



# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**12 July 2011**

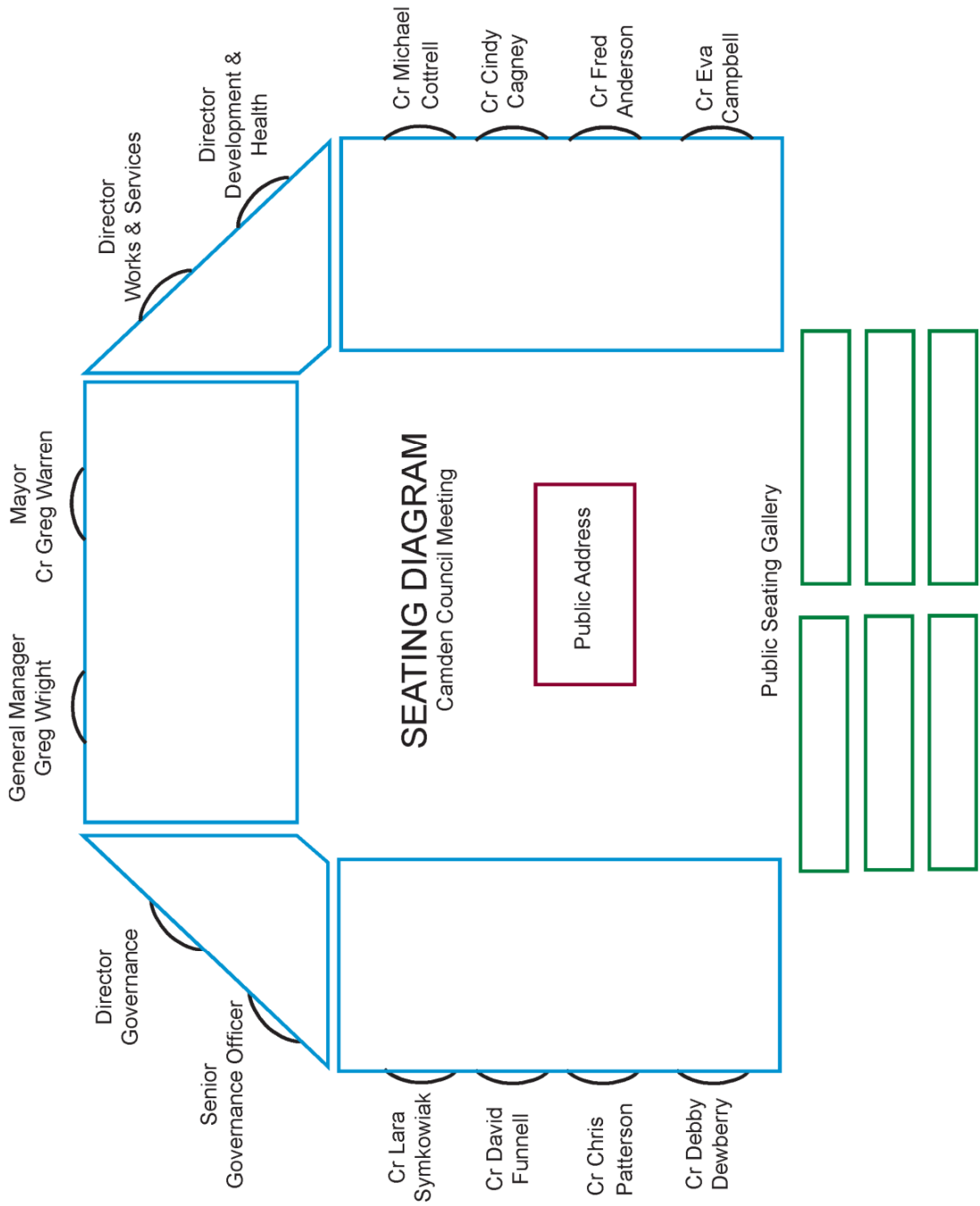
---

**Camden Civic Centre**  
**Oxley Street**  
**Camden**



## COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
DA	Development Application
DECCW	Department of Environment, Climate Change & Water
DCP	Development Control Plan
DDCP	Draft Development Control Plan
DPI	Department of Planning & Infrastructure
DLG	Division of Local Government, Department of Premier & Cabinet
DWE	Department of Water and Energy
DoH	Department of Housing
DoT	NSW Department of Transport
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
GCC	Growth Centres Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
MACROC	Macarthur Regional Organisation of Councils
OSD	Onsite Detention
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
RTA	Roads & Traffic Authority
SECTION 149 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
SECTION 603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
SRA	State Rail Authority
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils



Media



---

# ORDINARY COUNCIL

## ORDER OF BUSINESS - ORDINARY COUNCIL

Prayer		
Apologies .....	4	
Declaration Of Interest .....	5	
Public Addresses .....	6	
Confirmation Of Minutes .....	7	
ORD01	Jack Nash Reserve Improvements .....	8
ORD02	Springs Road Upgrade - Proposed Change To Scope Of Works .....	17
ORD03	Tender T100/2011 For Tree Maintenance Services .....	26
ORD04	Proposed Road Naming - Central Hills Business Park, Gregory Hills .....	29
ORD05	Oran Park And Turner Road Dcp Delegations .....	33
ORD06	New Central Administration Building .....	38
ORD07	Review Of Code Of Conduct - Division Of Local Government .....	47

### NOTICES OF MOTION

ORD08	Notice Of Motion - Camden Senior Citizens Committee Funding Request .....	55
ORD09	Notice Of Motion - Department Of Planning - Sex Industry Premises In Industrial Areas IN1 .....	56



---

## ORDINARY COUNCIL

**SUBJECT: APOLOGIES**

---

Leave of absence tendered on behalf of Councillors from this meeting.

**RECOMMENDED**

**That leave of absence be granted.**



---

## ORDINARY COUNCIL

**SUBJECT:       DECLARATION OF INTEREST**

---

NSW legislation provides strict guidelines for the disclosure of pecuniary and non-pecuniary Conflicts of Interest and Political Donations.

Council's Code of Conduct also deals with pecuniary and non-pecuniary conflict of interest and Political Donations and how to manage these issues (Clauses 7.5 -7.27).

Councillors should be familiar with the disclosure provisions contained in the Local Government Act 1993, Environmental Planning and Assessment Act, 1979 and the Council's Code of Conduct.

This report provides an opportunity for Councillors to disclose any interest that they may have or Political Donation they may have received relating to a Report contained in the Council Business Paper and to declare the nature of that interest.

### **RECOMMENDED**

**That the declarations be noted.**

---

## ORDINARY COUNCIL

**SUBJECT: PUBLIC ADDRESSES**

---

The Public Address segment (incorporating Public Question Time) in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper agenda or on any matter within the Local Government area which falls within Council jurisdiction.

Speakers must book in with the Council office by 4.00pm on the day of the meeting and must advise the topic being raised. Only seven (7) speakers can be heard at any meeting. A limitation of one (1) speaker for and one (1) speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' and should only be considered where the total number of speakers does not exceed seven (7) at any given meeting.

Where a member of the public raises a question during the Public Address segment, a response will be provided where Councillors or staff have the necessary information at hand; if not a reply will be provided at a later time. There is a limit of one (1) question per speaker per meeting.

All speakers are limited to 4 minutes, with a 1 minute warning given to speakers prior to the 4 minute time period elapsing.

Public Addresses are tape recorded for administrative purposes. It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore they are subject to the risk of defamation action if they make comments about individuals. In the event that a speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments. A copy of the tape recording may be available to third parties (in certain circumstances).

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person.

### **RECOMMENDED**

**That the public addresses be noted.**



---

## ORDINARY COUNCIL

**SUBJECT: CONFIRMATION OF MINUTES**

---

Confirm and adopt Minutes of the Ordinary Council Meeting held 28 June 2011.

**RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 28 June 2011, copies of which have been circulated, be confirmed and adopted.**



## ORDINARY COUNCIL

ORD01

**SUBJECT:** JACK NASH RESERVE IMPROVEMENTS  
**FROM:** Director Works & Services  
**BINDER:** Jack Nash Reserve

---

### PURPOSE OF REPORT

To seek Council's approval of the request by Mount Annan Currans Hill Knights Rugby League Football Club (MACH Club) to utilise club funds to undertake some development work at Jack Nash Reserve, Currans Hill.

MACH Club has sought permission to undertake the following works at Jack Nash Reserve:

1. install a concrete veranda at the front of the amenities building to minimise erosion and enhance the area around the BBQ that the Club installed in 2010; and
2. erect a black powder-coated 1.8m steel fence with 6 double gates around the perimeter of the ground which can be closed during match games for the purpose of collecting an entry fee.

A map indicating proposed works is **provided as an attachment to this report.**

### BACKGROUND

The MACH Club has been using Jack Nash Reserve sports fields in the winter season as the Club's home ground for approximately 14 years. The Club has grown over the years and is currently fielding 17 junior teams and one under 18 senior team in the top grade competitions of Group 6. All clubs which play in Group 6 play on fields with gated entries for competition games. This enables the cost of registration to players to be kept to a minimum.

The MACH Club has been liaising with Council over the last 7 years regarding improvements to the sporting ground.

Improvements undertaken in recent years include floodlights, goal posts for senior grade games and a brick BBQ facility, all with contributions from the MACH club.

Additional improvements identified by the club include the concreting in front of the amenities building, fencing of the ground and, in the future, a score board, covered bench seating and possibly the addition of a second storey to the clubhouse.

The erection of a fence and concreting in front of the amenities building has been assessed to be in accordance with SEPP Infrastructure 2007. As part of this process, community consultation was undertaken by means of a notice to adjoining residents advising of the proposed improvements.

In response to the notification to 133 adjoining households, Council has received 10 individual letter responses and one petition with 21 household signatories (7 of whom also wrote individual letters) raising objection to the fence and one expressing concern regarding the parking in Thow Place. A summary of submissions and reason for objections, predominantly to the proposed fence, is **provided at the end of the report.**

## **MAIN REPORT**

The range of facilities located in Jack Nash Reserve include:

- 2 rugby league fields;
- 1 cricket wicket;
- Open grassed areas as well as extensive areas of tree planting;
- 2 tennis courts, which are surrounded by a 3.6m high fence;
- 1 basketball court;
- Sports field amenities building;
- Jack Nash Reserve Club Room building;
- BBQ near the amenities building; and
- Pedestrian path on 3 sides of the reserve.

In the summer the sporting fields are used by cricket and Oztag sports clubs (and these groups have raised no objection to the proposals). In winter the 2 sports fields are used by MACH Club. The Tennis Courts are managed by the Camden District Tennis Association. The Clubroom building is available to the community for use through Council's booking system.

As is the case for other sports fields, the amenities building is used by the seasonal sports field hirer. Schools also use the sports fields one day of the week during school terms and other occasional use throughout the year.

The reserve is bounded by Currans Hill Drive to the north, Thow Place to the south, Kitching Way to the south east and Currans Hill Public School to the north east. The main entrance to the reserve is off Currans Hill Drive. The pedestrian paths through the reserve are used extensively by school students to access the school.

Over the years, the sports ground has experienced vandalism of the surface through unauthorised driving of bikes and cars, which has resulted in costs to repair the ground. Council has in recent years installed an irrigation system to improve the sports field condition.

The MACH Club have requested permission to erect a 1.8m, black steel fence around the sporting fields, inside the line of trees planted on the perimeter of the reserve. The proposed fence will have at least 6 double gates close to the entry points to the reserve from surrounding residential areas.

