



Camden Council

Business Paper

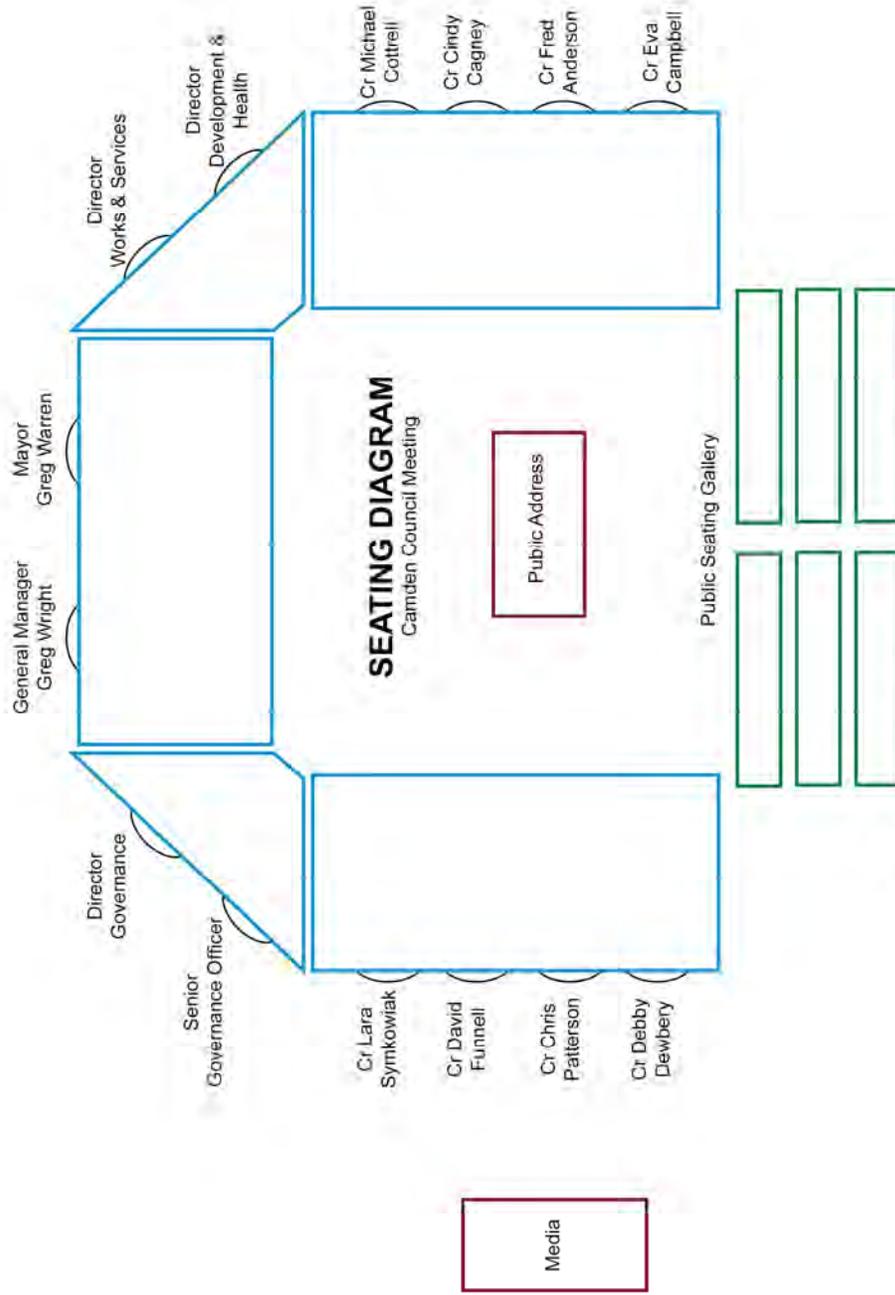
Ordinary Council Meeting
26 June 2012

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
RMS	Roads & Maritime Services (incorporating previous 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



*Please do not talk during Council Meeting proceedings.
Recording of the Council Meeting is not permitted by members of the public at any time.*



ORDINARY COUNCIL

ORDER OF BUSINESS - ORDINARY COUNCIL

Prayer		
Recording of Council Meetings	4	
Apologies.....	5	
Declaration Of Interest.....	6	
Public Addresses	7	
Confirmation Of Minutes	8	
ORD01	Outcome of a Land And Environment Court Appeal for a New Secondary School at Nos 70, 78 & 86 (Lots 18, 19 & 20, DP 31996) Oran Park Drive, Oran Park.....	9
ORD02	NSW Companion Animals Taskforce Discussion Paper	11
ORD03	Adopt A Pet Program.....	22
ORD04	Repeal Of Contributions Plan No. 8	28
ORD05	Submission To NSW Government Sydney Metropolitan Strategy 2012	31
ORD06	Adoption Of The Amended Delivery Program 2011/12-2014/15, Incorporating The 2012/13 Operational Plan And Budget	90
ORD07	Review Of The Model Code Of Conduct For Local Councils In NSW.....	108
ORD08	Investment Monies - May 2012	198
ORD09	2011/12 Loan Borrowings	201
ORD10	Impact Of Carbon Tax On Camden Council.....	203
ORD11	Roads And Maritime Services 2012/13 Black Spot Funding	206
ORD12	Closure Of The Meeting To The Public	210
Diary		211



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 this meeting is being audio recorded by Council staff for minute taking purposes.



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 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.

RECOMMENDED

That the public addresses be noted.



ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 12 June 2012.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 12 June 2012, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

ORD01

ORD01

SUBJECT: OUTCOME OF A LAND AND ENVIRONMENT COURT APPEAL FOR A NEW SECONDARY SCHOOL AT NOS 70, 78 & 86 (LOTS 18, 19 & 20, DP 31996) ORAN PARK DRIVE, ORAN PARK
FROM: Director, Development and Health
BINDER: Development Application 2011/DA1405/2011

PURPOSE OF REPORT

The purpose of this report is to inform Councillors of the outcome of a Land and Environment Court (LEC) appeal, *The Trustees of the Roman Catholic Church for the Diocese of Wollongong v Camden Council (NSW) LEC Proceedings No 10190 of 2012*, and of the costs incurred by Council associated with these proceedings.

BACKGROUND

A Development Application was lodged with Council on 29 November 2011 for a new secondary school to facilitate 1,020 students with associated roads, car parking, service infrastructure and remediation of contaminated land at Nos 70, 78 & 86 (Lots 18, 19 & 20, DP 31996) Oran Park Drive, Oran Park.

Council publicly notified the application and one submission was received. As part of the assessment the application was required to be referred to Roads and Maritime Services (RMS) and the Department of Planning and Infrastructure (DPI). Council facilitated numerous meetings with the applicant and these agencies to resolve issues related to the vehicular access for the school and the impact of the development on the possible future extension of Rickard Road (adjacent to Forest Grove Road).

On 23 February 2012 the applicant lodged a Class 1 Appeal with the LEC against the deemed refusal of this application. This appeal was made on the basis that the application had not been determined within the statutory timeframe. The application had not been determined primarily due to the need to resolve issues raised by the RMS and DPI.

If an appeal had not been lodged, this application would have been determined by the Joint Regional Planning Panel.

MAIN REPORT

Following the lodgement of the appeal, Council attended a meeting with the applicant on 3 April 2012. At this meeting the applicant provided Council with amended plans which addressed the vehicular access and road issues raised by the RMS and DPI.

Council referred the amended plans to the RMS and DPI. These agencies raised no objection to the amended plans subject to appropriate development consent conditions.

A LEC mediation conference was heard by Commissioner Tuor on 23 April 2012. Following the mediation conference Council and the applicant reached agreement on the appeal issues and the development was subsequently approved by the Court on 11 May 2012.

ORD01

A copy of the Court's decision is provided with the Business Paper supporting documents.

The total costs incurred by Council to defend this appeal were \$16,835.12, which includes all of the associated legal costs.

CONCLUSION

Following mediation, on 11 May 2012 the LEC approved a Development Application for a new secondary school at Nos 70, 78 & 86 Oran Park Drive, Oran Park. The costs incurred by Council for this appeal are described in this report.

RECOMMENDED

That Council note this information.

ATTACHMENTS

1. Court Approved Consent Conditions - *Supporting Document*



ORDINARY COUNCIL

ORD02

ORD02

SUBJECT: NSW COMPANION ANIMALS TASKFORCE DISCUSSION PAPER
FROM: Director, Development and Health
BINDER: E&H/Animals/Law & Enforcement/Standards/Companion Animal Act

PURPOSE

To consider a submission in response to the NSW Companion Animals Taskforce discussion paper released in May 2012.

BACKGROUND

The Minister for Local Government and the Minister for Primary Industries established a Companion Animal's Taskforce to provide advice on current companion animal issues and strategies to reduce the current rate of companion animal euthanasia.

The taskforce consists of representatives from the following organisations: Animal Welfare League NSW, Australian Companion Animal Council, Australian Institute of Local Government Rangers, Australian Veterinary Association, Cat Protection Society of NSW, Local Government and Shires Associations of NSW, Dogs NSW, Pet Industry Association Australia, and Royal Society for the Prevention of Cruelty to Animals NSW.

MAIN REPORT

Australia has one of the highest rates of pet ownership in the western world. Statistics show that animal welfare facilities in NSW receive a very high number of companion animals including those which have been surrendered or abandoned by their owners.

The taskforce was requested to focus on:

- euthanasia rates and re-homing for surrendered or abandoned animals;
- companion animal breeding and practices which are commonly known as 'puppy farms';
- microchipping, desexing and sale of companion animals;
- education programs on responsible pet ownership; and
- any other high priority companion animal issues that became apparent to the taskforce.

The taskforce developed a discussion paper which stakeholders were given notification of and is available for any interested parties to download from the Division of Local Government' website: www.dlg.nsw.gov.au.

The discussion paper identified a range of issues related to the management of companion animals and has provided some options in an attempt to overcome those issues. The paper includes a feedback form seeking comments, and the period for submissions closes on 1 July 2012. **A copy of the discussion paper is provided with the Business Paper supporting documents.**

The feedback form comprises of a series of 20 options that relate to the contents of the Discussion Paper and the opportunity to answer yes, no or unsure for each option. At the end of the feedback form there is a text box for the inclusion of any additional comments.

The taskforce has identified the issue of dangerous and restricted dog management as one requiring further consideration. However, due to the complexity of this issue, the taskforce has determined that this is best dealt with separately to this discussion paper. It is anticipated that further information about this work may be made available later in the year.

A draft completed feedback form and additional comments are provided as attachments and to this report.

CONCLUSION

The NSW Companion Animals Taskforce discussion paper has been reviewed by Council's Rangers, and their feedback and additional comments have been provided.

RECOMMENDED

That Council:

- i. endorse the Companion Animals Taskforce Discussion Paper Feedback Form and additional comments prepared by Council staff; and**
- ii. forward the submission to the Division of Local Government – Department of Premier and Cabinet.**

ATTACHMENTS

1. Additional comments
2. Feedback Form
3. Discussion Paper - *Supporting Document*

18th June 2012

Companion Animals Taskforce Discussion paper
Division of Local Government,
Department of Premier and Cabinet
Locked Bag 3015
NOWRA NSW 2541

Dear Sir/ Madam,

In reference to the exhibition of the NSW Companion Animals Taskforce Discussion Paper please find attached a submission prepared by Council in relation to the matters raised for consideration. In considering the discussion paper it became apparent that a number of additional issues were evident that Council believes requires deliberation. Council would request that our additional comments contained herein are taken into account by the Taskforce.

1. Council continues to be concerned at the high numbers of companion animals being seized and delivered to the animal shelter that are not microchipped. Despite Council's best efforts in educating residents, nearly half of the seized animals are still not microchipped. In addition, a large proportion of seized animals that are microchipped are still transferred to the animal shelter due to their microchip details being out of date or the animal has since been given away.
2. Council is concerned that there is very little transparency as to how funding is distributed and how that portion retained by government is used to promote companion animal issues. Very little assistance is currently provided to councils and there are no proactive programs currently being implemented by the Division of Local Government.
3. The current microchip identification forms should be updated to include breeder's details; which will stay permanently on the dog's CAR record. This can be aligned with the requirements of the proposed breeder's licence and places a greater long term responsibility on breeders.
4. Guidelines should be prepared by Government in terms of the number, size and construction of leash free areas in any local government area. In rapidly growing areas such as Camden, developers and planners need guidance to better plan for future communities to ensure that pets are well adjusted and are suitably socialised.
5. Currently approximately 35% of seized companion animals are being released to rescue organisations. With large numbers of animals being rehomed through rescue organisations there is a need for clause 16d of the Companion Animals Regulation to be reviewed. It is recommended that rescue organisations be required to provide their local council with a report of animals within their care including microchip numbers and where the animal is being kept. Reports may be provided half-yearly and detail animals sold. Organisations should be required to desex their animals and the registration

ORD02

Attachment 1

ORD02

Attachment 1

fee exemption should expire after the animal has been in the agency's care for more than 12 months.

6. Legislative changes are needed to place responsibility on veterinary practices to ensure that all companion animals that are treated within their practice are microchipped and the owner's details are up to date. It is a regular occurrence that residents have had their animals medically treated and puppies immunised, and yet when council issues a letter to microchip and register the resident often state that the veterinarian failed to mention the requirement.

In a number of cases where Council has taken action in relation to a dog attack and the dog has subsequently been euthanised, the veterinarian has not scanned the dog being euthanised. For protection of the dog owner and the veterinary practice, animals should be scanned at every treatment particularly prior to euthanasia. It is understood that the staff within veterinary practices are serving 'their' customers and are not regulators, but they are the first point of call for animal owners. Whilst veterinary clinics are not scanning animals they treat, it is condoning that microchipping is not required. Part of this review may also allow for a co-operation or incentive for veterinary clinics to provide reduced rate microchipping.

Following is an expanded version of the options discussed on the feedback form:

Option 1: If a licensing system is introduced the system needs to be manageable and applicable to **all** dog breeders, particularly with the current trend of cross breed / designer dogs. Most 'Dogs NSW' registered breeders take responsibility for their dogs and will accept a dog returned to them should the new owner be unsatisfied with the animal. The backyard breeders and those breeding designer dogs need a licensing system that is regulated and one which may include a cooling off period for new owners. Currently many backyard breeders are registering with Dogs NSW and discounts for registration are being given on the Dogs NSW membership even though they have no 'breeders prefix'. This loop hole is denying considerable income to the program.

The licensing system needs to be enforceable and applicable to those breeders who are breeding as a 'hobby'. The Australian Taxation Office (ATO) allows persons to breed dogs as a hobby or private recreational pursuit. Whilst backyard breeders are hiding under the provision of the activity being a hobby they do not believe they need to abide by business procedures. The ATO use questions in determining whether the activity constitutes a business. In many cases even a small backyard breeder may be considered a business as they; invest capital in their activity, advertise their animals and make profits. When a council approaches these breeders they avoid the controls in place for commercial activities and council must deal with animal health and welfare issues in isolation of the unregulated breeding on the premises.

Option 3: Council disagrees that the current issues with planning guidelines applying to animal breeding, boarding etc. are the main concern. Current planning legislation allows councils to deal effectively with 'commercial' breeders. As discussed above most breeders classify themselves with the ATO as a 'hobby' and therefore are no longer considered 'commercial' breeders. The issue is not the planning guidelines; the issue is that the majority of dog breeders are falling through the 'hobby' loop hole.

Option 8: To reduce animal overpopulation programs need to be implemented to encourage desexing animals, therefore Council agree with an increase in the

Registration fees for undesexed animals only. As veterinary clinics charge heavily for their service, the desexed registration rate should remain unchanged.

Council regularly seize unidentified / unregistered dogs which have been involved in an attack; these menacing dogs should be given a higher registration fee of say \$500.00. A larger proportion of the NSW community need to be informed of companion animal issues on a broader, consistent, state wide scale which may be reached by government with media such as TV and radio.

Option 11: To ensure a fair distribution, funds to councils should be calculated on a pro-rata rate of the population. This is to clarify the current lack in transparency of how companion animal funds are distributed.

Option 13: To support any education campaign there is a need for a legislative mandatory requirement for all media including newspapers and websites that advertise companion animals for sale to have a compulsory advisory statement. Council agrees that there should be some socially responsible pet ownership information given out at point of sale, although purchasers need to be aware of the requirement. Advising purchasers of their rights and the seller's obligations at the time of advertising serves to protect purchasers and place the obligation onto sellers.

Should you require any clarification or additional information with any aspect of this submission please contact Mr Geoff Green, Manager, Environment & Health during business hours on 4654 7751.

Yours sincerely,

Greg Wright
General Manager

ORD02

Attachment 1

ORD02

Attachment 2

[Home](#) [Companion Animals Taskforce Discussion Paper](#)**Companion Animals Taskforce Discussion Paper Feedback Form****Feedback Form**

We will use your email address to send acknowledgment of receipt of your feedback. It will not be used any other purpose.

Contact Details

Please complete fields below. At least one question must be completed

*indicates a required field

Name *

Organisation Name

Organisation Type (please tick the applicable box below) *

- Animal Welfare/Rescue Organisation
- Council
- State agency
- Industry organisation
- Community group
- Interested individual
- Other:

If 'Industry organisation', 'Community group' or 'Other',
please specify:

Suburb

PostCode

Email Address *

Closing date: 1 July 2012.

Are you happy for your submission to be made publicly available?

- Yes
- No

If No, please state the reason:

Note: All submissions may be made publicly available. If you do not want your personal details or any part of the submission released, please indicate this clearly in your submission together with reasons. However, you should be aware that even if you state that you do not wish certain information to be published, there may be circumstances in which the Government is required by law to release that information (for example, in accordance with the requirements of the *Government Information (Public Access) Act 2009*).

<http://www.dlg.nsw.gov.au/dlg/eventregistration/EventsTaskForce/TaskForceRegister...> 20/06/2012

QUESTIONS

REGULATION OF BREEDERS

Option 1: Introduce a breeder licensing system

Do you support the introduction of a breeder licensing system to strengthen the regulation of cat and dog breeding practices?

- Yes
 No
 Unsure

Option 2: Revise the Breeding Code of Practice to make existing guidelines enforceable standards

a. Do you support revising the Animal Welfare Code of Practice - Breeding Dogs and Cats so that the guidelines contained within the document apply to breeders as enforceable standards?

- Yes
 No
 Unsure

b. Do you think that such standards should also form the basis of requirements for a breeder licensing system (see Option 1)?

- Yes
 No
 Unsure

Option 3: Clarify planning legislation requirements relating to the approval of commercial breeder, boarding and shelter premises

Do you support the development of planning guidelines applying to breeding, boarding or shelter constructions across the state?

- Yes
 No
 Unsure

ADVERTISING AND SALE OF CATS AND DOGS

Option 4: Mandatory listing of an animal's microchip number or breeder number in all cat and dog advertisements

Do you agree that all advertisements for cats and dogs offered for sale (including internet advertisements) should include either the animal's microchip number or the number of the animal's registered breeder?

- Yes
 No
 Unsure

Option 5: Issue guidelines on the advertising and sale of cats and dogs

Do you agree that guidelines on the advertising and sale of cats and dogs should be provided by the Government?

- Yes
 No
 Unsure

<http://www.dlg.nsw.gov.au/dlg/eventregistration/EventsTaskForce/TaskForceRegister...> 20/06/2012

ORD02

Attachment 2

ORD02

Attachment 2

MICROCHIPPING, REGISTRATION AND DESEXING**Option 6: Remove existing two step registration process to require microchipping and registration of cats and dogs by 3 months of age**

Do you support revoking the existing two step registration process to require the microchipping and lifetime registration of cats and dogs by 3 months of age?

- Yes
 No
 Unsure

Option 7: Provide a registration fee rebate for owners who desex their animals within 3 months of registration

Do you support a registration rebate for owners who desex their animal within 3 months of registration as a means to encourage desexing?

- Yes
 No
 Unsure

Option 8: Raise cat and dog registration fees to fund additional council and State Government cat and dog management programs

a. Do you think that registration fees should be increased to make more funding available for council and State Government cat and dog programs?

- Yes
 No
 Unsure

b. Do you support amending the Companion Animals Regulation to allow registration fees to be annually indexed to inflation?

- Yes
 No
 Unsure

Option 9: Establish new registration categories to encourage desexing

a. Do you support the implementation of 'Desexed animal purchased from pound' registration category?

- Yes
 No
 Unsure

b. Do you support the implementation of 'Desexed animal post-purchase consultation by owner' registration category?

- Yes
 No
 Unsure

Option 10: Introduce measures to improve compliance with companion animal legislation data entry requirements

a. Do you support encouraging breeder and animal welfare organisations listed in the Companion Animals Act to become registration agents to process registration fees and change of animal details?

- Yes
 No

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Unsure

b. Do you support establishing a fee for service model for such registration agents to encourage uptake of this arrangement?

Yes

No

Unsure

c. Do you think that online owner self service data entry options should be developed?

Yes

No

Unsure

Option 11: Establish a grant funding initiative for councils/partner organisations to deliver targeted microchipping, registration and desexing programs

Do you support the establishment of a grant funding program (sourced from the Companion Animals Fund) for councils to promote the microchipping, registration and desexing of cats and dogs?

Yes

No

Unsure

THE ROLE OF EDUCATION

Option 12: Develop a community wide socially responsible pet ownership education campaign

a. Do you support the development of a whole of community socially responsible pet ownership education campaign?

Yes

No

Unsure

b. Do you support providing school based socially responsible pet ownership programs to students outside of the 5 to 7 year old age group?

Yes

No

Unsure

Option 13: Develop mandatory standardised information on socially responsible pet ownership to be given out at point of sale and introduce initiatives to reinforce such information

a. Do you support the development of mandatory, standardised information to be provided at point of sale?

Yes

No

Unsure

b. Do you support post-purchase socially responsible pet ownership consultations as a means to reinforce point of sale information?

Yes

No

Unsure

Option 14: Establish minimum qualification requirements for pet shop, breeding

<http://www.dlg.nsw.gov.au/dlg/eventregistration/EventsTaskForce/TaskForceRegister...> 20/06/2012

ORD02

Attachment 2

ORD02

Attachment 2

establishment and pound/shelter staff

a. Do you think that it should be compulsory for at least one staff member working in a pet shop, breeding establishment, shelter or pound to have a minimum qualification in animal care and management in-line with the recommendations of the Animal Welfare Code of Practice Sale of Animals in Pet Shops?

- Yes
 No
 Unsure

b. Do you think that a Certificate II level qualification should be developed for this purpose?

- Yes
 No
 Unsure

Option 15: Provide more funding for research on key cat and dog issues

a. Do you think that a portion of the Companion Animals Fund should be set aside for annual research grants on cat and dog issues?

- Yes
 No
 Unsure

b. Do you think that such funding should be limited to key organisations or individuals involved in cat and dog research?

- Yes
 No
 Unsure

IMPOUNDED CATS AND DOGS**Option 16: Encourage greater collaboration between councils and animal welfare organisations on the delivery of impounding and re-homing services to reduce euthanasia rates**

Do you think that increased collaboration between councils and animal welfare organisations in the delivery of impounding services will improve re-homing outcomes for impounded animals?

- Yes
 No
 Unsure

Option 17: Investigate the development of an integrated impounded animal management tool

Do you support the development of an integrated impounded animal management tool to improve policy responses for impounded cats and dogs?

- Yes
 No
 Unsure

Option 18: Review barriers to cat and dog ownership in relation to residential tenancy laws

a. Do you agree that NSW residential tenancy and strata management legislation should be reviewed to identify barriers to the ownership of cats and dogs in rental accommodation and units?

- Yes
 No

<http://www.dlg.nsw.gov.au/dlg/eventregistration/EventsTaskForce/TaskForceRegister...> 20/06/2012

Unsure

b. Do you support the development of a pet bond scheme to encourage landlords to accept more cat and dog owners as tenants?

Yes

No

Unsure

c. Do you support the development of targeted education to promote cat and dog ownership in rental accommodation?

Yes

No

Unsure

Option 19: Introduce measures to encourage the confinement of cats to their owner's property

a. Do you support providing councils with voluntary powers to issue local orders to cat owners to confine their cats (where appropriate and enforceable)?

Yes

No

Unsure

b. Do you support the development of resources that encourage cat owners to confine their cats, particularly at night?

Yes

No

Unsure

Option 20: Establish an ongoing reference group on cat and dog management and welfare issues

Do you support the establishment of an ongoing reference group on cat and dog management and welfare issues?

Yes

No

Unsure

Additional comments

Please write down any additional comments you have.

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<http://www.dlg.nsw.gov.au/dlg/eventregistration/EventsTaskForce/TaskForceRegister...> 20/06/2012

ORD02

Attachment 2



ORD03

ORDINARY COUNCIL

ORD03

SUBJECT: ADOPT A PET PROGRAM

FROM: Director, Development and Health

BINDER: E&H/Animals/Law & Enforcement/Standards/Companion Animals Act

PURPOSE OF REPORT

The purpose of this report is for Council to consider the future of the 'Adopt a Pet' Program which has been run from February 2011. The program was aimed at reducing euthanasia rates for impounded companion animals.

BACKGROUND

This report formed part of a previous report to Council that was withdrawn from consideration at Council's meeting 8 May 2012 and subsequently split into two separate reports.

On 25 January 2011, Council resolved to implement a trial program in an effort to reduce the euthanasia rates of animals. At that time, Council resolved that:

- i. *Council advertise the campaign for a twelve (12) month period for up to four (4) animals per week from Renbury Animal Shelter;*
- ii. *Council allocate an additional \$30,000 to the Companion Animals budget to cover the cost of upkeep for the advertised animals for up to a six (6) day period whilst the animals are impounded;*
- iii. *Council secure a written commitment for a quarter page advertisement at half cost with the Camden Advertiser for twelve (12) months;*
- iv. *Council write to Liverpool, Bankstown and Fairfield Councils to advise them of Council's initiative and encourage them to undertake similar initiatives in conjunction with Renbury Animal Shelter; and*
- v. *a report be brought back to Council in twelve (12) months time advising of the outcome of the twelve (12) month trial.*

The 12 month program involved a maximum of four animals each week being retained at the Pound beyond the mandatory holding period. The selected animals were kept for an additional six days and advertised with photos in the local newspaper seeking a suitable home.

The cost to Council for an animal to be kept at the Pound is currently \$27.09 per day for dogs and \$21.45 per day for cats. The cost of euthanasia of an animal is currently set at the same rate as the maintenance fees for that animal.

MAIN REPORT

During the period January 2011 and February 2012 inclusive a total of 227 animals were advertised, of which 150 originated in the Camden LGA. Those animals were

photographed and advertised in the local paper in an attempt to raise the awareness of animals in the Pound, as well as raising the profile of Renbury Farm Animal Shelter operating as Camden's impound facility.

The primary aim of the program was to reduce the euthanasia of animals that potentially could be offered a new home. The advertised animals were kept for an additional period of up to six days longer than the mandatory holding period so that an interested person had the opportunity to purchase the animal.

The animals were selected on a weekly basis by kennel staff working at Renbury Animal Shelter. The staff are trained and experienced in animal handling, temperament and behavioural assessment.

It is important to acknowledge that at times there are animals which are unsuitable to be re-homed. Some animals that are surrendered to the Pound are in poor health or have exhibited aggressive traits.

During the trial there were periods where Camden did not have four suitable animals to advertise. In these cases, suitable animals were chosen from another council area such as Liverpool, Fairfield or Bankstown. In these instances Camden Council did not pay for the additional maintenance costs. The advertising of out of area animals occurred for approximately 35 weeks during the 12 month trial.

In accordance with Council's previous resolution, letters were sent to Liverpool, Fairfield and Bankstown Councils in 2011 advising them of our initiative, however to date there has been no response.

The cost to Council for the maintenance of animals kept for extended periods of time past their mandatory holding period was \$5,100. The column placed in the newspaper cost \$180 per week; total \$9,360 (with a 50% subsidy). The total cost of the program to Council for the 12 month period was \$14,460.

Recent discussions with the Camden Advertiser has resulted in an agreement that they will continue to support the program by offering a 50% ongoing subsidy for the advertising undertaken by Council should the program be continued.

