



Camden Council

Business Paper

Ordinary Council Meeting
23 April 2019

Camden Council
Administration Centre
70 Central Avenue
Oran Park



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
DCP	Development Control Plan
DDCP	Draft Development Control Plan
DoPE	Department of Planning & Environment
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
GSC	Greater Sydney Commission
LEP	Local Environmental Plan
LGA	Local Government Area
NSWH	NSW Housing
OLG	Office of Local Government, Department of Premier & Cabinet
OSD	Onsite Detention
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
RMS	Roads & Maritime Services (incorporating previous Roads & Traffic Authority)
SECTION 10.7 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
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils

General Manager
Ron Moore Mayor
Peter Sidgreaves

Director Customer and
Corporate Strategy
Tim Butler
Director Sport
Community and Recreation
Tina Chappell
Chief Financial Officer
Paul Rofe

Director Planning and Environment
Nicole Magurren

Director Community Assets
Sandra Kubecka

SEATING DIAGRAM

Camden Council Meeting

Councillor
Rob Mills

Councillor
Theresa Fedeli

Councillor
Lara Symkowiak

Councillor
Michael Morrison

Councillor
Eva Campbell

Councillor
Ashleigh Cagney

Councillor
Paul Farrow

Councillor
Cindy Cagney

Public Address

Public Seating

Media



ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: PRAYER

PRAYER

Almighty God, bless all who are engaged in the work of Local Government. Make us of one heart and mind, in thy service, and in the true welfare of the people we serve: We ask this through Christ our Lord.

Amen

Almighty God, give thy blessing to all our undertakings. Enlighten us to know what is right, and help us to do what is good: We ask this through Christ our Lord.

Amen

Almighty God, we pause to seek your help. Guide and direct our thinking. May your will be done in us, and through us, in the Local Government area we seek to serve: We ask this through Christ our Lord.

Amen

AFFIRMATION

We affirm our hope and dedication to the good Government of Camden and the well being of all Camden's residents, no matter their race, gender or creed.

We affirm our hope for the sound decision making by Council which can improve the quality of life in Camden.

Either – “So help me God” or “I so affirm” (at the option of councillors)

We pledge ourselves, as elected members of Camden Council, to work for the provision of the best possible services and facilities for the enjoyment and welfare of the people of Camden.

Either – “So help me God” or “I so affirm” (at the option of councillors)

ORDINARY COUNCIL

SUBJECT: ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the traditional custodians of this land on which we meet and pay our respect to elders both past and present.

ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

In accordance with Camden Council's Code of Meeting Practice and as permitted under the *Local Government Act 1993*, this meeting is being audio recorded by Council staff for minute taking purposes.

No other recording by a video camera, still camera or any other electronic device capable of recording speech, moving images or still images is permitted without the prior approval of the Council. The Council has not authorised any other recording of this meeting. A person may, as provided by section 10(2)(a) or (b) of the *Local Government Act 1993*, be expelled from a meeting of a Council for using or having used a recorder in contravention of this clause.

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 session in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper.

The Public Address session will be conducted in accordance with the Public Address Guidelines. Speakers must submit an application form to Council's Governance team no later than 5.00pm on the working day prior to the day of the meeting.

Speakers are limited to one topic per Public Address session. Only seven speakers can be heard at any meeting. A limitation of one speaker for and one speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' or should only be considered where the total number of speakers does not exceed seven at any given meeting.

Where a member of the public raises a question during the Public Address session, 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 question per speaker per meeting.

Speakers should ensure that their statements, comments and questions comply with the Guidelines.

All speakers are limited to four minutes, with a one minute warning given to speakers prior to the four minute time period elapsing. The commencement and conclusion of time shall be advised by the Mayor/Chairperson.

Public Addresses are 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.

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, or make a point of order ruling if a speaker breaches the Guidelines.

RECOMMENDED

That the public addresses be noted.

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 9 April 2019.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 9 April 2019, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).



ORDINARY COUNCIL

ORD01**SUBJECT: ELECTION OF MAYOR AND DEPUTY MAYOR (IF REQUIRED)
- 2019/2020****FROM:** Director Customer & Corporate Strategy**TRIM #:** 19/112360

PURPOSE OF REPORT

To conduct an election for the position of Mayor due to a casual vacancy occurring as the Mayor has submitted his resignation to the General Manager and to conduct an election for the position of Deputy Mayor in the event that a casual vacancy occurs in the office of Deputy Mayor.

BACKGROUND

The position of Mayor is required under section 225 of the *Local Government Act 1993* (the Act). The procedures to be followed in respect of the election of the Mayor are set out in section 290 of the Act (timing), clause 394 of the *Local Government (General) Regulation 2005* (Regulation) (method) and Schedule 7 of the Regulation (process).

It should be noted that, in accordance with section 230 of the Act, the Mayoral term is two years. Due to the resignation of the Mayor, the Mayoral term will be for the remaining 17 months of the original two-year term, up until September 2020.

The position of Deputy Mayor does not involve any additional responsibilities or functional authorities beyond the normal role of a Councillor, except when requested by the Mayor or at times when the Mayor is prevented by illness, absence or otherwise from carrying out the duties of office. At such times, the Deputy Mayor assumes the role of the Mayor as specified under section 226 of the Act.

The procedures required to be followed in respect of the election of Deputy Mayor are the same as that for the election of the Mayor.

MAIN REPORT

Nominations

To be nominated for election to the position of Mayor or Deputy Mayor, a nomination form must be completed. The nomination form must be signed by two Councillors, one of whom may be the nominee, and must indicate the consent of the nominee.

The form must be delivered to the General Manager by 4.00pm on Tuesday 23 April 2019. To assist, nomination forms have been issued under separate cover to each Councillor for this purpose.

Election process

The General Manager will act as the returning officer for elections. The election for the position of Mayor will be conducted first and then, if required, the election for the position of Deputy Mayor will be conducted.

If only one nomination is received for a position, no election is required for that position and the General Manager is to declare the nominee:

- In the case of the election for Mayor, the duly elected Mayor for the remaining 17 months of the original two-year term, until September 2020;
- In the case of the election for Deputy Mayor, the duly elected Deputy Mayor for the remaining 17 months of the original two-year term, until September 2020.

If more than one nomination is received for a position, Council will be required to resolve the method of voting for that position. Three methods are available:

- Show of hands (open voting);
- Ordinary ballot;
- Preferential ballot.

If Council decides to use a method other than show of hands, ballot papers will be handed to each Councillor for completion. It is important that the ballot papers are completed correctly to ensure that they constitute formal votes. Informal votes are described in clause 345 of the Regulation.

Ordinary and preferential ballots must be conducted as secret ballots.