The key purpose for the request for the fence by the MACH Club is to enable the club to have a defined entry point to the sportsground which will enable the club to charge an entry fee on competition days. Currently the Club erects a temporary fence on competition days, and then dismantles and stores the materials used. The club estimates this task involves 15 volunteers approximately 2 hours to erect at the start of the day and 2 hours to dismantle at the end of the day. This work is very demanding on the limited volunteer hours available to the club. If the 1.8m fence is approved, the Club has advised that they will no longer need to put up the temporary fence, hence reducing the number of volunteer hours required.

The objections expressed regarding the fence range from a perception that the fence will be a visual barrier and obstruct the views from the surrounding houses, destroying the sense of openness, perceived impacts on the value of properties and potential for the fence to have an "exclusion" feel to the reserve.

It is noted that the reserve has thickly planted rows of trees on the Thow and Nash Place end of the reserve and there are obstructed views of the sportsground from Kitching Way, which is the access point for the tennis courts and community rooms. The type of fence proposed is similar to that around many schools and allows for viewing visibility through the fence. It is considered that such a fence will not be a visual barrier which would prevent being able to see the sports field areas.

It is expected any construction would be staged, but the critical issue remains whether or not a fence is acceptable.

The potential benefits of approving the fencing of the sportsfields include:

- possible deterrent to unauthorised vehicles and bikes, as the limited access points make it more difficult for unauthorised malicious entry and exit from the fields;
- the fence would limit the escape routes available to vandals involved in graffiti damage etc;
- school groups using the sportsground would have a greater sense of security and control when using the grounds;
- all sports field users can have the opportunity to have gated entry events for fund raising or crowd control; and
- the MACH Club would have an improved income stream assisting keeping fees low, to fund further improvements to the reserve and assist the club to grow, creating an attractive viable outlet for the local community to be involved in the Club's activities.

Currently there are 2 other Rugby League sportsfields which have enclosed grounds in the Camden LGA, Kirkham Park and Narellan sports ground. However both these grounds are of exclusive use to the Clubs and are occupied on lease (license) agreements, requiring the Clubs to undertake and cover all maintenance and operational costs.

In contrast Jack Nash sporting fields are multi-use grounds with alternate season sports on the grounds, with a range of facilities on the reserve and related infrastructure. However the MACH Club have advised that they are willing to enter into a licence agreement with Council which will ensure their continuity of use of the ground in return for an agreed level of expenditure on the reserve.

While some respondents have requested additional information on the proposed concreting works, there have been no significant objections to this part of the proposal. The concrete will provide a hard paved area where people tend to congregate, and therefore will help minimise maintenance and erosion caused by this traffic.

## **CONCLUSION**

The request to undertake concrete works in front of the clubhouse building is considered a community benefit and will take the pressure off Council to fund this concrete, and will prevent further erosion.

The request to erect a 1.8 m high fence with 6 double gates at the expense of the club, that will remain open except for approximately 10 competition games per year, has met with objection from the some residents that live adjoining the reserve. The main arguments against the fence are based on perceived impacts and opinions of aesthetics. The provision of a fence at the club's expense may have some community

benefits in allowing the sportsgrounds to be used for fund raising event purposes which ultimately benefit the community.

The question of impact on aesthetics must be considered in conjunction with the current appearance from the street level, which involves a dense layer of tree trunks and canopy which were planted to minimise the visual impact of the floodlights used on the sportsgrounds.

It is considered that the request from the MACH Club will provide some improved utility for the club and its members while not detracting from usability for the community nor a barrier to views into and through the sportsfield.

### **RECOMMENDED**

**That:**

- i. Council approve the concreting in front of the Amenities building;**
- ii. the fence be approved on condition that a minimum of 6 double gates be included and locked into open position except on competition days or special events subject to DA or other appropriate Council approval;**
- iii. the MACH Club be responsible for any maintenance required to the fence and gates; and**
- iv. residents of Thow and Nash Place be provided free entry into any gated events at Jack Nash.**

### **ATTACHMENTS**

1. Jack Nash Reserve Fence Map
2. Jack Nash Feedback





# ORD01 Attachment 2

## Jack Nash Reserve Development Work – Community Consultation Feedback

Respondent	Issues	Comments
<b>Respondent 1</b>	Object to an external fence around the perimeter of the sporting field.	Gates will be locked open, except for during competition games, to allow community access.
	Require additional information regarding the proposed concreting work.	Concrete will minimise erosion and future maintenance/remediation work.
<b>Respondent 2</b>	Absurd to put a fence around a community oval.	Gates will be locked open, except for during competition games, to allow community access.
	Leave the oval the way it is.	Gates will be locked open, except for during competition games, to allow community access.
<b>Respondent 3</b>	Feedback to acknowledge that the gates will remain open at all times when not used for Rugby League match days.	Gates will be locked open, except for during competition games, to allow community access.
<b>Respondent 4</b>	The open, inviting, community atmosphere will be destroyed if the fence is erected.	Trees on the perimeter of the reserve already disrupt views through the reserve.
<b>Respondent 5</b>	Object to an external fence around the perimeter of the sporting field.	Gates will be locked open, except for during competition games, to allow community access.
	Require additional information regarding the proposed concreting work.	Concrete will minimise erosion and future maintenance/remediation work. Information has been provided and no further comments received.
<b>Respondent 6</b>	Object to an external fence around the perimeter of the sporting field.	Gates will be locked open, except for during competition games, to allow community access.
	Require additional information regarding the proposed concreting work.	Concrete will minimise erosion and future maintenance/remediation work. Information has been provided and no further comments received.

<b>Respondent 7</b>	The field is for all to use not just the Club.	Gates will be locked open, except for during competition games, to allow community access.
	Is Council just trying to save on infrastructure spending?	The club will fund the fence. Some benefits of the proposed work will reduce maintenance expenses.
<b>Respondent 8</b>	Danger of falls and collisions posed by the close proximity of the fence to the bike/walking paths.	Safety will be considered in final design and location.
	Construction of the fence would endanger the harmonious, peaceful, passive and pleasant lifestyles of the local community.	Gates will be locked open, except for during competition games, to allow community access. The reserve is primarily a sporting venue catering for a range of active recreation pursuits.
	Construction of a fence that will be there for 365 days a year appears disproportionate when the field is only used approximately 15 times during the season.	Gates will be locked open, except for during competition games, to allow community access.
	The fence will encourage those wanting to drink alcohol and engage in anti-social behaviour to remain outside the fence and impacting further the local residents.	The area is an "Alcohol Prohibited Area" and surrounding streets "Alcohol Free Zones". The fence will assist in managing breaches.

	<p>Openness of a public reserve creates a unique sense of inclusion and community.</p> <p>The social needs of the children must be considered.</p>	<p>Gates will be locked open, except for during competition games, to allow community access. Trees on the perimeter of the reserve already disrupt views through the reserve. Gates will be locked open, except for during competition games, to allow community access. The approach will also assist keeping playing fees low.</p>
<p><b>Petition with 39 Signatories</b></p>	<p>30 - 40 Houses facing the park will have their view blocked by the steel fence.</p> <p>The Rugby League Club only use the field on 10 occasions throughout the year and does not warrant a fence for this amount of use.</p> <p>No fence.</p>	<p>The fence design allows for viewing visibility through the fence. The black finish of the fence recedes when looking at things beyond the fence. Trees on the perimeter of the reserve already disrupt views through the reserve. Gates will be locked open, except for during competition games, to allow community access. The club uses the field up to 7 days per week during the winter season.</p>
<p><b>Respondent 9</b></p>	<p>Aesthetically unattractive and only benefiting a small seasonal section of the community.</p> <p>The current parkland view from the house will be permanently damaged.</p> <p>Impact on the value and ability to sell house.</p>	<p>The fence design allows for viewing visibility through the fence. The black finish of the fence recedes when looking at things beyond the fence. The fence design allows for viewing visibility through the fence. The black finish of the fence recedes when looking at things beyond the fence. Trees on the perimeter of the reserve already disrupt views through the reserve. There is no evidence to suggest values of surrounding properties will reduce.</p>
<p><b>Respondent 10</b></p>	<p>No objections to the developments. Only concern is parking in Throw Place.</p>	<p>There is no change proposed to current use of the reserve.</p>



<b>Respondent 11</b>	Openness of the reserve creates a sense of inclusion.	Gates will be locked open, except for during competition games, to allow community access. Trees on the perimeter of the reserve already disrupt views through the reserve.
	Impact on the value of houses	There is no evidence to suggest values of surrounding properties will reduce.
<b>Respondent 12</b>	Amount of usage of the reserve does not warrant the erection of the fence.	Gates will be locked open, except for during competition games, to allow community access. The club uses the field up to 7 days per week during the winter season.
	Devalue surrounding properties.	There is no evidence to suggest values of surrounding properties will reduce.
	Amount of Club usage does not warrant a fence.	Gates will be locked open, except for during competition games, to allow community access. The club uses the field up to 7 days per week during the winter season.
	Detract from the current view of the reserve.	The fence design allows for viewing visibility through the fence. The black finish of the fence recedes when looking at things beyond the fence. Trees on the perimeter of the reserve already disrupt views through the reserve.

## ORDINARY COUNCIL

ORD02

ORD02

**SUBJECT: SPRINGS ROAD UPGRADE - PROPOSED CHANGE TO SCOPE OF WORKS**

**FROM:** Director Works & Services

**BINDER:** Springs Road Upgrade

---

### PURPOSE OF REPORT

To seek Council's approval to increase the current scope of works for the upgrade of Springs Road, to amend the 2011/12 budget to meet the costs of the additional works and to reject all tenders for Tender No 2010/11, being for the reinstatement of power in Springs Road, Spring Farm.

### BACKGROUND

The Springs Road project is generally about the lowering of Springs Road to a level which will match proposed new development in the area and to meet a number of government and infrastructure requirements. As such, the project has a number of different components.

#### Sand Extraction and Temporary Relocation of Power

Springs Road was closed in July 2010 to allow for sand extraction, lowering and reconstruction of the road including a new bridge across Springs Creek. A critical factor in these works was the temporary relocation of both transmission and distribution power out of the road reserve and onto adjacent privately owned land. These temporary relocation works were completed in January 2011. Sand extraction is expected to be completed by 15 July 2011.

#### Road and Bridge Construction

At the Ordinary Council Meeting held on 12 October 2010, Council resolved to accept the tender provided by TJ and RF Fordham Pty Ltd for construction of Springs Road, Spring Farm.

The current scope of works in this contract includes construction of approximately 1385 metres of flexible road pavement, drainage, two roundabouts, a 36 metre precast concrete bridge and a 250 metre bioretention swale. The extent of the works is between Richardson Road and Ettlesdale Road, Spring Farm.

Under this contract, the eastern end of Springs Road (between Springs Creek and Richardson Road) is being constructed to an urban standard on the basis that development of adjacent areas at this end is more advanced and that developers would pay the difference between the cost of overhead and underground power in this section of road. The western end of Springs Road (between Ettlesdale Road and Springs Creek) is being constructed to rural standard, but making drainage provisions for future kerb and guttering. This section of road includes reinstatement of power overhead.

#### Reinstatement of Power Back into Springs Road

Prior to the temporary relocation of power from Springs Road onto adjacent privately owned land, Council entered into a deed of agreement with the affected landowners and Integral Energy (now Endeavour Energy). This agreement requires Council to reinstate power back into Springs Road and remove the temporary works by May 2012.

Council's original intention for reinstating power was that it be done overhead for the entire length of Springs Road. This decision was based on the following factors:

- the original cost estimates for reinstatement underground indicated that this option could not be afforded within the amounts allowed in the Section 94 Developer Contributions Plans for the Springs Road project;
- that Endeavour Energy required reinstatement of the transmission power at a 66KV standard; and
- roadworks were being reconstructed to a rural standard.

### **MAIN REPORT**

Springs Road was closed in July 2010 to allow the extraction of sand and resulting lowering of the road to meet the level of proposed new developments.