Results

The results of the Adopt a Pet program are as follows:

Table 1 shows the fate of the animals advertised under the Adopt a Pet Program. Of the 227 animals advertised, 17% (40 animals) were euthanized and the remainder were released, sold or sent to rescue agencies.

Jan 2011 Feb 2012	Released to owner	Sold	Rescued	Euthanized	Totals
Camden Animals	10	38	76	26	150
Other Council's Animals	3	20	40	14	77



ORD03

Total	13 (6%)	58 (25%)	116 (51%)	40 (17%)	227
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Table 1: Animals advertised under the Adopt a Pet program (Source: Renbury & Camden Council)

When considering the effectiveness of the 12 month trial it is helpful to consider the overall statistics or performance of the Pound and the fate of all animals that entered the facility for each calendar year 2009, 2010 and 2011.

Table 2 shows the fate of all animals that entered the Pound in 2009, 2010 and 2011.

Year	Total		Released		Sold		Rescued		Euthanized	
	Cats	Dogs	Cats	Dogs	Cats	Dogs	Cats	Dogs	Cats	Dogs
2009	193	395	5	185	12	71	39	84	137	55
2010	238	416	7	203	16	55	92	71	123	87
2011 (Adopt a Pet)	210*	413	8	178	29	69	80	117	93	49

Table 2: (Source: DLG statistics – supplied by Camden Council)

Table 3 shows the fate of dogs and cats at the Renbury Animal Shelter during 2009, 2010 and 2011.

		All Dogs entering the Pound			
Year	Total	Released	Sold	Rescued	Euthanized
	Dogs				
2009	395	46.8%	18.0%	21.3%	13.9%
2010	416	48.8%	13.2%	17.1%	20.9%
2011 (Adopt a Pet)	413	43.1% (neutral result)	16.7% (neutral result)	28.3% (+ve result)	11.9% (+ve result)
		All cats entering the Pound			
Year	Total	Released	Sold	Rescued	Euthanized
	Cats				
2009	193	2.6%	6.2%	20.2%	71.0%
2010	238	2.9%	6.7%	38.7%	51.7%
2011 (Adopt a Pet)	210*	3.8% (+ve result)	13.8% (+ve result)	38.1% (neutral result)	44.3% (+ve result)

* This figure does NOT include 43 Feral cats from Harrington Park

As can be seen from the data there were some positive trends. Whilst the total number of animals impounded increased, there was a reduction in dogs being euthanized between 2010 and 2011, and an increase of dogs and cats sold, and dogs going to rescue agencies for re-homing.

Whilst the results from the 12 month trial period indicate some positive trends, it is difficult to draw absolute conclusions due to the limited period. Council could consider continuing the trial for a further 12 month period to monitor whether these trends continue.

Camden Council, with the consent of the Minister of Local Government, has permitted 41 authorised rescue agencies to regularly attend Renbury Farm Animal Shelter to pre-claim animals that have a chance of being successfully re-homed. The animals are released to rescue agencies after their mandatory holding period at no cost to the agency or Renbury Farm. Council is burdened by the cost of maintenance up to the point of release.

Council supports rescue agencies as they hold the animal within foster carer's homes. The animals are happier and less stressed being held in private homes and may be further evaluated for re-homing suitability, and often receive some basic obedience training from their foster carers. Thus rescue organisations have a greater chance of finding the animal a suitable new home.

Another benefit of rescue is the reduction in cost to Council by way of the elimination of the euthanasia costs. Most of those rescue agencies visit Renbury Farm weekly as a matter of course and were not prompted by the advertised animals. It was also hoped that the heightened advertising of Renbury Farm Animal Shelter would reflect a significant increase in pet reclaim and adoption rates.

Transpet Pty Ltd trading as Renbury Farm is a private animal holding facility which provides holding facilities for Camden, Bankstown, Fairfield and Liverpool Councils. They also offer boarding and animal transport facilities. Camden Council is invoiced monthly by Renbury Farm for their maintenance and monthly retainer charges.

Microchipping proposal

The Adopt a Pet Program was effective in:

1. raising community awareness of the plight of companion animals entering the Pound;
2. informing the community of the role that Council and Renbury Animal Shelter perform in terms of companion animal management;
3. increased the rescue of animals by rescue agencies; and
4. reducing the rate of euthanasia.

However, the Adopt a Pet Program is reactive in nature and does not contribute to reducing the number of unidentified animals impounded by Council.

To adopt a more proactive approach to the issue, other programs could be considered that would deliver a broader community benefit. These programs would hopefully reduce the numbers of animals reaching the Pound in the first place.

Research of activities undertaken at some other Sydney councils has identified the following programs:

Kogarah Council	Dogs Breakfast (similar to Paws in the Park)
	Free cat desexing (not very popular)
Blacktown Council	Free microchipping day
	Annual Pet Festival
City of Sydney	Free Microchipping
	Discount desexing (Pension / Health card)
	Free Group Dog training
	Free or discount registration fees for Pensioners
	Pet Fair Days
Fairfield Council	Free Microchipping Days
	Operation Cat
	Education displays in Shopping Centres/ Local Markets

Free microchipping days are a popular activity offered by a number of councils to deliver the responsible pet ownership message to the community.

Based on a review of animals impounded by Council, it is estimated that approximately 40 to 45% are not microchipped. This is a huge statistic that for the most part is not addressed well by regulatory agencies. Strategies to reduce this figure have been a topic in the NSW Companion Animals Taskforce Discussion Paper which is to be considered by Council under a separate report.

It is considered that promoting microchipping would have a two fold benefit, being that:

- (a) when the animal is microchipped it is then required to be registered and therefore a proportion of the fees are returned to Council; and
- (b) if the animal becomes lost the owner can be contacted more readily and the animal may not end up at the Pound at all. This directly reduces Council's costs.

If Council were of a mind to commit the funds that have been allocated to the Adopt a Pet Program (ie. \$15,000) to a free microchipping program, a substantial number of animals could be microchipped each year at either a reduced cost or nil cost to Camden LGA residents.

Should Council resolve to conduct free microchipping, the services of registered implanters would be sought in accordance with Council's Purchasing and Procurement Policy.

CONCLUSION

It is considered that the Adopt a Pet program has had positive results by reducing euthanasia rates and permitting more time for the animals to be rescued. The added but unquantifiable benefit is enhanced community awareness of Renbury Animal Shelter and the public perception of what happens to impounded animals.

The 12 month trial program cost in the order of \$14,500, however if Council had to pay the full cost of advertising, and assuming the same number of animals would be

entering the program, the annual additional cost to budget would be in the order of \$24,000pa.

Sadly many animals end up at the Pound due to behavioural issues and the perceived “throw away” mentality of some people, but many are simply lost and the owners are unable to be contacted. With Camden's changing and increasing population, consideration could be given to preventative education programs and facilities to promote a 'pet friendly' community and to engender responsible pet ownership. Council could explore preventative education programs such as free microchipping, group dog training days, low cost desexing campaigns and the establishment of new leash free areas that are accessible and usable to the growing population.

As the results from the Adopt a Pet Program trial have revealed some positive trends, Council could consider extending the trial to allow the results to be further monitored. However it is instead recommended that Council initiate an alternate program involving free microchipping.

RECOMMENDED

That Council:

- i. discontinue the ‘Adopt a Pet’ trial program; and**
- ii. commit \$15,000 in the 2012/2013 budget to enable a free microchipping program to be conducted.**



ORD04

ORDINARY COUNCIL

ORD04

SUBJECT: REPEAL OF CONTRIBUTIONS PLAN NO. 8
FROM: Director Governance
BINDER: Contribution Plans

PURPOSE OF REPORT

The purpose of this report is to recommend Council repeal Contributions Plan No. 8 Traffic Management Facilities: Narellan Release Area (Primary and Secondary Roundabouts). The reason for repeal is that Council has fully recouped Section 94 contributions for the traffic management facilities completed and levied under this Plan.

BACKGROUND

Contributions Plan No. 8 (CP8) applies to the then new subdivision and development within Currans Hill, Mount Annan, Narellan, Narellan Vale, Smeaton Grange, Elderslie and Spring Farm. CP8 levies monetary contributions for the provision of eight roundabout intersections within these suburbs. All eight intersections have been completed and two of these intersections have since been upgraded to signalized traffic intersections to address increased traffic volumes and capacity of the road network.

HISTORY

- | | |
|------------|---|
| 20/03/1993 | <i>Contributions Plan No. 8 – Traffic Management Facilities: Narellan Road, Mount Annan</i> adopted by Council. |
| 11/12/1995 | Council adopted review of Contributions Plan No. 8 and the plan came into force on 19 December 1995. The title of the plan changed to <i>Contributions Plan No. 8 – Narellan Release Area (Primary and Secondary Roundabouts)</i> . |
| 22/09/1997 | Council adopted amendment to Contributions Plan No. 8 and the plan came into force on 1 October 1997. |
| 15/03/2009 | Council made a formal submission to the Local Contributions Review Panel in response to capped contributions. The submission recommended the Minister for Planning allow Camden Council to impose conditions of development for Section 94 Conditions of Consent pursuant to CP8 in conjunction with other contributions plans. |
| 9/09/2010 | Department of Planning issued a Planning Circular in relation to Section 94 reforms to the local development contributions system. |
| 4/03/2011 | Section 94E Ministerial Direction issued in relation to granting exemptions to specific precincts in the Camden LGA relevant to CP8. |
| 4/01/2011 | Council received advice from the Department of Planning to review CP8 following exhibition of Camden Contributions Plan 2011. |

MAIN REPORT

Review of the Contributions Plan

A review of CP8 was undertaken with regard to relevant environmental planning legislation and regulations, Department of Planning Circulars, the status of CP8 capital works program for traffic management facilities, register of Section 94 contributions levied and/or paid by developers and works-in-kind agreements/deeds executed between Council and a principal developer to deliver transport management infrastructure identified in CP8.

The following conclusions were made:

1. All works and land dedications as described in CP8 have been fully completed. It is noted that two of these eight intersections have since been upgraded to signalised traffic intersections to address increased traffic volumes and capacity of the road network.
2. Council has fully recouped all costs under CP8. This includes additional costs arising from two upgraded intersections to signalised intersections.
3. Section 94 contributions levied pursuant to CP8 have been paid by developers across a significantly high proportion of the developable land area to which CP8 applies.
4. Council and a developer entered works-in-kind agreements for delivery of two roundabouts in this plan.

Analysis of Financial Impacts

1. Transfer balance of funds to other Section 94 Plan balances

The CP8 funds balance is \$858,402. Council has had regard to the fact there are no outstanding credit obligations arising from works-in-kind agreements and no additional transport infrastructure projects have been identified within the area that CP8 applies. It is recommended that the CP8 funds be transferred to the Camden Contributions Plan 2011.

2. Section 94 contributions levied on Development Applications, but not received prior to repeal of Contributions Plan No.8.

A nominal amount of Section 94 contributions have been levied on approved development but not paid by developers. Levies have not been collected due to timing of payment prior to issue of a Construction Certificate or Subdivision Certificate. The lapsing of development consents after a statutory period also increases uncertainty as to the extent and timing of future contributions payments.

Due to the uncertainty surrounding outstanding contributions payments levied on approved developments, Council shall pool future Section 94 contributions received after CP8 is repealed. The pooled funds shall be allocated to the Camden Contributions Plan 2011.

3. Delivery Program

Repeal of CP8 will have no adverse impact on Council's Delivery Program given expenditure for all land and works projects under CP8 have been fully recouped. Investment of the current CP8 funds balance and potential pooling of future Section 94 contributions received after the Contributions Plan is repealed shall increase Council's capacity to fund the delivery local infrastructure works specifically identified in the Camden Contributions Plan 2011.

4. Future Development Consent Conditions

From the date CP8 is repealed, Council will no longer impose conditions of development from Section 94 contributions pursuant to CP8. Repeal of CP8 will marginally reduce the Section 94 contribution rate payable for future development located in Currans Hill, Mount Annan, Narellan, Narellan Vale, Smeaton Grange, Elderslie and Spring Farm.

CONCLUSION

Council and a principal developer have delivered two signalised and six roundabout intersections identified in CP8. Furthermore, Council has fully recouped the costs associated with these intersections from Section 94 monetary contributions levied on development since the original CP8 came into force in 1993.

Transferring the current funds balance to the Camden Contributions Plan funding account and pooling the levied monetary contributions will have no adverse impact on Council's Delivery Program and are in the public interest.

RECOMMENDED

That Council:

- i. **advertise intention to repeal Contributions Plan No. 8 Narellan Release Area (Primary and Secondary Roundabouts) and advertise repeal of Contributions Plan No. 8 in accordance the *Environmental Planning and Assessment Regulation 2000*; and**
- ii. **notify the Minister for Planning and Infrastructure upon repeal of Contributions Plan No. 8; and**
- iii. **transfer the residual funds balance of Contributions Plan No. 8 Narellan Release Area (Primary and Secondary Roundabouts) to Camden Contributions Plan 2011 upon the date Contributions Plan No. 8 is repealed; and**
- iv. **transfer section 94 contributions received under Contributions Plan No. 8 after the plan is repealed to the Camden Contributions Plan 2011.**



ORDINARY COUNCIL

ORD05

ORD05

SUBJECT: SUBMISSION TO NSW GOVERNMENT SYDNEY METROPOLITAN STRATEGY 2012

FROM: Director Governance

BINDER: Transport Strategies

PURPOSE OF REPORT

To consider a submission prepared in response to an invitation by the NSW Government to comment on the preparation of a revised Sydney Metropolitan Strategy.

BACKGROUND

In 2010, the NSW Government released its revised *Metropolitan Strategy for Sydney 2036*, further to the inception of this strategic document in 2005. The revised Strategy contained a range of initiatives dealing with housing, employment, growing and renewing centres, as well as creating transport connections. Council considered a response to the Metropolitan Strategy, at its Ordinary Meeting on 27 April 2010 (ORD05), and subsequently endorsed a submission to the NSW Government.

Following the State election in March 2010, it was decided by the new NSW Government, that a fresh start and a fresh approach was needed to meet the challenges facing Sydney (and NSW generally). In this regard, a review of the Metropolitan Strategy will be conducted in conjunction with preparation of the NSW Long Term Transport Master Plan and the NSW State Infrastructure Strategy, all of which are intended to provide a solid platform and certainty to drive positive outcomes for Sydney and NSW. In support of these initiatives, the Planning System Review is ongoing and is intended to support the overall objectives of improved planning for NSW.

A discussion paper on the review of the Metropolitan Strategy was released by the NSW Government on 3 May 2012. A copy of the document, 'Sydney over the next 20 years – A Discussion Paper', is **provided as Attachment 1 to this report**. It is noted that the discussion paper is the first step in the review process, with a draft of the revised Strategy released for comment in September or October 2012.

In response to the issues raised in the discussion paper, a submission is **provided as Attachment 2 to this report**, for the consideration of Council. The following report provides a summary of the issues raised in the attached submission by way of response to the NSW Government's review of the Metropolitan Strategy for Sydney.

MAIN REPORT

The NSW Government has recently noted that the population estimates for Sydney are significantly higher now than previously projected when the Metropolitan Strategy was first released in 2005. It anticipates Sydney's population to rise by more than 1.3 million by 2031, and that the additional population will require 570,000 more homes and 600,000 new jobs. To address this challenge, in its discussion paper the NSW Government has identified a series of planning principles that will shape the future of

Sydney. A detailed response to each of the planning principles is provided in Council's proposed submission attached to this report.

Following is a summary of the proposed submission in relation to each of the planning principles:

Housing Our Growing Population

The discussion paper reflects on whether focus for greenfield housing should remain in the South West and North West Growth Centres, if housing targets are still relevant, whether development in existing areas is more important, and what role the NSW Government should play in all these elements, including sufficient provision of affordable housing. It is noted that with regard to future housing in greenfield areas, regardless of the location, one of the crucial elements is the timely provision of all types of infrastructure to support an incoming population. This is particularly relevant in that if any housing targets are to be adhered to, infrastructure must be planned effectively e.g. via the State Infrastructure Strategy.

Whether there is an increased focus on development in existing areas (as opposed to greenfield housing) or targets established for affordable housing, there is the need for the NSW Government to provide the correct level of certainty and flexibility in terms of planning decisions for these areas. A planning system under constant change creates uncertainty that undermines confidence in investment from the private sector. It is important that the NSW Government provide the required leadership through its ongoing planning reform, while working collaboratively with local government.

Providing Jobs and Economic Opportunities

The intent of a revised Metropolitan Strategy for Sydney is to support jobs and economic opportunities, and improve economic productivity and diversity in the region. In this regard, it reflects on how it can promote economic productivity, jobs growth and diversity, while stimulating and prioritising infrastructure investment (coordinated through Infrastructure NSW), with a focus on areas such as industrial land and important transport links.

One of the key elements to effective employment provision and in turn stimulating economic activities is the future co-location of job creation in proximity to the future population in South West Sydney. This requires the correct mix of ratio and location between designated housing and employment land, as well as providing scope to encourage a diverse range of industries. Once again, the success of such initiatives will be underpinned by the extent of infrastructure investment provided, whether it is via key transport links to enable movement of freight, or networks such as the NBN in promoting advanced technological methods of doing business.

Providing Efficient Transport Networks

For Sydney to compete on a global scale, it must share the same qualities of other leading international cities, particularly in the retention of an effective and efficient transport network that promotes movement throughout. Therefore, the discussion paper poses the questions of how the Strategy can promote achievement of such a transport network, whether it is via public transport, walking or cycling, while balancing such issues with the importance of freight movement and other major economic stimuli.

While the NSW Government is developing the Metropolitan Strategy concurrently with the Long Term Transport Master Plan and State Infrastructure Strategy, the extent to

which the aforementioned points are addressed remains to be determined. Council acknowledges in addressing the future provision of a functional and efficient transport network for Sydney, an integrated transport planning approach is required to facilitate the coordinated delivery of transport infrastructure. For example, investment in projects such as an extension of the South West Rail Link, or key road connections such as the Spring Farm Link Road, will ensure that transport planning outcomes will achieve sustainable growth in the transport network, while actively enabling economic productivity in South West Sydney.

Providing the Infrastructure We Need

In order for Sydney to realise its economic and optimum lifestyle potential, it must have the necessary supporting infrastructure, categorised in the Strategy discussion paper as either economic or social infrastructure. Economic infrastructure refers to examples such as roads, railways, water and telecommunication; while social infrastructure entails examples of education, health, recreation and cultural services. Both infrastructure types are crucial for NSW, and particularly the Camden area, in supporting a growing population.

The key to success in providing the infrastructure needed is predominantly in ensuring essential infrastructure is provided at the right place at the right time. In achieving this outcome, it is important that the Strategy is effectively integrated with the other NSW Government planning strategies, namely the Long Term Transport Master Plan and State Infrastructure Strategy. In delivering infrastructure where, and when it is needed, the Strategy will need to empower the implementation of coordinated action plans, particularly in consultation with affected stakeholders, including Local Government. To this end, Council is currently drafting an 'Infrastructure Delivery Strategy' for the Camden area, that pursuant to finalisation of the NSW Government strategies, will identify the gaps and obstacles that emerge in the delivery of infrastructure.

Providing Equitable Access to a Great Lifestyle

Over the course of the next 30 years, the number of people who will call the Camden area home will increase five-fold. In review of the Strategy there is an opportunity to reflect on the social planning objectives, particularly the focus on housing for older people, heritage conservation and improved access to open space, social and cultural initiatives.

As depicted in Council's community vision document, *Camden 2040*, in the future Camden will continue to be a community of people who feel a strong sense of belonging and connection to our place and community. In achieving these objectives, it is important that the Strategy supports Council in the future provision of service levels in this area. Ways in which to achieve this for example is to remove the \$30,000 per dwelling cap on development contributions, which inhibits Council in providing important social infrastructure in greenfield areas.

Protecting our Environment and Building Resilience to Natural Hazards

As Sydney continues to grow into the future, an emerging challenge is to strike the right balance between enabling housing growth to accommodate the future population, while preserving the natural environment, and establishing protection against extreme climatic impacts. In managing the right mix there is a need for the revised Strategy to articulate a clear set of objectives to achieve sustainable development in the Camden area.

In promoting the protection of the natural environment in South West Sydney, there is a need for active initiatives in waste management, enhancement of biodiversity and the sustainable use of natural assets for the enjoyment of the community. To ensure the positive co-habitation between these natural assets and the incoming population, the use of key systems in measuring and promoting sustainable development is important, along with the implementation of various Government environmental initiatives that mitigate the impacts on the natural environment.

Protecting Productive Rural and Resource Lands

In striking a balance between land to accommodate Sydney's growing population and land for biodiversity, agriculture and resources, the Strategy must provide clear guidance as to how our future population will co-exist with the preservation of primary and resource land. This issue is particularly salient given Camden's heritage in agricultural activity, and to some extent, ongoing involvement in this industry, coupled with the presence of resource extraction in the area.

It is important that the Strategy plays an active role supporting other NSW Government strategies for improved productivity in agriculture, development of a food production policy for the Sydney region, and provide clear guidance on how and where the future preservation of primary production land should occur. This includes the need to underpin investment confidence in the resource sector, by ensuring there are clear guidelines as to the limitations that may exist where there are competing priorities with primary production land.

Connecting with the Regions

With the continuing growth of Sydney emerges the significance of the role of regional areas in NSW, creating the need for stronger economic, infrastructure, social and environmental connections with the metropolitan area. While issues such as transport connections have a major role, areas of tourism and education also play an important part in the advancement of NSW, along with the reliance Sydney has on the regional areas for food, water and energy supply.

From an historical perspective, over time the Camden area has effectively transitioned from a regional area outside of Sydney, toward becoming a part of the metropolitan area. In this regard, there continues to be a number of issues that require attention; for example, the loss of primary production land, or the future impact of major transport infrastructure investment in the Camden area. In the development of strategies by the NSW Government, given the potential for impact on Camden, it is important that Council is provided with the opportunity to input into their preparation.

Delivering the Strategy

As noted in the NSW Government discussion paper, a crucial element in revising the Strategy is to ensure its future implementation. The objective in this regard is to establish clear arrangements to measure and report on progress, with a commitment to transparency when reporting on NSW Government performance.

While it is acknowledged the aforementioned means are required in terms of performance measurement, it is equally as important that each of the supporting NSW Government plans are seamlessly integrated with the Strategy, thus enabling greater certainty as to their delivery. Such an arrangement should be coupled with the concept of a single entity, for example the Sydney Metropolitan Development Authority, responsible for the delivering of the Strategy, to ensure accountability.

Comments in response to the discussion paper are due for lodgement with the Metropolitan Strategy Team, at the Department of Planning and Infrastructure, by 29 June 2012. The discussion paper is the first step in the review process, with a draft of the revised Strategy released for comment in September or October 2012.

CONCLUSION

Revision of the Metropolitan Strategy for Sydney is a welcome initiative by the NSW Government, as is the opportunity for Council to provide input into its formulation. It is noted that the attached submission in response to the discussion paper is the first step in the process, with a further opportunity for Council to provide comment upon release of the first draft of the revised Strategy, anticipated in September or October 2012. In the interim, the comments prepared in the form of the draft submission attached to this report are commended to the NSW Government on behalf of Council.

RECOMMENDED

That Council:

- i. endorse the submission to the NSW Government Sydney Metropolitan Strategy 2012;**
- ii. forward a copy of the submission to the Metropolitan Strategy Team, at the NSW Department of Planning and Infrastructure, by the due date of 29 June 2012.**

ATTACHMENTS

1. Metropolitan Strategy Discussion Paper
2. Camden Council Submission

ORD05



Sydney over the next 20 years

A Discussion Paper

May 2012

Attachment 1





Sydney over the next 20 years. A Discussion Paper

May 2012

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Contents

Foreword	2
Making NSW number one	4
Why Sydney needs a Metropolitan Strategy	5
Planning for the future	6
The principles that guide our planning	7
What we need from you	8
Shaping Sydney	10
Housing our growing population	12
Providing jobs and economic opportunities	15
Providing efficient transport networks	18
Providing the infrastructure we need	20
Providing equitable access to a great lifestyle	22
Protecting our environment and building resilience to natural hazards	24
Protecting productive rural and resource lands	26
Connecting with the regions	28
Delivering the Strategy	30
Sharing ideas for Sydney	32
References	33

Get involved

This Discussion Paper is the first step in the development of a new Metropolitan Strategy for Sydney. The Discussion Paper will be followed by a draft Strategy for consultation, and a final Strategy by the end of 2012.

The new Strategy has the potential to transform Sydney. Your involvement will set the groundwork to meet a vision for how Sydney will be in the next 20 years.

As you read through this Discussion Paper, think about the suburbs where you live, work or do business in Sydney and whether these places should be the focus for future change and growth. Think about what you and your family need from the city now, and what you will need from it in 20 years.

Our aim is to get your views about your priorities for your area and for Sydney as a whole over the next 20 years.

To have your say, visit the online forum at www.nsw.gov.au/haveyoursay and select Metropolitan Strategy 2012.

You can provide your feedback online, or you can send us a submission by 29 June 2012 to:

- Email: metrostrategy@planning.nsw.gov.au
- Post: Metropolitan Strategy Team
PO BOX 39
SYDNEY 2001

All submissions will be publicly available on the Department of Planning & Infrastructure website. If you do not want your personal details to be made public, please state this in your submission. A Submissions Report will be issued after exhibition.

Sydney over the next 20 years. A Discussion Paper

Foreword



Sydney is one of the world's great global cities. Its four million residents enjoy a stunning natural environment, vibrant culture and lifestyle and an economy which represents nearly 25 per cent of Australia's gross domestic product.

At the same time, it needs to be recognised that Sydney has many challenges - both now and into the future. Sydney's population is expected to rise by more than 1.3 million by 2031 and this additional population will require 570,000 more homes and 600,000 more jobs. Our population estimates for 2031 are now far higher than anticipated just seven years ago in the 2005 Metropolitan Strategy.

Sydney needs a fresh start and a fresh approach to meet these challenges. Over the past decade there was insufficient provision of housing and the infrastructure needed to meet our growth challenges. And that's resulted in housing affordability and transport problems across the metropolitan area.

The NSW Government is releasing this discussion paper as the first step in putting in place the strategy for how Sydney will grow to 2031 and beyond.

For the first time, we're preparing a new Metropolitan Strategy concurrently with a number of other strategies with the same 20-year horizon - in particular the Long-Term Transport Master Plan and the State Infrastructure Strategy. We will finalise these documents together to provide a solid platform and certainty to drive great outcomes for our great city.

Sydneysiders deserve to have improved access to all the opportunities that the city can offer, whether these are housing, infrastructure, environmental, economic or lifestyle benefits. To do this, we need to better coordinate housing and infrastructure and provide a wider range of employment opportunities right across the metropolitan area. We need to work more closely with our partners in local government to deliver these key outcomes.

Furthermore, we're reviewing the State's planning system and will examine giving legislative backing to our key strategic planning policy settings. We'll also be developing a clear mechanism to ensure the strategy is properly delivered - something which hasn't happened in the past. This will provide increased certainty to everyone who lives, works or invests in our city.

I welcome all Sydneysiders having their say about this important initiative. Your comments and input will help us define the key principles to underpin our new plan for Sydney and how these principles should be delivered.

Brad Hazzard
Minister for Planning & Infrastructure

3 Sydney over the next 20 years. A Discussion Paper

ORD05

Attachment 1

ORD05

Attachment 1

This Discussion Paper offers a range of new approaches to stimulate debate about what we all want from Sydney. It is the first step in the development of a Metropolitan Strategy for Sydney.



Rather than make assumptions on what people require from their city, this Discussion Paper will allow us to directly connect our decisions to the needs and desires of Sydneysiders.

Making NSW number one

This Discussion Paper draws on the objectives set out in *NSW 2021: A plan to make NSW number one (NSW 2021)*.

This Discussion Paper offers a range of new approaches to stimulate debate about what we all want from Sydney. It is the first step in the development of a Metropolitan Strategy for Sydney.

Integrated land use, transport and infrastructure planning will help us achieve specific goals of *NSW 2021*: to improve housing affordability and availability, invest in critical infrastructure and build liveable centres. This means planning for cities and towns that are great places to live, work and visit.

This Discussion Paper is the first step. It invites you to think about your priorities now and for the future. It aims to generate feedback on whether current plans and policies are appropriate, deliverable and supported by the community; are they right for Sydney, or should they be changed or strengthened?

