i> <i>Privacy and Personal Information Protection Act 1998</i> <i>Health Records and Information Privacy Act 2002</i>
RELATED POLICIES, PLANS AND PROCEDURES:	Respect and Dignity in the Workplace P3.0149.1 Equal Employment Opportunity P3.0144.1 Prohibited Substance and Alcohol Policy P3.0145.1 Fraud and Corruption Prevention Policy and Plan P3.0137.3 Guidelines for Councillors Access to Information and Advice P3.0187.1 Code of Meeting Practice P3.0113.5 Disciplinary Policy P3.0235.1 Payment of Expenses and Provision of Facilities for Mayor and Councillors P3.0111.3 Acceptable Use of Technology and Systems P3.0230.1
RESPONSIBLE DIRECTOR:	Director Customer and Corporate Strategy
APPROVAL:	Council

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
8	Council	Incorporates changes to the <i>Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015</i>	14/02/2017	17/43097
9	Council	Incorporates changes from the Model Code 2019		



**PROCEDURES
FOR THE
ADMINISTRATION
OF THE CODE OF
CONDUCT
P3.0245.9**

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PART 1 INTRODUCTION

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

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

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

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

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

PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a Council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant Councillor	a Councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the General Manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by Councillors or the General Manager
Council	includes county Councils and joint organisations
Council Committee	a Committee established by a Council comprising of Councillors, staff or other persons that the Council has delegated functions to

Council Committee member	a person other than a Councillor or member of staff of a Council who is a member of a Council Committee other than a wholly advisory Committee
Councillor	any person elected or appointed to civic office, including the Mayor, and includes members and chairpersons of county Councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
Council official	includes Councillors, members of staff of a Council, administrators, Council Committee members, members of advisory Committees of a Council, delegates of Council, independent conduct reviewers, contractors and volunteers of a Council, officers of entities owned by a Council and, for the purposes of clause 4.16, Council advisers
delegate of Council	a person (other than a Councillor or member of staff of a Council) or body, and the individual members of that body, to whom a function of the Council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
General Manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
Mayor	includes the chairperson of a county Council or a joint organisation
members of staff of a Council	includes members of staff of county Councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory Committee	a Council Committee that the Council has not delegated any functions to

PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

- 3.1 The Council must by resolution establish a panel of conduct reviewers.
- 3.2 The Council may by resolution enter into an arrangement with one or more other Councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the Councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the Council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
 - a) a Councillor, or
 - b) a nominee for election as a Councillor, or
 - c) an administrator, or
 - d) an employee of a Council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the Council's panel of conduct reviewers if they are a member of another Council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a Council's panel of conduct reviewers where the Council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The Council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures

prior to the termination of the panel until they have finalised their consideration of the matter.

- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the Council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the Council may be a member of subsequent panels of conduct reviewers established by the Council if they continue to meet the selection and eligibility criteria for membership of the panel.

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

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

The appointment of complaints coordinators

- 3.17 The General Manager must appoint a member of staff of the Council or another person (such as, but not limited to, a member of staff of another Council or a member of staff of a joint organisation or other regional body associated with the Council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the Council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The General Manager may appoint other members of staff of the Council or other persons (such as, but not limited to, members of staff of another Council or members of staff of a joint organisation or other regional body associated with the Council), to act as alternates to the complaints coordinator.
- 3.19 The General Manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the Public Interest Disclosures Act 1994.
- 3.21 The role of the complaints coordinator is to:
- coordinate the management of complaints made under the Council's code of conduct
 - liaise with and provide administrative support to a conduct reviewer
 - liaise with the Office and
 - arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a code of conduct complaint?

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

When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the General Manager or their delegate, or, in the case of a complaint about the General Manager, the Mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

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

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

- 4.10 Notwithstanding clauses 4.6 and 4.7, where the General Manager becomes aware of a possible breach of the Council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

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

- 4.11 Code of conduct complaints about the General Manager are to be made to the Mayor in writing. This clause does not operate to prevent a person from making a complaint about the General Manager to an external agency.
- 4.12 Where a code of conduct complaint about the General Manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the General Manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The Mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the Mayor becomes aware of a possible breach of the Council's code of conduct by the General Manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

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

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

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

Consideration of complaints by General Managers and Mayors

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

What complaints may be declined at the outset?