The current advertised date for reopening Springs Road is 31 October 2011. The program for the current works has been affected by groundwater and unearthing of contaminated material adjacent to the former Council waste site at the eastern end.

The revised contract completion date for the current scope of roadworks is 30 November 2011. However, this does not include any allowance for delays associated with wet weather between now and that date. Allowing for possible delays associated with normally occurring wet weather, it is likely that Springs Road will be reopened by 23 December 2011 under the current scope of works.

#### **Proposed Change to Scope of Roadworks**

The current design for the western end of Springs Road (between Ettlesdale Road and Springs Creek) includes a 9 metre wide and 250 metre long bioretention swale in the centre of the road. In order to construct the western end of Springs Road to an urban standard under the current design and accommodate the bioretention swale, the existing road reserve needs to be widened by nine (9) metres. To avoid lengthy delays to the project associated with land acquisition, it was decided to work within the current road reserve boundaries and construct the western end to a rural standard.

The proposed bioretention swale was recommended as part of the Spring Farm Water Cycle Master Plan and was adopted into Council's Development Control Plan. This swale deals with water quality and quantity from future developments on the northern side of this section of Springs Road.

Consultants acting on behalf of the land owners for this proposed development have prepared an alternate solution for managing stormwater. This proposal removes the bioretention swale from within Springs Road and locates this function within the development site on the northern side of Springs Road.

Council Officers have reviewed the proposal and are satisfied that the water cycle management objectives can be achieved, although this will be a variation from the Development Control Plan.

Removal of the bioretention swale from within Springs Road is desirable from a road safety point of view and will reduce future maintenance costs for Council. There is also the additional benefit of not having to acquire approximately 2340m<sup>2</sup> of land from a variety of land owners to widen the road reserve.

With the bioretention swale deleted and the requirement to widen the road reserve being removed, there is now opportunity to construct the western end of Springs Road from Springs Bridge to Ettlesdale Road to an urban standard. There is significant financial benefit in doing this work under the current contract (while Springs Road is closed), rather than coming back at a later date to widen the pavement, modify drainage and construct kerb and guttering under traffic control.

The tender provided by TJ and RF Fordham Pty Ltd included a detailed schedule of rates for the urban elements being constructed on the eastern end of Springs Road. Should Council support the proposed change in scope for the roadworks, these tendered rates can be applied to vary the contract, to include the urban upgrade of the western end of Springs Road from Springs Bridge to Ettlesdale Road. This can be done knowing that Council, having tendered recently for such work, is getting a competitive market rate for these additional works.

Financial Implications of the Proposed Change to Scope of Roadworks

Funding for the urban upgrade of Springs Road is included in Council's Section 94 Development Contributions Plans. \$2,057,569 has been allowed in the Draft Camden Contributions Plan 2010 for the urban upgrade from Richardson Road to Ettlesdale Road. The urban upgrade of the eastern end is included in the current project scope and an allowance of \$1,285,200 is included on the current budget for these works. The balance of funds allowed in the Contributions Plans for the urban upgrade of the western end is \$772,369 (i.e. \$2,057,569 less \$1,285,200).

There is also an allowance of \$134,138 in the Draft Camden Contributions Plan 2010 for a proposed roundabout in the western end of Springs Road from Springs Bridge to Ettlesdale Road.

\$310,300 is currently allowed in the budget for construction of the bioretention swale.

If the roundabout allowance of \$134,138 and the remaining allowance for the urban upgrade of the western end of \$772,369 are added to the project budget, and \$310,300 is deducted for bioretention swale, the net additional funds available for the upgrade of the western end to an urban standard is \$596,207.

This can be summarised as follows:

**Table 1:** Balance of Funds Available for Western End Urban Upgrade

Total Urban Upgrade Allowance	\$2,057,569
Less - Current Budget	-\$1,285,200
<b>Available Additional Funding</b>	<b>\$772,369</b>

**Table Two:** Net Amount Required for Urban Upgrade of Western End

Roundabout Allowance	\$134,138
Plus Remaining Urban Upgrade Allowance - Western End (See Table 1)	\$772,369
Less - Bioretention Swale Allowance	-\$310,300
<b>Net Amount Required</b>	<b>\$596,207</b>

It is expected that, based on the Schedule of Rates in the current contract, the change in scope can be accommodated within this allowance.

There are sufficient cash reserves currently available in developer contributions to fund the proposed additional works.

#### Program Implications of the Proposed Change to Scope of Roadworks

The proposed changes will not affect the anticipated revised completion date of 23 December 2011, as it is considered that the deletion of the bioretention swale and the inclusion of the urban standard construction will balance out in terms of timeframe.

#### Proposed Change to Scope for Reinstatement of Power

The current scope for reinstatement of power is overhead for the western end and underground for the eastern end of Springs Rd.

A change to the approach for reinstatement of power at the western end of Springs Road is proposed due to the recommendation to upgrade this section of the road to an urban standard.

The 33KV transmission power, when constructed underground, is required to be located below the road pavement, approximately 1200mm off the kerb in the parking lane. Therefore, if power is placed overhead and the road is constructed to an urban standard, any future undergrounding will require the pavement to be excavated. This is an expensive operation and undesirable as it can compromise the road stability in the future. There is also the traffic disruption factor to consider with this approach.

There are a number of other conditions which also have recently changed in relation to the factors influencing Council's original decision to reinstate power overhead at Springs Road.

Council has prepared a revised Section 94 plan (Draft Camden Contributions Plan 2010) which includes increased funding for the Springs Road project. In developing this revised plan, funding for underground power has now been considered and allowances for the urban upgrade have also increased. Endeavour Energy have revised their requirements down from 66KV to 33KV which significantly reduces the costs for underground cables. Endeavour Energy have also agreed to fund spare conduits for future works.

Council has received increased income from sand extraction which can also contribute to cover the project costs.

Based on the above, it is anticipated that Council will collect sufficient funds from developers through the normal development contributions process to reinstate power in Springs Road underground, without further individual contributions from developers as previously suggested.

---

### Financial Implications of the Proposed Change to Scope for Reinstatement of Power

Additional funds of \$900,000 are required to be allocated to the project budget in order to meet the costs of reinstating power underground rather than overhead from Richardson Road to Ettlesdale Road.

Should Council choose not to change the scope of works, additional funds of \$400,000 are required to fund undergrounding previously being funded by Cornish Group for power fronting their properties at the eastern end of Springs Road.

Neither of these amounts reflect in the current project budget, and will need to be added.

Sufficient Section 94 Developer Contributions are being collected to fund these works.

There are cash reserves currently available in developer contributions to fund both the current and proposed additional works.

### Program Implications of the Proposed Change to Scope for Reinstatement of Power

The proposed change of scope for reinstatement of power will not affect the date for reopening Springs Road.

Endeavour Energy has confirmed that it has no further technical concerns with the current design and certification can be issued. This is now an administrative process that should be completed within a matter of days. This will enable installation of conduits in the eastern end of Springs Road upon contracting the works. A trenching and conduit design for the western end has been lodged with Endeavour Energy which should be able to be approved quickly, as this is a standard detail that mirrors the eastern end. A separate design for the cabling at the western end will be lodged subject to Council's agreement to the change in scope for reinstatement of power.

The critical activity in relation to the reinstatement of power underground is installation of conduits which can be achieved without affecting the date for reopening Springs Road. Installation of cable and energizing the power could happen after the road reopens with minimal disruption to traffic. Completion of this activity any time before May 2012 will satisfy the requirements of the deed of agreement with Endeavour Energy and the landowners affected by the temporary relocation of power.

The proposal to underground power from Richardson Road to Ettlesdale Road therefore will not affect the current anticipated reopening date of 23 December 2011.

### Tender for Reinstatement of Power

Tenders for the reinstatement of power were invited between 7 December 2010 and 19 January 2011. These tenders were based on power being reinstated overhead for the western end and underground for the eastern end.

Cornish Group, a developer owning properties on the southern side of Springs Road, had given Council a written undertaking to fund the additional costs associated with reinstatement of power underground rather than overhead. This commitment was made on the basis that up until that time, due to funding constraints, Council was intending to reinstate power overhead despite being seen as an inferior urban design outcome. As outlined earlier in this report, a number of conditions have changed which now allow Council to fund the reinstatement of power underground.

At the Ordinary Council Meeting held on 8 February 2011, Council resolved to accept the tender provided by Picton Power Lines Pty Ltd (Picton Power), subject to Integral Energy certification of the electrical design and completion of a formal agreement with Cornish Group to fund all additional costs associated with the reinstatement of power underground rather than overhead.

The design upon which the current tender for reinstatement of power was based was lodged with Endeavour Energy on 4 January 2011. Due to extensive delays in the assessment and certification process, the tender submitted by Picton Power has gone beyond the validity period of 120 days. Picton Power have advised that under the current scope of works its tender would increase by 4% to cover increases in materials and labour since the time of the original tender. Should the scope be revised as recommended, Picton Power would need to completely review its tender.

Should Council choose not to change the current scope of works for reinstatement of power (i.e, reinstate power overhead at the western end of Springs Road), it is considered reasonable to accept the 4% increase to the original tender by Picton Power.

However, should Council support the recommended change in scope for reinstatement of power underground, it is recommended that all tenders be rejected, and negotiations be entered into with the three lowest tenderers and any other suitable contractor judged to have the capacity and experience to carry out the works, within the revised project budget and required timeframe.

Endeavour Energy require that these works be constructed by Level 1 Accredited Service Providers. The lowest tenderers are accredited and will be able to submit revised prices within ten business days, which will enable the works to be negotiated and contracted within a timeframe that will not affect the Springs Road reopening date.

#### Budget Considerations for the Entire Project

Council's Draft Camden Contributions Plan 2010 (indexed to March 2011) will collect \$7,351,458 towards the reconstruction of Springs Road. Repealed Contribution Plan No. 6 will contribute \$4,900,000. Together these developer contribution plans will contribute \$12,251,458 for the reconstruction of Springs Road.

To date funds of \$7,760,735 have been allocated to the Springs Road project (related to Richardson Road to Ettlesdale Road only). If a further \$1,496,207 is allocated to the 2011/12 Capital Works Program as proposed, \$3,021,516 will remain to be allocated in the future towards the balance of the Springs Road project.

The remaining funds (\$3,021,516), to be used to complete Ettlesdale Road to Macarthur Road to an urban standard, including underground power and to complete streetscape works from Macarthur Road to Richardson Road, are considered sufficient to complete the balance of works.

The urban upgrade of Springs Road from Ettlesdale Road to Macarthur Road and streetscaping works (footpaths, street trees, turf and landscaping) for the full length of Springs Road from Macarthur Road to Richardson Road, included in Council's Development Contributions Plan, are not included in the current project scope. The undertaking of these works will be reported to Council later this year when there is more certainty around cash flow to fund these items.



## Options

Based in the discussion above, there are 4 options for Council:

1. Do not change the existing scope of works.

This will require additional funds of \$400,000 for undergrounding power previously being funded by Cornish Group for undergrounding power fronting their properties at the eastern end of Springs Road. This option will require future land acquisition to widen the road reserve, later construction of the western end to an urban standard under traffic control and future undergrounding of power at the western end. This option would allow Council to accept the tender from Picton Powerlines Pty Ltd with a 4% price adjustment. Springs Road would be anticipated to reopen by 23 December under the current scope of works. However, later "rework" would be more expensive and disruptive.

These additional funds are being collected under the Draft Camden Contributions Plan 2010.

This option is not recommended.

2. Remove the bioretention swale from within Springs Road and construct the western end to a rural standard.

This option minimises the change in scope but removes the requirement for future land acquisition to widen the reserve. Funding requirements would be the same as for Option 1 (i.e. \$400,000 increase required). Urban upgrade and underground power would be required in the future. This option would allow Council to accept the tender from Picton Powerlines Pty Ltd with a 4% price adjustment. Springs Road is anticipated to reopen by 23 December under this option, but future roadwork and undergrounding of power would need to be done under traffic conditions.