A new approach

The Government is fulfilling a new agenda to

deliver integrated strategic planning in relation to land use, transport and infrastructure investment, backed up by rigorous financial management. This will ensure that we can deliver on commitments to rebuild our State and make NSW number one again.

During 2012, the NSW Government is developing new plans for the long-term future of our State, and at the same time we are also delivering immediate improvements for local communities. The plans will be linked to *NSW 2021*, to ensure a coordinated and community-driven approach.

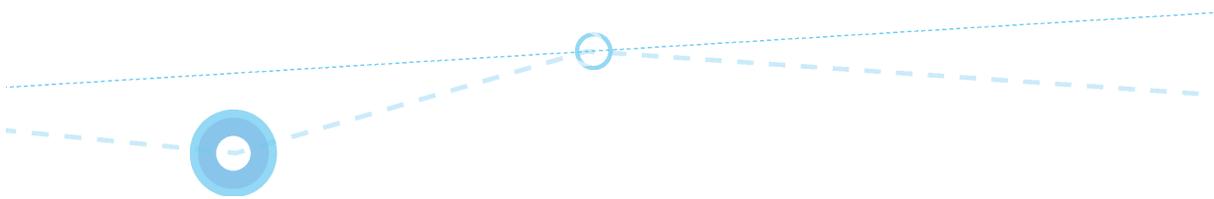
The communities that make up Sydney are unique, with different priorities. Feedback from each community will underpin the development of long and short term plans.

Our progress in implementing the plans will be reported back to the community with clear and honest explanations about how we are performing.

NSW 2021 is the 10-year plan to rebuild the



4 Sydney over the next 20 years. A Discussion Paper



economy, provide quality services, renovate infrastructure, restore Government accountability and strengthen our local environment and communities. During 2012, the Government is giving the community the opportunity to identify immediate actions that will deliver improvements in their local areas across 17 regions over the next two years.

The **Metropolitan Strategy** is the 20-year plan to build liveable places across Sydney. It will guide future planning and investment decisions covering housing, economic development and jobs, open space and the transport we need to connect our homes, jobs, education and recreation facilities.

The **State Infrastructure Strategy** is the 20-year strategy to identify and prioritise the delivery of critical public infrastructure that drives productivity and economic growth. The Strategy will present the NSW Government with clear and strategic options for delivering infrastructure and market reform in a way that provides best value for taxpayers.

The **Long Term Transport Master Plan** is the 20-year plan to return quality services through a world class transport system for NSW. It includes objectives for transport and identifies the priorities needed to create a transport system that meets a range of needs.

The Plans will inform the **Budget** priorities so that we can make the right choice to provide value for money. To sustain our State's finances and maintain our AAA credit rating we need to determine the community's priorities amongst competing requests for funding.

Why Sydney needs a Metropolitan Strategy

Sydney is changing. Like any global city, it must provide equitable access to the kind of things that its residents, workers and visitors need every day.

For a city of this size, the distribution of housing, jobs, infrastructure and transport networks can't be left to chance. It requires a vision for how the city can be improved now, and how it can effectively manage the growth, change and opportunities for the future. This vision provides a clear framework

for where the Government should get involved, where it can influence markets, and where markets can or should take the lead. The aim is to set a planning framework that facilitates investment and delivers affordable outcomes that meet market demand.

The new Metropolitan Strategy will provide this vision, based on extensive consultation with all stakeholders and strong alignment with *NSW 2021*, the *Long Term Transport Master Plan* and the *State Infrastructure Strategy*.

A Metropolitan Strategy can influence the supply of the right types of houses in places where people want to live. It will provide the settings to serve the businesses and industries that deliver Sydney's jobs and economic strength. It will improve the transport networks that people and businesses rely on every day and it can help us plan for the infrastructure that affects the quality of people's lives, the efficient functioning of places and the State's economic competitiveness.

More than just link jobs, housing and places with the right infrastructure and effective transport, the Metropolitan Strategy can help to make Sydney a city where residents, workers and visitors are given a 'fair go'. It can help to provide equal access to the social, recreational and economic opportunities Sydney offers and can strike a balance between a growing city and protecting the natural environment that shapes the city's foundations. The Metropolitan Strategy can allow us to still provide fresh food from within our own boundaries and can improve our connections with the rest of the State.

More needs to be done

However, just having the Metropolitan Strategy is not enough - more needs to be done to deliver the houses, jobs and infrastructure people need. In recent years, not enough new homes have been built in Sydney to keep pace with community demand. There has been a failure to deliver the transport connections and infrastructure Sydney needs. Without a common purpose between State, local and Federal governments, and without strong structures to ensure transparency and accountability in the way plans are implemented, Sydney's strategies and plans have not always translated into action on the ground. Our new approach will remove these impediments and see immediate improvements for Sydney.



Making NSW number one

Planning for the future

Here's some of the important things we know about Sydney. We need to think about these trends when setting the vision for Sydney for the next 20 years.

4.26m: Sydney's population 2010	1.71m: Homes in Sydney in 2010	2.16m: Jobs in Sydney 2010
5.62m: Sydney's population 2031	2.28m: Homes in Sydney in 2031	2.76m: Jobs in Sydney 2031
By 2031, Sydney will have 1.4m more people, need 570,000 more homes and 600,000 more jobs		
12%: the percentage of the population over 65 in 2010	45%: the percentage of low and moderate income households suffering rental stress in Sydney	7.21ha: Sydney's ecological footprint, as measured per person
16%: the percentage of the population over 65 in 2031		
1m: the increase in cars on our roads since 1996	24%: the proportion of us who take public transport to work	6.7%: the increase, each year, in container volumes at Port Botany ⁱ
80%: the percentage of foreign and domestic banks whose Australian headquarters operate from Sydney	60%: the percentage of Asia Pacific regional headquarters of multinationals in Australia that operate from Sydney	2.6m: the number of international visitors to Sydney each year
		3.1%: the rate of increase in visitor numbers each year ⁱⁱ
54 mega tonnes: the amount of carbon dioxide produced from Sydney's energy consumption alone ⁱⁱⁱ	40%: the proportion of NSW's perishable vegetables produced in Sydney ^{iv}	\$1.5bn: the contribution the Sydney region's food industries make to the State's total value of agriculture

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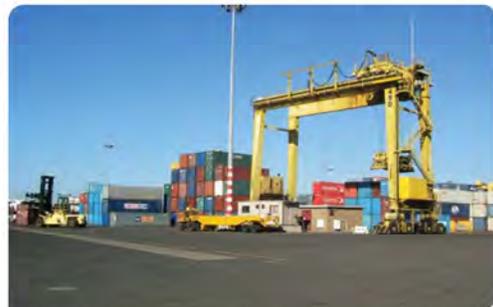
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The principles that guide our planning

Planning for Sydney is being shaped by a number of principles. Have a think about these principles as you read through the Discussion Paper - are they important to you?

The principles include:

- linking land use planning to transport and infrastructure
- strengthening the economic and employment opportunities that come from growth
- protecting the natural environment and our Aboriginal and cultural heritage
- providing housing across the city that suits different needs and budgets
- providing access to a range of jobs across the city, particularly to balance growth in Western Sydney
- supporting the Regional Cities of Parramatta, Penrith and Liverpool and other centres with appropriate services and infrastructure
- making it easier to access public transport from all parts of Sydney
- providing access to economic and recreational opportunities, regardless of where people live
- building new places and improving existing places through a high standard of design, energy efficiency and excellent public spaces
- building new places and improving existing places to promote healthy, active lifestyles and to create safe, inclusive and comfortable neighbourhoods
- adapting to a changing climate.

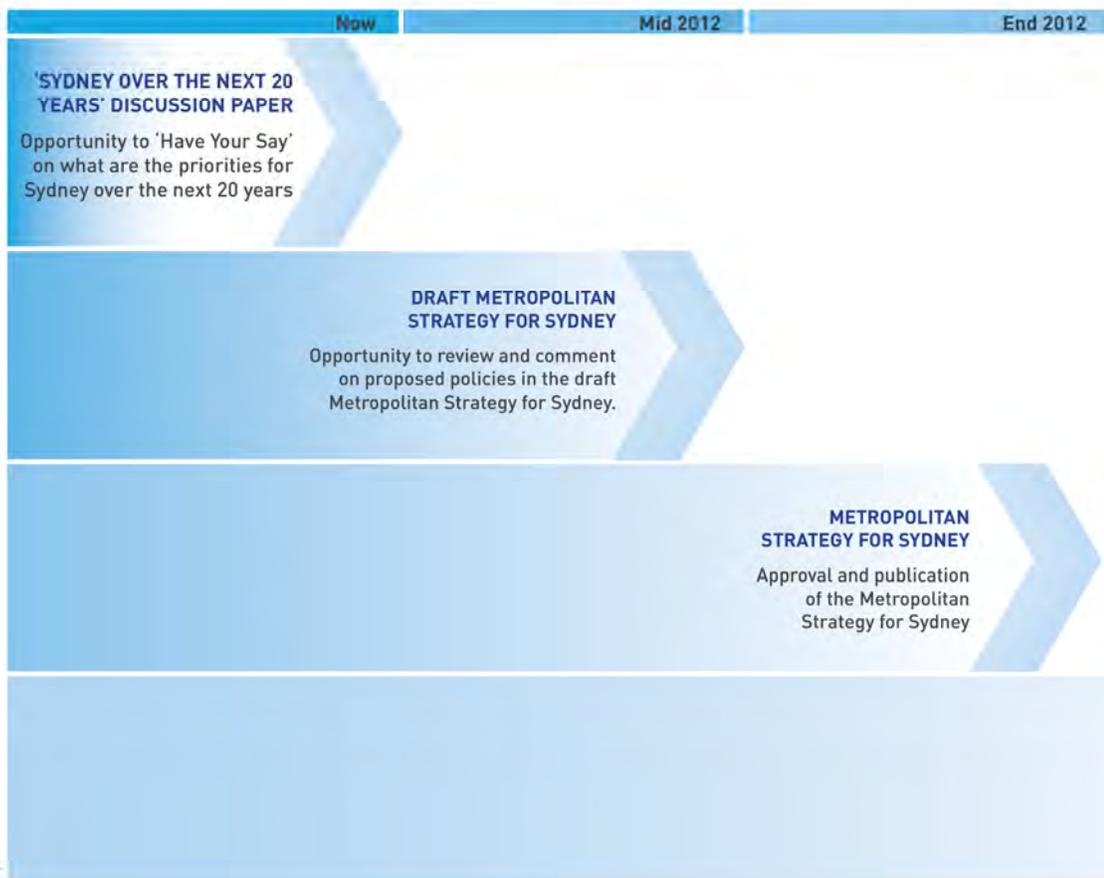


Sydney over the next 20 years. A Discussion Paper

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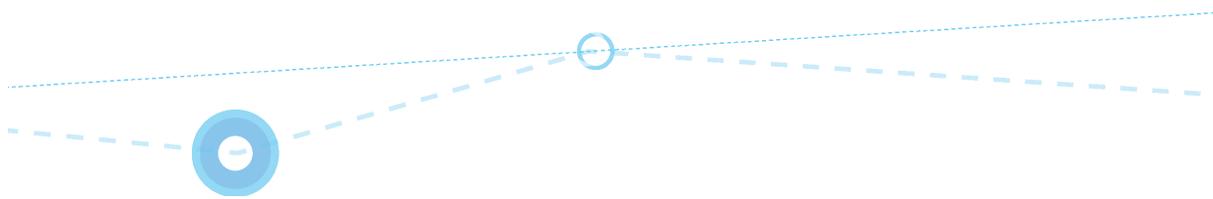
What we need from you

Timetable for delivering the Metropolitan Strategy



 Sydney over the next 20 years. A Discussion Paper

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This Discussion Paper is the first step in the development of the new Metropolitan Strategy for Sydney. The Discussion Paper will be followed by a draft Strategy for consultation, and a final Strategy by the end of 2012.

The new Strategy will plan to 2031. It will look at how land use factors interact with transport networks and the delivery of infrastructure, setting the groundwork for a sustainable and effective global city.

As you read through this Discussion Paper, think about the places where you live, work, socialise or do business in Sydney and whether these places should be the focus for future change and growth. Think about what you and your family need from Sydney now, and what you will need from it in 20 years.

Our aim is to get your views about your priorities for your local area and for Sydney as a whole over the next 20 years.

To have your say, visit the online forum at www.nsw.gov.au/haveyoursay and select Metropolitan Strategy 2012.

You can provide your feedback online, or you can send us a submission by 29 June 2012 to:

- Email: metrostrategy@planning.nsw.gov.au
- Post: Metropolitan Strategy Team
PO BOX 39
SYDNEY 2001

All submissions will be publicly available on the Department of Planning & Infrastructure website. If you do not want your personal details to be made public, please state this in your submission. A Submissions Report will be issued after exhibition.

Shaping Sydney

For over 60 years, metropolitan plans have influenced how Sydney has grown and enhanced the wellbeing of its people. These plans have guided investments in housing, employment and transport.

The pattern of Sydney's growth and the location and concentration of jobs and housing affects the way we live, travel and work. The network of connections among Sydney's employment centres, suppliers and markets is vital for its productivity and success as a global city.

SYDNEY IN 2012: A REGION OF MANY TOWNS AND CITIES

Sydney's recent metropolitan planning has focused on the strengths of Sydney's centres. The clustering of activity in centres helps reduce urban sprawl, locates similar businesses together for productivity benefits, and gives people the opportunity to live closer to jobs and services.

Centres of all sizes are the building blocks of Sydney. They include large economic centres with tall buildings, frequent train services and major bus interchanges, lots of shops, schools and community facilities, entertainment and dining precincts and diverse employment opportunities. This concentration of activities helps to make large centres attractive and viable locations for higher density housing.

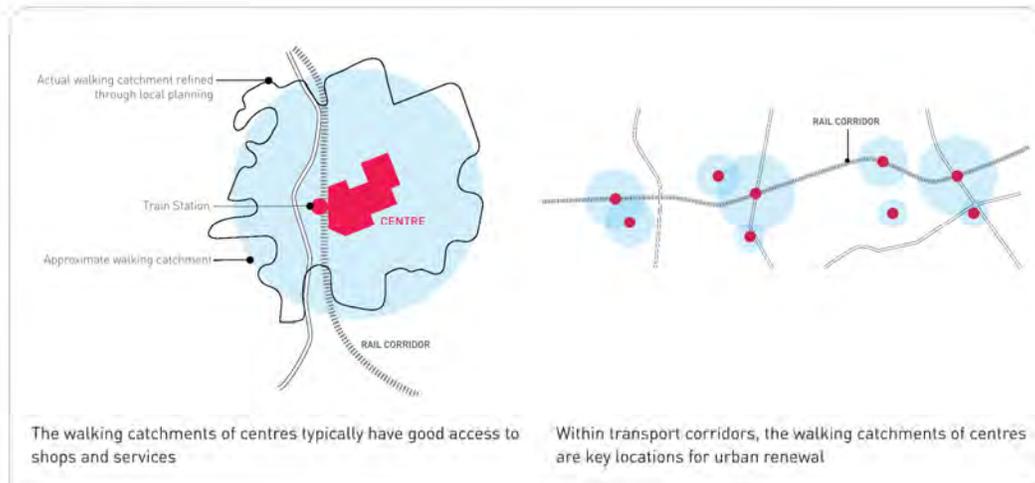
Sydney's centres also include smaller neighbourhood centres, the smallest of which have just a few shops and a local bus service.

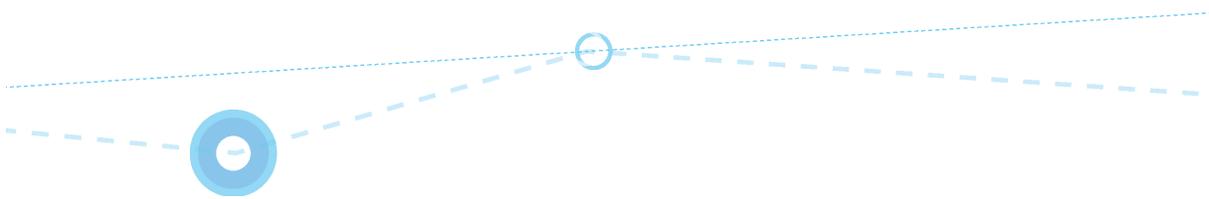
Centres such as Parramatta, Liverpool, Penrith and Chatswood are identified as places that will support additional housing and employment. These places are identified as Strategic Centres - there are over 20 identified in Sydney - and have been a focus for development and infrastructure.

The Government is also committed to transforming areas of the city - from Barangaroo, Redfern and Green Square in the inner city, to the new communities in the North West and South West Growth Centres.

In some areas, new centres may need to be planned to provide appropriate shops, jobs and services to new communities, or to service areas where an existing centre has no room to grow.

This Discussion Paper asks you to think about whether our centres are the right places for new housing, jobs and transport.





PROVIDING A STRONG 'GLOBAL' CITY AND A LIVEABLE 'LOCAL' CITY

This Discussion Paper looks at the elements that make Sydney an internationally competitive city – elements that also contribute to people's quality of life.

People working in a global city are more likely to earn higher wages and have access to more opportunities for high value work across all industry sectors. The success of our advanced consumer service industries and the extent of their global connectedness helps define us on global benchmarks as an 'Alpha +' city, just behind New York and London, and on par with cities like Singapore, Chicago, Tokyo and Paris.⁶

In addition to better job prospects, our lifestyle, culture, education and even our recreation opportunities benefit from exposure to a global marketplace. Sydney hosts international exhibitions, offers places for the best educators and researchers and offers exposure to creative influences that spur home grown innovation. This benefits all of us who live and work here.

Sydney must remain a leading economic hub – not just in Australia, but in the Asia Pacific. Our challenge is to provide a strong 'global' Sydney while striving for a liveable 'local' city. There are trade-offs to consider:

A strong global city targets investment to high profile economic opportunities linked to our access to global trade, investment and tourism. This might mean the Government prioritises investment in:

- gateway infrastructure, including ports and airports
- freight and logistics infrastructure

- convention space and tourism infrastructure
- major universities
- accommodating finance, business services and export industry needs over residential development
- the look and feel of our CBD
- commuter passenger transport.

A liveable 'local' city focuses on the wellbeing of the city, its residents, and workers across all industry sectors. It values the social networks and natural environment throughout the city and the economic strengths that support employment and activity in centres. This might mean the Government prioritises investment in:

- the centres that are easy to get to
- strong transport links between centres
- public domain improvements, recreation opportunities and improvements to local centres and services
- economic development across industry sectors
- high quality residential development in many settings.

To strike this balance, we need to focus on the different components that make up Sydney. This Discussion Paper looks at each of these components – housing, jobs, transport, infrastructure, lifestyle aspects, our environment, our rural and resource lands and how we connect with the rest of NSW – and presents some new approaches that could ensure these components work together to achieve equal opportunities across the entire Sydney region.



Shaping Sydney

Housing our growing population

Sydney needs to provide its residents with the right types of houses in the places where people want to live.

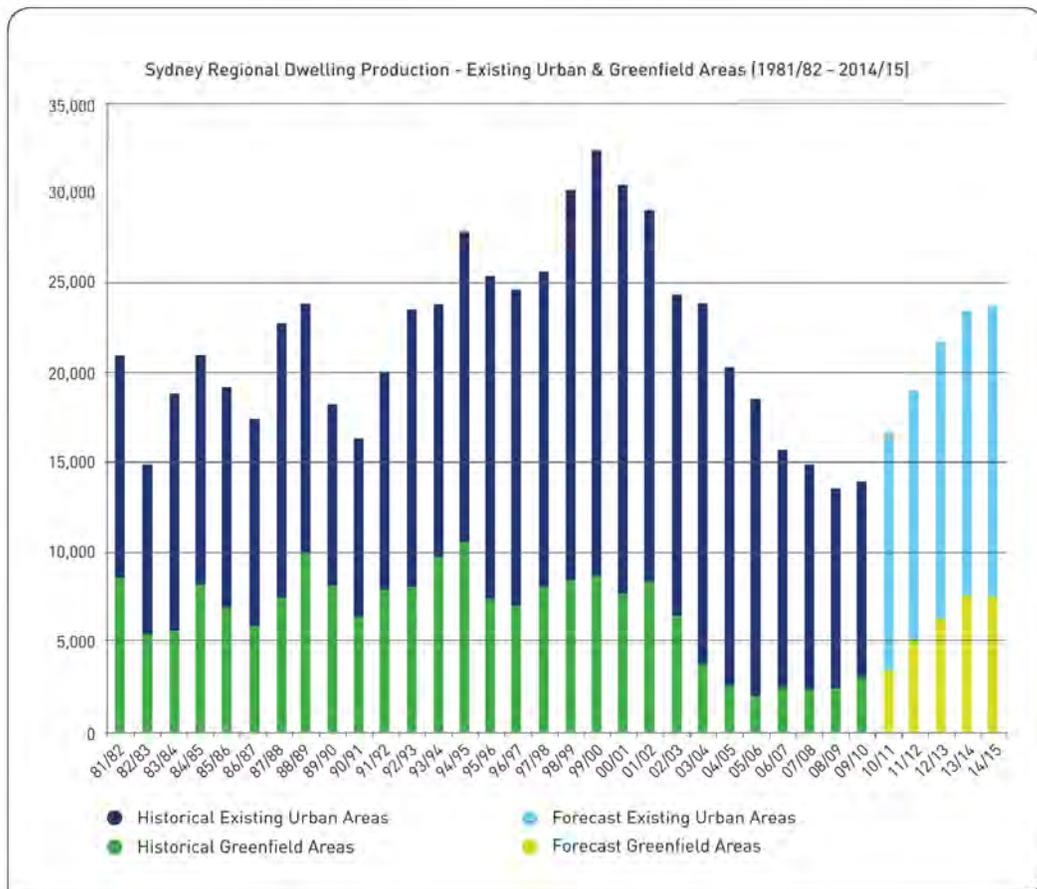
This meets a basic human need: knowing we can live in the same place for a certain period of time helps us to secure stable employment, develop relationships, make connections in a community and send our children to the same school for an extended period.

One of the most effective ways to help people make connections within their community and to where they need to go for work, pleasure or school is to encourage development of new housing precincts close to transport and infrastructure.

HOUSING DEMAND

Our population is growing and changing and household sizes have been falling. These factors influence the amount and type of housing needed for Sydney. We'll need 570,000 additional dwellings by 2031, taking the total number of dwellings in the metropolitan region to 2.28 million.

Housing production in the Sydney region is currently at an historical low.⁴ The Government therefore needs to focus on increasing the supply of housing in both existing and greenfield areas.



Sydney over the next 20 years. A Discussion Paper



Historically, most of Sydney's new houses have been built in existing urban areas rather than on the city's fringe. Over the last 20 years, most new homes have been multi-unit dwellings. In recent years the share of new dwellings being built in the existing urban area and the proportion of new dwellings that are multi-unit types have both gone above 80 per cent - a marked difference to other Australian cities.

Despite this, research suggests there is unmet demand for semi-detached dwellings (terraces and townhouses) and apartments (or residential flat buildings) in Sydney's middle and outer suburbs.³⁰ Compared to residential flat buildings, this type of housing is less expensive to build³¹ and performs better on environmental measures than detached housing on the fringe. It requires less site amalgamation and fits into the character of most suburban streets.³²

To meet this demand, the NSW Government and local councils need to provide the right conditions for new housing in existing urban areas. This involves identifying the right areas for more housing, providing the necessary infrastructure, providing the community facilities, good design and amenity to complement this development and having a planning system that enables new houses to be built in these areas. This could be possible in smaller centres like Malabar and Kingsgrove, larger centres like Granville and Eastwood or Regional Cities such as Liverpool and Penrith.

HOUSING LOCATIONS

The Government needs to address the impediments to the delivery of new housing in greenfield areas. In the last five years, land for more than 62,000 dwellings has been rezoned in greenfield areas, providing record levels of land supply for housing. While we can't influence global financial pressures which affect construction, we can take steps to reduce red tape, unreasonable costs, difficulties with infrastructure provision and other barriers that slow the construction of housing. We need to better understand why this increase in land supply has not led to increased production and investigate which locations in greenfield areas (and existing urban areas for that matter) are most viable for development.

Initiatives to make more greenfield land available will see an increase in the supply of new housing to longer-term averages. Most new housing still needs to be in existing urban areas to contain the spread of the city's urban footprint and to locate people close to jobs, public transport and existing services.

HOUSING AFFORDABILITY

Making housing affordable for lower and middle income Australians can improve social cohesion and economic growth and reduce inflationary pressures.³³ As older areas are gentrified, affordable housing can be pushed out, contributing to a socially divided Sydney with some concentrations of disadvantage. Competitively priced housing across the city will help sustain a diverse workforce and provide better opportunities for low income earners.

Sydney's high cost of land - the highest in Australia - contributes to households in Sydney facing the greatest housing affordability pressures³⁴ - around 45 per cent of low and moderate income households in Sydney suffer rental stress.³⁵

HOUSING SIZE AND DESIGN

In 2008-09, the typical detached home in NSW was nearly 263m² - higher than the national average of 245.3m² and large by international standards.³⁶ This increases the amount of energy and water we use and increases the rate at which land is used for additional housing.

The design quality of our built environment - particularly residential flat buildings and public spaces - can impact our quality of life. High quality design makes a home a more pleasant and welcoming place to live. Principles of liveable design (such as level entrances and wider doorways) mean people with reduced mobility can comfortably enter and live in a greater number of dwellings. New or renewed housing stock must be more energy and water efficient and produce less waste.

OUR CURRENT FOCUS

NSW 2021 includes targets to improve housing affordability and availability by facilitating the delivery of 25,000 new dwellings in the metropolitan region each year and maintaining the number of available greenfield 'zoned and trunk serviced' lots above 50,000.

The Affordable Housing Taskforce is developing planning policies to deliver affordable housing, and a special Cabinet Taskforce on Housing Supply is looking at ways to remove constraints on well-planned and serviced housing in greenfield areas, and how we can influence the transition between the release and zoning of land and the construction of new housing.

Shaping Sydney

To meet the *NSW 2021* targets, we are already:

- accelerating delivery to market of 10,000 blocks by Landcom over four years
- setting dwelling targets and working with local government to reflect these targets in Local Environmental Plans (LEPs) and relevant planning proposals
- assessing whether LEPs provide sufficient capacity for additional housing in the right locations
- providing five and 10 year forecasts of dwelling production to infrastructure funders and providers and aligning delivery of water, roads, electricity and sewer infrastructure with new housing in greenfield areas
- aiming to locate 80 per cent of new dwellings within the walking catchments of centres well served by public transport
- reviewing potential housing opportunities on landowner nominated sites
- reviewing planning policies to improve the design of higher density housing
- identifying underutilised land in walking distance of shops and public transport for energy efficient multi-dwelling housing
- reviewing the NSW planning system to facilitate a streamlined development system
- improving development in centres through the Centres Design Guidelines
- expanding the Electronic Housing Code and other improvements to reduce processing times, holding costs and unnecessary delays.



What can the Metropolitan Strategy do to provide more housing in the right places?

A NEW APPROACH: HOUSING

The Metropolitan Strategy will guide how new housing is delivered to meet the needs of a growing and changing population.

1. Should the Strategy continue to focus greenfield housing on the South West and North West Growth Centres or should additional effort be applied elsewhere on Sydney's fringe?
2. Should the Strategy place more emphasis on development in existing areas? If so, where are the best places?
3. Should housing targets continue to be applied to all local government areas in Sydney?
4. How can the Strategy ensure that council plans support the delivery of housing?
5. Should the Strategy identify a role for the NSW Government to facilitate housing development in existing areas? If so, what should that role involve?
6. How can the Strategy ensure a sufficient supply of affordable housing for our future needs?

WHAT DO YOU THINK?

- What do you think about these new approaches?
- What other approaches do you think should be included in the Metropolitan Strategy?

Providing jobs and economic opportunities

Like any global city, Sydney must support the range of industries that deliver jobs and economic strength.

With an economy comparable in size to Singapore, Sydney must provide the settings for jobs that are both accessible to the workforce and well networked with the markets.