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

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

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

- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

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

- 5.10 The General Manager is responsible for the management of code of conduct complaints about delegates of Council and Council Committee members, members of advisory Committees of a Council, independent conduct reviewers, contractors and volunteers of a Council, and officers of entities owned by a Council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The General Manager must refer code of conduct complaints about Council advisers, delegates of Council and Council Committee members, members of advisory Committees of a Council, independent conduct reviewers, contractors and volunteers of a Council, or officers of entities owned by a Council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The General Manager may decide to take no action in relation to a code of conduct complaint about a delegate of Council or a Council Committee member, member of an advisory Committee of a Council, independent conduct reviewer, contractor or volunteer of a Council, or officer of an entity owned by a Council, other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the General Manager decides to take no action in relation to a code of conduct complaint about a delegate of Council or a Council Committee member, member of an advisory Committee of a Council, independent conduct reviewer, contractor or volunteer of a Council, or officer of an entity owned by a Council, the General Manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the General Manager considers it to be practicable and appropriate to do so, the General Manager may seek to resolve code of conduct complaints about delegates of Council or Council Committee members, members of advisory Committees of a Council, independent conduct reviewers, contractors and volunteers of a Council, or officers of entities owned by a Council, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the Council's code of conduct.
- 5.15 Where the General Manager resolves a code of conduct complaint under clause 5.14 to the General Manager's satisfaction, the General Manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of Council and/or Council Committee members, members of advisory Committees of a Council, independent conduct reviewers, contractors and volunteers of a Council, and/or officers of entities owned by a Council, depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by

- c) the breach in such a time and form specified by the General Manager
 - d) prosecution for any breach of the law
 - e) removing or restricting the person's delegation
 - f) removing the person from membership of the relevant Council Committee.
- 5.17 Prior to imposing a sanction against a delegate of Council or a Council Committee member, member of an advisory Committee of a Council, independent conduct reviewer, contractor or volunteer of a Council, or officer of an entity owned by a Council, under clause 5.16, the General Manager or any person making enquiries on behalf of the General Manager must comply with the requirements of procedural fairness. In particular:
 - a) the substance of the allegation (including the relevant provision/s of the Council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
 - b) the person must be given an opportunity to respond to the allegation, and
 - c) the General Manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

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

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

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

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

The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the Council's code of conduct.

- 5.25 Where the General Manager resolves a code of conduct complaint under clause 5.24 to the General Manager's satisfaction, the General Manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The General Manager must refer all code of conduct complaints about Councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

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

- 5.27 The Mayor must refer the following code of conduct complaints about the General Manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the Mayor refers a complaint to the Office under clause 5.27, the Mayor must notify the complainant of the referral in writing.
- 5.29 The Mayor may decide to take no action in relation to a code of conduct complaint about the General Manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the Mayor decides to take no action in relation to a code of conduct complaint about the General Manager, the Mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the Mayor considers it to be practicable and appropriate to do so, the Mayor may seek to resolve code of conduct complaints about the General Manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the Council's code of conduct.
- 5.32 Where the Mayor resolves a code of conduct complaint under clause 5.31 to the Mayor's satisfaction, the Mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The Mayor must refer all code of conduct complaints about the General Manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

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

- 5.34 Where the General Manager or Mayor receives a code of conduct complaint that alleges a

breach of the code of conduct by both the General Manager and the Mayor, the General Manager or Mayor must either:

- a) delegate their functions under this part with respect to the complaint to a member of staff of the Council other than the General Manager where the allegation is not serious, or to a person external to the Council, or
- b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

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

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
 - a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by Councillors about other Councillors or the General Manager.
- 5.41 Where a Councillor makes a code of conduct complaint about another Councillor or the General Manager, and the complainant Councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42 A request made by a complainant Councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The General Manager or Mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant Councillor, but they are not obliged to comply with the request.

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

Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the Public Interest Disclosures Act 1994. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the Council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a Councillor makes a code of conduct complaint about another Councillor or the General Manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant Councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant Councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the General Manager or the Mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

Special complaints management arrangements

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

for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the General Manager, review the arrangement to determine whether it should be renewed or amended.

5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

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

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

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

referred to a conduct reviewer and advise which conduct reviewer the matter has been referred to.

- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

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

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the General Manager or, in the case of a complaint about the General Manager, the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.

- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the Council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - that the alleged conduct is sufficiently serious to warrant investigation, and
 - that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant investigation, the conduct reviewer is to consider the following:
- the harm or cost that the alleged conduct has caused to any affected individuals and/or the Council
 - the likely impact of the alleged conduct on the reputation of the Council and public confidence in it
 - whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the General Manager or Mayor for resolution

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

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

Complaints assessment criteria

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

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

What matters may a conduct reviewer investigate?

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

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least 14 days or such other period specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the General Manager, or in the case of a complaint about the General Manager, to the complainant, the complaints coordinator and the Mayor. The notice must:
 - a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, advise them of the requirement to maintain

- c) confidentiality, and
- c) invite the complainant to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice.

Written and oral submissions

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

How are investigations to be conducted?

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

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

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
 - a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or

- b) refer the matter to the General Manager, or, in the case of a complaint about the General Manager, to the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the Council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the General Manager, or in the case of a complaint about the General Manager, to the respondent, the complainant, the complaints coordinator and the Mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to

the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.

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

Final investigation reports

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

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

- 7.35 The investigator's final report must:

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

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

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

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

- a) that the Council revise any of its policies, practices or procedures

- b) that a person or persons undertake any training or other education.