Because of future additional costs and likely traffic disruptions, this option is less favourable than Option 3 and 4.

3. Remove the bioretention swale, construct the western end to an urban standard and maintain the proposal for overhead power at the western end. This option requires additional funds of \$996,207 to be allocated to the 2011/12 Capital Works Program (\$400,000 for undergrounding power previously being funded by Cornish Group and \$596,207 for the urban upgrade of the western end - refer to Tabel 2 earlier in this report). These additional funds are being collected under the Draft Camden Contributions Plan 2010.

Under this option, the future reinstatement of power underground at the western end is uncertain in terms of timing and budget. This option would allow Council to accept the tender from Picton Powerlines Pty Ltd with a 4% price adjustment. Springs Road is anticipated to reopen by 23 December under this option.

However, trenching for undergrounding of power would need to be done under traffic conditions and requires reinstatement of road pavement. This option would increase the cost of undergrounding power.

4. The recommended option is to construct the western end to an urban standard with underground power.



This option requires additional funds of \$1,496,207 to be allocated to the 2011/12 Capital Works Program (\$900,000 for underground power and \$596,207 for the urban upgrade of the western end - refer to Table 2 earlier in this report). Construction of the road to an urban standard while the road is closed, under competitively tendered rates from TJ and RF Fordham Pty Ltd, is the most economical approach to completing these works. Funds that are currently allocated to constructing overhead power at the western end can be used to contribute to the cost of undergrounding power. However, Picton Power have indicated it would need to reprice this changed scope.

In this case it would therefore be appropriate to negotiate with a number of accredited contractors for this change. Springs Road is still expected to reopen by 23 December 2011 under this option.

The additional funds are being collected under the Draft Camden Contributions Plan 2010.

This option provides the most coordinated approach to achieving the best project and urban design result with the least disruption.

#### Community Impact

The Springs Road project has been progressing, but delays in completion have been caused by groundwater and contaminated waste being found at the eastern end of this work. The revised estimated completion date is now 23 December 2011.

The principal community impact of the Springs Road closure has been on residents along the Richardson Road corridor and businesses in the Glenlee area. However, none of the proposed options would vary this date, but the recommended option seeks to minimise the likelihood of possible adverse impacts on Richardson Road residents and Glenlee businesses in the future.

#### CONCLUSION

Removal of the requirement for a bioretention swale from within Springs Road allows Council to construct the western end from Springs Bridge to Ettlesdale Road to an urban standard without adjustments to the road reserve boundaries. Removal of the bioretention swale is also desirable from a road safety point of view and will reduce future maintenance and land acquisition costs for Council.

The tender provided by TJ and RF Fordham Pty Ltd for the current Springs Road project included a detailed schedule of rates which can be applied to vary the existing contract to provide for a road of urban standard for this part of Springs Road. There is significant financial benefit in doing this work under the current contract while Springs Road is closed.

Recent changes to a number of factors, which previously affected Council's ability to fund the reinstatement of power underground, now make doing these works possible. These changes include revisions to Section 94 plans, relaxing of Endeavour Energy's transmission requirements of 66KV to 33KV, Endeavour Energy contributing to the cost of spare conduits and additional funds available from sand extraction.

Constructing Springs Road from Richardson Road to Ettlesdale Road to an urban standard with underground power is the most coordinated and cost effective approach

to this project, delivers the best urban design outcome and will also minimise disruption in the future.

Cash reserves are available within Section 94 funds to fund the proposed additional works.

The proposal to amend the scope of the roadworks project and to underground power from Richardson Road to Ettlesdale Road will not affect the revised anticipated reopening date of 23 December 2011.

The current tenders for reinstatement of power are outside the tender validity period. It is considered that rejection of all previous tenders and negotiation is now required in order to contract these works within the revised budget and in a timeframe that will not affect the anticipated Springs Road reopening date.

Based on these consideration the recommended option is to construct the western end of Springs Road (between Springs Creek and Ettlesdale Road) to an urban standard with underground power.

### **RECOMMENDED**

**That:**

- i. Council approve additional funds \$1,496,207 being allocated to the 2011/12 Capital Works Program from existing Section 94 cash reserves to enable construction of Springs Road to an urban standard, including underground power from Richardson Road to Ettlesdale Road;**
- ii. authority be given to vary the existing contract with TJ & RF Fordham Pty Ltd based on tendered rates for the additional roadworks;**
- iii. Council decline to accept any of the tenders submitted in response to Tender No 2010/11 - Reinstatement of High Voltage and Transmission Power, Springs Road, Spring Farm and enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender;**
- iv. in accordance with Clause 178(4) of the Local Government (General) Regulation 2005, Council decline to invite fresh tenders as it is considered the tenders previously received provide a sufficient basis for negotiating a contract price within the revised budget allocation and in a timeframe that will not affect the anticipated Springs Road reopening date;**
- v. authority be delegated to the General Manager to negotiate with suitable contractors with the intent to reach agreement on a revised contract sum within Council's revised budget and required timeframe and enter into a contract for the works under Council seal following negotiations; and**
- vi. Council advertise the change to the date for reopening of Springs Road and write to residents along Richardson Road advising them of the changes on the anticipated reopening date for Springs Road, thanking them for their tolerance and explaining some of the benefits to change in scope of the works.**

## ORDINARY COUNCIL

ORD03

**SUBJECT:** TENDER T100/2011 FOR TREE MAINTENANCE SERVICES  
**FROM:** Director Works & Services  
**BINDER:** Parks and Reserves/Horticultural Services/Tender Documents

---

### PURPOSE OF REPORT

To seek Council approval for the acceptance of a Tender for 'Public Domain Tree Maintenance Services – T100/2011' in Camden for three years with up to two 12 month options to extend.

### BACKGROUND

In accordance with Council's Purchasing and Procurement Policy and the Local Government Tendering Regulation 2005, Council has sought tenders for the maintenance of trees in public areas on behalf of Council. The Tender documents sought to establish a common basis for the costing and delivery of tree maintenance services regularly encountered in public parks, reserves and streetscapes.

The tender for the supply of Public Tree Maintenance Services via Tender T100/2011 was advertised publicly through the Camden Advertiser between 18 May and 15 June 2011 and Council's e-Tendering portal from 13 May 2011. The closing date for the tender submissions was 3pm on 16 June 2011.

The proposed contract is for a period of almost 3 years to 30 June 2014, with the provision to extend the contract for up to two 12 month periods based on performance. The successful tenderer's rates are fixed during the life of the contract.

The current contract for 'Public Domain Tree Maintenance Services' expired on 30 June, 2011.

Prospective tenderers were asked to demonstrate in their submission:

- a) Conformance with the tender and contract proposed conditions;
- b) Schedule of rates for separate tree maintenance items;
- c) Company experience;
- d) Staff experience and qualifications;
- e) A detailed works program in Gantt chart format indicating the proposed sequencing and duration of activities;
- f) Past performance;
- g) A detailed methodology as to how the activities are to be completed;
- h) Pedestrian & traffic management control;
- i) Environmental Management Plan; and
- j) Safe Work (OH&S) Management System & Project Hazard Control Plan.

An evaluation panel has reviewed the submissions from each of the tenderers.

### MAIN REPORT

#### **Tender Appraisal - Tree Maintenance**

A total of six submissions for the Public Tree Maintenance Contract T100/2011 were received. Five of the six submissions were considered by the evaluation panel as conforming to and/or exceeding Council's minimum tender requirements. One submission provided to Council was considered non-conforming. A summary of tendered rates and tender evaluation sheet **is included in the Supporting Documents**. These rates are considered to be **Commercial in Confidence**.

Tenders (not listed in any specific order) were received from:

- Advanced Arbor Service Pty Ltd, Peakhurst, NSW
- CPE Tree Services, Mt Hunter, NSW
- Friendly Fred's Tree Service, Camden, NSW
- Treehaven Environments, Castle Hill, NSW
- Citywide Service Solutions Pty Ltd, Melbourne, VIC
- Sydney Metro Tree Services Pty Ltd, Horsley Park, NSW

The evaluation panel's assessment has taken into account each tenderer's compliance to the tender documentation, price and the following non-price criteria:

- a) Company experience;
- b) Staff experience and qualification;
- c) A detailed works program in Gantt chart format indicating the proposed sequencing and duration of activities;
- d) Past performance;
- e) A detailed methodology as to how the activities are to be completed;
- f) Pedestrian & traffic management control;
- g) Environmental Management Plan; and
- h) Safe Work (OH&S) Management System & Project Hazard Control Plan.

Each of the conforming tenderers indicated in their responses that they could undertake the range and volume of work requested by Council in a timely manner.

Council analysed data on the current tree maintenance activities carried out to determine Council's key cost drivers. i.e., the most frequently encountered job types. The five conforming submissions were assessed in terms of cost to Council by assessing their respective 'Schedule of Rates' against this range of activities.

An evaluation of all non-price criteria was also undertaken by the assessment panel.

The evaluation indicated that the tender submission submitted by CPE Tree Services offers the overall 'best value' for the services required by Council whilst remaining within Council's Tree Maintenance Budget.

The tender also proposed that subject to satisfaction performance by the supplier, Council could seek to extend the contact for two 12 month periods, which would minimise the administration workloads and costs associated with the issue of new tender documents.

## **CONCLUSION**

The market response to Council's 'Public Tree Maintenance' contract has been encouraging, with a wide range of companies taking interest. This has provided a fair and reasonable comparison.

Given the results of the tender evaluation, it is considered that the tender submitted by CPE Tree Services offers Council the best value for money and should therefore be

invited to accept the contract for Public Tree Maintenance for three years with up to two 12 month options to extend.

### **RECOMMENDED**

**That Council:**

- i. Council accept the tender submitted by CPE Tree Services Pty Ltd for the Tree Maintenance Contract T100/2011 for tree maintenance services up to 30 June 2014;**
- ii. grants authority to execute documents and affix the seal of Council to contracts as necessary;**
- iii. keeps confidential the report supplied in the Supporting Documents containing the tendered prices pursuant to Section 10A (2) (C) of the Local Government Act 1993 information that would if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;**
- iv. write to all unsuccessful tenders thanking them for their time and quality of their submission, as well as providing appropriate feedback from our assessment; and**
- v. authorise the General Manager to extend the contract for up to two 12 month extensions based on satisfactory supplier performance.**

### **ATTACHMENTS**

- 1. Tree Maintenance Services Cost Analysis - Supporting Document*
- 2. Tree Maintenance Tender Rate Summary - Supporting Document*

## ORDINARY COUNCIL

ORD04

ORD04

**SUBJECT: PROPOSED ROAD NAMING - CENTRAL HILLS BUSINESS PARK,  
GREGORY HILLS**

**FROM:** Director Development & Health

**BINDER:** Naming of Roads

---

### PURPOSE OF REPORT

The purpose of this report is to seek Council's resolution to endorse a proposed list of road names to be assigned to new roads within the Gregory Hills (Central Hills Business Park) release area and to continue with the new road naming process required by the Geographical Names Board (GNB).

### BACKGROUND

The developers of Gregory Hills, Dart West Developments Pty Ltd, have put forward a list of proposed road names to be considered for approval.

Gregory Hills was officially declared a new suburb by the GNB in August 2008 and is situated within the South West Area Growth Centre Turner Road Precinct. The new roads are part of the proposed subdivision within Lot 90 DP1137298, as approved under DA985/2009. **A location plan is provided at the end of this report.**

The names have been chosen as a tribute to St Gregory's College annual fundraising rodeo, which was held at the current Central Hills Business Park site.