Sydney is expected to show the highest rate of economic growth among NSW regions with an annual average rate of growth of Gross Regional Product (GRP) (2011-32) of 2.8 per cent.^{xxv}

SYDNEY'S INDUSTRIES

Sydney is home to hubs of excellence in finance, property, law, business administration, health, education, retail and professional services.

Financial and insurance services accounted for over 20 per cent of Sydney's GRP in 2009-10. Sydney CBD has the highest concentration of jobs in this sector.^{xxvi}

Professional, scientific and technical services are Sydney's second largest sector, contributing \$24 billion or 11 per cent of Sydney's GRP.^{xxvii}

By 2032, moderate shifts in the relative contribution of key industries are anticipated, with health care, social assistance and other services becoming more prominent.^{xxviii}

Manufacturing was Sydney's third largest sector in terms of GRP in 2009-10 and employment in 2011.^{xxix} Several factors place pressure on this sector, including competition from economies such as China and India as they move to higher-value manufacturing and services.

ECONOMIC INFRASTRUCTURE

Sydney's economic infrastructure is found throughout the city. Universities and TAFEs, major hospitals, research facilities, Port Botany and Sydney Airport are essential to Sydney's status as a global city. These assets are supported by major business parks, such as Macquarie Park and Norwest Business Park, that have provided employment in new areas of Sydney over the past decade.

ECONOMIC OPPORTUNITIES

Our economic productivity is linked to competitive advantages in our skilled labour force. We need to attract and retain this skilled labour by keeping pace with technological advances, building upon our economic infrastructure and changing the way our industries do business.^{xxx}

We must also make the most of green economy opportunities as we adapt to using less carbon. Sectors such as emissions trading, sustainable building and infrastructure, renewable energy sectors, research and development clusters and specialised manufacturing could, by 2020, achieve a market value between \$6.8-10.9 billion annually.^{xxxi} These opportunities could also generate a need to expand business park capacity.

The demand created by the ageing population can create markets and opportunities as well as challenges in terms of available workforce, economic costs and productivity impacts.

Distribution of industrial lands by subregion by hectare and as a percentage.

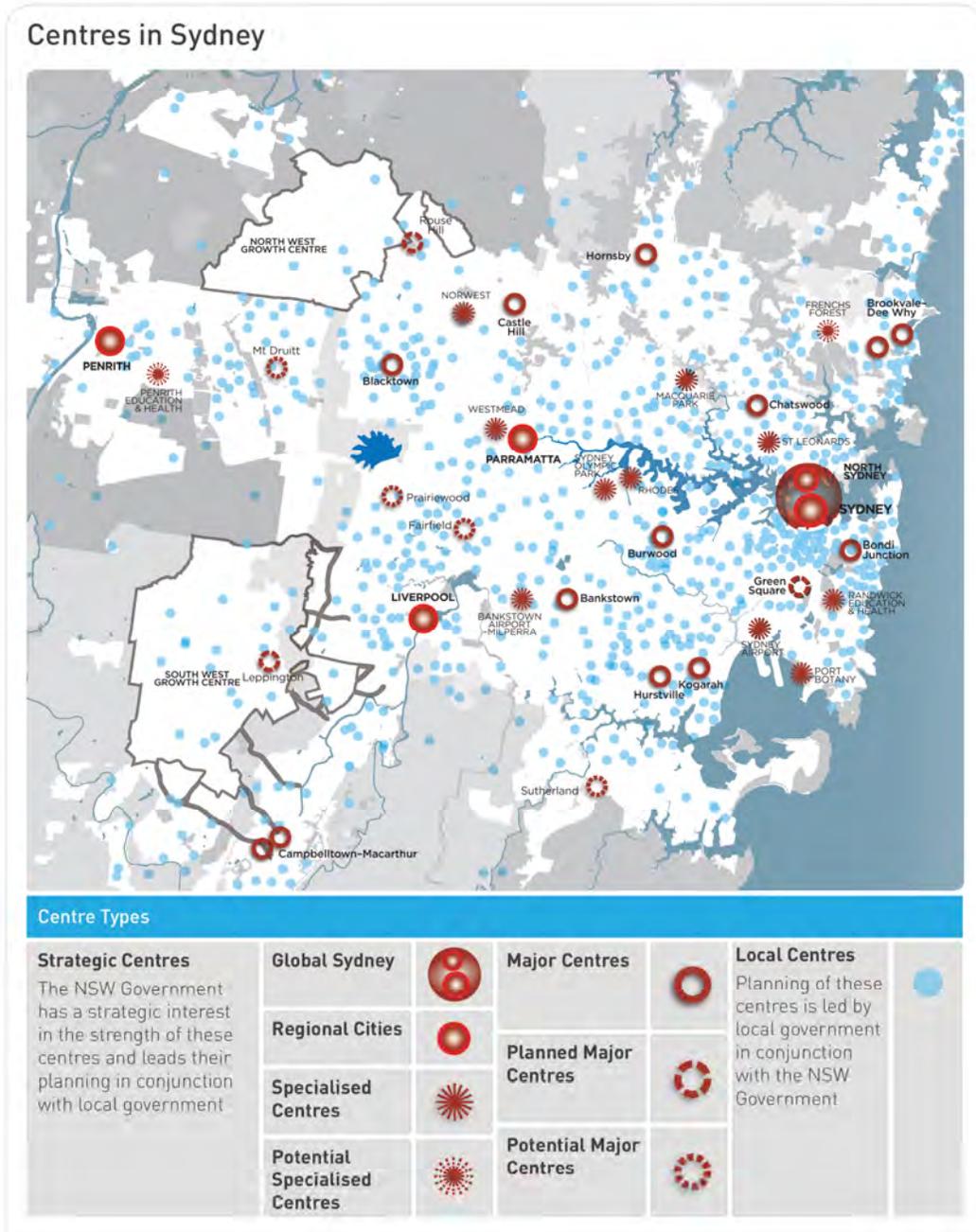
Subregions	Employment Lands (Ha)	
East	633.30	4.7%
Inner North	188.00	1.4%
Inner West	345.60	2.5%
North	186.40	1.4%
North East	242.20	1.8%
North West	4,697.90	34.7%
South	1,102.60	8.1%
South West	2,203.10	16.3%
Sydney City	154.10	1.1%
West Central	3,800.90	28.0%
Total	13,554.10	100%

Source: NSW Department of Planning January 2011 ELDP (UNPUBLISHED).

Shaping Sydney

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As the NSW economy strengthens, Sydney must provide cost effective industrial land and office and retail space to keep business costs low and to boost competitiveness in local, national and international markets. We must support strong growth in Western Sydney with policies to achieve an appropriate scale and mix of job opportunities for Western Sydney.

In early 2011, there were 13,554 hectares of zoned industrial land in the Sydney region, with 3,422 hectares undeveloped and 892 hectares undeveloped and without water and sewer connections. The 13,554 hectares represents a jump of over 200 hectares from the previous 12 months, thanks mainly to the release of new industrial land in Marsden Park in Sydney's north west.

OUR CURRENT FOCUS

The NSW 2021 objective to rebuild the economy requires policy settings that will build business confidence and attract investment. This includes the growth of certain industry sectors through Industry Action Plans for professional services, manufacturing, digital economy, international education and research, and tourism and events.

Across the economy we're also tackling measures to promote business confidence and investment by prioritising infrastructure investment through Infrastructure NSW and setting a sound basis for planning for housing growth via our Metropolitan and Subregional Strategies.

From a land use planning perspective, we will continue to focus on clustered economic activity in Sydney's Strategic Centres.



What can the Metropolitan Strategy do to provide the right environment for industry growth while supporting a range of job opportunities?

A NEW APPROACH: JOBS AND ECONOMIC OPPORTUNITIES

The Metropolitan Strategy will support jobs and economic opportunities and improve economic productivity and diversity.

1. How can the Strategy help Sydney's economy become more productive and more sustainable?
2. How can the Strategy help provide Western Sydney with enough job opportunities across a range of sectors?
3. How can the Strategy ensure investment in services and infrastructure improves productivity and job diversity?
4. How should the Strategy support clusters of commercial and industrial activity in emerging sectors such as sustainable energy?
5. Should the Strategy focus office-based employment in particular areas of Sydney? If so, where?
6. Which areas should the Strategy focus on for new industrial land?
7. Should the Strategy preserve more land around key infrastructure assets – such as Sydney Airport, Port Botany, major health facilities and universities – for economic activities?
8. What important transport links should the Strategy identify for improvement to boost economic activity?

WHAT DO YOU THINK?

- What do you think about these new approaches?
- What other approaches do you think should be included in the Metropolitan Strategy?

Shaping Sydney

Providing efficient transport networks

The best cities in the world are cities that are easy to get around. These are cities with transport networks that people and businesses can rely on every day. Sydney must develop more efficient, more extensive and more usable transport networks if it is to remain one of the world's great cities.

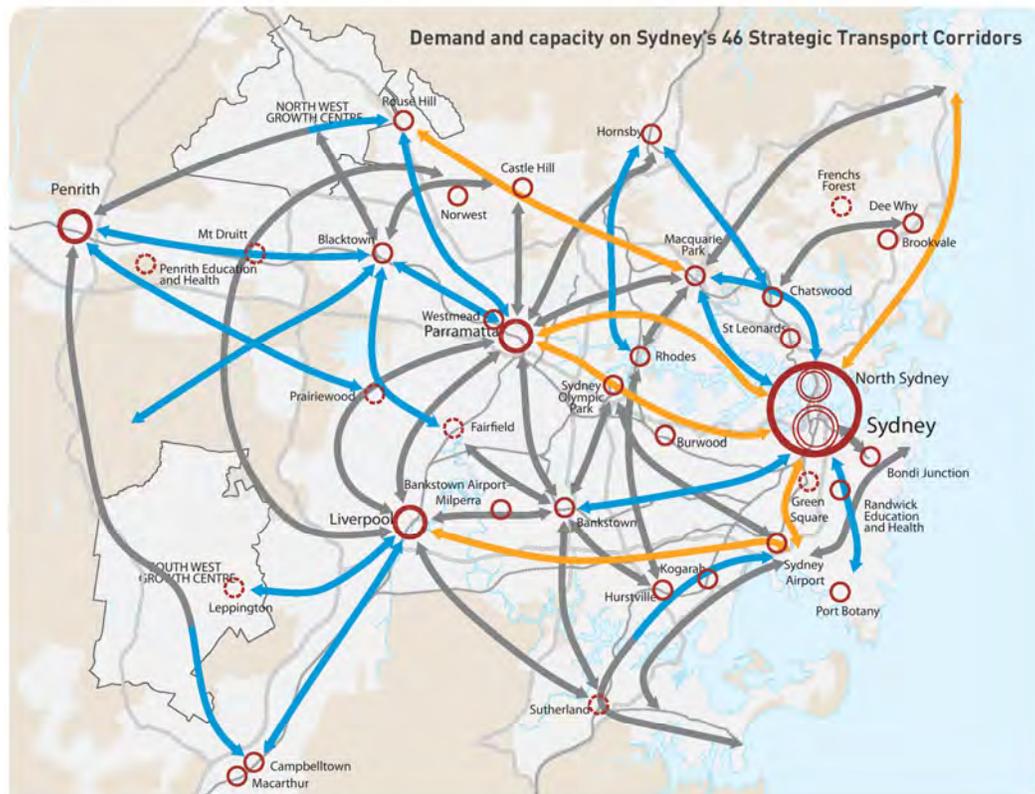
SUPPORTING GROWTH IN DIFFERENT AREAS

Sydney will experience growth in new areas like the North West and South West Growth Centres and in established neighbourhoods. The transport system needs to support this growth, now and over the next 20 years.

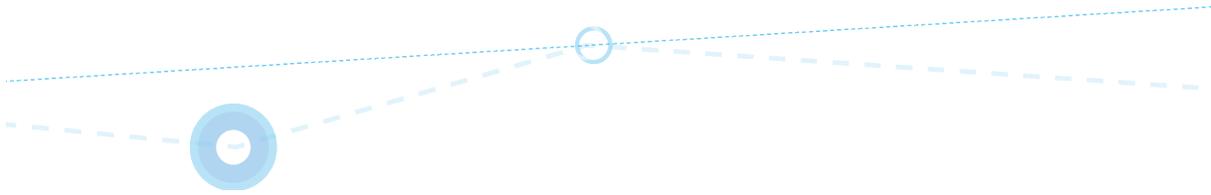
This means strengthening our multi-centred city; it is not practical or equitable to expect everyone to have to travel to a single CBD. We need to take advantage of the areas that are better connected by rail or bus and plan for more housing, jobs and activities in these locations. For example, boosting employment in a place like Parramatta can ease peak hour pressure and improve access to jobs

near where people live. This also means supporting employment centres outside the Sydney CBD with strong transport connections.

Strong transport connections will be delivered if we look carefully at land use patterns and transport capacity. Recent work in Sydney has identified 46 strategic transport corridors that link the city's key centres. This work analysed current and future demand and capacity of these corridors. This provided the basis to understand Sydney's transport challenges and to develop an integrated transport network strategy that meets the demands of a growing city.



18 Sydney over the next 20 years. A Discussion Paper



TRANSPORT SUPPORTING OUR ECONOMY

Business movements are essential to Sydney's economic growth and productivity. An inefficient transport network will increase the cost of moving freight, and congestion has a wider economic cost: the costs of congestion were estimated to be \$3.5 billion in 2005 in Sydney, and, if unchecked, this could rise to \$7.8 billion by 2020.^{xxx}

Sydney Airport and Port Botany, as two of Australia's main economic gateways, need better transport connections for passengers and freight, especially in the face of growing demand.

LOCAL, SUSTAINABLE IMPROVEMENTS

Improvements can also be delivered at a local level, including walking and cycling paths to support healthy, safe and active communities and offer a viable alternative to car travel for shorter trips. Our planning needs to promote walking and cycling by making them easier and safer options.

OUR CURRENT FOCUS

We are delivering important transport projects across Sydney, including:

- the North West Rail Link
- the South West Rail Link
- widening the M5 and M2 motorways
- extending the light rail network and looking into light rail extensions in the Sydney CBD to the University of NSW and the University of Sydney
- upgrading train stations and ferry wharves
- constructing the Southern Sydney Freight Line and improving the Northern Sydney Freight Corridor.

A NEW APPROACH: TRANSPORT

The NSW Long Term Transport Master Plan and the Metropolitan Strategy are being developed concurrently so that the two plans work together to improve land use and transport planning - including freight movements - for Sydney.

1. How can the Strategy ensure movement around Sydney is as efficient as possible?
2. Should the Strategy focus on developing new transport corridors that link areas in Sydney and help spread urban growth around the metropolitan area?
3. How can the Strategy encourage more people to use public transport?
4. Should the Strategy encourage more people to walk and cycle? If so, how?
5. How should the strategy best integrate with the Transport Master Plan to support future transport investment, address congestion and facilitate access to major economic focal points such as East Botany and Mascot?
6. How can the Strategy improve freight movements in Sydney?
7. What key priorities should guide the Strategy to provide a better transport network between Sydney and regional NSW, cities in other States and cities in our global region?

 **What can the Metropolitan Strategy and NSW's other strategies do to integrate transport and land use planning?**

Transport Corridors

-  Corridors with high constraints
-  Corridors with medium constraints
-  Other corridors

Urban Centres

-  Global Sydney
-  Regional cities
-  Existing major and specialised centres
-  Proposed or planned major and specialised centres

CityRail Network

-  Major metropolitan roads

WHAT DO YOU THINK?

- What do you think about these new approaches?
- What other approaches do you think should be included in the Metropolitan Strategy?

Shaping Sydney

Providing the infrastructure we need



A global city can only support economies and be a great place to live when adequate infrastructure is provided. For Sydney, this means planning for national, state and local infrastructure that takes advantage of the way the city is expected to grow and change.

THE TYPES OF INFRASTRUCTURE

The infrastructure needed to support a growing city includes:

- economic infrastructure, such as roads, railways, Port Botany, Sydney Airport, dams and reservoirs, water headworks, treatment and reticulation facilities, telecommunications and post facilities and power generation facilities
- social infrastructure, such as schools and other educational facilities; hospitals, clinics and other health facilities; housing; recreational and sporting facilities; parks and public meeting places; arts and cultural facilities; entertainment venues; law and order facilities; and cemeteries.

PLANNING FOR INFRASTRUCTURE

Sydney needs sound planning to efficiently deliver and maintain infrastructure for a growing population. This means delivering the right infrastructure in the right location at the right time. This can be achieved by better integrating infrastructure planning and delivery with land use planning to help us identify, prioritise, coordinate and deliver infrastructure.

We will continue to work with the Australian Government to deliver and improve national and international infrastructure, Port Botany and Sydney Airport.

The establishment of Infrastructure NSW in 2011 is helping to improve the way we plan, prioritise, fund and deliver infrastructure.



Sydney over the next 20 years. A Discussion Paper

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OUR CURRENT FOCUS

NSW 2021 aims to renovate and build infrastructure to achieve economic growth.

The aims of *NSW 2021* will be supported when infrastructure is delivered for places (regions, towns, cities or suburbs) rather than by sector (for example, water, transport or health) or funding source (State, local, Commonwealth or private sector). A place-based approach provides a better basis to coordinate housing, employment and economic growth outcomes.

We are currently:

- providing new infrastructure or augmenting existing infrastructure to meet demand as development occurs
- using various tools to improve infrastructure planning and achieve better value for money for infrastructure projects, including cost benefit analyses and the Better Value Infrastructure Plan for the Council of Australian Governments (COAG) to consider reform options across the infrastructure delivery chain
- delivering existing commitments, such as the North West Rail Link and South West Rail Link; Sydney International Convention, Exhibition and Entertainment Precinct; Northern Beaches Hospital; and the light rail program.



What can the Metropolitan Strategy do to influence the timing, location and nature of investment in infrastructure, and the arrangement of supporting land uses?

A NEW APPROACH: INFRASTRUCTURE

The Metropolitan Strategy will improve the planning and timely provision of infrastructure in Sydney. This is key to Sydney's successful economic growth as Australia's global city and to community wellbeing.

1. What processes should be included in the Strategy to ensure essential infrastructure is in place at the right time?
2. How can the Strategy support key economic infrastructure such as the port and airport, transport corridors and freight routes in a more proactive way?
3. Which important corridors should the Strategy identify and protect for future infrastructure?
4. Should the Strategy guide greater involvement from the private sector in infrastructure provision? If so, how?
5. Should the Strategy consider new funding mechanisms for major infrastructure? If so, what could these mechanisms be?
6. If the Strategy identified a need for detailed infrastructure plans for all growth areas, how would this help to secure timing and delivery commitment by service providers?
7. Who should be identified in the Strategy for bearing the cost of new infrastructure in growth areas?
8. What will be the likely impact on the Strategy of potential technological change (such as the NBN) over the life of the plan?

WHAT DO YOU THINK?

- What do you think about these new approaches?
- What other approaches do you think should be included in the Metropolitan Strategy?

Shaping Sydney

Providing equitable access to a great lifestyle



Sydney needs to be a city where everyone - its residents, workers and visitors - is given a 'fair go', with equal access to the social, recreational and economic opportunities the city offers. This makes the city a more vibrant and exciting place to live.

SOCIAL INCLUSION

We need to provide quality affordable housing close to transport options, open space and community facilities and services. Older people should be able to choose to stay in their local neighbourhood as they age and participate in their local community and we need to plan for the needs of children and young people.

Access to these things improves our individual mental and physical health and wellbeing^{xvii} and contributes to Sydney's liveability.

Due to the way Sydney has grown, some of us have greater access to social, economic and recreational opportunities than others. Current concentrations of disadvantage in Sydney^{xviii} are characterised by early school leaving, low work skills and incomes, relatively poor health, high unemployment and higher levels of criminal convictions. The 2006 ABS Socio-Economic Index for Areas rankings showed eight of the 10 most disadvantaged areas of Sydney are in Western Sydney.^{xix} This occurs in areas with both private and public housing.

Sydney is Australia's largest Aboriginal population centre and will continue to be so, with projected population increases in western and south western Sydney. Some Aboriginal people in Sydney experience significant disadvantages in health, life expectancy and access to services and employment.^{xxv}

ACCESS TO OPPORTUNITIES

The design of our city also influences access to opportunities. People with reduced mobility can feel excluded because of the design of some buildings and public places.^{xxvi} Many of our older homes were designed without considering how our

needs and abilities change as we age, and about a third of older people say they have modified their home to suit their new circumstances, with 40 per cent believing they'll have to do this in the future.^{xxvii}

As demand for social and cultural venues and facilities increases across the city, differences and supply shortages will become more apparent if we don't take action. Places like Parramatta, Campbelltown, Leichhardt, Penrith and Cabramatta have already developed strong cultural identities supported by cultural facilities and activities.

Parks, community and sporting facilities and open space need to be incorporated early into our planning and their delivery requires a long-term commitment from government. Our national parks and reserves allow the community to enjoy cultural and recreational pursuits in many parks, rivers and beaches across the city.

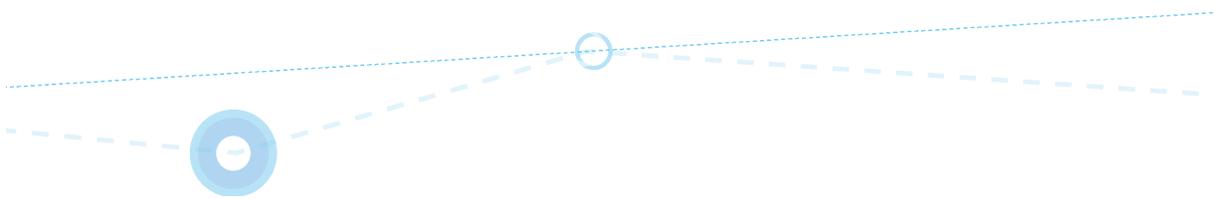
The Western Sydney Parklands, a 27 kilometre corridor stretching from Quakers Hills to Leppington, is a good example of long-term planning and commitment. Since 1968, successive governments have acquired land, built facilities and managed the Parklands for recreational, social and cultural opportunities.

PROTECTING HERITAGE

We also need to protect our many important Aboriginal sites and rich colonial, modern and contemporary urban heritage in a way that balances the need to protect the local character of our suburbs and neighbourhoods with the development needed for our growing population.

ORD05

Attachment 1



OUR CURRENT FOCUS

NSW 2021 aims to strengthen local communities and increase participation in arts and cultural activities in Sydney. Through *NSW 2021*, we are:

- increasing opportunities for people to look after their neighbourhoods, get involved in their communities and participate in cultural, sporting and recreation activities
- providing new housing in areas with adequate transport, services and facilities to encourage social inclusion at the earliest possible time
- developing guidelines that assist local councils design and plan for healthy, safe, culturally vibrant and inclusive places
- auditing the local infrastructure backlog in Sydney's local government areas to establish priorities for open space and recreation investments
- funding programs that help to protect and enhance open space
- providing a framework for local government to plan, fund and deliver open space
- partnering with a greater number of Aboriginal communities to improve local outcomes, and supporting opportunities to strengthen Aboriginal culture, country and identity
- delivering important cultural events throughout Sydney, such as the Sydney Festival in Parramatta.



A NEW APPROACH: PLANNING FOR SOCIAL INCLUSION

A safe and healthy living environment where there are opportunities to relax, enjoy sport, meet friends and neighbours and feel part of a community are important issues for the future of Sydney. The new Metropolitan Strategy offers an opportunity to coordinate action in specific places to create better places and improve social inclusion.

1. What social planning actions in specific places could the Strategy concentrate on?
2. Which priority locations should the Strategy focus on to improve access to open space and social and cultural opportunities?
3. Could the Strategy deal with the issue of social inclusion by setting targets and standards for levels of service, or are there other ways?
4. How can the Strategy ensure an adequate supply of adaptable and accessible housing for older people?
5. How can the Strategy better support heritage conservation and promote cultural opportunities across Sydney?

WHAT DO YOU THINK?

- What do you think about these new approaches?
- What other approaches do you think should be included in the Metropolitan Strategy?

Shaping Sydney

Protecting our environment and building resilience to natural hazards

Sydney's natural environment shapes the city's foundations. Continuing to protect and enhance the environment is critical to the long-term health of the city.

Our harbour, ocean, rivers and bushland are key factors in how the city grows – they contribute to our culture, lifestyle and economy and make Sydney a desirable place to live.

OUR IMPACT ON THE ENVIRONMENT

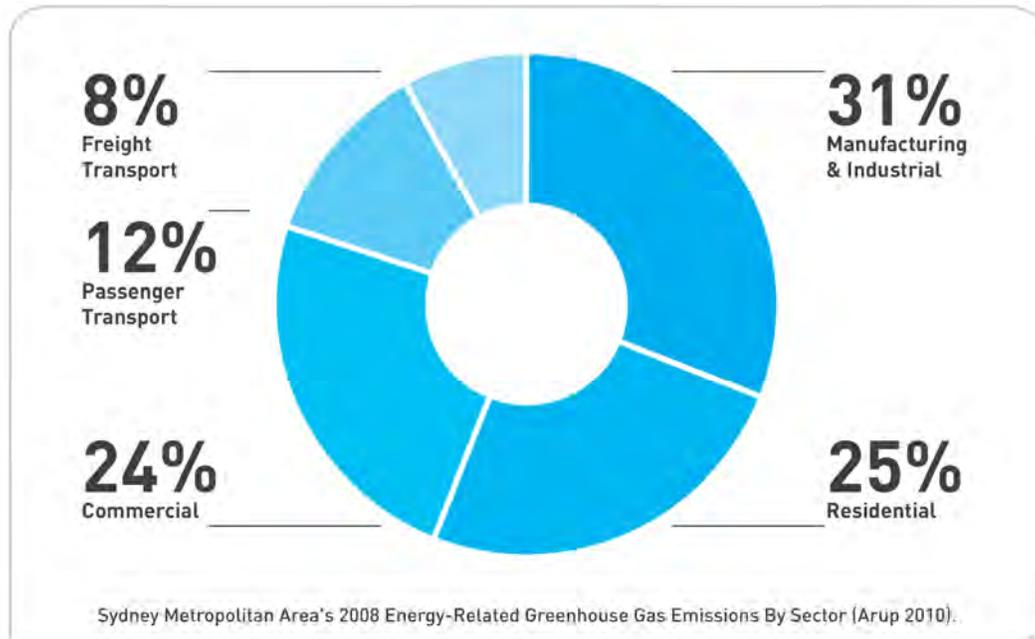
Sydney's growth and development, combined with how we live and the activities we undertake, impact the environment. Population growth and increasing levels of consumption have resulted in a high ecological footprint, particularly relative to the rest of Australia.^{xxxviii}

Our day-to-day activities have varying impacts. At the metropolitan scale, Sydney's growth affects our water quality and supply, air and soil quality and our biodiversity. On a global scale, activities occurring within Sydney contribute to climate change. We produce substantial amounts of greenhouse gas emissions per capita, particularly relative to the rest of the world.^{xxxix}

A 2010 snapshot of our emissions revealed that over 30 per cent of Sydney's energy-related greenhouse gas emissions could be attributed to activities occurring in the manufacturing and industrial sectors, followed by the residential and commercial sectors.^{xxx}

ADDRESSING AND ADAPTING TO CHALLENGES

Metropolitan planning can address these challenges by ensuring we use land more productively and undertake activities such as travel and production of goods and services more efficiently. Responses to environmental management and emissions reduction can be planned for at metropolitan, subregional and local scales.



ORD05

Attachment 1

Recent modelling suggests our urban area is getting hotter and is likely to be vulnerable to an increase in natural hazards. This situation is exacerbated by changes in our climate, more frequent bushfires, changes in rainfall intensity, rising sea levels and longer and more frequent droughts.^{xxx} We need to adapt to, and plan for, predicted climate change if we're to protect our quality of life, economic wellbeing and natural and urban environments.

Recent natural disasters across Australia show the importance of emergency preparedness and why we must consider the long-term impacts of our spatial planning.

OUR CURRENT FOCUS

NSW 2021 identifies the need to protect our environment. We are delivering on this objective with initiatives such as:

- the climate change adaptation strategy for Sydney, developed in collaboration with councils
- biodiversity certification and strategic assessment processes in the Growth Centres
- encouraging sustainable building design, especially in terms of housing, through the Building Sustainability Index (BASIX)
- establishing a strong protected areas network in Sydney
- developing high resolution climate projections for Sydney and NSW to better understand the likely changes to our climate and likely natural hazards
- implementing plans and strategies to protect our environment, including the Sydney Metropolitan and Hawkesbury-Nepean catchment action plans, Action for Air, NSW Biodiversity Strategy and Metropolitan Water Plan.