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

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

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

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

- a) a description of the allegations against the respondent
- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
- c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
- d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
- e) a description of any attempts made to resolve the matter by use of alternative means
- f) the steps taken to investigate the matter
- g) the facts of the matter
- h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- i) the investigator's determination and the reasons for that determination
- j) any recommendations.

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

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

- a) the investigator's findings in relation to the facts of the matter and the reasons for those

- findings
 - b) the investigator's determination and the reasons for that determination
 - c) any recommendations, and
 - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the General Manager or, where the report relates to the General Manager's conduct, to the Mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the General Manager. Where the General Manager agrees with the recommendation/s, the General Manager is responsible for implementing the recommendation/s.
- 7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator's report to the General Manager or, where the report relates to the General Manager's conduct, to the Mayor. The General Manager is responsible for arranging the implementation of the recommendation/s where the report relates to a Councillor's conduct. The Mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the General Manager's conduct.
- 7.46 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary Council meeting for the Council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary Council meeting following the election.

Consideration of the final investigation report by Council

- 7.47 The role of the Council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).
- 7.48 The Council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.49 Where the complainant is a Councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant Councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.50 Prior to imposing a sanction, the Council must provide the respondent with an opportunity to make a submission to the Council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.
- 7.51 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a Councillor, take no part in any discussion or voting on the

matter.

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

- 7.61 Where the Council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the Council must state in its resolution the reasons for its decision.
- 7.62 Where the Council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, the complaints coordinator must notify the Office of the Council's decision and the reasons for it.

DRAFT

PART 8 OVERSIGHT AND RIGHTS OF REVIEW

The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a Council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the Council, to defer taking further action in relation to a matter under consideration under the Council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The General Manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The General Manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The General Manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

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

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59, paragraph (i), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures,
or

- b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that in imposing its sanction, the Council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the Council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the Council to defer any action to implement a sanction. The Council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the Council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed.
- 8.20 In the case of a sanction implemented by the General Manager or Mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the General Manager or the Mayor, and
 - b) the General Manager or Mayor must review any action taken by them to implement the sanction, and
 - c) the General Manager or Mayor must consider the Office's recommendation in doing so.
- 8.21 In the case of a sanction imposed by the Council by resolution under clause 7.59, where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary Council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary Council meeting following the election, and
 - b) the Council must:
 - i. review its decision to impose the sanction, and
 - ii. consider the Office's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.22 Where, having reviewed its previous decision in relation to a matter under clause 8.21, the Council resolves to reaffirm its previous decision, the Council must state in its resolution its reasons for doing so.

PART 9 PROCEDURAL IRREGULARITIES

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- a) the non-compliance is isolated and/or minor in nature, or
 - b) reasonable steps are taken to correct the non-compliance, or
 - c) reasonable steps are taken to address the consequences of the non-compliance.

PART 10 PRACTICE DIRECTIONS

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

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

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

PART 12 CONFIDENTIALITY

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

* * *

RELEVANT LEGISLATIVE INSTRUMENTS: *Local Government Act 1993*
Local Government (General) Regulation 2005
Public Interest Disclosures Act 1994
Privacy and Personal Information Protection Act 1998
Health Records and Information Privacy Act 2002

RELATED POLICIES, PLANS AND PROCEDURES: Respect and Dignity in the Workplace P3.0149.1
 Equal Employment Opportunity P3.0144.1
 Prohibited Substance and Alcohol Policy P3.0145.1
 Fraud and Corruption Prevention Policy and Plan P3.0137.3
 Guidelines for Councillors Access to Information and Advice P3.0187.1
 Code of Meeting Practice P3.0113.5
 Disciplinary Policy P3.0235.1
 Payment of Expenses and Provision of Facilities for Mayor and Councillors P3.0111.3
 Acceptable Use of Technology and Systems P3.0230.1

RESPONSIBLE DIRECTOR: Director Customer and Corporate Strategy
APPROVAL: Council

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	Council	New model procedures adopted		



**Investment Summary Report
March 2019**

Camden Council
Executive Summary - March 2019



Investment Holdings

	Amount (\$)	Current Yield (%)
Cash	4,000,000.00	1.60
Term Deposit	128,700,000.00	3.01
	132,700,000.00	

Detailed Maturity Profile

	Amount (\$)	Current Yield (%)
00. Cash + Managed Funds	4,000,000	3%
01. Less Than 30 Days	10,500,000	8%
02. Between 30 Days and 60 Days	15,000,000	1.1%
03. Between 60 Days and 90 Days	18,500,000	1.4%
04. Between 90 Days and 180 Days	36,500,000	28%
05. Between 180 Days and 365 Days	18,500,000	1.4%
06. Between 365 Days and 3 Years	17,000,000	1.3%
07. Between 3 Years and 5 Years	12,700,000	10%
	132,700,000	