The St Gregory's College Rodeo was first held in 1960. The Rodeo was the major fundraising event for the College generating approximately \$40,0000 annually. The St Gregory's College Rodeo was part of the NSW rodeo circuit, with the National finals being held there in 1990. The last rodeo was held in 1999.

The proposed road names have been reviewed by Council Officers in accordance with the guidelines as set by the GNB. The list has also been referred to the GNB which has raised no objection to the list of names.

### MAIN REPORT

The GNB has advised Council that the following process is required to be followed by the relevant roads authority in respect of having new road names approved. In this instance, Council is the Roads Authority:

1. The developer of the land provides to Council a list of proposed road names.
2. These are checked by Council staff in accordance with the guidelines published by the GNB.
3. The names that meet the guidelines are referred to the GNB for comment.
4. A report is sent to Council by Council Officers seeking endorsement of the list of names that are able to be approved by the GNB.

5. The endorsed list is published in a proposal notice in a local newspaper, ensuring that the notice states that written submissions on the name/s may be made to Council.
6. Council concurrently serves notice of its proposal on Australia Post, the Registrar General, Surveyor General and, in the case of a classified road, on the RTA if it is not the authority involved.
7. All submissions are compiled and the list of road names is reviewed by officers.
8. The results of the notification period are reported back to Council, with any recommendation for approval.
9. The approved names are published in the NSW Government Gazette and in local newspapers.
10. Council informs Australia Post, the Registrar General, Surveyor General and the RTA, giving sufficient particulars to enable the road to be identified.

**Steps 1 to 3** of this process have been undertaken and this report has now been prepared in accordance with **Step 4**.

The proposed list of new road names to be used in the Central Hills Business Park, Gregory Hills release area for which endorsement is sought is as follows:

Central Hills Drive	Bronco
Rodeo	Bullock
Steer	Cattle
Lasso	Brazier

If Council endorses the above list of proposed new road names, the list will be published in a local newspaper and written submissions to Council will be invited for a period of 30 days.

The outcome of the notification period will then be reported to Council with recommendations, and seeking further direction.

### **CONCLUSION**

A request has been received by Council from Dart West Developments Pty Ltd to adopt a list of names to be used for new roads in the Central Hills Business Park, Gregory Hills release area.

The proposed list of road names has been considered by Council Officers and the GNB, and is now able to be recommended to Council for endorsement and resolution to proceed with the required road name approval process detailed in this report.

If the list is endorsed, a 30 day submission period will be undertaken and a further report provided to Council with the results of the exhibition.

### **RECOMMENDED**

**That Council:**

- i. **endorse the list of new road names within this report, for use in the Central Hills Business Park, Gregory Hills release area;**

- ii. proceed with the new road naming process detailed in this report; and,
- iii. be provided with a further report detailing the results of the 30 day public exhibition period.

### ATTACHMENTS

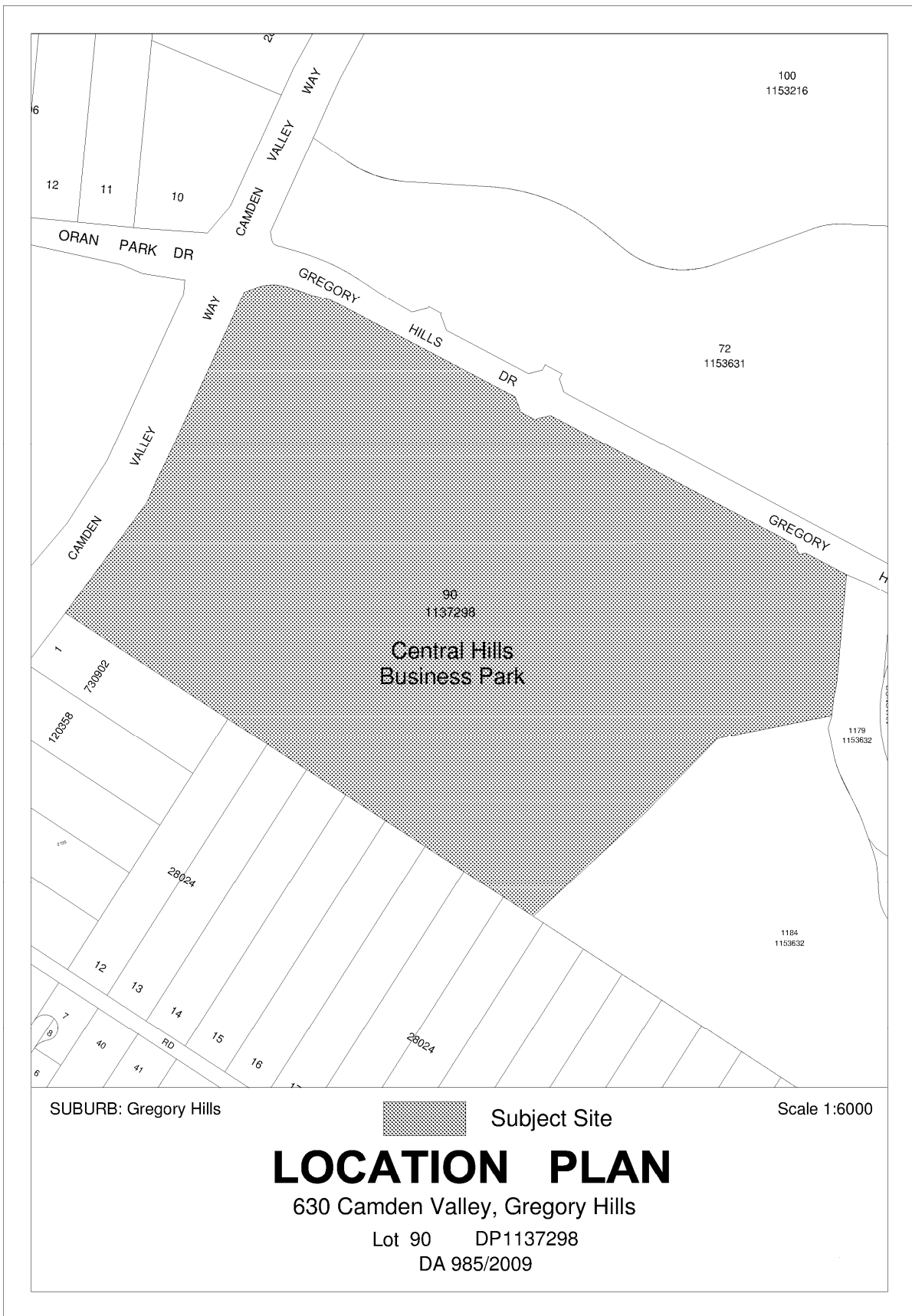
1. Location Plan

ORD04



ORD04

Attachment 1



SUBURB: Gregory Hills



Subject Site

Scale 1:6000

# LOCATION PLAN

630 Camden Valley, Gregory Hills

Lot 90 DP1137298

DA 985/2009

## ORDINARY COUNCIL

ORD05

ORD05

**SUBJECT:** ORAN PARK AND TURNER ROAD DCP DELEGATIONS  
**FROM:** Director Governance  
**BINDER:** Oran Park and Turner Road DCP

---

### PURPOSE OF REPORT

The purpose of this report is to inform Council of the recent delegation of the Oran Park and Turner Road DCPs (OPTR DCPs) to Council from the Department of Planning & Infrastructure (DPI) and advise of the implications that arise from the delegation. The delegation permits Council to initiate changes subject to the conditions of the delegation. A copy of the instrument of delegation and the accompanying letter is provided as an **attachment to this report**.

### BACKGROUND

The OPTR DCPs were gazetted in 2007 by the then Growth Centres Commission and responsibility for the maintenance of the DCP has remained that of the DPI. The DPI initially sought to merge the DCP into the Camden DCP and Council has previously advised that this would be its preference. However, following the receipt of legal advice the DPI recently advised that this merge could not be carried out. As a result, the Director General of the DPI has now advised that the provisions of the OPTR DCP have been delegated to Council as stand alone DCPs subject to conditions.

### MAIN REPORT

On 9 June 2011, the Director General of the DPI forwarded a letter to Council outlining that certain functions in relation to DCPs at Oran Park and Turner Road precincts have been delegated to Council. The delegation makes Council the relevant body for amending, substituting or revoking the relevant DCPs. The making of DCPs within the Growth Centre for each precinct remains the responsibility and role of the DPI. However, following gazettal of each future precinct and associated DCP, the delegation is intended to extend to any new DCP as well.

Council has previously raised concern with the delegation of the DCPs as provided for by the DPI as it is restrictive and not exclusive and can be revoked at any time. Council has also discussed with the DPI the ability to merge the provisions of the Precinct Plans in the State Environmental Planning Policy (Sydney Region Growth Centres) 2008 (Growth Centres SEPP) into both Camden LEP 2010 (CLEP 2010) and Camden DCP 2011. The DPI has maintained that the Biodiversity Certification that applies to the Growth Centres would not permit these changes to occur. As a result, the DPI has followed a path of delegating the DCP.

Council sought legal advice as to whether the DCP and the precinct plan provisions of the Growth Centres SEPP could be merged as sought. The legal advice outlined that there did not appear to be any impediment to the transfer of the controls to the CLEP 2010 and the full transfer of the attached DCP, despite the Biodiversity Certification. The DPI disagrees with this advice and has internal legal advice that the transfer cannot take place. Council's legal advice also confirmed the DPI's view that if the Precinct Plans are not transferred to CLEP 2010 then the DCP could also not be transferred, yet delegation could be provided.

The delegation as provided sets out that Council can initiate and manage the process of making amendments to or otherwise substituting or revoking the relevant DCP. This responsibility is subject to procedural conditions and oversight that requires Council to formally advise the DPI of any changes Council wishes to make at different points of the process. The Director General of the DPI can veto Council's actions at any time.

The delegation and the way it is structured raises cost implications for Council. Primarily, Council will have to resource any changes to the DCP, by way of staffing and advertising and administration costs that were previously borne by the DPI. Council currently charges fees for requests to amend the Camden DCP 2011 to cover these costs as they apply to that DCP. Council should consider amending the adopted Fees and Charges to ensure that this fee is extended to incorporate any changes to the OPTR DCPs and any future Growth Centre DCP.

### **CONCLUSION**

Following the delegation attached to the letter received from the Director General of the DPI dated 9 June 2011, Council is now the relevant planning authority for the existing Oran Park and Turner Road DCPs and any future Growth Centre DCPs. The delegation is subject to conditions that means that Council will not have complete ownership of the process. As outlined in the report, the delegations of the functions of the DPI to Council incorporates cost implications that Council will need to ensure are able to be funded by amending the adopted Fees and Charges.

### **RECOMMENDED**

#### **That Council:**

- i. notes the details of the delegation of the Growth Centre DCPs as outlined in the report and attachment;**
- ii. Council endorse the amendment of the adopted Fees and Charges 2011/12 by changing the description of the Camden Development Control Plan 2011 fee to incorporate any Development Control Plan;**
- iii. the amendment to the Fees and Charges be exhibited for a minimum of 28 days in accordance with the requirements of the Local Government Act, 1993; and**
- iv. be advised of the outcome arising from the public exhibition of the amendment to the Fees and Charges via a report back to Council.**

### **ATTACHMENTS**

1. Oran Park & Turner Road Delegations



Office of the Director General

11/03399

The General Manager  
Camden Council  
PO Box 183  
CAMDEN NSW 2570

Dear Mr Wright

I am writing to advise that I have delegated my functions to Council in relation to amending, substituting and revoking development control plans (DCPs) for the purposes of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP).

The delegation will allow Council to exercise my functions as a relevant planning authority as set out in Division 6 of Part 3 (DCPs) of the *Environmental Planning and Assessment Act 1979*, in relation to the DCPs listed in schedule 1 of the delegation. This includes the Oran Park and Turner Road DCPs which apply in the Camden local government area.