The General Manager is to declare the candidate with the majority vote:

- In the case of the election for Mayor, the duly elected Mayor for the remaining 17 months of the original two-year term, until September 2020;
- In the case of the election for Deputy Mayor, the duly elected Deputy Mayor for the remaining 17 months of the original two-year term, until September 2020.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

The position of Mayor is required and the Mayoral term is for the remaining 17 months of the original two-year term, up until September 2020. Council is to conduct an election for the position of Mayor and the General Manager will act as the returning officer for the election.

If as a result of the election of the Mayor, the Deputy Mayor's position becomes vacant, then Council is to conduct an election for the position of Deputy Mayor and the General Manager will act as the returning officer for the election.



RECOMMENDED

That Council:

- i. if there is only one valid nomination for Mayor, authorise the General Manager to declare the nominated Councillor to be the duly elected Mayor for the remaining 17 months of the original two-year term, up until September 2020; or**
- ii. if there is more than one valid nomination for Mayor:**
 - (a) determine the method of voting; and**
 - (b) hold an election for the office of Mayor at the Council Meeting of 23 April 2019 under the supervision of the General Manager as returning officer; and**
 - (c) once the election result is known, authorise the General Manager to declare the candidate with the majority vote the duly elected Mayor for the remaining 17 months of the original two-year term, up until September 2020.**
- iii. in the event that a casual vacancy occurs in the office of Deputy Mayor, appoint a Deputy Mayor for the remaining 17 months of the original two-year term, until September 2020;**
- iv. if there is only one valid nomination for Deputy Mayor, authorise the General Manager to declare the nominated Councillor to be the duly elected Deputy Mayor for the remaining 17 months of the original two-year term, until September 2020;**
- v. if there is more than one valid nomination for Deputy Mayor:**
 - (a) determine the method of voting; and**
 - (b) hold an election for the office of Deputy Mayor at the Council Meeting of 23 April 2019 under the supervision of the General Manager as returning officer; and**
 - (c) once the election result is known, authorise the General Manager to declare the candidate with the majority vote the duly elected Deputy Mayor for the remaining 17 months of the original two-year term, up until September 2020.**

ORDINARY COUNCIL

ORD02

SUBJECT: APPOINTMENT OF COUNCILLOR REPRESENTATIVES TO SYDNEY WESTERN CITY PLANNING PANEL, CAMDEN LOCAL TRAFFIC COMMITTEE AND CAMDEN REGION ECONOMIC TASKFORCE

FROM: Director Customer & Corporate Strategy

TRIM #: 19/113582

PURPOSE OF REPORT

To advise Council of the resignation of Cr Sidgreaves from the Sydney Western City Planning Panel, the Camden Local Traffic Committee and Camden Region Economic Taskforce Ltd (CRET) and recommend Council nominate Councillor representatives to fill those vacancies.

BACKGROUND

Cr Sidgreaves has submitted his resignation, effective 23 April 2019, from the Sydney Western City Planning Panel, the Camden Local Traffic Committee and Camden Region Economic Taskforce Ltd (CRET) due to recently being elected as the local State Member for Camden and his identification of a conflict of interest with these three bodies.

MAIN REPORT

Sydney Western City Planning Panel

Under the Planning Panels Operational Procedures, Council appoints two members to the Panel. The current members appointed by Council are Cr Sidgreaves and Cr Symkowiak as primary representatives, and Cr Fedeli and Cr Farrow as alternate representatives.

Council is required to appoint a primary member to the Panel to replace Cr Sidgreaves.

Camden Local Traffic Committee

Under the Delegation to Councils for the Regulation of Traffic, the Local Traffic Committee is to include one representative of Council. The current Council representatives appointed by Council are Cr Sidgreaves as primary representative, and Cr Fedeli and Cr Mills as alternate representatives.

Council is required to appoint a primary representative to the Committee to replace Cr Sidgreaves.

CRET

Under the constitution of CRET, Council may appoint up to two directors, who must be Councillors, to the CRET Board. The current directors appointed by Council are Cr Sidgreaves and Cr Symkowiak.



As required by the constitution, Cr Sidgreaves has given written notice of his resignation to CRET at its registered office.

In accordance with the CRET constitution, Council may, but is not required to, appoint a replacement director (who must be a Councillor) to the CRET Board to fill the casual vacancy arising from Cr Sidgreaves's resignation. It is noted that the constitution provides Council may appoint up to two directors, who must be Councillors.

FINANCIAL IMPLICATIONS

This report has no direct financial implications to Council.

CONCLUSION

Cr Sidgreaves is resigning from his roles on the Sydney Western Planning Panel, the Traffic Committee and CRET effective 23 April 2019.

Council is required to appoint a representative for each of the Sydney Western City Planning Panel and Camden Local Traffic Committee. Council may, but is not required to, appoint up to two directors (who must be Councillors) to the CRET Board.

RECOMMENDED

That Council:

- i. note the resignation of Councillor Peter Sidgreaves as a primary representative on the Sydney Western City Planning Panel and Camden Local Traffic Committee, and as a director of Camden Region Economic Taskforce Ltd;**
- ii. nominate a Councillor representative to be a primary representative on the Sydney Western City Planning Panel and, if required, an alternate representative;**
- iii. nominate a Councillor representative to be a primary representative on the Camden Local Traffic Committee and, if required, an alternate representative;**
- iv. appoint a Councillor to be a director of Camden Region Economic Taskforce Ltd; and**
- v. write to the Sydney Western City Planning Panel, Camden Local Traffic Committee and Camden Region Economic Taskforce Ltd to advise the outcome of this report.**

ORDINARY COUNCIL

ORD03

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

FROM: Director Planning and Environment

TRIM #: 19/49599

PREVIOUS ITEMS: ORD07 - Proposed Amendment No. 15 to Camden LEP 2010 and Camden DCP 2011 - Glenlee - Ordinary Council - 11 Apr 2017 6.00pm

PROPERTY ADDRESS:	Glenlee (Lot 107 DP 1241598, Lot 1 DP 250033, Lot 38 DP 1098588, Lot 1 DP 405624, Lot 1102 DP 883495, Lot 4 DP 168672)
PROPONENT:	Michael Brown Planning Strategies
OWNERS:	J & W Tripodi Holdings Pty Ltd, Glenlee Properties Pty Ltd and Sada Services Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to inform Council on the outcome of the public exhibition of the draft Planning Proposal and draft Camden DCP amendment for the site known as Glenlee.

The report recommends Council endorse the draft Planning Proposal and the draft DCP (as amended post exhibition) and forward the Planning Proposal to the Department of Planning and Environment (DPE) for finalisation.

The draft Planning Proposal and draft DCP (as amended) are provided as **attachments** to this report.