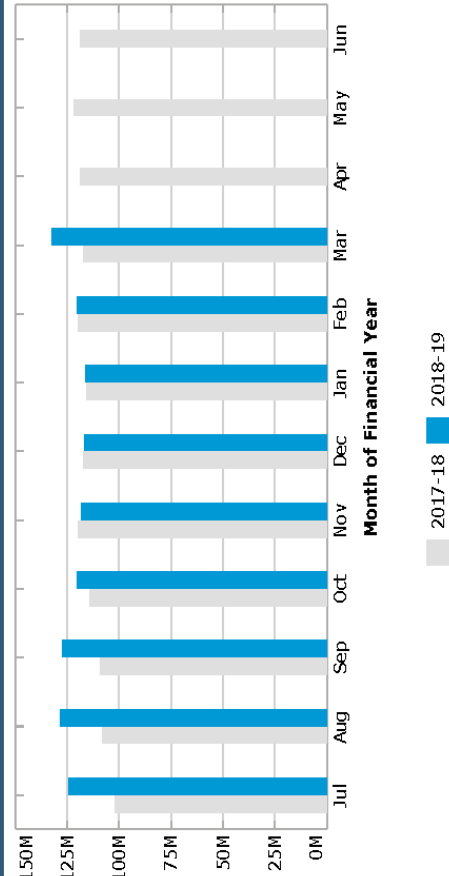
Percentages in this report may not add up to 100% due to rounding

Sources of Funds

	Amount (\$)
Section 7.1.1 Developer Contributions	78,794,035
Restricted Grant Income	2,478,364
Externally Restricted Reserves	14,705,152
Internally Restricted Reserves	18,262,090
Camden Regional Economic Taskforce	169,000
General Fund	18,291,359
Total Funds Invested	132,700,000

Council's investment portfolio has increased by \$12.5m since the February reporting period, the increase primarily relates to increased developer contributions received in March.

Investment Portfolio Balance



Camden Council

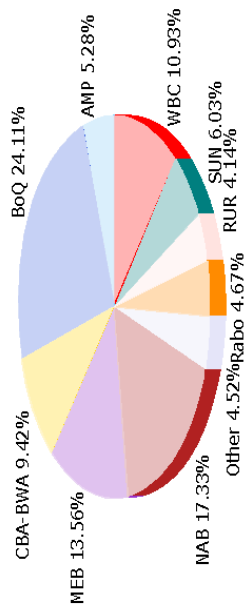
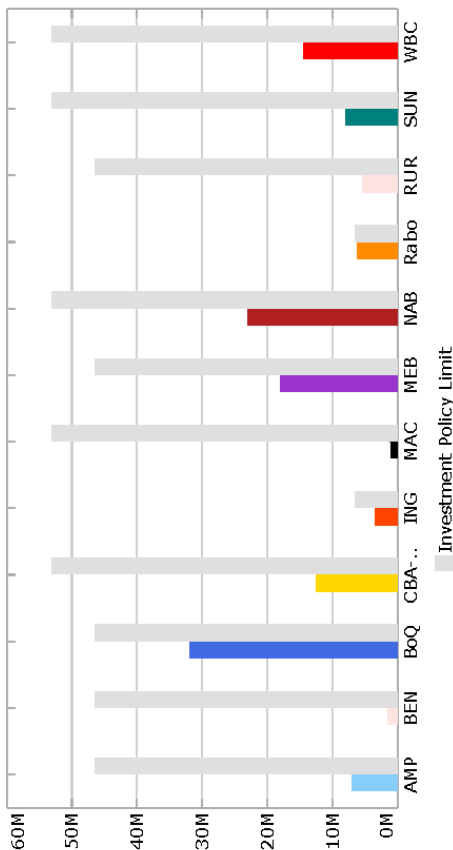
Individual Institutional Exposures Report - March 2019



Individual Institutional Exposures

Parent Group	Exposure (\$M)	Credit Rating	Policy Limit	Actual	Capacity
AMP Bank	7.00M	A-2, A-	35.00%	5.28%	39.45M
Bank of Queensland	32.00M	A-2, BBB+	35.00%	24.11%	14.45M
Bendigo and Adelaide Bank	1.50M	A-2, BBB+	35.00%	1.13%	44.95M
Commonwealth Bank of Australia	12.50M	A-1+, AA-	40.00%	9.42%	40.58M
ING Bank Australia (Foreign Sub)	3.50M	A-1*, A-*	5.00%	2.64%	3.13M
Macquarie Group	1.00M	A-1, A	40.00%	.75%	52.08M
Members Equity Bank	18.00M	A-2, BBB	35.00%	13.56%	28.45M
National Australia Bank	23.00M	A-1+, AA-	40.00%	17.33%	30.08M
Rabobank Aus (Foreign Sub)	6.20M	A-1*, A+*	5.00%	4.67%	.43M
Rural Bank	5.50M	A-2, BBB+	35.00%	4.14%	40.95M
Suncorp Bank	8.00M	A-1, A+	40.00%	6.03%	45.08M
Westpac Group	14.50M	A-1+, AA-	40.00%	10.93%	38.58M
Total	132.70M				

Individual Institutional Exposure Charts



*Council's investment policy limits investments in foreign subsidiary banks which are monitored by APRA to a maximum 5% of the total portfolio in any single entity

Council's portfolio is within its individual institutional investment policy limits.
 Council's portfolio is within its term to maturity investment policy limits.
 Council's portfolio complies with the NSW Ministerial Investment Order.