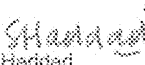
The Department will continue to prepare DCPs for each precinct within the Growth Centres during the precinct planning process, in consultation with Council. However, following gazettal of the precinct plan and subsequent implementation of the development controls, should the need for amendments or additions to the DCP be identified the delegation will allow Council to make these.

When future DCPs are adopted for other Growth Centre precincts the delegation will be revised.

The delegation is subject to a number of conditions that Council will need to comply with. Please refer to the attached delegation for the full conditions.

Should you have any enquiries about this matter, I have arranged for Elizabeth Kinkade, Director, Land Release (Planning and Delivery) of the Department of Planning to assist you. She can be contacted on telephone number 9850 1537.

Yours sincerely

  
Sam Heddad  
Director General

9/6/2011

Attachment 1 – Instrument of Delegation

ORD05

Attachment 1

ORD05

Attachment 1

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

## INSTRUMENT OF DELEGATION

I, SAM GABRIEL HADDAD, Director-General of the Department of Planning and Infrastructure, pursuant to section 23 of the *Environmental Planning and Assessment Act 1979*, hereby delegate my functions, as a relevant planning authority under Division 6 of Part 3 of that Act (Development control plans), to amend, substitute or revoke a development control plan listed in Schedule 1 to this Delegation with respect to development within a growth centre precinct to the local council for the local government area that includes that growth centre precinct.

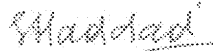
This Delegation authorises a local council to exercise functions in relation to a development control plan only to the extent that the growth centre precinct to which the plan applies is located within the local government area for which the council is constituted.

This Delegation of the Director-General's functions to each local council is subject to the following conditions:

- (a) the council must provide the Director-General with a copy of any draft development control plan at the same time as it is placed on public exhibition,
- (b) the council must provide the Director-General with a copy of any draft development control plan that it proposes to make (following public exhibition of the draft plan) at least 15 working days before it is made,
- (c) the council must provide the Director-General with a copy of any draft notice of intention to repeal or revoke a development control plan at least 15 working days before its publication.

In this Delegation:

- (a) a reference to functions as a relevant planning authority under Division 6 of Part 3 of the *Environmental Planning and Assessment Act 1979* includes a reference to functions as a relevant planning authority under Part 3 of the *Environmental Planning and Assessment Regulation 2000* (Development control plans), and
- (b) *growth centre precinct* means a growth centre precinct within the meaning of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* to which a precinct plan set out in an appendix to that Policy applies.



DIRECTOR-GENERAL OF THE DEPARTMENT OF PLANNING AND INFRASTRUCTURE

Dated: 9<sup>th</sup> June 2011

## SCHEDULE 1

Oran Park Precinct Development Control Plan 2007

Turner Road Precinct Development Control Plan 2007

North Kellyville Precinct Development Control Plan 2005

Riverstone West Precinct Development Control Plan 2009

Blacktown City Council Growth Centre Precincts Development Control Plan 2010, but only in its application to land within Alex Avenue Precinct, Riverstone Precinct and Marsden Park Industrial Precinct.

---

**ORD05**

**Attachment 1**

## ORDINARY COUNCIL

ORD06

**SUBJECT:** NEW CENTRAL ADMINISTRATION BUILDING  
**FROM:** Director Governance  
**BINDER:** Council Properties

---

### PURPOSE OF REPORT

The purpose of this report is to present to Council the findings of an independent assessment into the most appropriate site for a new central administration building and to recommend the next steps in the site selection process.

### BACKGROUND

The latest round of discussions regarding future office accommodation commenced shortly after the announcement of the State Government's plans to concentrate a large proportion of development in the North West and South West Sydney regions.

In the latter part of 2007 an office accommodation preliminary needs analysis was undertaken and reported to Council. This analysis predicted that Council's office based accommodation needs would grow from approximately 3,000 square metres to 8,400 square metres over the next 30 years.

In late 2008, Council engaged independent experts to assist with the selection of the most appropriate site to accommodate a new central administration building. The scope of works was limited to three (3) key sites, Camden (of which there was 2 options explored), Narellan and Oran Park.

The findings from this body of work were presented to Councillors at a workshop in late 2009 and again in mid 2011. The project was temporarily delayed due to the emergence of several significant projects including the Special Rate Variation bid in early 2010, radical changes to Developer Contributions in NSW (including the prohibition of levying monies for office accommodation) and the implementation of the new Integrated Planning and Reporting Framework by Council in late 2010 / early 2011.

Reference is made throughout Council's 2011/12 – 2014/15 Delivery Program and Annual Operating Plan about the need to identify and fund a suitable site for a centralised administration building to house the predicted staff growth required to satisfy increased service demand.

### MAIN REPORT

In 2009, Council appointed consultants, Hassell in conjunction with Jones Lang LaSalle, Davis Langdon and Arup, to evaluate the suitability of each of the three (3) proposed sites being considered, to enable a recommendation of the most appropriate site for a new central administration building for Camden Council.

The study covered technical, locational and feasibility aspects of each of the three (3) sites. Key components of the study included the following:

### **Review of the Preliminary Needs Analysis Report**

An independent review of this report revealed the assumptions used in arriving at the projected staff and space requirements were valid. In summary, the review supported the following requirements.

	<b>2008</b>	<b>2040</b>
LGA Population (approx)	52,000	250,000
Total Number of Council Employees	300	850
Total Number of Office Based Employees	144	421
Total Amount of Accommodation Space Required	3,000	8,400

### **Review of existing trends and best practice**

Through the review of other council administrative buildings, the preliminary needs analysis, the consultants' expertise and consultation with Council staff, the following principles for a future central administration building were adopted:

- Capability – meet current and future needs, spatial capability, promote multi-function use.
- Sustainability – able to promote sustainability on numerous levels.
- Amenity – proximity to other facilities, quality environment for staff and customers.
- Identity – inspiring and vibrant, degree of visibility.
- Relevance – distinctive meeting place, good connection with public space for formal and informal activities.
- Timing, operations and cost – efficiency/operating costs minimised, overall capital cost.

### **Development of a Facility Plan**

Following an analysis of Council's needs and a review of best practice, the consultants prepared a schedule of areas table. The final schedule of areas, upon which the proposal was costed, is provided below:



Space No.	Space Description	Capacity	Unit Area	Quantity	Total Area sqm
<b>1100</b>	<b>Accommodation</b>				
1101	Entry Foyer and reception	12	60	1	60
1102	Display	12	36	1	36
1103	Council Chambers	100	500	1	500
1104	Catering	2	20	1	20
1105	General Toilets	8	40	1	40
1106	Customer Services	12	60	1	60
1107	Administrative staff office floor space	420	4200	1	4,200
1108	Meeting Room Type A (Small)	4 to 6	10	14	140
1109	Meeting Room Type B (Medium)	8 to 12	14	8	112
1110	Meeting Room Type C (Large)	20	43	4	172
1111	Staff Toilets	8	40	4	160
1112	Kitchenette	-	12	4	48
1113	Office store	-	20	2	40
1114	Resources Room / Printing Room	-	20	2	40
1115	Archive Room	-	40	2	80
1116	General Storage	-	100	1	100
1117	Loading Area	-	60	1	60
1118	Cleaners' Rooms	-	12	4	48
1119	First Aid	2	10	1	10
1120	Staff Showers	2	10	2	20
1121	Staff Meal Rooms	20	40	1	40
<b>Subtotal</b>					<b>5,986</b>
1126	Circulation	-	-	-	1,497
1127	Plant Room	-	-	-	898
<b>TOTAL GROSS</b>					<b>8,380</b>
<b>Car Parking</b>					
	Spaces	250	30	250	<b>7,500</b>

*Note: 250 spaces includes 30 for visitor use*

### Value analysis and funding strategy

Assuming Council was to develop a central administration building that provided for its needs until 2040, a building of approximately 8,400 square metres would need to be developed of which 4,200 square metres (50% of total area) would be available for rent in the short to medium term.

Anticipating future demand for commercial space is difficult to measure however it was considered that Council would have difficulty achieving full occupancy in the short to medium term. The consultants strongly suggested staging any development works to alleviate some of the risks associated with having excess space and no tenant to occupy and therefore pay rent.

The sale of surplus land was an important factor in the funding strategy associated with this project. The sale of the following properties was considered in the context of this project:

1. Valley View Drive, Narellan
2. Topham Road, Smeaton Grange
3. Family Day Care Centre, Camden, and
4. Land immediately surrounding Narellan Administration Building

The study also considered appropriate ownership models including 100% outright ownership, Joint Ventures (a mix of ownership) and 100% leasing. Advantages and disadvantages were outlined for each model.

## **Cost Comparison**

The following table highlights the total construction costs (in 2014 dollars) associated with each of the options, net of identified land sales:

<b>Site (Ultimate) ***</b>	<b>Net Cost</b>
Camden A - Rebuild	\$47,345,000
Camden B - Refurbish	\$43,985,000
Narellan	\$37,985,000
Oran Park	\$37,685,000

\*\*\* Ultimate includes 100% of the cost of constructing the ultimate space required. In this case, it would mean constructing 8,400 square metres of floor space upfront. It also includes identified land sales where appropriate.

The following table summarises the costs associated with each of the sites if they were to be staged and net of identified land sales. This is considered to be a more realistic view of the net costs associated with each of the sites.

<b>Site (Staged) ***</b>	<b>Net Cost</b>
Camden A Staged	\$28,842,000
Camden B Staged	\$26,355,000
Narellan Staged	\$22,322,000
Oran Park Staged	\$20,807,000

\*\*\* Staged includes 50% of the cost of constructing the ultimate space required. In this case, it would mean initially constructing 4,200 square metres of floor space with a view to constructing the balance (4,200 square metres) between 2020 and 2025. It also includes identified land sales where appropriate.

## **A comprehensive analysis of the three sites**

The site audits for the three (3) sites nominated by Council took into account the following:

- I. Detailed site analysis and audit;
- II. Existing planning controls and strategic vision for each site;
- III. Facility Plans which took into account the existing facilities on or adjacent to the sites and opportunities for shared use;
- IV. Built form and building envelope analysis;
- V. Transport, access and drive time analysis;
- VI. Opportunity to employ sustainable design features on the site;
- VII. Commercial viability of using the site for alternate commercial uses, and,
- VIII. Timing, operations and costs associated with each site.

## **Assessment Criteria**

The project team including Hassell, Arup, Davis Langdon and Jones Lang LaSalle established a set of criteria and indicators upon which to base a thorough and transparent analysis to determine the best possible site for further detailed analysis.