What can the Metropolitan Strategy do to protect the natural environment and improve Sydney's resilience to natural hazards?

A NEW APPROACH: ENVIRONMENT AND NATURAL HAZARDS

The way Sydney grows and develops impacts our environment. The Metropolitan Strategy will define and shape our pattern of growth to protect our important environmental assets and strengthen our ability to deal with climate change and natural hazards.

1. How can the Strategy protect the environment while also meeting the housing and economic needs of a growing population?
2. How can the Strategy provide more support for environmentally sustainable development?
3. What actions should the Strategy include to manage increased waste from growing communities?
4. How can the Strategy mitigate against the causes of climate change and what measures should it include to help Sydney adapt to the impacts of climate change at a metropolitan and local level?
5. How can the Strategy improve energy and water efficiency for residential, commercial and industrial buildings?
6. How can the Strategy secure energy supplies while also meeting the economic needs of a growing population?
7. How can the Strategy improve the approach to planning and development in areas that could be at risk from natural hazards?

WHAT DO YOU THINK?

- What do you think about these new approaches?
- What other approaches do you think should be included in the Metropolitan Strategy?

Shaping Sydney

Protecting productive rural and resource lands

Sydney lives off the resources of its land in many ways. Our rural and resource lands supply us with much of the food we eat and the materials we use for shelter and transport. For many people, their connection with the land influences their identity and livelihood.

THE IMPORTANCE OF SYDNEY'S RURAL AND RESOURCE LANDS

Sydney's rural and resource lands provide:

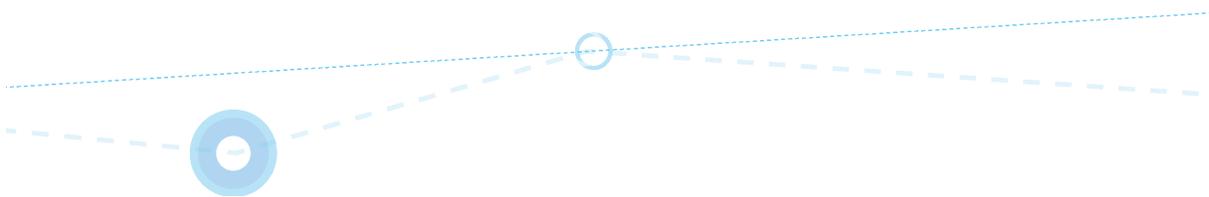
- a reliable supply of fresh food close to market
- the environmental benefits of recharging ground water supplies
- a positive sense of identity for many people through heritage landscapes
- an opportunity to mitigate and adapt to climate change
- capacity to contribute to energy security and affordability.

Sydney's rural areas, generally on the city's fringe, provide 40 per cent of NSW's perishable vegetables, and contribute \$1.5 billion to the State's total value of agriculture. Our resource lands provide valuable coal energy resources, especially in Sydney's south; coal seam gas wells in the Camden area; and construction materials at Penrith Lakes and Kurnell.

Access to safe and reliable drinking water depends on continued protection of the quality of the drinking water that fills our dams, and infrastructure upgrades. Greater Sydney has enough water to meet its needs to at least 2025 and to help protect river health through environmental flows.^{xxxii}

Sydney's resource areas have social and economic benefits, with valuable coal energy resources mined for export and steel making at nearby Port Kembla. The NSW mining industry produced mineral, extractive and energy resources worth around \$2 billion in 2008-09, due largely to coal production. Further, sources of construction material in Penrith Lakes and Kurnell provide the city with resources close to market, essential when construction materials are used in large quantities and are expensive to transport.





CHALLENGES

Sydney's access to locally produced food, safe drinking water, affordable energy and the raw materials needed for construction is directly impacted by how rural and resource lands are used and managed. Rural and resource lands are under pressure from:

- Sydney's expanding urban footprint and the higher dollar value of urban development compared to rural or resource uses
- conflicting land uses
- climate change.

Agricultural and mining industries tend to be intensive, noisy, create odour and dust, use sprays and often operate night and day. The interaction between uses must also be managed – balanced coexistence of mining (including coal seam gas) and agriculture is essential.

The food industry, such as poultry production in the Hawkesbury, faces pressure to increase production, processing and distribution while dealing with climate change, diminishing water supplies, soil degradation, rising production costs and changing bio-security and food safety risks. The industry must respond to these challenges while meeting domestic demand and securing new market opportunities.

Sydney sources a significant portion of construction materials locally. It only imports 13 per cent of its fine aggregate (construction sand) needs and about 23 per cent of its coarse aggregate (blue metal, hard rock).^{xxxiii} However, sources at Penrith Lakes and Kurnell will soon be exhausted.

OUR CURRENT FOCUS

Through *NSW 2021*, we are aiming to:

- increase the value of primary industries and mining production by 30 per cent by 2020
- protect Sydney's drinking water catchments
- lift exports from NSW through the New Frontiers program to attract petroleum and mineral exploration investment in under-explored areas of NSW
- protect strategic agricultural land and improve agricultural productivity
- improve productivity on NSW farms
- balance development with the sustainable management of natural resources
- map strategic agricultural lands and develop agricultural industry sector strategic plans
- see benefits from the new NSW Office of Food Security and Agricultural Sustainability.



What can the Metropolitan Strategy do to strike the balance between land for a growing population and land for agriculture and resources?

A NEW APPROACH: RURAL AND RESOURCE LANDS

The Metropolitan Strategy will strike a balance between land to house Sydney's growing population and land for biodiversity, agriculture and resources. This new approach will clearly establish the value of these lands in the Sydney basin.

1. How can the Strategy strike the right balance between the land we need for housing and jobs and the land we need for agriculture, biodiversity and resource supply?
2. How can the Strategy support Sydney's agriculture industry to remain viable and productive?
3. Should the Strategy recognise and protect areas of Sydney's rural landscape as having important heritage and cultural value? If so, how?
4. How can Strategy protect water catchments and biodiversity?
5. How should the Strategy deal with potential impacts of mining and resource extraction?

WHAT DO YOU THINK?

- What do you think about these new approaches?
- What other approaches do you think should be included in the Metropolitan Strategy?

Shaping Sydney

Connecting with the regions

As the capital city and economic hub of NSW, Sydney's strong connections with different regions across NSW can benefit the entire State.

Sydney, the Lower Hunter, Central Coast, Illawarra, Shoalhaven and Southern Highlands contain over 5.5 million people, almost a quarter of Australia's population.²⁰⁰⁷ The area leads Australia's business and trade, and needs strong economic, infrastructure, social and environmental connections with regional NSW.

Higher population growth in Sydney and some regions is countered by population decline in other areas of regional NSW - a disparity reflected in different levels of economic and employment opportunities in different regions.

TRANSPORT CONNECTIONS

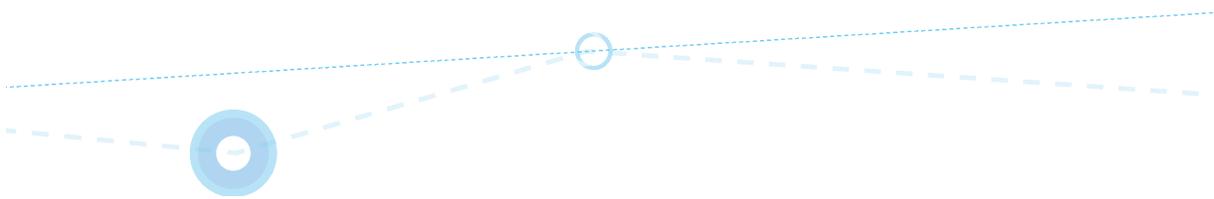
Nearly a quarter of workers who live in the Central Coast commute to metropolitan Sydney for work, as does about a sixth of the Illawarra workforce; this could be avoided with better jobs closer to where they live.

The *Long Term Transport Master Plan* will plan for efficient transport connections to move goods between Sydney and regional NSW. Transport connections, including roads, railways and air services, must also cater for growing demand for passenger movements. The terrain around Sydney makes building transport infrastructure challenging and often expensive.

TOURISM AND EDUCATION

Tourism in NSW relies on strong connections between Sydney and regional NSW. Sydney is a major destination for regional tourists and a gateway for international visitors who visit regional NSW. Places like the Snowy Mountains, the Hunter Valley vineyards and the Taronga Western Plains Zoo in Dubbo are major tourism destinations for visitors from Sydney.





Sydney and regional NSW also enjoy strong educational connections. Sydney's universities, TAFE colleges and other centres of education attract students from all over regional NSW, just as the network of universities and colleges around regional NSW attract many students from Sydney.

OUR RELIANCE ON REGIONAL AREAS

Sydney relies on regional NSW for quality food, water and energy. For example, Sydney's drinking water catchment extends over 16,000 square kilometres, into the South Coast and Southern Highlands and the upper reaches of the Shoalhaven River near Cooma; electricity generated in regions like the Central West and Upper Hunter powers Sydney.

While the Sydney Basin is a highly productive agricultural region, we still rely on regional NSW for much of our food supply. We need to reduce our impact on natural resources in regional NSW and become more self-sufficient when we're consuming water, energy and food.

Waste represents a loss of resources and waste disposal impacts the environment and communities. Despite the increase in recycling, Sydney still relies on areas of regional NSW to dispose of waste, which needs to be moved on our freight network.

OUR CURRENT FOCUS

NSW 2021 aims to drive economic growth in regional NSW. We're supporting this goal by:

- offering regional relocation grants to encourage population growth in NSW
- delivering the Jobs Action Plan to assist business investment in NSW
- preparing new strategic land use plans in regional NSW
- improving connections between Sydney and regional NSW, including the Northern Sydney Freight Corridor and the Great Western Highway through the Blue Mountains, as well as major road upgrades in regional NSW such as the Pacific Highway.

A NEW APPROACH: CONNECTING WITH THE REGIONS

The Metropolitan Strategy, coupled with the Long Term Transport Master Plan, will improve connections between Sydney and regional NSW.

1. How can the Strategy help grow and diversify the economic base of regional NSW to capitalise on opportunities in each region?
2. How can the Strategy take advantage of new technology such as high speed rail and the national broadband network to strengthen business connections between Sydney and regional NSW?
3. How should the Strategy make Sydney more self-sufficient in terms of water supply, production and use of energy, and disposal of waste?

WHAT DO YOU THINK?

- What do you think about these new approaches?
- What other approaches do you think should be included in the Metropolitan Strategy?



Shaping Sydney

Delivering the Strategy

The Metropolitan Strategy must provide greater certainty for the community and industry.

Fundamental to this is putting arrangements in place to implement the Strategy's actions in a timely, transparent and accountable way.

INTEGRATED PLANNING

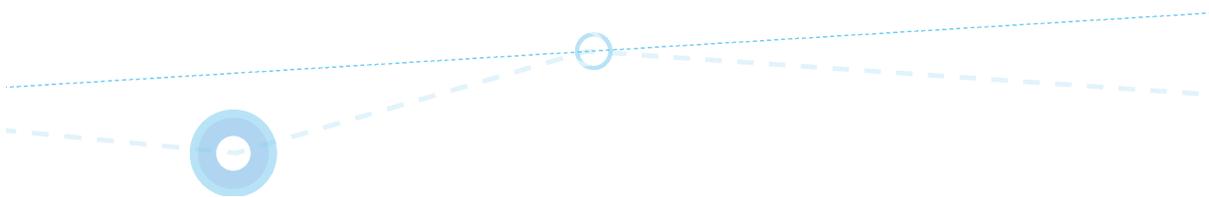
During 2012, a number of new Government plans will establish clear priorities for the long-term success of the State.

These plans are aimed at rebuilding the economy. They must ensure the way we provide quality services, renovate infrastructure, improve our local environment and strengthen communities is undertaken in an integrated and collaborative way across Government, supported by close engagement of the community and stakeholders.



ORD05

Attachment 1



A new Metropolitan Strategy is a critical element of this suite of Government plans (see page 4). Once in place, it will require a strong, well-monitored delivery program that is subject to regular public reporting.

Local councils have a critical role in the delivery of the Metropolitan Strategy through their integrated investment and community and land use plan making functions.

ACCOUNTABILITY AND CERTAINTY

The new Strategy will be based on a commitment to restore accountability to Government. This means clear responsibility for every initiative, and a commitment from Government for these activities to be delivered on time.

This requires clear arrangements to measure and report on progress and a commitment to transparency when reporting on the NSW Government's performance.

In this way, the community will be able to hold the Government accountable for achieving the commitments in the Strategy.

The goals of *NSW 2021* are very clear in this regard. The aim is to restore confidence and integrity in the planning system and involve the community in decision making on government policy.

The Metropolitan Strategy will help achieve these goals and in so doing create greater certainty for communities and investors. It will set out a clear strategic vision to guide and inform local government in local level planning. It will establish the shared responsibility for delivering Sydney's growth and change over the next 20 years.



A NEW APPROACH: DELIVERING THE STRATEGY

Delivery of strategic plans in NSW has been poor. The Metropolitan Strategy provides a new approach to implementation.

1. Should each action in the Strategy have clear accountabilities for delivery in terms of the agency responsible and agreed timeframes?
2. Will clear performance measures in the Strategy help to test the progress and success of each action?
3. What kind of integrated monitoring framework should be put in place across the Metropolitan Strategy, the Long Term Transport Master Plan and the State Infrastructure Strategy?
4. Should an annual Metropolitan Strategy Update Report be published?
5. To what extent should approaches 1 to 5 feature in the Strategy? Are there other ways to ensure consistent, strong implementation?

WHAT DO YOU THINK?

- What do you think about these new approaches?
- What other approaches do you think should be included in the Metropolitan Strategy?

Sharing ideas for Sydney

This Discussion Paper is one element of the NSW Government's new plans for the long-term future of NSW.

The Government wants to deliver immediate and long-term improvements for local communities. As part of this, communities across NSW are being asked to have their say on the plans.

Sydneysiders have a very specific role to influence how Sydney can contribute to the wider NSW community. Your comments will be fed into the work being undertaken by the Department of Planning & Infrastructure to deliver a draft Metropolitan Strategy for more detailed consultation.

We know that every person will have different priorities for Sydney, but it's important that everyone gets involved and has their say on how the city can offer the very best to the people who live here, work here, do business here and visit.

To get involved, visit the online forum at www.nsw.gov.au/haveyour say and select **Metropolitan Strategy 2012**.

You can provide your feedback online, or you can send us a submission by 29 June 2012 to:

- Email:
metrostrategy@planning.nsw.gov.au
- Post: Metro Strategy Team
PO BOX 39
SYDNEY 2001

All submissions will be publicly available on the Department of Planning & Infrastructure website. If you do not want your personal details to be made public, please state this in your submission. A Submissions Report will be issued after exhibition.



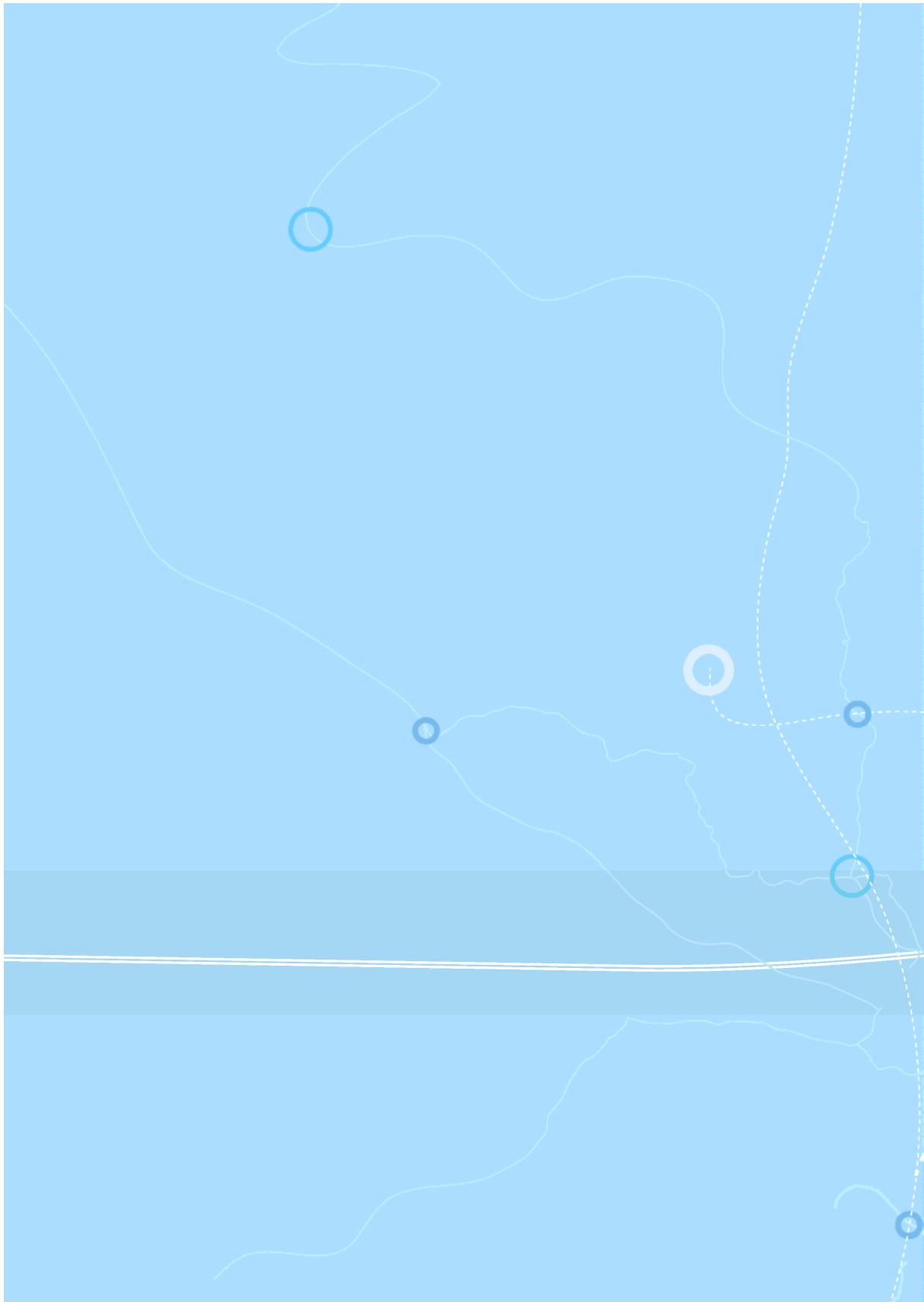
Sydney over the next 20 years. A Discussion Paper

ORD05

Attachment 1

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ORD05

Attachment 1

ORD05



CONSULTATION SUBMISSION

Sydney over the next 20 years – A Discussion Paper

Introduction

Camden Council welcomes the release of the Discussion Paper that reflects the first step in the development of a new Metropolitan Strategy for Sydney, and the opportunity to comment on its content. Council also acknowledges the integrated approach taken by the NSW Government in concurrent development of the *State Infrastructure Strategy*, and the *Long Term Transport Master Plan*, in support of realising the objectives of the 10-year plan, *NSW 2021*.

The Metropolitan Strategy review 'Discussion Paper - Sydney over the next 20 years' seeks community input into the future directions for the Sydney Metropolitan area. The Discussion Paper is premised on the growth of Sydney's population by more than 1.3 million to 2031, and the need for 570,000 new homes and 600,000 new jobs over that same period. The Discussion Paper identifies the intent of 'Shaping Sydney' for the future through a number of principles, and in doing so provides focus in a number of key areas that are listed as follows:

- Housing our growing population.
- Providing jobs and economic opportunities.
- Providing efficient transport networks.
- Providing the infrastructure we need.
- Providing equitable access to a great lifestyle.
- Protecting our environment and building resilience to natural hazards.
- Protecting productive rural and resource lands.
- Connecting with the regions.
- Delivering the Strategy.

Camden Council acknowledges the intent of these principles in shaping Sydney for the future, and requests that the following comments contained in this submission are incorporated into the development of the revised Metropolitan Strategy.

Please note that '*Camden Council's 2011/2012 Integrated Planning and Report Package*' reflects in part the intent of the community vision, through *Camden 2040*, as referenced in providing feedback to elements of the Discussion Paper.

Housing our growing population

1. *Should the Strategy continue to focus greenfield housing on the South West and North West Growth Centres or should additional effort be applied elsewhere on Sydney's fringe?*

Attachment 2

Following are a series of key points that address the question of where future focus should be for greenfield housing:

- It is noted that a review of potential housing sites is currently under assessment by the NSW Government. Notwithstanding the merit of such a review, in the context of the ongoing investment of resources into planning for the South West Growth Centre, it is important to note the following. In the event that the potential housing site review recommends any other areas on Sydney's fringe are subject to accelerated land release, it is crucial that adequate infrastructure is planned to support such development. For example, there is a number of existing urban release areas on Sydney's fringe e.g. Elderslie/Spring Farm, Menangle Park, which are not entirely supported strategically i.e. no funding for the Spring Farm Link Road. Instruments such as the soon to be released '*State Infrastructure Strategy*' must encapsulate these areas as they are intrinsic to the delivery of new dwellings in the Sydney Metropolitan area.
- As per the ongoing debate regarding population growth in Sydney, the question of the right population policy settings remains an issue for broader discussion. Notwithstanding the approach in advancing this debate, ideally it would be based on sustainability and the capacity of all cities and regions in Australia to grow. It is evident that all towns and cities in NSW have both capacity to grow and constraints that limit growth. Many regional centres are in desperate need for more employment and support services such as higher order educational facilities in order to provide jobs for existing communities and prevent population decline. Other regional centres are facing shortages of workers to fill available jobs. Therefore, it would be prudent that the Strategy give due reference to these issues, as it applies to the ever growing footprint of the Sydney Metropolitan area, Sydney's fringe will continue to emerge to a point where it will encroach on certain regional areas;
- The South West of Sydney is identified as accommodating one of the highest levels of growth in Sydney. In light of this issue, the South West subregion of Sydney should have priority in both infrastructure delivery and jobs growth.

2. *Should the Strategy place more emphasis on development in existing areas? If so, where are the best places?*

In the event that the Strategy does ultimately place more emphasis on development in existing areas, the following comments should be applied:

- It is important that the Strategy engages in forward planning for growth of existing services as well as establishment of new services and facilities, that are responsive to existing and emerging community needs in a timely fashion;
- In the promotion of sustainable development in existing areas, some of the 'best places' continue to be in proximity to transport hubs, employment opportunities and access to social infrastructure.

3. *Should housing targets continue to be applied to all local government areas in Sydney?*

Regardless of the application of housing targets, it is important that any established objectives are supported via the integration of infrastructure planning; namely, between the Strategy, *Long Term Transport Master Plan* and *State Infrastructure Strategy*. For example, across Sydney, the availability of water is a critical challenge to population growth. More specifically for Sydney, the impacts of population growth on air quality, water quality,

ORD05

transport congestion, community harmony and quality of life need to be considered before establishing a population growth target.

4. *How can the Strategy ensure that council plans support the delivery of housing?*

Following are recommended points as to how the Strategy might support council plans for the delivery of housing:

- In development or application of any housing target numbers, it is important that consultation with Council occurs in their preparation. This will encourage the setting of targets that are both accurate (in that Council is best informed as to what is happening in their local area) and achievable (as Council has ownership in achieving the target through its establishment);
- Consistency between the different NSW Government plans; that being, there needs to be an integrated correlation between *NSW 2021*, the revised Strategy, the *State Infrastructure Strategy* and *Long Term Transport Master Plan* currently under review. Achieving this synergy should ensure that council plans are developed with a view to certain outcomes; for example, as it relates to infrastructure provision, greater certainty as to where and when it will be provided will enable council plans to focus on the timely provision of planning controls that support the delivery of housing.

5. *Should the Strategy identify a role for the NSW Government to facilitate housing development in existing areas? If so, what should the role involve?*

In terms of a role for NSW Government to facilitate housing development in existing areas, an effective way to support (and thus promote) appropriate investment in centres and public transport nodes is to provide the right level of certainty and flexibility in terms of planning decisions for these areas. A planning system that is under constant change and an infrastructure program that is uncertain does not encourage private sector investment. On the other hand, a rigid and inflexible system can discourage innovation and the taking of managed risks. The time is opportune for the NSW Government to fulfil the role of leadership, in providing certainty for the future provision of housing development in existing areas via an improved planning system.

6. *How can the Strategy ensure a sufficient supply of affordable housing for our future needs?*

The supply of affordable housing options for Sydney is crucial in ensuring sustainable growth. Options available to ensure the Strategy facilitates a sufficient supply for future needs include:

- Ensure a greater choice and diversity in housing to meet a range of existing and future community needs;
- Establish clear targets (e.g. in advance of the precinct planning stage in the Growth Centre) of the proportion of smaller detached houses to other housing forms;
- Actively engage in a monitoring program to track housing stress e.g. monitor the proportion of households who spend more than 30% of their income on housing, to identify occurrences of housing stress, with a view to development of response strategies.

Attachment 2

Providing jobs and economic opportunities

Prosperity is essential to the quality of life and well-being of people in the Camden area, and relies on a strong local economy. A prosperous community is reflected in people satisfied with their standard of living, with balance between their financial and social well-being. Financial well-being relies on access to education, employment, housing, and a strong and diverse local economy.

A strong local economy for Camden would be characterised by vibrant town and commercial centres, thriving local businesses, stable and diverse employment opportunities, skilled local residents, infrastructure that supports economic growth, and a thriving tourist/visitor market. The development of a strong local economy is essentially about developing an environment that supports a diversity of business and industry to invest, establish, grow and be sustainable over time.

A critical issue to address in the Strategy is the disparity between population growth and job growth in South West Sydney. The existing *Metropolitan Plan for Sydney 2036* identifies the following projections for new dwellings and jobs in South West Sydney:

New Dwellings (2006-2036):	155,000
New Jobs (2006 – 2036):	141,000

A conservative assumption that each new dwelling contains only one person in the labour market projects a shortfall of 14,000 jobs for South West Sydney. These projections equate to a ratio of 0.90 jobs per dwelling.

However, it is more likely that many new dwellings will contain at least two persons in the labour market, exacerbating the shortfall of local jobs in the South West. If an objective of the revised Strategy is to deliver more jobs closer to home for incoming residents, then it requires greater focus in this area to mitigate the disparity of the apparent new job to new dwelling ratio for South West Sydney.

1. *How can the Strategy help Sydney's economy become more productive and more sustainable?*

Following are a number of recommendations that would enable the Strategy to help Sydney's economy via the Camden area:

- Continue to empower Council to provide a stable planning and development control framework to provide long term certainty and investment confidence to drive economic development;
- Plan for local economic development activities that maximise opportunities and actively grow the local economy, having a clear understanding of the local, regional and national economic contexts;
- Provide support to Council in developing and sustaining vibrant and complementary town centres, both new and existing, that have their own clear identities and role, providing a range of economic, employment, leisure and social opportunities for residents and visitors alike.

2. *How can the Strategy help provide Western Sydney with enough job opportunities across a range of sectors?*

ORD05

Following are a number of recommendations that would enable the Strategy to provide job opportunities throughout Western Sydney, including the Camden area:

- Develop world class technological capability within the region through the supply and improvement of telecommunications infrastructure, building the skills of local businesses and residents, and the provision of opportunities for all residents to have equitable access to technology and skills;
- Support the ongoing growth of strong business development activities that strengthen and sustain local business and industry through the provision of information, networking, partnerships, educational opportunities and promotion.

3. *How can the Strategy ensure investment in services and infrastructure improves productivity and job diversity?*

Following are a number of recommendations that would enable the Strategy to help productivity and job diversity in Sydney, including the Camden area:

- Providing suitable and sufficient land through the urban planning process to attract, enable and support a diversity of employment and industry types, including planning for economic development clusters or “hubs” that will maximise opportunities to build competitive advantage and strengths;
- Increasing the diversity of skills within the local community to improve the match between local skills and jobs, through building the skills of existing residents and attracting new residents with a diverse range of skills to live in the local area and region. The most salient point of this issue is ensuring that the development of skill-sets correlate with the industry types in the local area.