Camden Council

Performance Summary - March 2019



Interest Summary

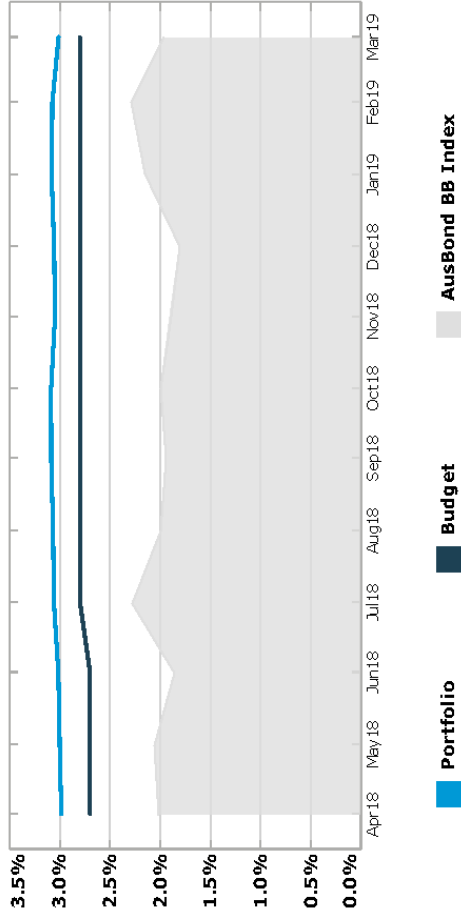
Interest Summary as of March 2019	
Number of Investments	95
Average Days to Maturity	368
Weighted Portfolio Yield	3.01%
CBA Call Account	1.60%
Highest Rate	4.55%
Lowest Rate	2.50%
Budget Rate	2.80%
Average BBSW (30 Day)	1.84%
Average BBSW (90 Day)	1.84%
Average BBSW (180 Day)	1.92%
Official Cash Rate	1.50%
AusBond Bank Bill Index	1.96%

Interest Received During the 2018/2019 Financial Year

	March	Cumulative	Original Budget	* Revised Budget
General Fund	\$117,751	\$1,011,085	\$1,450,000	\$1,450,000
Restricted	\$210,405	\$1,750,922	\$1,230,000	\$2,200,000
Total	\$328,156	\$2,762,007	\$2,680,000	\$3,650,000

*The Revised Budget is reviewed on a quarterly basis as part of the Budget Process

Investment Performance



Historical Performance Summary

	Portfolio	AusBond BB Index	AusBond BB Index	Outperformance
Mar 2019	3.01%	1.96%	1.05%	1.05%
Last 3 Months	3.01%	2.12%	0.89%	0.89%
Last 6 Months	3.02%	2.01%	1.01%	1.01%
Financial Year to Date	3.02%	2.03%	0.99%	0.99%
Last 12 months	3.01%	2.02%	0.99%	0.99%

Investment Performance

Council's portfolio returned 3.01%pa on a weighted average yield basis during March. This compares favourably with the Ausbond Bank Bill Index's return of 1.96%pa for the month.

Camden Council

Investment Holdings Report - March 2019



Cash Accounts						
Amount (\$)	Current Yield	Institution	Credit Rating	Amount (\$)	Deal No.	Reference
4,000,000.00	1.60%	Commonwealth Bank of Australia	A-1+	4,000,000.00	535548	
4,000,000.00				4,000,000.00		