The assessment criteria and weightings established for the three (3) sites were as follows:

	CRITERIA	Weighting
	Site is sufficient size to accommodate an 8,400sqm building plus 250 car spaces (12,250sqm)	Y/N
<b>1</b>	<b>TRANSPORT AND ACCESS</b>	<b>11</b>
1.1	Minimal impact on surrounding road network	2
1.2	Site location is accessible to current and future residents. Site easily accessed for private and service vehicles, as well as cyclists and	5
1.3	Site is in proximity (100m) to public transport	4
<b>2</b>	<b>PHYSICAL, NATURAL &amp; LANDSCAPE ATTRIBUTES</b>	<b>8</b>
2.1	Site is not affected by flood	3
2.2	Development of the site will not impact any significant vegetation.	2
2.3	Site is not constrained by soil types, contamination, or sub-surface issues (i.e.	2
2.4	Site can take advantage of views and vistas	1
<b>3</b>	<b>SITE ATTRIBUTES</b>	<b>15</b>
3.1	Any current land uses can easily be relocated to alternate site.	2
3.2	Heritage significance of built form on the site (will it create an opportunity or constraint to development?).	3
3.3	Site contains all hard infrastructure services and IT and communication infrastructure including remote link capability.	6
3.4	Site is prominent and visible from surrounding road network.	3
3.5	Site provides an opportunity for co-location and shared usage with civic and community facilities.	1
<b>4</b>	<b>SUSTAINABLE DESIGN</b>	<b>11</b>
4.1	Orientation and layout of site provides solar access, to increase natural light into a future building	3
4.2	Orientation and layout of site enables natural ventilation.	3
4.3	Site has access to recycled water systems	3
4.4	There are existing buildings on site that can be reused	2
<b>5</b>	<b>PLANNING CONSIDERATIONS</b>	<b>10</b>
5.1	Compatible with current strategic or policy designations/requirements for each site.	4
5.2	Limited constraints to site amalgamation.	2
5.3	Opportunities to enhance site and surrounding environment.	2
5.4	Site interfaces with compatible uses; future building would be compatible with existing scale and pattern as well as create linkages with of surrounding built form.	2
<b>6</b>	<b>COMMERCIAL and EXPANSION POTENTIAL</b>	<b>10</b>
6.1	Site has good rental returns and attractive to prospective commercial tenants.	5
6.2	Site offers the opportunity to expand facilities in the future.	5
<b>7</b>	<b>TIMING, OPERATIONS &amp; COST</b>	<b>35</b>
7.1	Total development costs are minimised.	13
7.2	Location minimises operational costs	13
7.3	Site provides certainty regards being able to be developed in the next 3-5 years.	6
7.4	Business interruption, relocation and temporary accommodation costs are minimal.	3
	<b>Total achievable points</b>	<b>100</b>

### SITE AUDITS – ANALYSIS AND FINDINGS

The assessment criteria outlined above was used to evaluate the appropriateness of the each of three (3) sites – Camden, Narellan and Oran Park.

In all, four (4) options were explored:

1. Option A – Camden – Demolish and rebuild the building at the rear of Macaria
2. Option B – Camden – Refurbish the existing building at the rear of Macaria
3. Option C – Narellan – Construct a new building, and
4. Option B – Oran Park – Construct a new building

### Options A & B - Camden

Camden is the smallest of the 3 sites and therefore there is limited ability to position the proposed building on the site in a manner which maintains required setback and height controls as well as a suitable amenity.

The proposed building would present as a large built form mass which is generally contradictory to the finer grain built form in the Camden CBD. The height of the proposed building would be consistent with the height of surrounding buildings; however the bulk and scale is incongruous.

The most significant constraint for Camden is carparking and the replacement of the existing carpark at the site. The site can accommodate 195 car spaces through a basement beneath the new building plus a decked carpark located on the site fronting Mitchell Street and Oxley Street (195 spaces). This envisages the provision of 250 new spaces and replacement of the existing 140 spaces.

The fact the site is also flood affected means that the provisions of basement parking will be problematic and costly.

The site is not central to the existing and future population of the Camden LGA, thus increasing costs in travel and response times for many Council operations.

The slope of the site would likely mean stepping of floors and hence accessibility issues, additional lost space for ramps and additional cost.

The long term expansion of facilities (should they be required) on the site will also be hindered by the restricted site size.

When assessed against the criteria, Camden Option A (Demolish Rear Building) scored **50.5 out of 100**. Camden Option B (Refurbish Rear Building) scored **51.25 out of 100**.

### **Option C - Narellan**

The Narellan site is located within close proximity of the emerging town centre of Narellan. The proposed site will be accompanied by various developments proposed along Elyard Street, providing a vibrant and active street directly across from the town centre.

The proposed location is a large site and is of sufficient size to accommodate the ultimate space requirements of a new administration building. The proposed size and scale is consistent with surrounding development (Narellan Library and Narellan Town Centre).

The administration building would provide an opportunity to create a civic precinct through open spaces between the Narellan library and the proposed location of the new administration building.

The required carparking can be accommodated by a combination of decked and at-grade parking. The site is subject to a number of constraints (possibly including contamination) which may require further investigation.

When assessed against the criteria, Option C - Narellan scored **76 out of 100**.

### **Option D – Oran Park**

The proposed location at Oran Park is part of the largest new development areas within the South West Growth corridor. As a Greenfield site, there are limited physical constraints to constructing the required office accommodation space and an optimum opportunity to accommodate environmentally sustainable design initiatives in any proposal.

The site would benefit from the proximity of a major town park and an opportunity to establish a strong civic and community precinct adjacent to the Oran Park Town Centre.

Locating the administration building within Oran Park will enable Council to develop on a Greenfield site in a prominent location within the Oran Park Town Centre however it also comes with considerable risks. Firstly, Council does not own the land and would need to pay a substantial sum of money for the area required. It should be noted that discussions have occurred regarding the potential acquisition of the required land and probity advice sought in relation to the possibility of land being dedicated to Council.

There is also the risk that a new administration building may not be supported by other retail, commercial, community and civic uses for the short to medium term. This, therefore, results in some commercial risk.

When assessed against the criteria, Option D – Oran Park scored **79.5 out of 100**.

### **Study Conclusions**

The three sites all vary markedly in their status, their level of planning and more importantly their physical constraints and attributes.

Notwithstanding this, the Oran Park site was selected as that most suited to locate the future Central Administration Centre, marginally ahead of the Narellan site. Although very early in its planning and development, the Oran Park site ranked the highest for the following key reasons:

- the site is centrally located to the future population of the LGA and is well located in terms of (future) public transport provision;
- there are minimal physical and site constraints encumbering the site;
- the site contains all hard infrastructure services and IT and communication infrastructure including remote link capability;
- the site presents the opportunity for Council to demonstrate exemplar sustainable design in its orientation and layout, opportunity for water recycle and re-use;
- the site accords with all planning, design and amenity considerations;
- the commercial and expansion opportunities are positive; and
- the timing, operations and cost considerations – which were weighted highly are favourable with the exception of timing.

It was noted the Narellan site also scored highly on the criteria. Narellan also has minimal site constraints and the development of the site will support an existing community node. The Narellan site does however have a less prominent location.

The Camden site did not score as highly as the other 2 sites given considerable constraints relating to construction costs, carparking, sustainable design, flooding, access and general planning constraints.

More generally, the study also found there is low demand for rental of excess space and that the proposed administration building should be developed in a staged manner consistent with the needs of Council.

### **Where to from here**

Given the findings from the study, it is clear that there is not a great deal of difference between Narellan (76/100) and Oran Park (79.5/100) as the preferred site for a new administration building.

Similarly, the study concludes that Camden (highest score of the 2 options was 51.25/100) is the least preferred site of the 3 sites explored.

It is recommended to Council that further discussions now take place with the owners/developers of Oran Park to ascertain what might be on offer in relation to a new council administration building in Oran Park. There is an opportunity to discuss a range of ownership models including joint ventures and possible leaseback arrangements.

It will be important to ensure that negotiations with the owners/developers of Oran Park are undertaken within a framework that can withstand public scrutiny. To this end, a Draft Probity Plan has been prepared to incorporate general probity considerations in the event land is 'gifted' or 'discounted' to Council by the owners/developers of Oran Park Town Centre.

With respect to Narellan, there exists the opportunity to explore extending accommodation around the existing Narellan administration building. This was not part of the study brief but was contemplated by officers throughout the latter part of the project. Using information gained from the study, a range of concept designs reflecting a staged approach could be crafted using a combination of internal and external expertise.

With respect to Camden, an exit strategy needs to be developed and alternative uses of office space now contemplated. The Camden administration building (including Macaria) lends itself to a number of community space possibilities as well as commercial opportunities.

The process for establishing the most appropriate site (Oran Park or Narellan) is complex and will take several months to determine. It is important that all avenues are explored. A project of this magnitude justifiably deserves appropriate time and attention.

### **CONCLUSION**

This report summarises the detailed analysis undertaken by primary consultants, Hassell. The study analysed 3 sites from a technical, locational and feasibility viewpoint. A set of criteria and indicators upon which to base a thorough and transparent analysis to determine the best possible site was developed prior to any assessment being undertaken.

At this stage of the assessment process, Oran Park scores higher than Narellan. However, there are still several stages of analysis to complete before any firm recommendation can be made. Given Camden ranked third of the 3 sites, it would seem appropriate to focus efforts on an exit strategy and investigate alternative uses for the Camden administration building (including Macaria).

### **RECOMMENDED**

#### **That Council:**

- i. endorse the findings of the central administration centre - site selection**

**ORD06**

- study;**
- ii. pursue what opportunities might exist at Oran Park and Narellan including alternative options for Narellan; and**
- iii. investigate alternate opportunities and/or uses for the existing Camden site.**

## ORDINARY COUNCIL

ORD07

ORD07

**SUBJECT: REVIEW OF CODE OF CONDUCT - DIVISION OF LOCAL GOVERNMENT**

**FROM:** Director Governance

**BINDER:** Code of Conduct

---

### PURPOSE OF REPORT

To obtain Council resolution to endorse a submission to the Division of Local Government regarding a review of the current model Code of Conduct.

### BACKGROUND

The Division of Local Government (DLG) has recently advised of the review of the model Code of Conduct for local Councils and invited submissions on a Discussion Paper prepared in relation to the review. The submissions close Friday 15 July 2011.

The original version of the model Code of Conduct commenced operation on 1 January 2005 and was further revised in June 2008, which is the current adopted version.

Over the two and a half years during which the revised model Code has been in operation, the DLG has identified or has had brought to its attention a number of areas where the model Code has not operated in a manner in which it was intended or where its operation could be improved.

### MAIN REPORT

A copy of the Discussion Paper was forwarded to Councillors by memo on 8 June 2011 for comment.

The Model Code was established to prescribe uniform standards of conduct that apply to all Councils and provide a more rigorous approach to managing and investigating complaints.

The Code of Conduct applies to Councillors, Administrators, Council Staff, members of Council Committees and delegates. The Code is divided into 3 parts - Context, Standards of Conduct and Procedures.

The issues raised with the DLG relate primarily to the procedures that apply to the consideration of matters under the Code. Few issues have been raised about the standards of conduct.

Briefly, matters relating to standards of conduct include:

- Lack of clarity on political donations - the need to disclose political donations at any level of government, not just local government;
- Need to specifically prohibit participation in binding caucus votes.

Numerous issues have been raised in relation to the procedures and operation (implementation and complaint handling processes) of the Code and are itemised in detail in the Discussion Paper.



---

The draft submission prepared by Council is **attached to this Report** for Councillor's perusal and comment.

The draft submission takes the form of comment on the issues contained in the Discussion Paper and expresses an opinion on each matter and puts forward suggested remedies in certain cases.

### **CONCLUSION**

The DLG has seen fit to review the Model Code of Conduct in response to issues that have been raised since its last review. The DLG have called for submissions from Councils to address those issues.

Following the receipt of all submissions and once the Division has identified the preferred options for the amendments to the Code, further consultation will take place with Councils to address any potential implementation issues. A new draft Model Code will then be issued containing proposed amendments. The Division will then undertake further open consultation before making a recommendation to the Minister.

As with previous versions of the model Code, the Division will supplement the new model Code with amended Guidelines to assist in the interpretation of the new provisions of the model Code.

### **RECOMMENDED**

**That Council endorse the submission to the Division of Local Government on the review of the Code of Conduct as attached to this Report.**

### **ATTACHMENTS**

1. Submission to DLP re Code of Conduct

ORD07



## **SUBMISSION BY CAMDEN COUNCIL**

Attachment 1

# **REVIEW OF THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW**

**July, 2011.**

ORD07

## **BACKGROUND**

The Division of Local Government recently advised Councils of the review of the Model Code of Conduct and invited submissions on a discussion paper prepared by the Division in relation to the review (Circular 11-07).