4. *How should the Strategy support clusters of commercial and industrial activity in emerging sectors such as sustainable energy?*

To enable the Strategy to support clusters of commercial and industrial activity (such as the sustainable energy sector), it should promote the opportunity of flexible land use options. As noted elsewhere in this submission, broadening the permissions of use on suitable land in appropriate locations can create a greater concentration of commercial and industrial activity, thus promoting emerging sectors in need of support.

5. *Should the Strategy focus office-based employment in particular areas of Sydney? If so, where?*

The following comments are provided on the principle of the Strategy providing industry specific employment areas:

- It is important to note that the process of zoning land is not the simple solution to creating jobs. Zoning of land is only one step in the process, as it must be developed and serviced while the necessary lead-in infrastructure (roads, water supply, sewer, electricity, gas, etc) can often take some time to be provided. Notwithstanding these steps, there is no guarantee that businesses will choose to locate in such an area, nor on the timing of business establishment. There is also no guarantee that the types of business that choose to establish in a new area will generate the number of jobs targeted for the employment area. If a diversity of jobs closer to home is the objective, the Strategy must provide incentives to business to locate in new employment areas.
- Innovative and flexible development controls are also important to the task of encouraging business to establish in new employment areas. Inflexible floor space

Attachment 2

caps restrict development and should generally only be used where it is necessary to protect an important hierarchy of centres. In other cases, floor space caps could be used more as a guide to the intended nature of an employment area and flexibly applied. Floor plate controls (as maximums or minimums) are of some benefit to guide the types of development considered appropriate in an employment area, again subject to their flexible application.

6. *Which areas should the Strategy focus on for new industrial land?*

The following recommendation would enable the Strategy to help focus on land provision to facilitate job creation and economic development in South West Sydney:

- The term 'employment land' is often used in planning strategies to describe 'industrial land'. It is important to note that the term employment land be used to describe a wider range of employment opportunities, beyond those achieved via industrial development. Broadening the permissions of land use on industrial zoned land, in appropriate locations (existing and new), can encourage a greater density and diversity of jobs. A wide range of commercial (non-retail) businesses could be located in industrial areas without negatively impacting on commercial centres or displacing industrial activities. In this way, some industrial areas could be turned into business parks, where a mix of industrial and commercial development may co-exist.

7. *Should the Strategy preserve more land around key infrastructure assets – such as Sydney Airport, Port Botany, major health facilities and universities – for economic activities?*

Council would support in principle the Strategy objective to preserve more land, based on the provision that any proposed economic activity operates collaboratively with the key infrastructure assets.

8. *What important transport links should the Strategy identify for improvement to boost economic activity?*

While it is acknowledged many important transport links in South West Sydney are already identified, following are a number of recommendations that would enable the Strategy to help further boost economic activity:

- Employment land in the Turner Road Precinct (part of which is in the new suburb of Gregory Hills) is an area that could accommodate a greater diversity of employment activities. This land would be suitable for business park type activities that do not require co-location with a town or neighbourhood centre. The Turner Road Employment Area is located on Camden Valley Way, an existing and future bus route, and on the future Badgally Road which when upgraded, will provide a direct transport connection to Campbelltown Station. While there is certainty surrounding the future upgrading of Camden Valley Way, future upgrading of Badgally Road however remains un-clear, yet is an important transport link that the Strategy should identify;
- An equally important transport connection is that of the proposed Spring Farm Link Road. This connection will serve multiple functions on the Camden regional road network. For example, its construction will alleviate traffic volume on the already at capacity Narellan Road, in effectively creating an alternate connection between the Camden area and the Campbelltown-Macarthur major centre. Its most evident benefit will be in providing access to new release residential areas (e.g. 3,500 dwellings at Menangle Park included in Landcom's 10,000 lot initiative), as well as

future employment land at Glenlee. The both direct boost to economic activity via this area, coupled with the overall indirect benefit to the wider region will promote greater economic output for South West Sydney.

Providing efficient transport networks

1. How can the Strategy ensure movement around Sydney is as efficient as possible?

The following recommendations would promote efficient movement around Sydney:

- A potential impediment on a major scale for efficient transport movement throughout Sydney is a proposed second airport. Council would likely oppose any major second airport in the Sydney Metropolitan area (i.e. either Wilton or Badgery's Creek), and strongly recommends that the Strategy reflects the position of the NSW Government in documenting a mandate to oppose such a development;
- The provision of a greater number and diversity of jobs closer to home, particularly in South West Sydney will reduce the need to travel as far or as often;
- Further investment in technological and work practice improvements will enable more people to work from home more often;
- Integration of land use and transport is clearly an important objective. However it is also important to focus on integration between transport modes, integration of fares and integration between transport policy and other government policies, including health policy, sustainability policies and economic policies e.g. a single-ticket system for Sydney public transport is very important;
- Developing a well-connected, well-designed and free-flowing road network supported by appropriate infrastructure for a growing community that provides effective movement of people and goods within the local areas and broader region.

2. Should the Strategy focus on developing new transport corridors that link areas in Sydney and help spread urban growth around the metropolitan area?

It is acknowledged that the development of new transport corridors that link areas in Sydney will be an important element to an efficient and effective transport network. It is noted that historical planning resulting in establishment of corridors are now becoming realised through the development of the South West Centre. The same foresight must be applied today for future generations; following are recommended items for action:

- Prioritising the delivery of roads and transport infrastructure early in the development of new urban and industrial areas to ensure residents have appropriate access within and beyond the local area from when they move here;
- Via the *Long Term Transport Master Plan*, continue to promote sustainable transport corridors, which will more likely cope with future capacity needs resulting from urban growth.

3. How can the Strategy encourage more people to use public transport?

Following are a number of recommendations that would enable the Strategy to promote greater utilisation of public transport:

- The NSW Government initiative of the 'South West Rail Link' is critical infrastructure needed to facilitate sustainable transport in South West Sydney. In this regard, there exists the opportunity for the rail link to be extended further, both west to Bringelly, and also to the south and north of this location, to further access future high

concentrations of population. Providing greater access to this infrastructure will encourage more people to use public transport;

- Government policy to focus urban renewal on existing centres and around public transport nodes remains an appropriate initiative as it endeavours to maximise use of existing resources and infrastructure, while limiting un-sustainable urban sprawl. However, it is important to note that it is not a policy that should be applied to all centres and public transport nodes by default. Not all centres or public transport nodes can or should necessarily support higher density development. Environmental and heritage constraints should be considered when determining the capacity of a centre to accommodate growth. Notwithstanding this point, centres can be improved to encourage greater pedestrian, cyclist and public transport use;
- In the development and/or revision of timetables for public transport, it is important to ensure there is comprehensive consultation of commuter/users of the system, to promote ongoing patronage as well as increasing usage and achieving efficiencies;
- An important element to promoting public transport use is of course its funding. While it is noted that many of these issues will presumably be canvassed in the *NSW Long Term Transport Master Plan* when released, it is crucial that funding strategies exist to ensure the delivery of the public transport infrastructure required.

4. *Should the Strategy encourage more people to walk and cycle? If so, how?*

- In promoting sustainable transport methods, changing travel behaviour/patterns to encourage walking and cycling, funding to improve local paths, cycleways, facilities for bike storage and shelter for public transport users are just a few of the measures that can make Sydney less car dependant;
- Actively plan new urban and commercial areas to effectively connect people with significant places, centres, employment, and recreation and social opportunities throughout the local area. For example, if key employment areas are located close to where people live, walking and cycling automatically becomes a more attractive alternative.

5. *How should the Strategy best integrate with the Transport Master Plan to support future transport investment, address congestion and facilitate access to major economic focal points such as East Botany and Mascot?*

Council acknowledges the objectives of the Transport Master Plan, and that to achieve an integrated transport network for Sydney that is both efficient and effective, that the Master Plan must form a complimentary part of the overall Strategy in addressing congestion and supporting future transport investment.

6. *How can the Strategy improve freight movements in Sydney?*

Subject to the outcomes of the Transport Master Plan (currently under preparation), the Strategy should ensure any initiatives that promote improved freight movements in Sydney are adequately addressed via key areas of land use, preservation of future transport corridors and environmental considerations.

7. *What key priorities should guide the Strategy to provide a better transport network between Sydney and regional NSW, cities in other States and cities in our global region?*

- As noted previously, Council would likely object to the development of a second major airport in the Sydney Metropolitan area, and would recommend that the Strategy advocate such a position, potentially through promotion of the opportunity to investigate the alternative of a better transport network between Sydney and regional

ORD05

NSW or cities in other States i.e. construction of a high-speed rail network connection between Sydney and a second major airport outside of the Sydney Metropolitan area;

- Facilitate the development of effective regional partnerships, collaboration and advocacy to ensure that regional issues are appropriately addressed and opportunities maximised.

Providing the infrastructure we need

1. *What processes should be included in the Strategy to ensure essential infrastructure is in place at the right time?*

The key to success of the provision of essential infrastructure in the right place at the right time involves the development of both strategic infrastructure plans, and most importantly, the coordination of their implementation. It is acknowledged that the *State Infrastructure Strategy* will play a vital role in identifying all of the key items of infrastructure required for NSW, however development of the strategy is only part of the process in delivering infrastructure 'on the ground'.

For example, Camden Council is currently preparing an 'Infrastructure Delivery Strategy' for the local government area of Camden. While the scope of this Strategy is to deliver infrastructure in Camden while integrated with other plans such as the *NSW 2021*, the *Long Term Transport Master Plan* and the *State Infrastructure Strategy*, its key objective is to identify the gaps and obstacles that emerge through the delivery of infrastructure. In this regard, its ultimate achievement will be in the coordination of the delivery of infrastructure, ensuring that essential items are delivered at time crucial to the support of maintaining the constant delivery of housing supply.

Therefore, it is recommended that pursuant to the finalisation of the aforementioned NSW Government planning strategies, that a coordination or action plan is developed that clearly defines the extent of what infrastructure delivered and when, beyond the existing timeframes of NSW budget cycles, is needed to ensure the active promotion of housing supply.

2. *How can the Strategy support key economic infrastructure such as the port and airport, transport corridors and freight routes in a more proactive way?*

As previously noted in this submission, Council would likely oppose any major second airport in the Sydney Metropolitan area (i.e. either Wilton or Badgery's Creek). In this regard, there exists an opportunity for the NSW Government to establish a strong position in supporting the existing airport as key economic infrastructure, by mandating its opposition to a second airport in the Strategy for the Sydney area. By declaring this position formally through the Strategy, it creates certainty for the future infrastructure investment in the existing airport site.

3. *Which important corridors should the Strategy identify and protect for future infrastructure?*

The following points are noted as options for consideration with regard to the reservation of future transport corridors:

- As means to further augment the function of the South West Rail Link (currently under construction), corridors should be preserved to facilitate an extension of the line further to the west in connecting with the future centre at Bringelly, with corridors to the south (to Oran Park town) and to the north;

Attachment 2

- Further to the aforementioned point regarding the South West Rail Link, consideration should be given in expanding the rail network to facilitate more direct connections between the major regional centres of Sydney e.g. a connection between Leppington and Penrith.
4. *Should the Strategy guide greater involvement from the private sector in infrastructure provision? If so, how?*
- While it is evident that greater involvement by the private sector in future infrastructure provision seems inevitable, as to whether the Strategy should specifically prescribe the extent to which they become involved remains open to debate. It is reasonable to conclude however that wherever commercial opportunity exists in the form of public infrastructure investment, the private sector often identifies said opportunities to the point of realisation;
 - Notwithstanding the aforementioned point, there exist both positive and negative examples of private sector investment in infrastructure. Regardless of the position ultimately determined by the Strategy, issues of probity and equity must be adequately addressed.
5. *Should the Strategy consider new funding mechanisms for major infrastructure? If so, what could these mechanisms be?*

It is noted that the issue of funding for infrastructure remains an intensely contested issue amongst all of the stakeholders to its provision. In this regard, it is also noted that many of these issues remain under assessment as part of the ongoing planning system review process. Notwithstanding this point, the following observations are made with regard to the issue of funding of major infrastructure:

- Council's objection to the existing \$30,000 per dwelling cap on local development contributions is noted elsewhere in this submission. While it is acknowledged that these contributions generally fund local infrastructure only, it is noteworthy that the continued imposition of a cap will perpetually impose a financial constraint upon those Councils to which they are applied. In this regard, by creating a shortfall in funding and the subsequent financial liability, it subsequently limits Council's capacity to otherwise contribute toward the funding of major infrastructure. Therefore, it is important that the Strategy acknowledge the role that Council plays in the funding of major infrastructure, in supporting its future capacity to do so;
 - Prior to the introduction of the State Infrastructure Contribution (SIC) levy in the mid-2000's, funding of major infrastructure, particularly in support of future greenfield development, was otherwise funded directly by the responsible NSW Government agencies. In the creation of the SIC levy, in spite of its review in reducing the amount payable, the cost in provision of most major infrastructure items is not met by the incoming population i.e. it is transferred directly to the end user. While there is extensive evidence to support the affect this 'user pays' approach has had on housing affordability in these areas, its retention does little to alleviate such a problem. In this regard, it is recommended that the Strategy consider a new means of funding these major items of infrastructure in reviewing the appropriateness of the SIC levy.
6. *If the Strategy identified a need for detailed infrastructure plans for all growth areas, how would this help to secure timing and delivery commitment by service providers?*
- As noted elsewhere in this submission, Camden Council is currently preparing an Infrastructure Delivery Strategy for the Camden local government area. Amongst a

number of objectives, the Strategy is intended to ensure that the timing of infrastructure delivery is secured to an extent that it facilitates the timely provision of housing. In this regard, Council is developing its Infrastructure Delivery Strategy in consultation with the Department of Planning & Infrastructure, various other NSW Government agencies, developers, land-holders and the community. It is anticipated that through engagement with all of these affected stakeholders, and their commitment to the intent and objectives of the Infrastructure Delivery Strategy, there exists the best opportunity in realising the timely provision of infrastructure.

Therefore, in development by the NSW Government of its Strategy, similar arrangements should be given due consideration. For example, a significant increase in population in the South West Growth Centre requires a diverse range of infrastructure support. One such item often overlooked is that of cemeteries; therefore, the Strategy should articulate the need to consider such issues as cemeteries through detailed infrastructure plans for all growth areas.

7. *Who should be identified in the Strategy for bearing the cost of new infrastructure in growth areas?*

- As noted previously in this submission, the intent of the SIC levy in structuring a 'user pays' approach for new infrastructure in growth areas has, amongst other things, adversely affected housing affordability in the Sydney area. In this regard, the Strategy should explore options of how these particular costs may be shared, whether on an inter-generational basis, or on models similar to those used prior to the introduction of the SIC levy;
- Notwithstanding the issue of funding sources for major infrastructure, it is important to note that local development contributions remain a relevant means to which local infrastructure is provided. However, as noted previously, the Strategy must give due reference to the significant adverse impact imparted by any retention of the \$30,000 per dwelling cap on local development contributions.

8. *What will be the likely impact on the Strategy of potential technological change (such as the NBN) over the life of the plan?*

- It is noted that the rate at which technological change occurs is such that often long term strategic plans can often become outdated (or less relevant) in relatively short periods of time. Therefore, it is important that the Strategy either ensure adequate contingencies are built-in, and/or the Strategy is reviewed periodically such that it remains a contemporary reflection of the changes that technology may have on influencing its outcomes.

Providing equitable access to a great lifestyle

The number of people who will call the Camden area home will increase five-fold under the Strategy. Building this population as a community of people who belong, can participate, are well-connected and supported will require careful consideration and a range of planning strategies. In light of the need for targeted action, Council provides the following comments by way of response to the corresponding questions posed.

1. *What social planning actions in specific places could the Strategy concentrate on?*

Following are a number of social planning initiatives that Council recommends for the Strategy:

- Providing libraries in Sydney's South West that are innovative, vibrant and serve as community hubs, enabling people to connect with information, learning, culture, and social opportunities;
- Promote opportunities that support and encourage the shared use of facilities and spaces through the development and provision of multi-purpose facilities and programs which create better value through greater use, improved collaboration, and strong partnerships between organisations;
- Ensure the Strategy coordinates a commitment and early approach to the planning, funding and delivery of social planning actions from the NSW Government.

2. *Which priority locations should the Strategy focus on to improve access to open space and social and cultural opportunities?*

- It is noted that all open space, social and cultural opportunities play a crucial role in the development of healthy, well-connected communities. By virtue of this point, as it applies to the South West Growth Centre particularly, the future provision and management of parks and natural open spaces that are accessible, connected and well-maintained to enhance community and environmental health, recreation and leisure opportunities play a vital role;
- Notwithstanding the aforementioned note, it remains that future provision of much of this infrastructure will be funded via local development contributions. In this regard, the existing \$30,000 per dwelling cap on these contributions acts as an impediment for the creation of healthy, well-connected communities. What remains is the risk of emerging social inequity. Therefore, the focus of priority locations for such facilities is without purpose in the absence of secured funding sources;
- If more open space in private ownership is the goal, the recent development trend of larger houses on smaller lots mitigates attainment of such an objective. Smaller lots are one way to achieve densities that support viable public transport, however larger homes with room for two or three cars on smaller lots counters this purpose. Programs or subsidies aimed at encouraging smaller houses on smaller lots, with greater proportions of private open space could be developed via the Strategy to address this issue;
- Riparian corridors provide opportunities for more green space within communities, irrespective of whether they are publicly or privately owned. Public ownership is preferred as it can provide for appropriate levels of public access to bushland areas, and can result in better environmental outcomes for waterways. Further to recent announcements made regarding riparian corridors, these objectives must be reflected in the revised Strategy.

3. *Could the Strategy deal with the issue of social inclusion by setting targets and standards for levels of service, or are there other ways?*

- The Strategy could achieve any of the desired objectives for social inclusion in demonstrating a commitment to a coordinated and early approach to the planning, funding and delivery of services from Government, Non-Government agencies and local community organisations;
- In order to achieve targets or standards for social infrastructure, availability of up-to-date and easily accessible information about local services, facilities groups and organisations to enable all residents to access the opportunities they need within their local community, will be crucial.

4. *How can the Strategy ensure an adequate supply of adaptable and accessible housing for older people?*

ORD05

Attachment 2

It is important to note that an effective and comprehensive approach to the provision of adaptable and accessible housing for older people would transcend all tiers of Government; that being, the Strategy should act as an integrated element of the approach taken by the NSW Government, in conjunction with strategies implemented by the Australian Government and Local Government.

Further to this point, the following recommendations for the Strategy are noted:

- Develop alternative Government strategies such as 'rent assistance';
- Promote the formation of public/private partnerships that encourage provision of affordable housing for older people;
- Promote better funding for public housing (particularly for older people);
- Facilitate better integration between affordable housing options, community care and aged care support services e.g. three-way partnerships between Government/Private/Non-Government (charitable organisations). This would also promote transitional living arrangements for older people;
- As previously noted, promote a 'three-tiers of Government' approach to provision of housing for older people.

5. *How can the Strategy better support heritage conservation and promote cultural opportunities across Sydney?*

- As it applies to the Camden area, the Strategy should take some steps to developing, preserving and promoting Camden's history and the strengths, achievements and diverse cultures that make up this community;
- Develop a healthy community through the promotion of healthy lifestyles, education and provision and support of a range of sporting, leisure and recreational facilities and opportunities that improve health as well as contribute to vibrant community life and a connected community.

Protecting our environment and building resilience to natural hazards

1. *How can the Strategy protect the environment while also meeting the housing and economic needs of a growing population?*

Following are a number of recommended strategies in protecting the environment while supporting a growing population;

- Prioritise the protection and enhancement of biodiversity throughout the Camden area and South West Growth Centre through the active management and restoration of bushland and riparian corridors;
- Promote the sustainable use and management of Camden's natural assets and attractions for the enjoyment of residents and visitors to the area, having regard for the future condition and primary role of these assets.

2. *How can the Strategy provide more support for environmentally sustainable development?*

- There are numerous ways in which the Strategy could have an impact on resource efficiency, including:
 - Encouraging or mandating use of renewable energy and recycled water;
 - Encouraging co-location of facilities and services;
 - Implementing healthy cities principles; and
 - Recommending frameworks for education campaigns.

- A review of systems such as BASIX, and further promotion and review of initiatives such as PRECINX may provide a unified approach to supporting environmentally sustainable development;
- The Strategy should promote the planning of communities with smaller (sustainable) houses with more room for adjacent large trees, to mitigate the need for and use of air conditioners in homes;
- Promote the reduction in demand for private vehicle travel, by increasing the number and variety of jobs in South West Sydney, to mitigate the impacts of climate change in this area.

3. *What actions should the Strategy include to manage increased waste from growing communities?*

Given the significance of the potential impact waste management may have on maintaining sustainable communities, the Strategy must effectively integrate (at the very least) with the 'NSW Waste Avoidance and Resource Recovery Strategy'; in this regard, it may well act as a catalyst for the latter to undergo a review to ensure a seamless correlation in achieving waste management objectives for Sydney. Furthermore, the following points may also be considered:

- The Strategy should clearly articulate targets for reducing waste, and importantly how those targets will be implemented and monitored;
- Promote investigation of industry investment in resource recovery infrastructure;
- Facilitate funding for programs to improve waste reduction and resource recovery practices.

4. *How can the Strategy mitigate against the causes of climate change and what measures should it include to help Sydney adapt to the impacts of climate change at a metropolitan and local level?*

As in the case of promotion of energy and water efficiency for development (noted below in point 5) any initiative advocated by the Strategy must be integrated with existing strategies that promote mitigation against the causes of climate change (and thus adopt any proven methods of measurement contained therein).

General examples of options for climate change mitigation include:

- Energy Efficiency – promoting new and innovative energy efficiency methodologies and techniques;
- Renewable Energy – developing broad policy approaches to bolster renewable sources of energy that supports the creation of an enabling environment for businesses in the area of renewable energy;
- Bioenergy - an essential energy option for a range of applications as part of a mix that includes energy efficiency, renewable energy, and changed patterns of production and consumption.

5. *How can the Strategy improve energy and water efficiency for residential, commercial and industrial buildings?*

The most effective option for the Strategy to improve energy and water efficiency for development is to align with, and in turn promote the objectives of all the key initiatives that exist for energy efficiency, namely:

- NSW Energy Efficiency Strategy;
- NSW Energy Savings Scheme;

ORD05

- NSW Government Sustainability Policy;
- Building Sustainability Index;
- National Australian Built Environment Rating System;
- Environmental upgrade agreements;
- Energy Savings Action Plans;
- Minimum Energy Performance Standards;
- National Strategy on Energy Efficiency.

6. *How can the Strategy secure energy supplies while also meeting the economic needs of a growing population?*

Following are some recommendations as to how the Strategy can secure energy supplies in a sustainable manner, both economically and environmentally:

- Continue to work collaboratively with the Federal Government in monitoring the effectiveness of such initiatives as the 'Carbon Tax', to definitively ascertain the extent of any potentially adverse impact on the NSW economy, and subsequently the economic needs of a growing population;
- Investment in research and development of sustainable energy industry initiatives, particularly those most likely to supplement existing energy infrastructure, with the view to providing longer term security for energy needs.

7. *How can the Strategy improve the approach to planning and development in areas that could be at risk from natural hazards?*

To address hazard management, specific action must be incorporated into the Strategy that addresses the following issues:

- An assessment of the presence and effect of natural events on the goods and services provided by natural resources in the area covered by the Strategy;
- Estimates of the potential impact of natural events on development activities;
- The inclusion of measures to reduce vulnerability in the proposed development activities. Within this framework, networks should be identified that depict critical segments of production facilities, infrastructure, and support systems for human settlements, recognized as priority elements for rehabilitation following a disaster. This acknowledges that in spite of the most comprehensive planning approach, not all risks from natural hazards can be effectively mitigated.

Protecting productive rural and resource lands

1. *How can the Strategy strike the right balance between the land we need for housing and jobs and the land we need for agriculture, biodiversity and resource supply?*

Following are a number of recommendations of how the Strategy may ensure the right mix between land for primary production and land for housing, employment etc:

- Outline strategies that encourage improved productivity on existing primary production land;
- Support the development of an agriculture food policy for the Sydney region;
- Facilitate the promotion of stakeholder consultation groups e.g. State and local government, industry representatives etc;
- Ensure that priority is given to agricultural production in rural zones i.e. provide clear guidelines to manage emerging conflicts between primary production and mining.

Attachment 2

2. *How can the Strategy support Sydney's agriculture industry to remain viable and productive?*

In order for the Strategy to support Sydney's agriculture industry, the following points are made;

- Through development of the South West Growth Centre, particularly in the Camden area, significant land-holdings that had been used for primary production are no longer available for that purpose i.e. they will be now housing a new population. In this regard, the Strategy may provide guidance in quantifying the extent of the agricultural land foregone, with a view to ensure preservation i.e. no nett loss in allocating preserved areas for such a purpose in proximity to the Sydney metropolitan fringe.
- The Strategy should articulate support of any other NSW Government initiatives in the preservation of a reliable supply of fresh food for Sydney.

3. *Should the Strategy recognise and protect areas of Sydney's rural landscape as having important heritage and cultural value? If so, how?*

It is important where possible that the Strategy acknowledge the need and desire of the community to recognise and preserve rural landscape areas that have significant heritage and cultural value. In this regard, the Strategy should enable Council to work collaboratively with the State Government in realising these goals and achieving the community's objectives.

4. *How can Strategy protect water catchments and biodiversity?*

Anecdotal evidence exists with regard to any proposed second major airport in the Sydney area i.e. at Wilton, there would occur significant adverse affect to both Sydney's water catchments and biodiversity. In this regard, the Strategy should clearly stipulate that in preserving these assets for Sydney, the location of a second major airport in these areas should be prohibited.

5. *How should the Strategy deal with potential impacts of mining and resource extraction?*

- As previously noted, one of the emerging challenges of today in not only NSW, but throughout Australia, is management of the competing priorities between the preservation of land for primary production versus mining and/or resource extraction. This is a particularly relevant issue for the Camden area, and may well have an impact in future on the South West Growth Centre;
- As this issue relates to the potential impact on primary production land, as noted previously, it is recommended that the Strategy definitively deals with this issue by providing clear guidelines as to what constraints and limitations should be established. This will enable all affected stakeholders to make informed decisions, both encouraging investment and providing food security for Sydney and NSW.

Connecting with the regions

1. *How can the Strategy help grow and diversify the economic base of regional NSW to capitalise on opportunities in each region?*

- As effectively a 'gateway community' between the Sydney metropolitan area and parts of regional NSW, it is important that communities such as Camden play an integral role in the future growth and diversified economic base of some of these

ORD05

regional areas. In this regard, it is crucial that in the development of any regional plans or strategies, that Camden Council is afforded the opportunity to input into their preparation, so as to provide an informed contribution;

- Further to the above point, by way of example, much of the land contained in the South West Growth Centre had historically played a key role in primary production. Notwithstanding the change in future use by way of growth in population, Camden as an area retains an element of the experience of regional NSW. In this regard it would be well placed to provide advice on future regional strategies for adjoining areas, particularly as a means in addressing the need to replace primary production land foregone.

2. *How can the Strategy take advantage of new technology such as high speed rail and the national broadband network to strengthen business connections between Sydney and regional NSW?*

As previously noted in the objection to a second major airport in the Sydney area, the future provision of a high speed rail link provides an opportunity to locate an airport outside of the metropolitan area. Wherever a second airport might be located (whether in regional NSW or interstate), the investment in high speed rail as a connection will only benefit regional NSW, in providing vastly improved connectivity, boosting local productivity and stimulating the regional economy. Similar outcomes would presumably be achieved (albeit on a wider scale) with a national broadband network. In this regard, it is recommended that the Strategy advocate for such investment to promote connectivity between Sydney and regional NSW.

3. *How should the Strategy make Sydney more self-sufficient in terms of water supply, production and use of energy, and disposal of waste?*

It is noted that responses dealing with water supply, production and use of energy are addressed in part elsewhere in this submission, as is the issue of waste management. As these matters relate to the link between Sydney and the regional areas of NSW, the issue of the disposal of waste is a salient point. The long term transfer of waste beyond the Sydney metro area is a matter that requires periodic monitoring and/or review. That being, the promotion of sustainable waste management practices should always be at the forefront of solution options, as opposed to the simple increase over time of waste transfer.