BACKGROUND

The Planning Proposal was submitted to Council in 2012 on behalf of the landowners Glenlee Consortium (Sada Services Pty Ltd, TRN Group (now Glenlee Properties Pty Ltd) and J & W Tripodi Holdings Pty Ltd) to rezone the subject site to IN1 General Industrial, IN2 Light Industrial, E3 Environmental Management and SP2 Infrastructure. At the same time, the proponent lodged a Planning Proposal with Campbelltown City Council for the land that falls within the Campbelltown Local Government Area (LGA).

Location

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

In the longer term the site is proposed to be accessed via an extension of Liz Kernohan Drive (known as Spring Farm Parkway) to the M31 Hume Motorway. Funding for this extension (from Liz Kernohan Drive to the M31 Hume Motorway) is proposed to form part of the Greater Macarthur Special Infrastructure Contributions Scheme (SIC). The

proposed SIC was recently placed on public exhibition by the DPE as part of the *Greater Macarthur 2040: An Interim Plan for the Greater Macarthur Growth Area*.

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

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

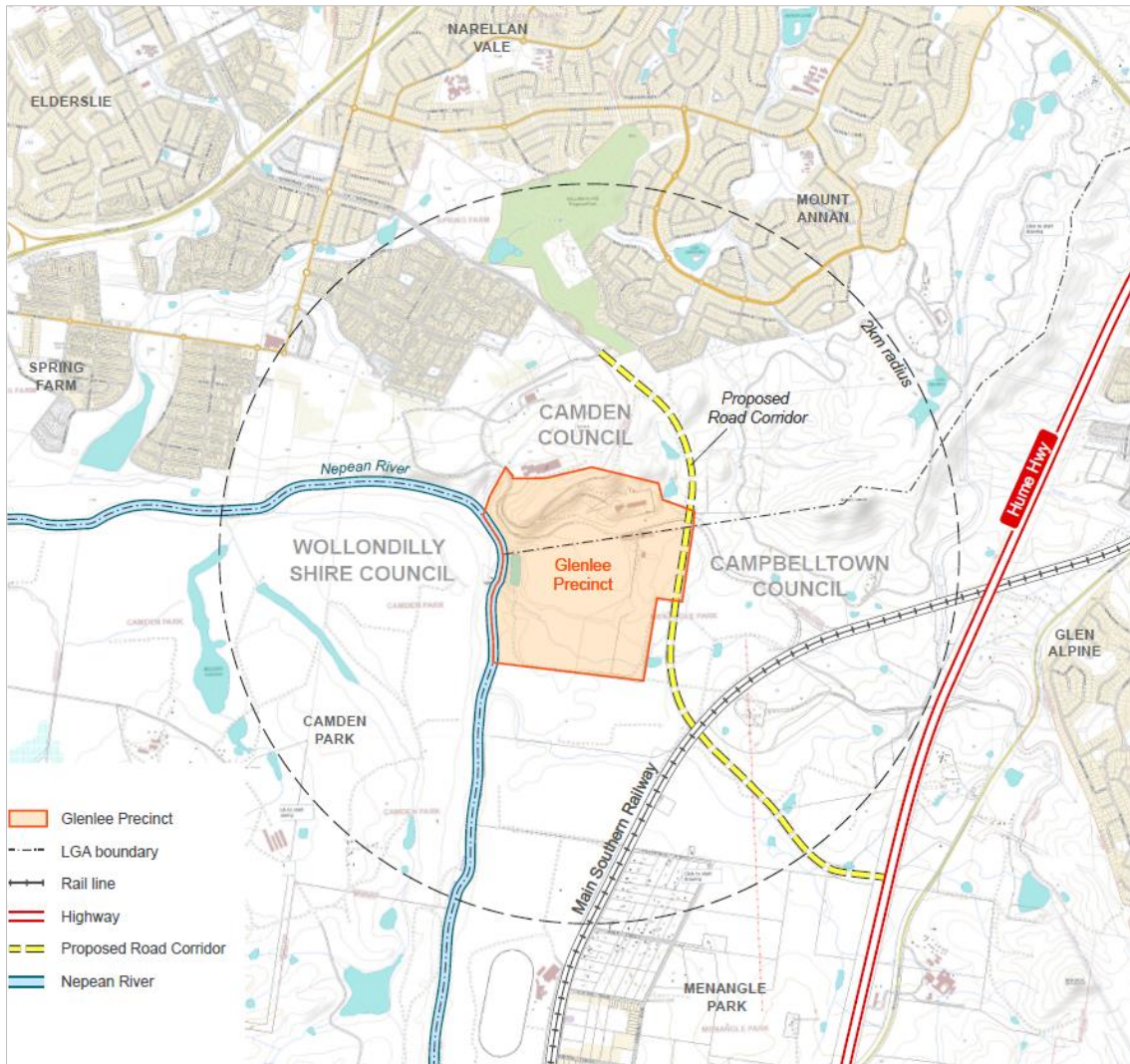


Figure 1: Subject Site – Glenlee

Previous Council Resolution

On 11 April 2017, Council resolved, in summary, to endorse the draft Planning Proposal (as amended) for public exhibition and require a further report outlining the results of the public exhibition.

Council also resolved to request a revised Gateway Determination from the DPE to include a revised Gross Floor Area (GFA) cap on development to mitigate traffic impacts and replace the IN2 Light Industrial and E3 Environmental Management zones with IN1 General Industrial and E2 Environmental Conservation zones.

A copy of the previous Council report is provided as an **attachment** to this report.

Revised Gateway Determination

A revised Gateway Determination was issued by DPE on 4 October 2017. The original and revised Gateway Determination are included as appendices of the **attached** draft Planning Proposal.

The Gateway Determination required the preparation of a number of specialist studies and consultation with a number of public agencies prior to public exhibition. At the conclusion of the agency consultation, the specialist studies were updated to reflect agency comment.

The draft Planning Proposal, updated specialist studies and draft DCP were publicly exhibited from 17 January to 16 February 2018.

Councillors were briefed on the draft Planning Proposal and public exhibition outcomes on 9 April 2019.



Figure 2: Aerial photograph of Glenlee

MAIN REPORT

Summary of the exhibited Planning Proposal

The exhibited draft Planning Proposal seeks to facilitate industrial development, environmental conservation works and identify land for a future arterial road. A comparison of existing and proposed provisions under Camden LEP 2010 is provided in **Table 1**.



	Existing	Proposed
Zone	RU1 Primary Production	IN1 General Industrial E2 Environmental Conservation SP2 Infrastructure
Minimum Lot Size	40ha	4,000m ²
Height of Buildings	9.5m	12m

Table 1: Comparison of existing and proposed provisions under Camden LEP 2010

Specialist Studies

The Gateway Determination required a number of studies to be undertaken prior to public exhibition. The following studies were prepared and exhibited in conjunction with the Planning Proposal:

- Aboriginal Heritage;
- Air Quality;
- Bushfire Assessment;
- Civil Infrastructure;
- Contamination;
- Ecological;
- Land Capability;
- Non-Indigenous Heritage;
- Noise and Vibration;
- Riparian Corridor;
- Traffic;
- Visual and Landscape Assessment; and
- Water Cycle Management.