The Division has requested Councils to make submissions by Friday 15 July 2011.

The Divisional Discussion Paper outlines a short history of the Code and canvasses issues which have been raised with the Division by Councils.

The issues raised primarily relate to the procedures applying to consideration of matters under the Code with a few further matters concerning the standards of conduct required. The Paper also then goes on to discuss supposed options for addressing the issues raised.

This submission will, for the most part, take the form of comment on those issues highlighted and express an opinion on such matters including such matters as relevance and further suggested remedies.

## **COMMENTS ON CURRENT CODE OF CONDUCT**

The questions raised with respect to standards of conduct are as follows:

1. *Should the scope of the political donations provisions of the code of conduct be expanded to include the following:*

*a) Donations received by Councillors in their capacity as candidates at State and Federal elections?*

**Comment:** Agree. A political donation received by a current Councillor, nominated as a State or Federal candidate, could potentially form a pecuniary interest at some time in the future. In addition, the rules applying to all candidates for local government elections must be transparent and applied equally to all candidates.

*b) Donations received by political parties and groups that endorsed the candidacy of a Councillor where the Councillor receives a direct benefit from the donation in question?*

**Comment:** Agree.

2. *Should participation in binding caucus votes be specifically prohibited under the Model Code?*

**Comment:** Agree. A binding "caucus" decision is inconsistent with the obligation of each Councillor to consider the merits of each individual matter before them. Matters placed before Council should be decided after considered debate.

Alternatively, it is very difficult to prove that caucusing has taken place.

3. *Should Councillors be exempted from an obligation to comply with a requirement under the Model Code in relation to a non-delegable function where compliance will*

Attachment 1

*result in a loss of quorum? If so how should the exemption be granted and should any conditions or restrictions be imposed on it?*

**Comment:** Agree. However, the type of functions should be outlined and perhaps limited to more routine reports and processes. The Councillor should state “how” affected be matched with the “type” of function, with a decision made at the meeting to allow dispensation in order for the matter to proceed.

*4. Should Councillors be permitted to communicate directly with a member of staff or organisation exercising an internal audit function for the Council?*

**Comment:** Agree. A Councillor should be permitted to speak to a staff member provided it is permitted in the Audit Committee Charter. Indeed, the General Manager has a duty to ensure Councillors are fully informed in relation to matters before them. Perhaps a level of contact could be introduced and no contact allowed below a certain level. Indeed, unauthorised contact would give the perception of intimidation, particularly if the issues are complex and the communication may have the effect of side tracking the matter before the Audit Committee.

**Questions posed by issues raised regarding the procedural requirements of the Code are:**

*5. Should councils enter into shared arrangements for the establishment of panels of conduct reviewers? If so, should this be done on a regional basis? Can this be done through Regional Organisations of Councils?*

**Comment:** Agree. It is understood many Councils already do this. Smaller Councils, whether in the country or fringe metropolitan, have a distinct shortage of suitably qualified, willing community members to fill these positions. It places particular pressure on members of the Committee to be repeatedly dealing with matters referred to it. A regional panel, both from a wider membership point of view and participation would enable rotation of members to maintain the impartiality of the Committee.

*6. Is there a need to prescribe the process by which conduct reviewers are appointed? Is there a need to more clearly prescribe the criteria conduct reviewers are required to meet? What should these requirements be?*

**Comment:** The process of public advertising for wider community representatives is considered satisfactory. Comments made on Issue 5 above should also be considered in conjunction with this response. It is felt the prescription of selection criteria would further narrow the range of potential interested parties and further exacerbate an already difficult task of attracting of a attracting suitable pool of candidates. Members of the Committee should have some previous knowledge and/or experience of the local government processes and conduct issues and ideally, experience at conducting interviews in some form of investigative capacity and preparation of final reports would be highly desirable.

It is suggested, the Division of Local Government introduce and have responsibility for training programme for Committee Members, once appointed to ensure a consistent interpretation and approach to the review process.

*7. Should conduct reviewers continue to be required to be independent of the council that engages them as a conduct reviewer?*

**Comment:** Agree. From experience, it is felt there is an absolute requirement for

ORD07

Attachment 1

ORD07

Attachment 1

independence and impartiality in the process.

*8. Is there a need to prescribe arrangements for the management of the performance of conduct reviewers? If so, who should be responsible for the management of the performance of conduct reviewers and how can this be done in a way that does not compromise their independence?*

**Comment:** It is up to individual Councils to fully assess the findings of the Committee/Reviewer and be satisfied with the determination. The General Manager can refer the matter for further advice if needed. If need be, the Division of Local Government could be responsible for the establishment of an independent Committee/Panel to monitor and review the performances of specific Review Committees/Reviews referred to it by the Mayor of individual Councils. Guidelines should be prepared to encompass the outline a process of referral to the Divisional Committee by individual Councils when not satisfied with the performance of the Council Review Committee/Sole Reviewer.

Again, it is felt a need exists for the Division of Local Government to be responsible for establishing a training regime for members of Review Committees to reinforce a consistent approach and application of the operating procedures for complaint handling procedures, thereby ensuring a high level of professionalism of individual Committees.

*9. Should the person who makes an initial assessment of complaints made under a council's code of conduct be independent of the council the complaint relates to? If so, who should undertake the initial assessment of complaints made under a code of conduct?*

**Comment:** Agree. However, Clause 13.1 clearly sets out the criteria to be applied in assessing whether a matter should proceed. The General Manager, though, should not be required to make the initial assessment. It can place considerable pressure on the working relationship between the General Manager, the Mayor and Council and may call into question the overall integrity and perceptions of the process. As an alternate, the initial assessment should be determined by a person nominated from the Panel of Reviewers for the Council or referred to the Divisional Committee for consideration.

*10. Should there be more options under the Model Code for managing complaints. If so, what should these be?*

**Comment:** Disagree. The current Clause 12.9 gives sufficient options for assessing and managing complaints. If more flexibility is provided, it is felt this would lead to greater inconsistencies in approach and application of the process between individual Councils.

*11. What can be done to ensure that the only matters that are investigated under the code of conduct are matters that warrant investigation? What can be done to ensure that complaints that can be resolved by means other than investigation are not investigated?*

**Comment:** Under the current Code, the General Manager, in referring the matters to the Conduct Committee/Sole Reviewer should only refer those complaints which are considered sufficient to warrant further investigation. Any additional complaints not considered sufficient to refer, should be dealt with under Clause 12.9, ie no further action or resolved by alternate strategies as outlined. In this way, only complaints of sufficient serious in nature will be investigated with the Committee having no formal knowledge of any extraneous issues.

12. Do the provisions of the Model Code relating to investigations need to be more prescriptive? Do the procedural fairness requirements that apply to the consideration of a matter under the code of conduct need to be better defined? If so what should these requirements be?

**Comment:** Disagree. Throughout the current Code, natural justice and procedural fairness requirements are sufficiently highlighted and the rules are clearly outlined. Each matter is different and it would be counter productive to be too prescriptive.

13. What can be done to ensure that councils give appropriate consideration to conduct reviewers' reports in making a determination under the code of conduct?

**Comment:** It is a matter for individual Councils to give appropriate and timely consideration to the findings of the Conduct Review Committee/Sole Reviewer presented to it. The complaint/s, having been referred to the Conduct Review Committee/Sole Reviewer, are deemed to be of a sufficiently serious nature, therefore it is incumbent on Council to give due deliberation to the findings and determination of subsequent recommended actions in a timely manner. If additional safeguards are required, it is suggested, if a Council varies the findings or determination of the Review Committee/Sole Reviewer, the Council must record the reasons why a different course of action has been resolved.

14. Should there be a right of review in relation to determinations made by a council under its code of conduct. If so, who should exercise this role?

**Comment:** In terms of procedural fairness, it is felt a appeal/review process from a Council determination may be relevant and could be introduced into the process. The methodology for lodging the appeal/review and hearing could be a matter for further discussion and consultation between Councils and the Division. However, it could be argued an appeal/review process could further "drag out" the matter and delay the final determination, as well as adding to the cost of the process.

15. What can be done to prevent the misuse of the code of conduct? Should it be a breach of the code of conduct to misuse the code of conduct? If so, who should deal with complaints about the misuse of the code of conduct?

**Comment:** It is felt not a great deal could be achieved from providing penalties for abuse of the Code. Any prescriptive provisions would only lead to further complaints under the Code. The steps set out in Clause 13.1 give ample guidance as to the initial assessment of complaints and should highlight any vexatious or frivolous complaints.

16. What can be done to prevent detrimental action being taken against a person for making a complaint or exercising a function prescribed under the code of conduct? Should it be a breach of the code to take detrimental action? If so, who should deal with complaints about detrimental action?

**Comment:** Agree. Taking detrimental action against a complainant or other person should be made an offence under the Code and subject to the same mechanisms within the Code. Alternatively, detrimental action is akin to an offence under the "Public Interest Protected Disclosure Act, 1994" and that Act could be amended to incorporate the Local Government Act and make the person subject to the same penalties under that Act. Indeed, the name of the complainant should not be disclosed during the review unless under specific circumstances.

17. How can the penalties or sanctions that apply to breaches be made more effective?

ORD07

**Comment:** It is suggested, a scale of penalties/suspensions be introduced with “repeat offenders” liable for suspension from office for lengthening periods.

Attachment 1



# ORDINARY COUNCIL

ORD08

ORD08

## NOTICE OF MOTION

**SUBJECT: NOTICE OF MOTION - CAMDEN SENIOR CITIZENS COMMITTEE FUNDING REQUEST**

**FROM:** Councillors Dewbery, Patterson and Symkowiak

**BINDER:** Notice of Motions

---

We, Councillors Debby Dewbery, Chris Patterson and Lara Symkowiak hereby give notice of our intention to move the following at the Council meeting of 12 July 2011:

*“That Camden Council allocate the sum of \$4,100 to the Camden Senior Citizens Committee for the cleaning and fireproofing of curtains in the Camden Senior Citizens building as per the quotation received from Argyle Dry Cleaners.*

*The funds to be allocated from either Consolidated Ward Funds or the uncommitted Budget surplus as at the March Quarter Budget review.”*

### RECOMMENDED

That Camden Council allocate the sum of \$4,100 to the Camden Senior Citizens Committee for the cleaning and fireproofing of curtains in the Camden Senior Citizens building as per the quotation received from Argyle Dry Cleaners.

The funds to be allocated from either Consolidated Ward Funds or the uncommitted Budget surplus as at the March Quarter Budget review.



**ORDINARY COUNCIL**

ORD09

**NOTICE OF MOTION**

**SUBJECT: NOTICE OF MOTION - DEPARTMENT OF PLANNING - SEX  
INDUSTRY PREMISES IN INDUSTRIAL AREAS IN1**

**FROM:** Councillor Cagney

**BINDER:** Notices of Motion

---

I, Councillor Cindy Cagney hereby give notice of my intention to move the following at the Council Meeting of 12 July 2011:

*“That Council meet with the Department of Planning, as well as the appropriate Minister, to discuss the issue of development applications lodged for Sex Industry Premises in industrial areas IN1.*

*The intent of the meeting would be to seek changes to the EPA Act 1979, so that existing businesses, recreation facilities, sports fields, swimming centres, and other places regularly frequented by children, as well as other surrounding land uses of a non industrial nature would be able to be given priority by local Council’s during the assessment process.”*

**RECOMMENDED**

That Council meet with the Department of Planning, as well as the appropriate Minister, to discuss the issue of development applications lodged for Sex Industry Premises in industrial areas IN1.

The intent of the meeting would be to seek changes to the EPA Act 1979, so that existing businesses, recreation facilities, sports fields, swimming centres, and other places regularly frequented by children, as well as other surrounding land uses of a non industrial nature would be able to be given priority by local Council’s during the assessment process.