Delivering the Strategy

1. *Should each action in the Strategy have clear accountabilities for delivery in terms of the agency responsible and agreed timeframes?*

As noted in previous reviews of the Strategy, the concept of a Sydney Metropolitan Development Authority is not a new concept. Such an authority could be given the role to coordinate State Agency input into the planning process, with the capacity to override individual agencies in the interests of achieving balanced planning outcomes. The Authority would report directly to the Premier, and be responsible for the management of sizeable resources to achieve its goals.

Creation of a concept such as a Sydney Metropolitan Development Authority should not just be focused on urban renewal; rather it should be tasked with driving the delivery of the entire Strategy. It would be fundamentally important that the Strategy be used to guide all government planning and decision making, not just those of the Department of Planning and Infrastructure, for example. A whole of government approach and commitment is required. The Strategy therefore needs to be incorporated into all government level decision making processes, including Cabinet and Treasury. To achieve this, the Strategy needs to clearly

Attachment 2

define the outcomes to be achieved and set a framework for implementation of specific actions. The actions may themselves also be identified in the Strategy, as described further below.

2. *Will clear performance measures in the Strategy help to test the progress and success of each action?*

Council would support establishing clear performance measures in the Strategy that help test the progress and success of each action. A wide range of indicators need to be used to measure the success of the Strategy, including both community sustainability indicators and key performance indicators. Sustainability indicators should cover all of the social, environmental and economic aspects and should be both qualitative and quantitative measures. Key performance indicators should cover specific achievements such as job growth, rezoning times, dwelling numbers, etc.

3. *What kind of integrated monitoring framework should be put in place across the Metropolitan Strategy, the Long Term Master Plan and the State Infrastructure Strategy?*

In order to promote an integrated approach to corporate, strategic and infrastructure planning between NSW Government and Local Government, the following framework concept is recommended.

Similar to the requirements for all Councils under the *Local Government Act 1993*, an 'Integrated Planning and Reporting Framework' could be created that facilitates integration between Council corporate plans, *NSW 2021*, the Metropolitan Strategy, the *Long Term Transport Master Plan* and the *State Infrastructure Strategy*. In this regard, it would be a requirement of the NSW Government to ensure that development of these latter strategy documents are developed in such a way as to align with the existing 'Integrated Planning and Reporting Framework' already employed by Local Government.

4. *Should an annual Metropolitan Strategy Update Report be published?*

Council would support the initiative in publication of an annual Metropolitan Strategy Update Report. It is envisaged that an annual report would achieve a number of objectives through its publication, namely:

- Monitor achievement (or not) of key deliverables, the realisation of key milestones, and provide opportunity to ensure all content is up-to-date;
- Periodically (i.e. annually) promote the Strategy as a contemporary document, maintaining its relevance, and providing a useful, meaningful resource to all affected stakeholders;
- Provide an opportunity for the NSW Government to ensure its Strategy for Sydney is responsive to events, issues, trends of the day e.g. market forces, economic and climatic events, and thus avoid becoming dated.

5. *To what extent should approaches 1 to 5 feature in the Strategy? Are there other ways to ensure consistent, strong implementation?*

In order for the Strategy to take on a meaningful role in the future planning for Sydney, it is crucial that these approaches are clearly articulated, to ensure its consistent implementation. As stated previously, there exists an opportunity through the 'Integrated Planning & Reporting Framework' to facilitate effective implementation of the Strategy by all affected Council's, in the promotion of coordinated accountability across all spheres of Government.

ORDINARY COUNCIL

ORD06

SUBJECT: ADOPTION OF THE AMENDED DELIVERY PROGRAM 2011/12-2014/15, INCORPORATING THE 2012/13 OPERATIONAL PLAN AND BUDGET

FROM: Director Governance

BINDER: Integrated Planning and Reporting

PURPOSE OF REPORT

The purpose of this report is to adopt:

- the amended four year Delivery Program 2011/12 to 2014/15, which incorporates the Operational Plan for 2012/13,
- The 2012/13 Pricing Policy (including the Fees and Charges Schedule);
- A 3.60% rate increase under Section 506 of the *Local Government Act* in accordance with the allowable increase approved by IPART.

As required under the *Local Government Act*, Council is also required to resolve the following:

- Making of the rates and annual charges for 2012/13,
- Authorisation of expenditure and voting of money for 2012/13.

BACKGROUND

Council's Integrated Planning and Reporting Package was adopted on 14 June 2011. A number of amendments were made to the Delivery Program as part of the process of preparing the 2012/13 Operational Plan. These amendments focused on making the Delivery Program more user-friendly, providing more detail as to how performance indicators will be measured over time, and better representing the recurrent (business as usual) activities within each of the Local Services.

In addition, as part of the annual budget process, there were a number of recommended inclusions to the 2012/13 Budget over and above what were included in the Adopted 2011/12 – 2014/15 Delivery Program.

The amended 2011/12 – 2014/15 Delivery Program and Annual Operational Plan has been publicly exhibited for 28 days, in accordance with the Local Government Amendment (Planning and Reporting) Act, 2009, and is now ready for formal adoption by Council.

MAIN REPORT

The Integrated Planning and Reporting Package has now been in place for nearly 12 months. As part of the new legislative requirements, the entire Package will be subject to a comprehensive review to coincide with the new electoral term. The newly elected Council will be responsible for a new 4 year Delivery Program based on an updated Community Strategic Plan (Camden 2040). This will take effect 1 July 2013.

As reported to Council on 14 February 2012 (report titled 'Integrated Planning and Reporting Compliance - Feedback from the Division of Local Government') and 27 March 2012 (report titled 'Delivery Program Six Month Report'), there are several areas that require improvement. Essentially these areas include (as they relate to the Delivery Program and Operational Plan):

1. revised performance indicators, for some Local Services, to make clear how measurement will occur over time; and
2. a better representation of recurrent (business as usual) activities within each of the Local Services.

The preparation of the 2012/13 Operational Plan and Budget provided an opportunity to address these areas for improvement, and to better represent the information that relates to each of the Local Services. The Amended 2011/12 – 2014/15 Delivery Program was exhibited as part of the public exhibition for the 2012/13 Operational Plan and Budget.

FEEDBACK SUMMARY

Council, at its meeting of 8 May 2012, resolved to exhibit the Draft Amended 2011/12 – 2014/15 Delivery Program and Draft 2012/13 Operational Plan and Budget. This public exhibition took place from Friday 11 May to Friday 8 June 2012.

Two submissions were received on the Amended Delivery Program and Operational Plan, **copies of which are provided in Supporting Documents**. One of the submissions focused primarily on the need for more funding for cultural activity, (particularly public art) while the other submission focused on the increase in fees for personal training at the Mount Annan Leisure Centre.

With respect to the submission requesting additional funding for cultural activity (particularly public art), there are a range of strategies relating to public art that are not specifically reflected in the Delivery Program as they are part of Development Contributions. For example, each new public facility has a percentage of the total building cost allocated to public art. Where developers are providing these buildings as 'works in kind' or through 'voluntary planning agreements' they will not appear as a separate item. In addition, within Council's Capital Works Program there is an element of art factored in to significant projects.

With respect to the submission in relation to the increase in fees for personal training at Mount Annan Leisure Centre, please refer to section in this report titled 'Changes to the Draft Schedule of Fees and Charges'.

2012/13 OPERATING PLAN & BUDGET

There have been no changes to the Draft 2012/13 Budget since adoption for the purpose of public exhibition. A summary of Council's budget is provided in the following table:

Total Cash Budget	2012/13 Budget
Gross Expenditure	\$118,356,000
Less:	
Works In-Kind Land & Infrastructure	\$18,251,000
Non Cash Funded Depreciation	\$15,107,900
Net Cash Budget Expenditure	\$84,997,100

Council's budget position for the 2012/13 financial year remains a \$418,600 surplus. As reported to Council at its meeting 8 May 2012, in preparing the 2012/13 Budget, Council has carefully considered both community priorities and the long term financial sustainability of the organisation. For exhibition purposes, Council adopted the following allocation of the 2012/13 budget surplus:

2012/13 Budget Surplus Allocation	2012/13 Budget
Budget Surplus Available for Allocation	\$418,600
Allocated to:	
Additional Staffing Requirements	\$383,600
Community Small Grants Program Increase	\$35,000
Revised 2012/13 Budget Position	Balanced

Special Rate Variation

As previously reported to Council, there is no intention to seek a Special Rate Increase in 2012/13 above the allowable IPART limit of 3.60%. It should be noted that 0.40% of the 3.60% increase relates to the introduction of the Carbon Tax. Please refer to the separate report presented at tonight's meeting for further detail on the impact of the Carbon Tax.

A continuation of the current Special Rate Increase will be required in 2013/14 if Council is to continue to fund its Community Infrastructure Renewal Program and potentially part fund the construction of the new central administration building. A continuation of the Special Rate Increase must be approved by IPART and requires extensive community consultation before an application can be considered.

Loan Borrowings Program

As part of formally adopting the 2012/13 budget, Council is required to endorse the level of proposed loan borrowings. Council was advised on the 8 May 2012 of the intention to continue its loan borrowings program of \$1,600,000 per annum to part fund Council's Road Reconstruction Program.

Central Administration Building Reserve

The Central Administration Building Reserve was established as part of the planning for a new central administration building. The 2012/13 budget includes a transfer to reserve for the proposed central administration building of \$515,000. The balance of funds available within the reserve after this transfer will be \$3,982,510.

There is an allocation of \$1.4 million included within the 2012/13 budget for Council to commence the necessary design and preliminary works for the new central administration building. It is also proposed to utilise \$1.6m from this Reserve as an internal loan borrowing. Please refer to the 2011/12 Loan Borrowings report on tonight's council meeting agenda.

Working Funds Reserve

As reported to Council on the 8 May 2012, the 2012/13 requires a transfer from the working funds reserve of \$291,000 to assist in the funding of Council's major capital works programs such as the roads reconstruction program.

In addition, to this transfer, Council nominated a number of capital works projects to be funded from the working funds reserve, these are as follows:

2012/13 Councillor Nominated Capital Works Program	Cost
Little Sandy Bridge Rectification Works	\$250,000
Kirkham Netball Courts – Pavement Rectification	\$300,000
BEP – Repairs to Existing Bridges	\$20,000
Harrington Park Playing Field Lighting	\$90,000
Narellan Hockey Ground – Driveway Upgrade	\$35,000
Narellan Rugby League Ground – Driveway Upgrade	\$45,000
Cut Hill Reserve – Toilets	\$235,000
Lake Annan – Retrofitting of Gross Pollutant Trap	\$50,000
Wandarrah Reserve - Carparking	\$100,000
Camden Town Centre – Traffic Studies	\$90,000
Mount Annan Cottage – Essential Repairs	\$20,000
Narellan Admin Building – OH&S Requirements	\$15,000
Design Works – Capital Projects	\$250,000
BEP – Electricity Supply for Camping	\$14,000
Total Cost of Projects	\$1,514,000
Less: Reserve Funding Available	(\$140,000)
Total Funding Required from Working Funds Reserve	\$1,374,000

The allocation of funding to these projects will exhaust all funds held within the Working Funds Reserve.

Changes to the Draft Schedule of Fees and Charges

The Draft 2012/13 Fees and Charges have been prepared on the basis of a 5.00% increase over the prior year unless specific statutory or other reasons warrant a different percentage increase. There was one submission made during the public exhibition period, and one amendment required to the Draft Fees & Charges Schedule.

- Submission – Mount Annan Leisure Centre Fees

Council received a submission from a resident regarding the increase in fees for personal training at the Mount Annan Leisure Centre. Specifically, the resident queried the increase in personal training for a 60 minute session from \$60.00 to \$65.00 and the increase in personal training (2 people per session) from \$70.00 to \$88.00.

Council's response is that the personal training fee (2 people per session) has not increased since 2009, therefore now reflects a more realistic fee for providing the service. With respect to the increase in personal training for a 60 minute session, this fee has increased in line with the increase in membership fees, which is required to cover expected operational costs in 2012/13.

Council officers and the centre operators (YMCA) have provided a detailed response to the resident outlining the reasons for the fee increases. It is recommended that Council approve the fee increases for both of these services.

- Amendment – Amenities Cleaning Fee (Per Season) - \$50.00 GST Inclusive

A fee was erroneously omitted from the Draft Fees and Charges under the Community Facilities and Sporting Grounds section. The fee will be applied to hirers of Sportsgrounds that are multi use and cleaning is facilitated by Council.

It is recommended that the fee be included within the Adopted Schedule of Fees and Charges.

2012/13 List of Unfunded Works & Services

At the March Quarterly Review of the 2011/12 budget, Council was advised that as part of presenting the results of the public exhibition process of the Draft Amended 2011/12 to 2014/15 Delivery Program and Operational Plan, a revised list of unfunded works and services would be presented to Council.

There have been two items added to the unfunded works and services list since the public exhibition of the 2012/13 Operation Plan and Budget:

1. Mount Annan Drive Concrete Footpath to Narellan Road - \$60,000
2. Bus Shelter Installation Recurrent Program - \$35,000 per annum

The revised list of unfunded works and services is attached in Supporting Documents.

RATES & CHARGES FOR 2012/13 AND AUTHORISATION OF EXPENDITURE

Rates and charges must be made by resolution of Council.

In moving the adoption of the appropriate resolution, it is necessary to note that under the *Local Government Act, 1993*:

- All Councils are required to levy a separate Domestic Waste Management Charge. This charge must reflect the reasonable cost of providing the service as general rate revenue cannot be used to finance domestic waste management services;
- Revenue derived from domestic waste management services must be accounted for as a distinct activity from any trade waste or other waste service activity;
- Ratepayers who become eligible for pensioner concessions during the course of the year will become entitled to claim a proportionate rebate of their rates;

- Pension ratepayers who sell their land or lose eligibility for this concession will lose entitlement to a proportion of any previously granted rebate;
- Quarterly rate billing of each instalment must be given unless a ratepayer has, of course, paid their rates in full;
- Interest charges on overdue rates will only be applied to an overdue instalment;
- Interest charges on overdue instalments will be calculated on a daily basis;
- Rate instalments become payable on prescribed dates;
- Ratepayers who fail, for any reason, to pay an instalment on time will not be required to pay the balance of annual rates assessed immediately and will not be prevented from paying by quarterly instalments; and
- The rate of interest on overdue rates and charges is fixed by the Minister for Local Government pursuant to Section 566 of the *Local Government Act, 1993*. The Minister for Local Government has determined that the maximum rate of interest payable on overdue rates and charges for the 2012/13 rating year is 10%.

In relation to the authorisation of expenditure, Regulation 211 of the *Local Government (General) Regulation, 2005 to the Local Government Act 1993* provides:

- A Council, or a person purporting to act on behalf of a Council, must not incur a liability for the expenditure of money unless the Council at the annual meeting held in accordance with subclause (2) or at a later ordinary meeting:
 - a) has approved the expenditure; and
 - b) has voted the money necessary to meet the expenditure.
- A Council must each year hold a meeting for the purpose of approving expenditure and voting money.

2012/13 RATING POLICY

Rating Income

Council has agreed to maintain its current rating structure and as such:

1. Council has the following categories/sub-categories for rateable land in the Camden Local Government Area:
 - Residential
 - Business
 - Farmland Intensive
 - Farmland Ordinary
2. up to 50% of total rates will be raised by a base amount on all rateable assessments and such charge be the same for each category/sub-category.
3. that the ad-valorem rate for each category/sub-category be based on the following rating mix:

Residential	1.0	
Business	2.7	(ie 2.7 times the residential ad-valorem rate)
Farmland Intensive	0.9	(ie 0.90 times the residential ad-valorem rate)
Farmland Ordinary	0.5	(ie half the residential ad-valorem rate)

4. based on the rating scenarios currently being considered by Council, the ad-valorem rates and base charges would be charged as follows:

Rate Category	Base Charge	Ad-Valorem Rate
Residential	\$621.00	0.228211
Business	\$621.00	0.616170
Farmland Intensive	\$621.00	0.205390
Farmland Ordinary	\$621.00	0.114106

The changes in the base charge and ad-valorem from council's draft Revenue Policy is largely a result of recognising additional rateable assessments from land releases in areas such as Oran Park, Gregory Hills, Elderslie and Spring Farm. The subsequent budget adjustment relating to this change will be reported to Council at the first quarterly review (September) of the 2012/13 budget.

Waste Management Service Charges

The proposed 2012/13 Domestic Waste Service charges range from a base amount of \$101.20 for vacant properties to \$473.50 for 240 litre bins, reflecting an increase of 4.00% on 2011/12 charges. The most used service, the 120 litre urban service will only increase by \$10.50 per annum. The increase is a result of an increase in operational costs incurred by the waste management service due to inflation and operational conditions such as fuel costs and waste disposal fees.

The complete list of bins available can be found in Council's Fees and Charges and will be recommended for adoption as the 2012/13 annual charges.

Stormwater Management Levy

Council has taken the approach that this levy should be used to promote water harvesting by Council, and improve the quality of water flowing into our streams and rivers. It is proposed that there be no change to the Levy for the 2011/12 Program Budget.

1. Annual Charge for stormwater management services

The levy is to be charged as follows:

- a) for land categorised as residential - \$20.
- b) for residential Strata lots - \$10 (50% of the adopted charge as applied to residential properties).
- c) for land categorised as business - \$20 (per 700 square metres or part thereof, the business levy is capped at \$1,000).
- d) for business strata complexes - \$20 (per 700 square metres or part thereof. The cost is then divided on a pro-rata basis between the lots. The business strata levy is capped at \$1,000 for each individual parcel).

2. Exemptions from the Levy

The following exemptions apply to the Stormwater Management Levy

- Land exempt from rating under the *Local Government Act 1993*.
- Vacant Land (as defined under the *Local Government (General) Amendment (Stormwater) Regulation 2006*).
- Land owned by the Dept of Housing.
- Some land managed under the *Aboriginal Housing Act*.
- Pensioners (see below).

Ratepayers who currently receive a pension rebate will be exempt from this levy providing they qualify for the pension rebate at 1 July of any given rating year.

3. Stormwater Management Levy Program of Works

The Stormwater Management Levy will generate approximately \$377,800 in the 2012/13 financial year. Council will need to adopt the program of works as part of this report. Further details of the works to be funded from the levy can be found under the Revenue Policy Section of the Operational Plan, Pages 12-17.

CONCLUSION

The draft Amended 2011/12 – 2014/15 Delivery Program, incorporating the 2012/13 Operational Plan underwent some minor improvements, and was publicly exhibited from Friday 11 May to Friday 8 June 2012.

Only two submissions were received from the public regarding the Delivery Program and Operational Plan, and as such it is difficult to recommend change to either Plan.

RECOMMENDED

That Council:

- i. adopt the Amended 2011/12 – 2014/15 Delivery Program, including the 2012/13 Operation Plan and Budget;**
- ii. endorse the 2012/13 Budget and Revenue Policy as set out below:**
 - Expenditure totalling \$118,356,000 as summarised in the 2012/13 Operational Plan and Program Budget and that the funds to cover such expenditure be voted,**
 - The 2012/13 List of unfunded Works and Services,**
 - The 2012/13 Fees and Charges, including the amendment proposed within this report,**
 - The continuation of the Stormwater Management Levy as outlined in this report and program of works in the 2012/13 Operating Plan,**
 - Approve the level of loan borrowings identified within the 2012/13 budget of \$1,600,000,**
 - Approve the transfer of \$515,000 to the Central Administration Building Reserve as allowed for in the 2012/13 budget,**
 - Approve the transfer of \$1,374,000, from the Working Funds Reserve to fund the 2012/13 Councillor nominated Capital Works Program,**
 - Approve the transfer of \$90,000 from the Camden Town Centre Reserve to fund the Camden Town Centre traffic studies and minor concept works,**
 - Approve the transfer of \$50,000 from the Stormwater Management Levy Reserve to fund the retro-fitting of the Lake Annan Gross Pollutant Trap,**
 - Approve the transfer of \$291,000 from the Working Funds Reserve to assist in funding Council’s major recurrent capital works programs including the road reconstruction program,**
 - Approve the allocation of the 2012/13 budget surplus as follows:**

2012/13 Budget Surplus Allocation	2012/13 Budget
Budget Surplus Available for Allocation	\$418,600
Allocated to:	
Additional Staffing Requirements	\$383,600
Community Small Grants Program Increase	\$35,000
Revised 2012/13 Budget Position	Balanced

- iii. adopt a 3.60% rate increase under Section 506 of the *Local Government Act*, in accordance with the allowable increase approved by IPART.
- iv. in accordance with Section 537(b) of the *Local Government Act, 1993*, note the percentage of base amount to total yield for the 2012/13 financial year for each class of rate is:

Rate Category	
Residential	49.90%
Business	12.93%
Farmland Intensive	25.07%
Farmland Ordinary	21.21%

- v. adopt the following ad-valorem rates to be levied on the land value of all rateable assessments for 2012/13 financial year:

Rate Category	
Residential	0.228211
Business	0.616170
Farmland Intensive	0.205390
Farmland Ordinary	0.114106

- vi. adopt a base amount of \$621.00 to be levied for each rateable assessment for the 2012/13 financial year,
- vii. adopt the rate permitted by the Minister for Local Government for the allowable interest rate on overdue rates of 10.00%.

ATTACHMENTS

1. Unfunded Works and Services List
2. Public Submissions - *Supporting Document*

ORD06

Attachment 1

2012/13 Amended Delivery Program - List of Unfunded Works & Services

REC/ NON-REC	KEY SUPPORT STRATEGY	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
Development Control				
R	Workforce Planning	Development - Additional Staff Member	101,100	Development Services
R	Workforce Planning	Development - Additional Staff Member	93,000	Development Services
R	Workforce Planning	Development - Additional Staff Member	93,000	Development Services
R	Workforce Planning	Development - Additional Staff Member	61,800	Development Services
R	Workforce Planning	Development - Additional Staff Member	101,100	Development Services
R	Operational Increase	Increase in Budget Funding - Consultancy Inspections	103,000	Development Services
			553,000	
Urban & Rural Planning				
R	Workforce Planning	Capital Works - Additional Staff Member	107,200	Capital Works
R	Workforce Planning	Capital Works - Additional Staff Member	107,200	Capital Works
N	Operational Increase	Development Review - Council's Off-Street Car Parking Requirements	26,000	Development Services
N	Operational Increase	Local Environment Plan and Development Control Plan Review	50,000	Strategic Planning
N	Operational Increase	Section 94 Camden Contributions Plan Review (Every 5 Years)	50,000	Strategic Planning
R	Workforce Planning	Strategic Planning - Additional Staff Member	119,400	Strategic Planning
R	Workforce Planning	Strategic Planning - Additional Staff Member	44,500	Strategic Planning
R	Workforce Planning	Strategic Planning - Additional Staff Member	56,900	Strategic Planning
R	Workforce Planning	Strategic Planning - Additional Staff Member	107,200	Strategic Planning
			668,400	
Heritage Protection				
R	Operational Increase	Heritage Grants Scheme	21,800	Strategic Planning
			21,800	
Waste Services				
R	Workforce Planning	Environment & Health - Additional Staff Member	56,900	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	54,500	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	54,500	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	54,500	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	56,900	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	54,500	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	54,500	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	54,500	Environment & Health
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R	Workforce Planning	Environment & Health - Additional Staff Member	54,500	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	54,500	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	54,500	Environment & Health
N	Capital Upgrade	Waste Management - Depot Expansion (Additional Staff Accommodation)	45,000	Environment & Health
			649,300	
Regulating the Use of Public Areas				
N	Capital Upgrade	Fence Council's Leash Free Area - River Road, Elderslie	60,000	Environment & Health
N	Capital Upgrade	Leash Free Area - Growth Centres Release Area	10,000	Environment & Health
N	Operational Increase	Regulatory Compliance - Digital Infringement Devices for Rangers	25,000	Environment & Health
N	Operational Increase	Tablet Computer for EHO field work	25,000	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	76,800	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	76,800	Environment & Health
N	Operational Increase	Parks Playground and Sports fields - No Smoking Signage	25,000	ESD
N	Operational Increase	Signage Policy Implementation	20,000	ESD
			318,600	
Public Health				
R	Workforce Planning	Environment & Health - Additional Staff Member	44,500	Environment & Health
R	Workforce Planning	Environment & Health - Additional Staff Member	93,000	Environment & Health
			137,500	
Protection of the Natural Environment				
N	Capital Upgrade	Culvert Extension Sheathers Lane	20,000	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management

ORD06

Attachment 1

2012/13 Amended Delivery Program - List of Unfunded Works & Services

REC/ NON-REC	KEY SUPPORT STRATEGY	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
N	Capital Upgrade	Floodlights for Rossmore reserve	130,000	Community Services
N	Operational Increase	Orslow Park - Masterplan and Plan of Management	25,000	Community Services
N	Capital Upgrade	Camden Local Facilities - Athletics Track [General Fund Cont. to S94 Project]	5,000,000	Community Services
R	Capital Upgrade	Implementation of POM's	114,100	Community Services
R	Workforce Planning	ESD - Additional Staff Member	92,200	ESD
			12,906,000	
Environmental Activities				
N	Capital Upgrade	Energy Savings Action Plan - Cost Effective ECM's	180,000	Asset Management
R	Workforce Planning	Environment & Health - Additional Staff Member	56,900	Environment & Health
N	Capital Upgrade	Kirkham Reserve - Install Rainwater Tank Non-Potable Uses	10,000	ESD
			246,900	
Appearance of Public Areas				
N	Operational Increase	Street Tree Planting Program - Camden to Narellan	25,000	Asset Management
R	Operational Increase	Increase in Street Sweeping budget	37,000	Asset Management
N	Capital Upgrade	New Toilets at Nepean Shareway	110,000	Capital Works
N	Capital Upgrade	Chellaston Street Reserve Toilet Facility Upgrade	150,000	Capital Works
N	Operational Increase	Develop tree management database in Camden	40,000	ESD
R	Operational Increase	Public Domain Tree Maintenance - Additional Budget Allocation Increase	34,600	ESD
R	Operational Increase	Priority Tree Removal - Program Continuation	30,000	ESD
			426,600	
Tourism				
N	Capital Upgrade	Council contribution to Regional VIC	500,000	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	24,720	Employee & Customer Service
			524,720	
Management of Significant Places				
N	Capital Upgrade	Camden Town Centre Improvements (part funded in LTFP)	7,058,000	Capital Works
			7,058,000	
Road Safety				
N	Capital Upgrade	Curry Reserve - Learn to Ride Cycle Track	60,000	Community Services
R	Operational Increase	Road Safety Program	87,400	ESD
			147,400	
Local Traffic Management				
N	Capital Upgrade	Street Lighting Improvements - Wire Lane / Armour Street Camden South	50,000	ESD
N	Capital Upgrade	Street Lighting - Remembrance Drive Camden South	250,000	ESD
N	Capital Upgrade	Simeaton Grange Road - Street Lighting Improvements	10,000	ESD
N	Capital Upgrade	Chellaston Street - Single Street Light Installation	25,000	ESD
N	Capital Upgrade	Traffic Intersection lighting - Lodges Road & Sirius Circuit	18,000	ESD
N	Capital Upgrade	Traffic Intersection lighting - Mount Annan & Rose Drive	10,000	ESD
N	Operational Increase	Rural Street Lighting - North Ward Staged Implementation	30,000	ESD
R	Operational Increase	Traffic Services - General Traffic Complaints & Management Allocation	51,500	ESD
R	Operational Increase	Traffic Modelling - Annual Program Allocation Increase	23,200	ESD
N	Capital Upgrade	Lighting Upgrade - Catherine Fields RFS Carpark	7,000	Asset Management
			469,700	
Construction & Maintenance of Infrastructure				
N	Capital Upgrade	Sheathers Lane & Werombi Rd Footpath to Carrington Aged Care Complex	600,000	Asset Management
N	Capital Upgrade	Road & Drainage - Purchase of Outreach Mower	120,000	Asset Management
N	Capital Upgrade	Old Hume Highway Footpath Construction	150,000	Asset Management
N	Capital Upgrade	Camden Bypass Wall Repairs - Waste Green Place Narellan Vale Section	55,000	Asset Management
N	Capital Upgrade	Yarmouth Place Footpath Construction	70,000	Asset Management
N	Capital Upgrade	Moore Place Footpath Construction	55,000	Asset Management
N	Capital Upgrade	Sirius Circuit Footpath Construction	35,000	Asset Management
N	Capital Upgrade	Macquarie Avenue Footpath Extension	25,000	Asset Management