The specialist studies are provided under **separate cover**. The key issues identified in the studies are discussed below.

Aboriginal Heritage

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

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

Air Quality

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

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

Bushfire Assessment

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

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

Civil Infrastructure

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

Contamination

The site has been used for many years for industrial related purposes. Accordingly, a Phase 1 and Phase 2 investigation was undertaken to review the site history and activities to identify potential contamination. An Environment Protection Authority (EPA) accredited site auditor found the proposed contamination management measures contained in the contamination reports to identify and mitigate contamination at future DA stages appropriate. The draft DCP includes controls to implement the contamination management measures.

Ecological

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

The study identified three potential environmental corridors within the site. The environmental corridors are proposed to be zoned E2 Environmental Conservation with a Vegetation Management Plan (VMP) to be prepared at DA stage to provide for further rehabilitation of the native vegetation communities on the site.

Land Capability

The geotechnical studies assessed the coal emplacement area, comprised of fill from washery reject and tailings produced by the coal washery. The studies found the geotechnical constraints of the site can be managed by ground treatment and that redevelopment for industrial land use is feasible from a geotechnical perspective. The draft DCP includes controls to address the geotechnical stability of future development on site.



Heritage

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

Riparian

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

Traffic

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

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

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

Noise and Vibration

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

Landscape and Visual Assessment

The landscape and visual assessment considered the landscape character of the adjoining areas including parts of the Australian Botanic Garden, Glenlee House, Camden Park Estate and lands within the Menangle Park Masterplan Study Area.

The study recommends design guidelines and landscape controls to address the visual and landscape impacts of future development on the heritage properties and

the Australian Botanic Garden. The recommended design controls have been included in the draft DCP.

Water Cycle Management

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

The study recommends a Water Cycle Management Strategy be prepared to accompany DAs to manage the quantity and quality of surface stormwater runoff, stability of the site and to encourage Water Sensitive Urban Design (WSUD). Controls to address the strategy's recommendations are provided in the draft DCP.

Draft Camden DCP

An amendment to the Camden DCP 2011 has been prepared to incorporate the findings and recommendations of the specialist studies. The draft amendment to Camden DCP 2011 is provided as an **attachment** to this report.

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

Indicative Concept Plan

The draft DCP includes an Indicative Concept Plan that establishes the fundamental parts of the development layout. This provides flexibility for the site to respond to development opportunities that may arise and acknowledges development will evolve over time (interim development that transitions through to permanent development).

Vegetation Management Plan

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

Geotechnical

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

Visual Impact

New buildings or works that may impact on important view corridors will require a visual impact assessment at the DA stage.

Public Exhibition

The draft Planning Proposal, specialist studies and draft DCP were publicly exhibited from 17 January to 16 February 2018. Public agencies were notified of the public exhibition and letter were sent to residents in Spring Farm that have properties along Liz Kernohan Drive.



A total of 16 submissions were received (15 public agency submissions and 1 community submission). The submissions raise several issues however no formal objection was received.

Public Agency Submissions

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

The key issues raised by public agencies are discussed below:

Transport for NSW and Roads and Maritime Services

Spring Farm Parkway (SFP)

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

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

Officer comment

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

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

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

DPE has also advised Council to identify the site as an 'urban release area' under the Camden LEP 2010. The site's status as an urban release area will trigger the application of clause 6.1 of Camden LEP 2010 'Arrangement for designated State public infrastructure'. This means that development consent cannot be granted for subdivision unless the Director-General (Secretary) of the DPE is satisfied that arrangements are in place to contribute towards the provision of identified state infrastructure, including the SFP.

Recommended post-exhibition amendment

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

- Replace SP2 Infrastructure with SP2 'Future road corridor' for the SFP corridor;
- Delete land reservation acquisition map; and

- Identify the site as an urban release area under Camden LEP 2010.

Camden Bypass / Liz Kernohan Drive intersection upgrade

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

Officer comment

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

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

Recommended post-exhibition amendment

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

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

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

Officer comment

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

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

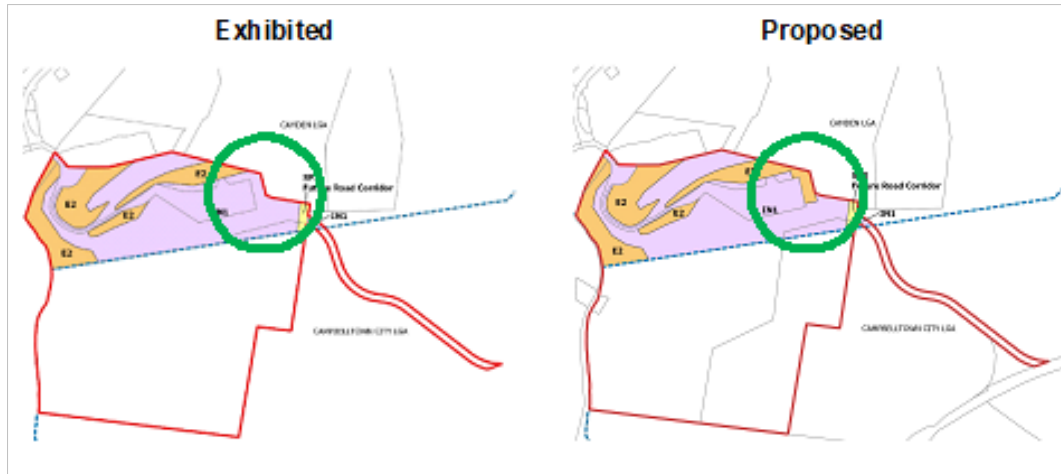


Figure 3: Proposed expansion of E2 zone

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

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

Recommended post-exhibition amendment

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

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

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

Width of Nepean River Riparian Corridor

These agencies have raised concern with the width of the Nepean River corridor and requested a continuous width of 100m.

Officer Comment

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

Community Submission

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

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

Officer Comment

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

Gross Floor Area Cap for Future Development

As discussed above, the Gateway Determination required Council to insert a clause in the Camden LEP 2010 to cap the amount of warehousing and industrial development on the site. The 90,000m² GFA cap is imposed to ensure future traffic generation from the site does not exceed the capacity of the existing road network.

The Gateway also required Council to nominate the portion of the GFA cap applying to land in the Camden LGA.

Following consultation with Campbelltown Council and the proponent, it is recommended the allocation of the GFA cap between the LGAs should be apportioned based on land area. Camden's land area for Glenlee is approximately 38ha, whilst Campbelltown's is approximately 71ha.

In this regard, a 25,000m² GFA cap is proposed to be applied to Camden and a 65,000m² GFA cap to Campbelltown. It is intended that the cap be removed after the construction of Spring Farm Parkway to the M31 Hume Motorway.