Term Deposits										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
1-Apr-19	1,500,000.00	2.75%	Bank of Queensland	A-2	29-Aug-18	1,524,297.95	537024	24,297.95	At Maturity	3138
3-Apr-19	1,000,000.00	2.80%	AMP Bank	A-2	31-Aug-18	1,016,339.73	537046	16,339.73	At Maturity	3139
8-Apr-19	1,500,000.00	2.75%	Bank of Queensland	A-2	3-Sep-18	1,523,732.88	537047	23,732.88	At Maturity	3140
10-Apr-19	1,500,000.00	2.70%	Bankwest	A-1+	24-Sep-18	1,520,971.23	537160	20,971.23	At Maturity	3141
15-Apr-19	1,000,000.00	2.70%	National Australia Bank	A-1+	25-Sep-18	1,013,906.85	537161	13,906.85	At Maturity	3142
17-Apr-19	1,500,000.00	2.70%	Suncorp Bank	A-1	2-Oct-18	1,520,083.56	537170	20,083.56	At Maturity	3143
23-Apr-19	1,500,000.00	2.70%	National Australia Bank	A-1+	3-Oct-18	1,519,972.60	537173	19,972.60	At Maturity	3144
29-Apr-19	1,000,000.00	2.70%	Bank of Queensland	A-2	10-Oct-18	1,012,797.26	537203	12,797.26	At Maturity	3146
1-May-19	1,000,000.00	2.70%	Bank of Queensland	A-2	1-Nov-18	1,011,169.86	537281	11,169.86	At Maturity	3149
6-May-19	1,500,000.00	2.70%	Bank of Queensland	A-2	1-Nov-18	1,516,754.79	537282	16,754.79	At Maturity	3150
6-May-19	3,000,000.00	2.50%	Bankwest	A-1+	5-Mar-19	3,005,547.95	537610	5,547.95	At Maturity	3193
8-May-19	1,000,000.00	2.70%	Rural Bank	A-2	7-Nov-18	1,010,726.03	537305	10,726.03	At Maturity	3151
13-May-19	1,000,000.00	2.70%	Bank of Queensland	A-2	12-Nov-18	1,010,356.16	537316	10,356.16	At Maturity	3152
13-May-19	500,000.00	2.70%	Rural Bank	A-2	12-Nov-18	505,178.08	537317	5,178.08	At Maturity	3153
15-May-19	1,500,000.00	4.55%	Westpac Group	A-1+	15-May-14	1,560,022.60	535497	60,022.60	Annually	2717
20-May-19	1,500,000.00	2.75%	Bankwest	A-1+	28-Aug-18	1,524,410.96	537016	24,410.96	At Maturity	3136
22-May-19	1,500,000.00	4.55%	Westpac Group	A-1+	21-May-14	1,558,900.68	535536	58,900.68	Annually	2718
27-May-19	500,000.00	2.70%	Rural Bank	A-2	19-Nov-18	504,919.18	537331	4,919.18	At Maturity	3154
27-May-19	1,000,000.00	2.75%	Bank of Queensland	A-2	21-Nov-18	1,009,869.86	537335	9,869.86	At Maturity	3155
29-May-19	1,000,000.00	2.75%	Bank of Queensland	A-2	22-Nov-18	1,009,794.52	537342	9,794.52	At Maturity	3156
3-Jun-19	1,500,000.00	2.75%	Bank of Queensland	A-2	23-Nov-18	1,514,578.77	537345	14,578.77	At Maturity	3157



Camden Council
Investment Holdings Report - March 2019

Term Deposits										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
5-Jun-19	1,000,000.00	2.75%	Bank of Queensland	A-2	23-Nov-18	1,009,719.18	537346	9,719.18	At Maturity	3158
11-Jun-19	1,500,000.00	2.75%	Bank of Queensland	A-2	23-Nov-18	1,514,578.77	537347	14,578.77	At Maturity	3159
12-Jun-19	1,000,000.00	2.75%	Bank of Queensland	A-2	23-Nov-18	1,009,719.18	537348	9,719.18	At Maturity	3160
17-Jun-19	1,500,000.00	2.72%	National Australia Bank	A-1+	26-Nov-18	1,514,084.38	537351	14,084.38	At Maturity	3161
17-Jun-19	1,500,000.00	2.75%	National Australia Bank	A-1+	30-Nov-18	1,513,787.67	537364	13,787.67	At Maturity	3163
19-Jun-19	1,500,000.00	2.72%	Suncorp Bank	A-1	28-Nov-18	1,513,860.82	537356	13,860.82	At Maturity	3162
19-Jun-19	1,000,000.00	2.75%	National Australia Bank	A-1+	30-Nov-18	1,009,191.78	537365	9,191.78	At Maturity	3164
24-Jun-19	1,500,000.00	2.70%	Commonwealth Bank of Australia	A-1+	24-Oct-18	1,517,642.47	537262	17,642.47	At Maturity	3148
24-Jun-19	1,000,000.00	2.72%	Suncorp Bank	A-1	3-Dec-18	1,008,867.95	537370	8,867.95	At Maturity	3165
24-Jun-19	1,500,000.00	2.80%	Bank of Queensland	A-2	12-Dec-18	1,512,657.53	537419	12,657.53	At Maturity	3168
26-Jun-19	1,000,000.00	2.72%	National Australia Bank	A-1+	17-Dec-18	1,007,824.66	537423	7,824.66	At Maturity	3169
26-Jun-19	3,000,000.00	2.80%	Bank of Queensland	A-2	3-Jan-19	3,020,252.05	537442	20,252.05	At Maturity	3172
1-Jul-19	1,500,000.00	2.72%	National Australia Bank	A-1+	10-Jan-19	1,509,054.25	537468	9,054.25	At Maturity	3174
3-Jul-19	1,500,000.00	2.80%	Bank of Queensland	A-2	10-Jan-19	1,509,320.55	537469	9,320.55	At Maturity	3175
8-Jul-19	1,000,000.00	2.70%	Bankwest	A-1+	8-Oct-18	1,012,945.21	537200	12,945.21	At Maturity	3145
10-Jul-19	1,500,000.00	2.78%	ME Bank	A-2	16-Jan-19	1,508,568.49	537471	8,568.49	At Maturity	3176
15-Jul-19	2,000,000.00	2.75%	AMP Bank	A-2	21-Jan-19	2,010,547.95	537476	10,547.95	At Maturity	3177
17-Jul-19	1,000,000.00	2.75%	AMP Bank	A-2	23-Jan-19	1,005,123.29	537479	5,123.29	At Maturity	3178
22-Jul-19	1,500,000.00	2.75%	ME Bank	A-2	29-Jan-19	1,507,006.85	537485	7,006.85	At Maturity	3179
24-Jul-19	1,500,000.00	2.75%	National Australia Bank	A-1+	31-Jan-19	1,506,780.82	537494	6,780.82	At Maturity	3180
29-Jul-19	1,500,000.00	2.75%	ME Bank	A-2	4-Feb-19	1,506,328.77	537510	6,328.77	At Maturity	3181
31-Jul-19	2,000,000.00	2.75%	ME Bank	A-2	6-Feb-19	2,008,136.99	537513	8,136.99	At Maturity	3182
5-Aug-19	1,500,000.00	2.75%	ME Bank	A-2	11-Feb-19	1,505,537.67	537533	5,537.67	At Maturity	3183
7-Aug-19	1,500,000.00	2.75%	ME Bank	A-2	13-Feb-19	1,505,311.64	537541	5,311.64	At Maturity	3184
12-Aug-19	1,500,000.00	2.75%	ME Bank	A-2	20-Feb-19	1,504,520.55	537554	4,520.55	At Maturity	3186
14-Aug-19	1,500,000.00	2.75%	ME Bank	A-2	22-Feb-19	1,504,294.52	537558	4,294.52	At Maturity	3187