Recommended post-exhibition amendment

It is proposed to amend the Planning Proposal to insert a clause into the Camden LEP 2010 to require the total gross floor area of warehouse and industrial development on land in Glenlee to not exceed 25,000m².

Rural Lands Strategy

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

The Planning Proposal predates the Strategy. Whilst the Planning Proposal is not required to address the Strategy, Council officers have assessed the proposal against the assessment criteria for the rezoning of rural land.



Proposals must be consistent with state and local strategic plans.

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

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

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

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

The site has been used for industrial related purposes for several years and there are no rural enterprises on the site. The Planning Proposal is unlikely to impact on any existing rural enterprises in the vicinity.

Proposals must be a logical extension to existing urban areas.

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

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

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

A Landscape and Visual Assessment recommends design and landscape controls be implemented to ensure future development will not result in unacceptable visual and landscape impacts to heritage properties (Glenlee House and Camden Park Estate) and the Australian Botanic Garden. The recommended design controls have been provided in the draft DCP.

Summary of Post Exhibition Amendments

The draft Planning Proposal and the draft DCP have been amended and are provided as **attachments** to this report. Amendments address matters raised in submissions and following Council officer review. As there is no increase in development potential resulting from these amendments, it is not considered necessary to re-exhibit the proposed changes.

The existing and proposed zoning map is provided in **Figure 4**.

A summary of the post exhibition changes is outlined below.

Draft Planning Proposal

- Replace SP2 Infrastructure zone with SP2 Infrastructure 'Future road corridor' for the SFP corridor and delete the land reservation acquisition map;

- Identify the site as an urban release area in Camden LEP 2010. LEP clause 6.1 'Arrangements for designated State public infrastructure' will apply;
- Insert a clause in the Camden LEP 2010 for matters to be specifically considered for development at the site including:
 - a. Require consideration of environmental protection works to be undertaken, as part of the assessment of any future DAs; and
 - b. Limit the total gross floor area of industrial and warehouse development (in the Camden LGA) to 25,000m².
 - c. Satisfactory arrangements for the delivery of State public infrastructure (including Camden Bypass / Liz Kernohan Drive) prior to development consent being granted.
- Replace IN1 General Industrial zone with E2 Environmental Conservation zone (north-eastern part of the site, **Figure 3**).

Draft Development Control Plan

- References to an Indicative Layout Plan have been replaced with Indicative Concept Plan (to reflect the development vision for Glenlee will evolve over time and will transition from interim to permanent development). An Indicative Layout Plan is required to be prepared and submitted for Council's approval with the first DA;
- Objectives and controls related to development of land in the two Council areas have been summarised into a statement in the introduction;
- Desired future character, development objectives and landscaping controls have strengthened reference to additional landscaping to address concerns raised by the OEH (Environment);
- Roads that traverse the environmental corridor require consideration of fauna crossing opportunities;
- Tree Planting and Diversity has been renamed to Environmental Protection Works to better reflect objectives and controls and support the proposed LEP clause relating to environmental protection works. Additionally, this section has been strengthened to address issues raised by OEH (Heritage);
- Noise and vibration controls have been removed, as the current existing noise and vibration controls within the Camden DCP 2011 will apply to any future development on the site;
- The Macarthur Regional Recreational Trail Concept Report has been referenced to encourage integration of on-site and off-site movement networks;
- Controls related to visual impact have been improved to more accurately reflect the findings of the Visual and Landscape Assessment; and
- Maps and figures have been updated to correct minor errors.

Next steps

Council officers from Campbelltown City Council have advised the draft Planning Proposal will be reported to its Council for consideration shortly.

Council has been delegated plan-making functions under the *Environmental Planning and Assessment Act 1979* (EP&A Act). As the Planning Proposal is across two LGAs it is recommended that Council not exercise its plan making authority and request the DPE finalise the draft Planning Proposal.

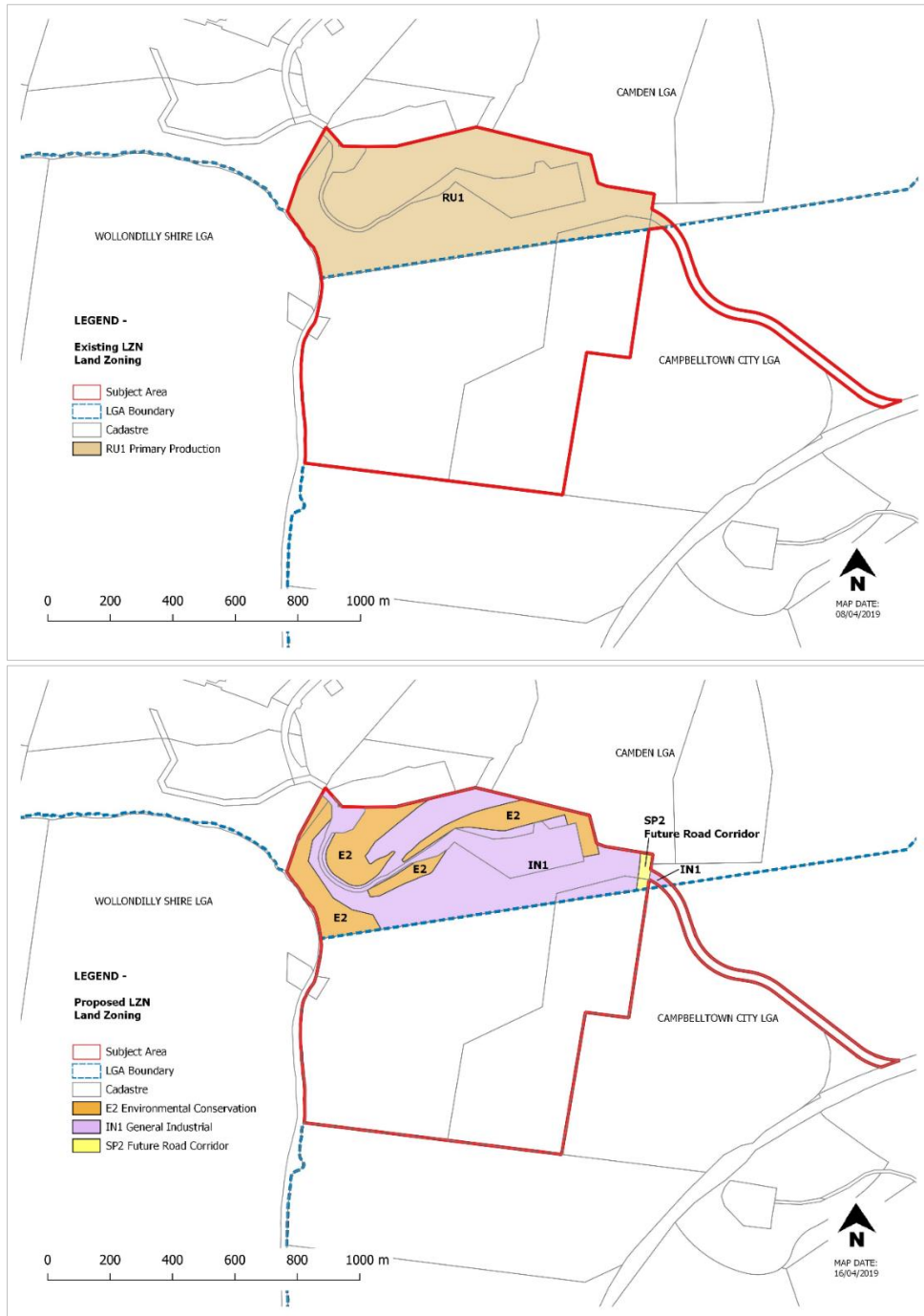


Figure 4: Existing and Proposed Land Zone Map

FINANCIAL IMPLICATIONS

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

CONCLUSION

The draft Planning Proposal seeks to rezone the land at Glenlee to IN1 General Industrial, E2 Environmental Conservation and SP2 Infrastructure 'Future road corridor'.

16 submissions were received as a result of the public exhibition, with no objections received. The recommended post exhibition amendments to the draft Planning Proposal and draft DCP address matters raised in the agency submissions. As there is no increase in development potential resulting from these amendments, it is not considered necessary to re-exhibit the proposed changes.

It is recommended that Council endorse the Planning Proposal and draft DCP.

RECOMMENDED

That Council:

- i. endorse the draft Planning Proposal (as amended);**
- ii. forward the draft Planning Proposal (Amendment 15 – Glenlee) to the Department of Planning and Environment to make the plan;**
- iii. endorse the draft Development Control Plan 2011 (as amended) for Glenlee and upon notification of the LEP amendment, grant delegation to the General Manager to adopt the draft DCP (as amended) and publicly notify the adoption in accordance with the provisions of the Environmental Planning and Assessment Act and Regulations; and**
- iv. notify submitters, including Campbelltown City Council and public agencies of Council's decision.**

ATTACHMENTS

1. Glenlee Planning Proposal
2. Council report and resolution 11/04/2017
3. Submissions Table - Glenlee - April 2019
4. DCP 2011 -D4.5.4 Glenlee Precinct
5. Glenlee Submissions - *Supporting Document*



ORDINARY COUNCIL

ORD04

SUBJECT: CODE OF CONDUCT
FROM: Director Customer & Corporate Strategy
TRIM #: 19/54940

PURPOSE OF REPORT

The purpose of this report is to recommend that Council adopt a new Code of Conduct and associated procedures due to the release of the mandatory new Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct for Local Councils.

BACKGROUND

Under sections 440 and 440AA of the *Local Government Act 1993* (the Act), councils must adopt a code of conduct and administration procedure that incorporate the provisions of a model code of conduct and a model administration procedure prescribed under the *Local Government (General) Regulation 2005* (the Regulation).

The new Model Code of Conduct for Local Councils in NSW (Model Code) and the associated Procedures for the Administration of the Model Code of Conduct for Local Councils (Model Procedures) in NSW were prescribed on 14 December 2018. Councils have six months to adopt appropriate provisions, namely by 14 June 2019.

Council's Code of Conduct was last reviewed in 2017.

Councillor briefings on this matter were held on 27 November 2018 and 9 April 2019.

MAIN REPORT

The new Model Code and Model Procedures apply from 14 June 2019 or the date they are adopted by Council (whichever is first). They are not retrospective, and Council's existing Code of Conduct and associated procedures remain in force until then.

The Model Code and Model Procedures apply to all staff and councillors at NSW councils.

Key changes in the Model Code include:

- Pecuniary interest provisions previously contained in the Act and the Regulation;
- New standards relating to discrimination and harassment, bullying, work health and safety, behaviour at meetings, access to information and maintenance of council records;
- New rules governing the acceptance of gifts and benefits including mandatory reporting*;
- New ongoing disclosure requirement for councillors and designated persons requiring disclosure of new interests in returns of interests within three months of becoming aware of them;

- Requirement for councillors to disclose in their returns of interests whether they are a property developer or a close associate of a property developer.

**Note: The Office of Local Government has confirmed that the offer of a gift or benefit does not need to be reported.*

The Model Code and Model Procedures are incorporated in the separately **attached** draft Code of Conduct and draft Code of Conduct Procedures.

Council may include supplementary provisions and may also impose more onerous requirements than those prescribed under the Model Code. However, Council must not dilute the standards prescribed in the Model Code.

The following are included in the draft Code of Conduct as supplementary provisions (indicated in the draft in yellow highlight):

Items adapted from Camden's current Code:

- Guide to ethical decision making;
- Extended definition of Council officials;
- Prohibited substance and alcohol in the workplace;
- Councillor and staff contact.

New items:

- References to extend interaction guidelines to regional planning panels;
- Social media guidelines.

These additions are considered not to dilute the standards in the Model Code of Conduct, but enhance the draft Code of Conduct.

The draft Code of Conduct Procedures are the same as the Model Procedures, except for the inclusion of the extended definition of Council officials as in the draft Code.

There is no requirement for public exhibition of the draft Code of Conduct and draft Code of Conduct Procedures.

FINANCIAL IMPLICATIONS

Code of Conduct training is provided for in the corporate training budget.

CONCLUSION

Council must adopt the provisions of the Model Code and Model Procedures before 14 June 2019. The draft Code of Conduct and draft Code of Conduct Procedures comply with legislative requirements and are submitted to Council for adoption.

RECOMMENDED

That Council adopt the draft Code of Conduct and draft Code of Conduct Procedures as attached to this report.

ATTACHMENTS

1. Draft Code of Conduct Policy
2. Draft Code of Conduct Procedures



ORDINARY COUNCIL

ORD05

SUBJECT: INVESTMENT MONIES - MARCH 2019
FROM: Director Customer & Corporate Strategy
TRIM #: 19/100084

PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the *Local Government (General) Regulation 2005*, a list of investments held by Council as at 31 March 2019 is provided.

MAIN REPORT

The weighted average return on all investments was 3.01% p.a. for the month of March 2019. The industry benchmark for this period was 1.96% (Ausbond Bank Bill Index).

It is certified that all investments have been made in accordance with Section 625 of the *Local Government Act 1993*, the relevant Regulations and Council's Investment Policy.

The Responsible Accounting Officer is the Chief Financial Officer.

Council's Investment Report is provided as an **attachment** to this report.