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Term Deposits

Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
19-Aug-19	1,000,000.00	2.75%	Bank of Queensland	A-2	18-Feb-19	1,003,164.38	537547	3,164.38	At Maturity	3185
21-Aug-19	1,000,000.00	2.80%	AMP Bank	A-2	26-Feb-19	1,002,608.22	537563	2,608.22	At Maturity	3188
26-Aug-19	2,000,000.00	2.70%	ME Bank	A-2	28-Feb-19	2,004,734.25	537588	4,734.25	At Maturity	3190
28-Aug-19	1,000,000.00	2.70%	ME Bank	A-2	1-Mar-19	1,002,293.15	537596	2,293.15	At Maturity	3191
2-Sep-19	1,000,000.00	2.65%	ME Bank	A-2	6-Mar-19	1,001,887.67	537618	1,887.67	At Maturity	3194
4-Sep-19	1,500,000.00	2.65%	ME Bank	A-2	12-Mar-19	1,502,178.08	537627	2,178.08	At Maturity	3195
9-Sep-19	1,000,000.00	2.80%	AMP Bank	A-2	14-Mar-19	1,001,380.82	537638	1,380.82	At Maturity	3196
11-Sep-19	1,500,000.00	2.65%	Bank of Queensland	A-2	25-Mar-19	1,500,762.33	537649	762.33	At Maturity	3198
16-Sep-19	1,500,000.00	2.65%	Bank of Queensland	A-2	27-Mar-19	1,500,544.52	537700	544.52	At Maturity	3198
18-Sep-19	1,000,000.00	2.80%	AMP Bank	A-2	18-Mar-19	1,001,073.97	537646	1,073.97	At Maturity	3197
23-Sep-19	1,500,000.00	2.50%	National Australia Bank	A-1+	29-Mar-19	1,500,308.22	537762	308.22	At Maturity	3202
25-Sep-19	1,500,000.00	2.50%	National Australia Bank	A-1+	29-Mar-19	1,500,308.22	537763	308.22	At Maturity	3203
30-Sep-19	1,500,000.00	2.50%	National Australia Bank	A-1+	29-Mar-19	1,500,308.22	537764	308.22	At Maturity	3204
28-Oct-19	1,500,000.00	2.55%	Suncorp Bank	A-1	29-Mar-19	1,500,314.38	537759	314.38	At Maturity	3205
30-Oct-19	1,500,000.00	2.55%	Suncorp Bank	A-1	29-Mar-19	1,500,314.38	537760	314.38	At Maturity	3206
4-Nov-19	1,000,000.00	2.55%	Suncorp Bank	A-1	29-Mar-19	1,000,209.59	537761	209.59	At Maturity	3207
25-Nov-19	1,000,000.00	2.90%	ING Bank (Australia)	A-1*	23-Nov-17	1,010,249.32	535985	10,249.32	Annually	3032
27-Nov-19	1,000,000.00	4.10%	Rabobank Australia	A-1*	27-Nov-14	1,014,041.10	535518	14,041.10	Annually	2760
27-Nov-19	2,000,000.00	2.88%	Rural Bank	A-2	23-Nov-17	2,020,357.26	535987	20,357.26	Annually	3033
2-Dec-19	1,500,000.00	2.90%	ING Bank (Australia)	A-1*	27-Nov-17	1,514,897.26	535996	14,897.26	Annually	3035
2-Dec-19	1,500,000.00	2.83%	Rural Bank	A-2	1-Dec-17	1,513,839.86	536020	13,839.86	Annually	3037
4-Dec-19	1,500,000.00	4.25%	Bendigo and Adelaide Bank	A-2	28-Nov-14	1,521,657.53	535488	21,657.53	Annually	2762
11-Dec-19	1,500,000.00	4.00%	National Australia Bank	A-1+	16-Dec-14	1,517,260.27	535504	17,260.27	Annually	2766
19-Dec-19	1,000,000.00	3.85%	Macquarie Bank	A-1	19-Dec-14	1,164,969.86	535503	164,969.86	At Maturity	2767
2-Feb-20	1,000,000.00	3.90%	Westpac Group	A-1+	2-Feb-15	1,005,983.56	535537	5,983.56	Annually	2772
10-Feb-20	1,000,000.00	2.90%	ING Bank (Australia)	A-1*	8-Feb-18	1,004,131.51	536215	4,131.51	Annually	3065