RECOMMENDED

That Council:

- i. note that the Responsible Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act 1993*, Regulations, and Council's Investment Policy;**
- ii. note the list of investments for March 2019; and**
- iii. note the weighted average interest rate return of 3.01% p.a. for the month of March 2019.**

ATTACHMENTS

1. Investment Report - March 2019

ORDINARY COUNCIL

ORD06

**SUBJECT: RESIGNATION AND APPOINTMENT OF NEW MEMBERS CAMDEN
BEP COMMITTEE**

FROM: Director Sport, Community & Recreation

TRIM #: 19/64196

PURPOSE OF REPORT

The purpose of the report is to:

- inform Council of Councillor Paul Farrow's resignation as a primary Councillor representative on the Camden Bicentennial Equestrian Park Management Committee;
- seek a nomination for a Councillor representative on the Camden Bicentennial Equestrian Park Management Committee;
- inform Council of the resignation of two members of the Camden Bicentennial Equestrian Park Management Committee; and
- obtain Council endorsement for the nomination of new representatives to the Committee.

BACKGROUND

The Camden Bicentennial Equestrian Park (BEP) Committee is appointed in accordance with the provisions of Section 355 and Section 377 of the *Local Government Act 1993*. Under the requirements of the Section 355 Management Committee Manual (the Manual), Council may appoint a Councillor representative to the Committee. Council's previous practice has seen two Councillors appointed as primary representatives and 1 Councillor as an alternate.

The Manual also outlines that where a member of a Management Committee who represents a user group resigns, nominations from that user group with whom the resigning member was affiliated will be referred to Council for concurrence.

Council has been advised by the Camden BEP Management Committee of two resignations from members of the Committee and that Wollondilly Polocrosse Club, County of Cumberland Camp Draft Club and Cobbitty Pony Club have submitted nominations for alternate delegates to the committee.

In addition, Council has received a resignation from Councillor Paul Farrow who was a primary Councillor representative to the committee. Council has previously resolved Councillor Farrow and Councillor Morrison (Primary) with Councillor Ashleigh Cagney (alternate) as delegates to the committee.

MAIN REPORT

In accordance with the Manual, Council is responsible for the approval and appointment of committee members to the BEP Committee. The Committee is to have a minimum of four and a maximum of 15 members and should reflect the community organisations who use the facility and is open to representatives of user groups and interested community members.



Councillor Representation

Councillor Paul Farrow has formally advised Council of his resignation from the BEP Management Committee effectively immediately.

It is therefore recommended that Council nominate a new primary delegate to the committee. It is noted that should the nominated Councillor be the current alternate (Councillor Ashleigh Cagney), then Council will need to resolve a new alternate delegate to the committee.

Changes to User Group Representation

The Camden BEP Management Committee has notified Council of the following changes to the nominated representatives of the identified user groups:

- resignation of James Norris as alternate delegate for Camden Men's Shed;
- resignation of Lillian Greenslade as delegate for Wollondilly Polocrosse Club;
- note that Tatiana Secombe moves from alternate delegate for Wollondilly Polocrosse Club to delegate;
- nomination of Vanessa Baxter as alternate delegate for Wollondilly Polocrosse Club;
- nomination of Mitch Payseno as alternate delegate for County of Cumberland Camp Draft Club; and
- nomination of Elysha Sargent & Kate Hogan as alternate delegates for Cobbitty Pony Club.

The Camden BEP Management Committee have reviewed the above changes as part of a committee meeting and they have advised Council that they are in support of the proposed changes to representation.

The above changes are in accordance with the Section 355 Management Committee Manual.

FINANCIAL IMPLICATIONS

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

CONCLUSION

Councillor Paul Farrow has advised Council of his resignation from the BEP Management Committee and it is recommended that Council nominate a new Councillor representative for the BEP Management Committee to maintain two primary and one alternate Councillor representative.

The Camden BEP Management Committee has also notified Council of two resignations of members to the Committee and that Wollondilly Polocrosse Club & County of Cumberland Camp Draft Club and Cobbitty Pony Club have submitted nominations for alternate delegates.

These nominations are supported by the BEP Management Committee and are recommended to Council for endorsement.

RECOMMENDED

That Council:

- i. note the resignation of Councillor Paul Farrow as a primary Councillor representative on the BEP Management Committee;**
- ii. nominate a Councillor representative to be a primary representative to the BEP Management Committee and if required an alternate delegate;**
- iii. note the resignations of James Norris & Lillian Greenslade from the BEP Management Committee;**
- iv. note that Tatiana Secombe moves from alternate delegate for Wollondilly Polocrosse Club to delegate;**
- v. endorse the appointment of Vanessa Baxter as alternate delegate on the BEP Management Committee for Wollondilly Polocrosse Club;**
- vi. endorse the appointment of Mitch Payseno as alternate delegate on the BEP Management Committee for County of Cumberland Camp Draft Club;**
- vii. endorse the appointment of Elysha Sargent & Kate Hogan as alternate delegates on the BEP Management Committee for Cobbitty Pony Club;**
- viii. write to the BEP Committee to advise of Council acceptance of the nominated representatives;**
- ix. write to the Camden Men's Shed, Wollondilly Polocrosse Club, Council of Cumberland Camp Draft Club and Cobbitty Pony Club to advise the outcome of this report; and**
- x. write to resigning members of the BEP Committee and thank them for their efforts.**

ORDINARY COUNCIL

ORD07

SUBJECT: TENDER T006/2019 - SPRING FARM COMMUNITY CENTRE
FROM: Director Community Assets
TRIM #: 19/97323

PURPOSE OF REPORT

To provide details of the tenders received for contract T006/2019, Spring Farm Community Centre, and to recommend that Council accept the tender offered by HPAC Pty. Ltd.

BACKGROUND

Council has allocated S7.11 developer contributions for the the design and construction of a new multipurpose community facility at Spring Farm.

The project site is located on Richardson Road, Spring Farm opposite the neighbourhood shopping complex and adjoins the existing town park.



The works will include a building of approximately 500m² consisting of an activity hall, meeting room, foyer, kitchen and amenities. Fitout of the building, a carpark of 26 spaces and associated landscaping works is included in the scope of works for this tender.

Councillors were briefed on the design of the proposed new facility in June 2018.

A building contractor is now required to act as the Principal Contractor for the site and be responsible for the construction works. The Contractor will manage all subcontractors and direct, coordinate and integrate their output at all stages.

MAIN REPORT

Invitation to Tender

To ensure high quality submissions were received, procurement of a building contractor for the project was undertaken in two stages. The first stage was to issue an open Expression of Interest (EOI) to select suitable firms to participate in a tender. The second stage of the procurement process was for a tender with the selected firms.

The invitation to submit an expression of interest was advertised in the local newspapers and the NSW e-tendering website on 12 September 2018 with no restrictions as to those organisations that may respond. The EOI closed on 3 October 2018 with twenty (20) submissions received. Seven firms were assessed as suitable for participating in the tender. The assessment of those responses was approved by the Director of Community Assets on 05 November 2018.

The selected list of tenderers were the following companies listed in alphabetical order:

<i>Company</i>	<i>Location</i>
Avant Constructions Pty Ltd	Glendenning, NSW
AXIS Constructions	Wetherill Park, NSW
Belmadar Pty Ltd	Naremburn, NSW
Dynamic Projects (AUS) Pty Ltd	Moorebank, NSW
HPAC Pty Ltd	Lane Cove, NSW
Project Coordination (Australia) Pty Ltd	Unanderra, NSW
Westbury Constructions	Bella Vista, NSW

The selected tenderers were invited to submit tenders on 13 February 2019. The tenderers were asked to provide a lump sum price for the works. Tender returns closed on 13 March 2019. All of the companies selected to tender provided a tender submission

Tender Evaluation

The intention of the tender process is to appoint a contractor with proven capacity and experience in similar scale projects as well as providing best value and quality services to Council.

A tender evaluation panel was established, and the submissions were assessed on price and non-price factors as agreed by the evaluation panel. Price was given a weighting of 70% and non-price factors a weighting of 30%.

Non-price factors considered for this project included:

- Methodology;
- Completion of detailed pricing schedules;
- Conditions and qualifications;
- Experience in similar projects and capacity;
- Proposed team;
- Program; and
- Work Health and Safety.



HPAC Pty Ltd provided the most competitive tender in terms of cost and meeting the requirements of Council's tender documentation. The company has a proven track record for constructing works of a similar nature and scale.

The panel members were unanimous in recommending that the tender by HPAC Pty Ltd represented the best value to Council.

A summary of the tender assessment is provided in the **supporting document**. Please note this information is commercial-in-confidence.

Relevant Legislation

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Purchasing and Procurement Policy.

Critical Dates / Time Frames

HPAC Pty Ltd has submitted a program to complete the works by September 2019. This timeframe does not allow for delays caused by wet weather or unforeseen site conditions, which are allowable extensions of time under the contract.

FINANCIAL IMPLICATIONS

Council has sufficient budget allocation from Section 94 funding to proceed with the proposed works in accordance with the terms and conditions of the tender.

CONCLUSION

HPAC Pty Ltd has provided a conforming tender. The tender assessment concludes that their offer represents the best value to Council and the company has a proven track record of performance on projects of a similar nature.

RECOMMENDED

That Council accept the tender provided by HPAC Pty Ltd in the lump sum of \$2,558,872 (excluding GST) as per the terms and conditions of tender T006/2019 – Spring Farm Community Centre.

ATTACHMENTS

1. T006/2019 - Spring Farm Community Centre - *Supporting Document*

ORDINARY COUNCIL

ORD08

SUBJECT: TENDER T008/2019 - PLAYGROUND AND LANDSCAPE WORKS AT DUNCOMBE AVENUE, GLEDSDOOD HILLS

FROM: Director Community Assets

TRIM #: 19/97886

PURPOSE OF REPORT

The purpose of this report is to provide details of the tenders received for Contract T008/2019, being Playground and Landscape Works at Duncombe Avenue, Gledswood Hills, and to recommend that Council accept the tender offered by Hadizk Group Pty Ltd (trading as Perfection Landscapes).

BACKGROUND

Council allocated Section 7.11 funding in the 2018/19 Capital Works Program to construct a new playground and landscaping at the corner of Duncombe Avenue and The Hermitage Way, Gledswood Hills.



The proposed works will include a new neighbourhood playground area with a variety of playground equipment, a shade sail, a large central 'kick around' area, new landscaping and trees, a shelter with two picnic settings, a drinking fountain and bench seating.

MAIN REPORT

Invitation to Tender

The invitation to tender was advertised in the Sydney Morning Herald, local newspapers and on the NSW e-tendering website. The tender closed on



27 March 2019 with nine submissions received. Tenderers were asked to provide a lump sum price for the works.

Tender Submissions

Tenders were received from the following companies listed in alphabetical order:

Company	Location
CA&I Pty Ltd	Chippendale, NSW
Co-ordinated Landscapes Pty Ltd	Sutherland, NSW
Escaping Pty Ltd	Blacktown, NSW
GJ's Landscapes Pty Ltd	Gladesville, NSW
Hadizk Group Pty Ltd (trading as Perfection Landscape Services)	Seven Hills, NSW
Lamond Contracting Pty Ltd	Wilton, NSW
Romba Pty Ltd	Emu Heights, NSW
Simpson Landscapes & Consultants Pty Ltd	Kirrawee, NSW
V & V Landscapers Pty Ltd	Bankstown, NSW

Tender Evaluation

The intention of the tender process is to appoint a contractor with proven capacity and experience in similar scale projects as well as providing best value and quality services to Council.

A tender evaluation panel was established, and the submissions were assessed on price and non-price factors as agreed by the evaluation panel. Price was given a weighting of 60% and non-price factors a weighting of 40%.

Non-price factors considered for this project included:

- Company, project team and processes;
- Experience in similar projects and capacity;
- Program; and
- Work Health and Safety.

Hadizk Group Pty Ltd (trading as Perfection Landscapes) provided the most competitive tender in terms of cost and meeting the requirements of Council's tender documentation. The company has a proven track record constructing playgrounds and landscape works of a similar nature and scale.

The panel members were unanimous in recommending that the tender by Hadizk Group Pty Ltd (trading as Perfection Landscapes) represented the best value to Council.

A summary of the tender assessment is provided in the **supporting document**. Please note this information is Commercial-in-Confidence.

Relevant Legislation

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Purchasing and Procurement Policy.

Critical Dates / Time Frames

Hadizk Group Pty Ltd (trading as Perfection Landscapes) has submitted a program to complete the works by October 2019. This timeframe does not allow for delays caused by wet weather or unforeseen site conditions, which are allowable extensions of time under the contract.

FINANCIAL IMPLICATIONS

Council has a sufficient budget allocation, from the Section 7.11 funding, to proceed with the proposed works in accordance with the terms and conditions of the tender.

CONCLUSION

Hadizk Group Pty Ltd (trading as Perfection Landscapes) has provided a conforming tender. The tender assessment concludes that their offer represents the best value to Council and the company has a proven track record of performance on projects of a similar nature.

It is therefore recommended that Council accept the tender provided by Hadizk Group Pty Ltd (trading as Perfection Landscapes).

RECOMMENDED

That Council accept the tender provided by Hadizk Group Pty Ltd (trading as Perfection Landscapes) for the lump sum of \$312,425.61 (excluding GST) as per the terms and conditions of Tender T008/2019 - Playground and Landscape Works at Duncombe Avenue, Gledswood Hills.

ATTACHMENTS

1. Tender T008/2019 - Playground and Landscape Works at Duncombe Avenue, Gledswood Hills - *Supporting Document*