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Term Deposits										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
15-Mar-21	1,000,000.00	3.60%	Bank of Queensland	BBB+	15-Mar-17	1,001,676.71	535484	1,676.71	Annually	2958
29-Mar-21	1,500,000.00	2.65%	Bank of Queensland	BBB+	29-Mar-19	1,500,326.71	537758	326.71	Annually	3201
7-Apr-21	1,000,000.00	3.50%	Bank of Queensland	BBB+	3-Apr-17	1,034,808.22	535486	34,808.22	Annually	2963
17-May-21	1,000,000.00	3.10%	Westpac Group	AA-	16-May-17	1,003,567.12	535544	3,567.12	Quarterly	2975
1-Feb-22	1,000,000.00	3.60%	Westpac Group	AA-	1-Feb-17	1,005,819.18	535538	5,819.18	Quarterly	2936
2-Feb-22	1,500,000.00	3.57%	Westpac Group	AA-	2-Feb-17	1,508,215.89	535539	8,215.89	Quarterly	2937
10-Feb-22	1,000,000.00	3.56%	Westpac Group	AA-	10-Feb-17	1,004,779.18	535540	4,779.18	Quarterly	2938
15-Feb-22	1,500,000.00	3.75%	Bank of Queensland	BBB+	15-Feb-17	1,506,934.93	535547	6,934.93	Annually	2939
22-Feb-22	2,000,000.00	3.64%	Westpac Group	AA-	22-Feb-17	2,007,579.18	535541	7,579.18	Quarterly	2940
28-Feb-22	1,000,000.00	3.75%	Bank of Queensland	BBB+	27-Feb-17	1,003,390.41	535483	3,390.41	Annually	2946
28-Feb-22	1,000,000.00	3.55%	Westpac Group	AA-	28-Feb-17	1,003,112.33	535542	3,112.33	Quarterly	2950
1-Mar-22	1,000,000.00	3.58%	Westpac Group	AA-	1-Mar-17	1,003,040.55	535543	3,040.55	Quarterly	2952
3-Mar-22	1,000,000.00	3.60%	Westpac Group	AA-	3-Mar-17	1,002,761.64	535545	2,761.64	Quarterly	2954
9-Mar-22	1,000,000.00	3.61%	Westpac Group	AA-	9-Mar-17	1,002,076.99	535546	2,076.99	Quarterly	2956
23-Mar-22	500,000.00	3.80%	Bank of Queensland	BBB+	23-Mar-17	500,364.38	535485	364.38	Annually	2960
4-May-22	1,000,000.00	3.60%	Bank of Queensland	BBB+	8-May-17	1,032,350.68	535487	32,350.68	Annually	2971
11-Dec-23	2,000,000.00	3.15%	National Australia Bank	AA-	19-Dec-18	2,017,778.08	537431	17,778.08	Annually	3070
18-Dec-23	4,500,000.00	3.15%	National Australia Bank	AA-	19-Dec-18	4,540,000.68	537432	40,000.68	Annually	3071
3-Jan-24	2,000,000.00	3.40%	Rabobank Australia	A+*	4-Jan-19	2,016,208.22	537443	16,208.22	Annually	3173
28-Feb-24	1,000,000.00	3.20%	Rabobank Australia	A+*	28-Feb-19	1,002,805.48	537586	2,805.48	Annually	3189
4-Mar-24	1,200,000.00	3.20%	Rabobank Australia	A+*	4-Mar-19	1,202,945.75	537601	2,945.75	Annually	3192
28-Mar-24	1,000,000.00	3.00%	Rabobank Australia	A+*	29-Mar-19	1,000,246.58	537765	246.58	Annually	3200
	128,700,000.00					129,860,562.31		1,160,562.31		

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