2012/13 Amended Delivery Program - List of Unfunded Works & Services

REC/ NON-REC	KEY SUPPORT STRATEGY	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
N	Capital Upgrade	Reeve Place/Remembrance Drive (Old Hume Highway) Footpath Construction	25,000	Asset Management
N	Capital Upgrade	Hop Bush Place Footpath Construction	20,000	Asset Management
N	Capital Upgrade	Queen Street Footpath Construction	20,000	Asset Management
N	Capital Upgrade	Grahams Hill Road Footpath Construction	10,000	Asset Management
N	Capital Upgrade	Camden CBD - Installation of Bicycle Racks	3,000	Asset Management
N	Capital Upgrade	Kirkham Park Entry Improvements	20,000	Asset Management
N	Capital Upgrade	Harrington Green Reserve Formal Carparking	600,000	Asset Management
N	Capital Upgrade	Low loader trailer for moving of heavy plant- Depot	48,000	Asset Management
N	Capital Upgrade	Dowles Lane pavement upgrade	500,000	Asset Management
N	Capital Upgrade	Murray Street Camden - Kerb Blister and Access Ramp	18,000	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	50,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	59,400	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	101,100	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	93,000	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	78,000	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	50,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	59,400	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	113,300	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	50,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	59,400	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	54,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	54,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	54,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	54,500	Asset Management
R	Asset Management	Roads Infrastructure - Asset Renewal	101,100	Asset Management
R	Asset Management	Roads Infrastructure - Additional Maintenance Request	206,000	Asset Management
R	Asset Management	Roads Infrastructure - Additional Operational Expense Request	374,600	Asset Management
N	Capital Upgrade	Doncaster Ave Carpark	7,800,000	Capital Works
N	Capital Upgrade	Camden Multi Decked Carpark Construction	6,000,000	Capital Works
N	Capital Upgrade	Birriwa Reserve Parking - Additional Parking Bay	100,000	ESD
N	Capital Upgrade	Camden Valley Way / Macarthur Road Intersection	200,000	ESD
N	Capital Upgrade	Narellan Road Bus Shelter Lighting Improvements	15,000	ESD
N	Capital Upgrade	Camden Valley Way/Richardson Roads right turn bays	1,000,000	ESD
N	Capital Upgrade	Macarthur Road/Merino Drive Roundabout Construction	500,000	ESD
N	Capital Upgrade	Murray/Broughton Street Roundabout & Median Closure	500,000	ESD
N	Capital Upgrade	Carwar Road Cycleway Extension (Camden to New High School)	300,000	ESD
N	Capital Upgrade	Bus Stop Upgrade - Camden Valley Way Narellan	50,000	ESD
N	Capital Upgrade	O'Dea / Morgan Roads Traffic Facility	15,000	ESD
N	Capital Upgrade	John Street/Mitchell Street Roundabout Construction	350,000	ESD
N	Capital Upgrade	Intersection Upgrade - Cashmere Drive and Southdown Road	150,000	ESD
N	Capital Upgrade	Merino Drive/Cashmere Drive Traffic Island	85,000	ESD
N	Capital Upgrade	Mount Annan District Centre - Traffic Improvements	800,000	ESD
N	Capital Upgrade	Welling Dr/Waterworth Dr Roundabout landscaping	20,000	ESD
N	Capital Upgrade	Old Hume Highway Roundabout	15,000	ESD
N	Capital Upgrade	Footpath Construction - Tramway Drive to Narellan Road Bus-stop	12,000	ESD
N	Capital Upgrade	Old Hume Highway/Ironbark Avenue Roundabout	600,000	ESD
N	Capital Upgrade	Hayter Reserve to Bicentennial Park Cycleway	300,000	ESD
N	Capital Upgrade	Intersection Upgrade - 'bout at Macarthur/Harrington Street	150,000	ESD
N	Capital Upgrade	Pedestrian footbridge at Macquarie Grove Bridge	1,000,000	ESD
N	Capital Upgrade	Remembrance Drive/Elizabeth Macarthur Ave Traffic Signals	400,000	ESD
N	Capital Upgrade	Footpath Construction - Werombi Rd (Ellis Lane to Smalls Road)	350,000	ESD
N	Capital Upgrade	Intersection Upgrade - Roundabout at Mitchell/Elizabeth St	300,000	ESD
N	Capital Upgrade	Intersection Upgrade - Roundabout Werombi Road/Ellis Lane	300,000	ESD
N	Capital Upgrade	Intersection Upgrade - 'bout Bowman/Elizabeth Mac Ave	300,000	ESD
N	Capital Upgrade	Intersection Upgrade - Roundabout Coolidge/Ulmarra Avenues	300,000	ESD

ORD06

2012/13 Amended Delivery Program - List of Unfunded Works & Services

REC/ NON-REC	KEY SUPPORT STRATEGY	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
N	Capital Upgrade	Murrumbidgee Ave/Macquarie Ave Roundabout Construction	250,000	ESD
N	Capital Upgrade	Anthony Road Realignment	250,000	ESD
N	Capital Upgrade	Intersection Upgrade - Cabbitty Road and Cut Hill Road	150,000	ESD
N	Capital Upgrade	Intersection Upgrade - Traffic Signals Argyle/John St	550,000	ESD
N	Capital Upgrade	Intersection Upgrade - Elyard Street and Somerset Avenue	100,000	ESD
N	Capital Upgrade	Intersection Upgrade - Rickard Road and Byron Road	70,000	ESD
N	Capital Upgrade	Guadrail Installation - O'Dea Road Mount Annan	15,000	ESD
N	Capital Upgrade	Additional Car Parking - The Links Narellan	15,000	ESD
N	Capital Upgrade	Purchase of surveying equipment	60,000	ESD
N	Capital Upgrade	14 additional car parking bays Harrington Park Public School	30,000	ESD
N	Capital Upgrade	Mount Annan Drive Concrete Footpath to Narellan Road	60,000	ESD
R	Capital Upgrade	Camden to Narellan Cycleway Extension	200,000	ESD
R	Capital Upgrade	Camden LGA Bus Shelter Upgrade (Non DDA Compliant Works)	3,500,000	ESD
R	Workforce Planning	ESD - Additional Staff Member	78,000	ESD
R	Workforce Planning	ESD - Additional Staff Member	65,900	ESD
N	Capital Upgrade	Reconstruction of Turner Road (Camden Valley Way to Dunn Road)	1,050,000	Strategic Planning
N	Capital Upgrade	Reconstruction of Turner Road to Dunn Road and creek	1,505,000	Strategic Planning
			34,223,300	

Attachment 1

Recreation Services & Facilities				
REC/ NON-REC	KEY SUPPORT STRATEGY	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
N	Capital Upgrade	BEP internal road improvements Council share only (half cost with BEP committee)	45,000	Asset Management
N	Capital Upgrade	Design new roof structure for Camden Pool flat	15,000	Asset Management
R	Capital Upgrade	BEP maintenance of internal gravel roads	215,100	Asset Management
N	Capital Upgrade	Building Construction - PCYC	4,000,000	Capital Works
N	Capital Upgrade	Town Farm - Development of a "Miss Llewella Davis" Town Farm Walkway	30,000	Community Services
N	Capital Upgrade	Town Farm - Restoration of Chinese Gardens Irrigation Storage Wells	18,600	Community Services
N	Capital Upgrade	Camden South - Bowman Reserve Tennis Court	250,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Access Roads Sealed	128,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Bridge behind Clubhouse	193,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Arenas sand treatment (campdraft and rodeo)	30,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Floodlighting Main Arena	120,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Dressage Arenas	58,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Tree Planting	50,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Irrigation for multi-use arenas	30,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Horse stalls - 200 open	207,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Drainage - Carex Wetland	173,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Boundary fencing	105,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Cross country training course	12,500	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Arena surface upgrade	209,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Southern Pavilion Extension	247,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Irrigation Installation	207,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Arena Seating	184,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Rodeo/campdraft Arena Floodlights	179,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Horse stalls - 104 covered	144,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Pony Club development	144,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Drainage - Northern open Drain	122,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Arena Fencing	122,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Drainage - Wetland Discharge	75,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Footpath to Existing Timber Bridge	58,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Causeway raising	46,000	Community Services
N	Capital Upgrade	BEP Masterplan Implementation - Camping power bowser	46,000	Community Services
N	Operational Increase	Review of strategic documents - Recreation Needs Study	30,000	Community Services
N	Operational Increase	Develop landscape masterplans and designs eg POM's	30,000	Community Services
N	Operational Increase	Review of strategic documents - Open Space plan	25,000	Community Services
R	Capital Upgrade	Camden Town Farm Infrastructure and Development	145,000	Community Services
R	Capital Upgrade	Large value assets - MALC	845,000	Community Services
R	Operational Increase	Camden Town Farm & BEP Program Costs for Officer	97,000	Community Services
R	Operational Increase	Bicentennial Equestrian Committee - Additional Funds Request	68,800	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	97,100	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	74,000	Community Services

2012/13 Amended Delivery Program - List of Unfunded Works & Services

REC/ NON-REC	KEY SUPPORT STRATEGY	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
R	Operational Increase	Natural Areas - Town Farm Community Nursery Allocation	21,500	ESD
			8,796,600	
Community & Cultural Development				
R	Operational Increase	Camden Community Plan - Program Implementation	31,400	Community Services
R	Operational Increase	Cultural Development - Public Art Planning and Cultural Activity	25,000	Community Services
R	Operational Increase	Community Development Activity Funding - Neighborhood Activities	5,000	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	26,300	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	52,500	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	93,000	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	93,000	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	93,000	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	101,100	Community Services
			520,300	
Community Support Facilities & Services				
N	Capital Upgrade	Rehabilitation of faulty pavement on netball courts at Kirkham Park	400,000	Asset Management
N	Capital Upgrade	Jack Nash Reserve - Improvements to Amenities Building	35,000	Capital Works
N	Capital Upgrade	Charker Drive - Second storey Clubroom - Soccer & Netball Amenities	300,000	Capital Works
N	Capital Upgrade	Community Facilities - Audio Visual Equipment	50,000	Community Services
N	Capital Upgrade	Civic Centre - Upgrade Kegs System (Replace with Fridges)	16,000	Community Services
N	Capital Upgrade	Civic Centre - Digital Cash Register for Automatic Bar Stocktake	8,000	Community Services
N	Capital Upgrade	Civic Centre - Digital Security System	5,000	Community Services
N	Capital Upgrade	Civic Centre Upgrade - Investigation & Concept Designs	33,500	Community Services
N	Capital Upgrade	Civic Centre - Major Refurbishments	750,000	Community Services
N	Capital Upgrade	Civic Centre Generator	68,000	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	56,900	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	65,900	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	65,900	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	101,100	Community Services
R	Capital Upgrade	Camden Cemetery works	5,000,000	ESD
			6,955,300	
Community Engagement				
R	Workforce Planning	Community Services - Additional Staff Member	101,100	Community Services
			101,100	
Library Services				
N	Capital Upgrade	Narellan Library Community Rooms - Operable Wall Replacement	30,000	Asset Management
N	Capital Upgrade	Narellan Library Community Rooms - Reception Desk Security Improvements	5,000	Asset Management
N	Capital Upgrade	Narellan Library Community Rooms - Installation of Glass Security Doors	4,000	Asset Management
N	Operational Increase	Narellan Library Plaza - Large Shade Tree	22,000	Community Services
R	Operational Increase	Sunday Operation Camden Library Service - 4 Hours	45,000	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	69,900	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	56,900	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	50,500	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	69,900	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	50,500	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	78,000	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	50,500	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	50,500	Community Services
			582,700	
Community Information				
N	Capital Upgrade	Upgrade to existing phone system	189,500	Employee & Customer Service
N	Capital Upgrade	Customer Service - Call Centre Technology Improvements (New Admin Bldg)	450,000	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	78,000	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	113,300	Employee & Customer Service
			830,800	

ORD06

Attachment 1

2012/13 Amended Delivery Program - List of Unfunded Works & Services

REC/ NON-REC	KEY SUPPORT STRATEGY	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
Stewardship of Community Resources				
N	Capital Upgrade	Parks & Gardens Depot - Site Relocation	150,000	Capital Works
R	Workforce Planning	Executive Management - Additional Staff Member	140,000	General Manager
R	Workforce Planning	Executive Management - Additional Staff Member	140,000	General Manager
R	Workforce Planning	Executive Management - Additional Staff Member	107,200	General Manager
R	Workforce Planning	Executive Management - Additional Staff Member	107,200	General Manager
			644,400	
Corporate support Services				
N	Capital Upgrade	Narellan Works Depot - Multi Level Storage Shelving for Storerooms	8,000	Asset Management
N	Capital Upgrade	Narellan Works Depot - Pavement Repairs and Drainage Improvements	100,000	Asset Management
N	Capital Upgrade	Rainwater Tanks for Council Buildings	32,000	Asset Management
N	Capital Upgrade	Installation of Solar Panels, Queen Street Carpark	19,000	Asset Management
N	Capital Upgrade	Solar Hot Water Heating Narellan Office	10,000	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	34,900	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	46,700	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	34,900	Asset Management
R	Asset Management	Buildings - Asset Renewal	55,800	Asset Management
R	Asset Management	Buildings - Additional Maintenance Request	54,600	Asset Management
R	Asset Management	Buildings - Additional Operational Expense Request	0	Asset Management
N	Operational Increase	Microfiche Conversion of old rate notices	5,000	Corporate Services
N	Operational Increase	Data retrieval from SEMA old rate notices	10,000	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	82,100	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	56,900	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	65,900	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	92,200	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	45,000	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	56,900	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	56,900	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	56,900	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	78,000	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	78,000	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	78,000	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	56,900	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	56,900	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	82,100	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	35,000	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	82,100	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	113,300	Corporate Services
N	Operational Increase	Extension of WELL Program	8,000	Employee & Customer Service
N	Operational Increase	Authority HR Module Implementation (including Employee Kiosk)	28,400	Employee & Customer Service
N	Operational Increase	Risk Management - OH&S System Implementation	82,200	Employee & Customer Service
R	Operational Increase	Branch Specific Training - increase in Annual Funding Allocation	43,700	Employee & Customer Service
R	Operational Increase	Employee Relations - Recruitment Advertising Costs	27,400	Employee & Customer Service
R	Operational Increase	Corporate Sponsorship & Donations Program	27,400	Employee & Customer Service
R	Operational Increase	Additional 2 trainees/apprentices annual	50,000	Employee & Customer Service
R	Operational Increase	E Learning Induction Program	15,000	Employee & Customer Service
R	Operational Increase	Careers Expos and Trade Shows	8,000	Employee & Customer Service
R	Operational Increase	Direct Marketing to students/graduates	2,000	Employee & Customer Service
R	Operational Increase	Recruitment Software	5,000	Employee & Customer Service
R	Operational Increase	OH&S Program Costs	10,000	Employee & Customer Service
R	Operational Increase	Risk Management Program Costs	10,000	Employee & Customer Service
R	Operational Increase	Social Media Advertising	5,000	Employee & Customer Service
R	Operational Increase	Risk Framework & Implementation	15,000	Employee & Customer Service
R	Operational Increase	Property Insurance Asset Valuation	37,600	Employee & Customer Service
R	Operational Increase	Bi-monthly publication of Let's Connect	8,400	Employee & Customer Service
R	Operational Increase	Improvements to Let's Connect (increased size and circulation)	9,700	Employee & Customer Service
R	Operational Increase	Media Monitors	5,000	Employee & Customer Service
R	Operational Increase	Additional Events Advertising	5,000	Employee & Customer Service
R	Operational Increase	Vehicle for Employee Relations Team Leader	15,000	Employee & Customer Service
R	Operational Increase	Vehicle for PR Officer	15,000	Employee & Customer Service
R	Operational Increase	Electronic Performance Management System	25,000	Employee & Customer Service

2012/13 Amended Delivery Program - List of Unfunded Works & Services

REC/ NON-REC	KEY SUPPORT STRATEGY	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	74,000	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	59,400	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	113,300	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	65,900	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	65,900	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	74,000	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	74,000	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	69,900	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	65,900	Employee & Customer Service
			2,704,100	
Management of Emergency Events				
N	Capital Upgrade	Shade structure for SES	11,000	Asset Management
			11,000	
		Total Value of Unfunded Works & Services	85,790,620	

ORDINARY COUNCIL

ORD07

SUBJECT: REVIEW OF THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

FROM: Director Governance

BINDER: Code of Conduct

PURPOSE OF REPORT

To update Council on the progress of the review of the Model Code of Conduct for Local Councils in NSW and obtain a Council resolution to endorse a submission to the Division of Local Government (the Division) regarding the proposed amendments.

BACKGROUND

The original Model Code of Conduct for Local Councils in NSW commenced operation on 1 January 2005. A revised version came into force in June 2008, and is the current adopted version.

Since the adoption of the current version, the Division has identified, or it has been brought to its attention, that there are 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.

Following a request from the Minister for Local Government, the Division commenced a review of the Model Code of Conduct for Councils in NSW last year.

MAIN REPORT

As part of the review process, the Division consulted with councils and other stakeholders via a variety of means. This included:

- a discussion paper seeking the views of stakeholders and any other interested parties on the operation of the current version of the Model Code and areas for improvement;
- a position paper on a draft reform proposal for the Model Code and the misbehaviour provisions of the Act;
- a series of workshops held throughout NSW.

Council, at its meeting of 12 July 2011, resolved to endorse a submission in response to the discussion paper and, as such, a submission was sent to the Division. In total, the Division received 122 submissions in response to the discussion paper and 93 submissions on the position paper.

Incorporating the feedback provided to the Division, a refined proposal has been developed, resulting in the following draft documents:

- Proposed amendments to the Model Code of Conduct;
- Proposed new procedures for the administration of the Model Code;
- Proposed amendments to the Local Government Act 1993 and Local Government (General) Regulation 2005.

Copies of the documents are included in **Attachment 1 at the end of this report.**

Proposal

For ease of use, the Division is proposing to simplify the Model Code by splitting it in to two distinct instruments, being a Model Code of Conduct (comprised of the prescribed standards of conduct) and Procedures for the Administration of the Model Code (being the procedural requirements of the Code).

Along with the proposal to divide the Code into two separate documents, amendments to the content of the documents are proposed. In the main, these amendments relate to the procedures that apply to the consideration of matters under the Code. The majority of the amendments proposed are considered appropriate and will assist in ensuring complaints are managed in a methodical, procedurally prescribed manner.

The Division is now seeking comment on the technical detail of the proposed changes. A draft submission prepared by Council **is provided as Attachment 2 at the end of this report** for Councillors review and comment. The draft submission lists the proposed major changes and expresses an opinion on each matter.

CONCLUSION

Prior to recommending the final Model Code and the Model Code procedures to the Minister for consideration, the Division will consider submissions from interested parties.

The Division will supplement the new Model Code and Procedures with amended Guidelines along with an updated education package to assist councils in raising awareness among Councillors, staff, delegations and committee members of any new requirements under the new Model Code and Procedures.

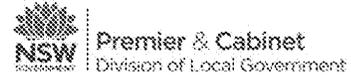
RECOMMENDED

That Council endorse the submission to the Division of Local Government on the Model Code of Conduct reforms.

ATTACHMENTS

1. Review of Model Code of Conduct for Local Councils in NSW -Consultation Drafts
2. Model Code of Conduct - Review Submission to Division

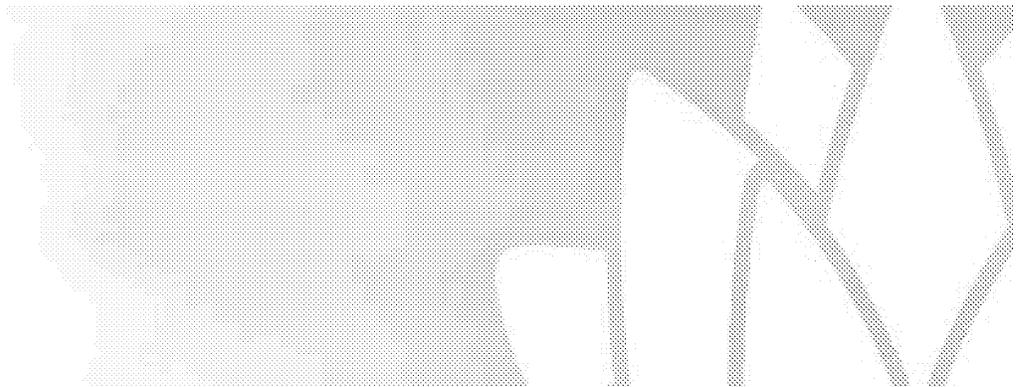
ORD07



Division of Local Government
Department of Premier and Cabinet

Review of the Model Code of Conduct for Local Councils in NSW

Attachment 1



May 2012

Consultation Drafts

1. BACKGROUND

The original version of the Model Code of Conduct for Local Councils in NSW (the Model Code) commenced operation on 1 January 2005. A revised version of the Model Code subsequently came into force on 27 June 2008 and operates to this day.

The Model Code is an evolving document. While the framework for managing complaints about council officials has vastly improved over the 6 years the Model Code has been in operation, we agree that there remains scope for further refinement and improvement.

Over the three years in which the revised Model Code has been in operation, we have identified or have had brought to our attention a number of areas where the Model Code has not operated in the manner in which it was intended or where its operation could be improved.

We commenced a comprehensive review last year at the request of the Minister for Local Government, the Hon. Don Page MP. We issued a discussion paper in which we outlined the issues that had been raised with us about the operation of the current version of the Model Code. We asked you about any other areas where you considered the Model Code required improvement and asked for your suggestions on how best to make those improvements. We also asked for your views on possible options for improving the Model Code to address the issues that have been raised with us.

We received a total of 122 submissions in response to our discussion paper from a diverse range of sources. Based on our consideration of your submissions we prepared a reform proposal with respect to the Model Code and the misbehaviour provisions of the *Local Government Act 1993* (the Act).

We issued a position paper in which we outlined our proposal and asked you for your comments. We also held workshops around the State to discuss the proposal and to identify possible improvements to it.

We received close to 100 submissions in response to our position paper from a diverse range of sources. Our workshops were also well attended. Based on the

ORD07

Attachment 1

feedback we received from submissions and the workshops we have refined our proposal. The changes to our proposal are outlined below.

2. WHAT IS THE PURPOSE OF THIS PAPER?

Based on our consideration of the feedback we received on our position paper, we have now finalised our reform proposal. We have drafted the following for the purposes of implementing our final proposal:

- Proposed amendments to the Model Code (the amendments are highlighted in bold)
- Proposed new procedures for the administration of the Model Code
- Proposed amendments to the Local Government Act 1993 and Local Government (General) Regulation 2005 (the amendments are highlighted in bold)

As foreshadowed in the position paper, we now seek your comment on the technical detail of the proposed changes.

We request that submissions be made in writing and sent to the following postal address:

Division of Local Government
Department of Premier and Cabinet
Locked Bag 3015
NOWRA NSW 2541

Alternatively, submissions may be emailed to dlg@dlg.nsw.gov.au.

We ask that submissions be received by **Tuesday, 26 June 2012**.

Should you wish to contact us to discuss the consultation drafts or the Model Code of Conduct Review, you may contact Mr John Davies, the Leader of the Division's Council Governance Team, on telephone 02 4428 4139.

3. WHAT ARE OUR REFORM OBJECTIVES?

In preparing a reform proposal, we have had regard to the following needs identified in the submissions we received in relation to the discussion paper:

- For councils to be ultimately responsible for the management of complaints about the conduct of their officials.
- To put in place a framework for managing such complaints that is rigorous, cost-effective and promotes public confidence.
- To ensure that only those matters that warrant investigation are investigated and that alternative resolution strategies are available for those matters that do not warrant investigation.
- For all councils, regardless of their size and location to be able to access a pool of independent and suitably qualified persons to undertake investigations where they are warranted.
- To provide greater clarity and certainty in relation to the procedural requirements of the code at the same time as allowing flexibility.
- To ensure the code has more “teeth”.
- To ensure that rights are adequately protected and that appropriate checks and balances are in place.
- To put in place adequate protections and disincentives to prevent the misuse of the code.
- To minimise the exposure of councils to costly appeal processes in the Courts.
- To remove the current obstacles to the more effective exercise of the Division’s powers under the misbehaviour provisions of the Act and to provide it with more options for managing misbehaviour.

ORD07

- To make the penalties that may be applied by the Chief Executive and the Pecuniary Interest and Disciplinary Tribunal in relation to misbehaviour more effective in deterring and managing such conduct.

What we intend to do to deliver on these reform objectives is described below.

4. WHAT IS BEING PROPOSED?

As foreshadowed in the Position Paper, in the interests of simplicity, we intend to split the Model Code into two instruments:

- A Model Code of Conduct for Local Councils in NSW (comprising solely of the prescribed standards of conduct), and
- Procedures for the Administration of the Model Code (comprising of the procedural requirements of the Code) (referred to below as the “Model Code procedures”)

In relation to the standards of conduct prescribed under the Model Code, we are proposing to make the following changes:

- In the interests of simplicity and clarity, to remove the “context” section of the Model Code. This is largely educational material and does not constitute enforceable standards of conduct. This will now be incorporated into the better practice Guidelines to the Model Code that will be developed separately.
- Prohibit binding caucus votes that prevent councillors from exercising their discretion. However councillors will still be permitted to meet to discuss council business ahead of meetings;
- Refine the provisions relating to the disclosure of reportable political donations to align them with subsequent amendments to the relevant legislation and to eliminate loopholes;

Attachment 1

- Include provisions to address the loss of quorum arising from compliance with requirements under the code;
- Expand the prohibition on the acceptance of cash to include cash-like gifts;
- Amend the provisions relating to relationships between council officials to allow councillors to provide information to the Chair of the audit committee, to prohibit staff from participating in political activities that interfere with their duty to serve a council in a politically neutral manner and to allow councillors to discuss the general manager's performance with him or her;
- Remove loopholes in the provisions that relate to the use of council resources for election purposes; and
- Create a new class of standards relating to the maintenance of the integrity of the code of conduct. Breaches of these standards will be dealt with by the Division under the misbehaviour provisions.

Proposals made in the Position Paper about the disclosure of gifts and benefits of nominal value, councillors meeting with developers or objectors, councillors and staff discussing industrial policy matters and guidance on the application of the code to contractors and volunteers will **not** be included in the revised Model Code. They may, however, be made as better practice suggestions in the Guidelines to the Model Code.

In relation to the Model Code procedures, we are proposing to make the following changes:

- Councils will be able to establish their own panels of conduct reviewers or to establish regional panels
- An option will be created to allow councils to use conduct reviewers from a panel established by a prescribed organisation
- The selection process and criteria for conduct reviewers will be prescribed

ORD07**Attachment 1**

- To limit the misuse of the procedures to deal with non code of conduct matters “Code of conduct complaint” will be a defined term
- Complaints must be made within 3 months
- General Managers and Mayors will no longer have any role in the management of complaints about councillors or the General Manager beyond the initial receipt of complaints. General Managers and Mayors will however retain the option to resolve complaints informally at the outset should they choose to do so, but this will be at their discretion.
- Councils will be required to nominate a member of staff other than the General Manager to be a complaints coordinator for the purposes of providing administrative support for the code. This will ensure complaints are dealt with at arms length from the General Manager and Mayor.
- The process for dealing with complaints about councillors and General Managers will be simplified. Where the current code prescribes a 3-tier process, (ie preliminary assessment by the General Manager or Mayor, investigation by a conduct reviewer and determination by the council), under our proposed changes, complaints will be dealt with from start to finish by a conduct reviewer at arms length from the council.
- Preliminary assessment of complaints will be undertaken by independent conduct reviewers
- Limited provision will be made for the Division of Local Government to undertake a preliminary assessment role for a council in relation to complaints made by or about a person where the number or nature of complaints made by or about the person imposes an undue cost burden on the council or impedes the effective administration of the council’s code
- A time limit will be imposed on the preliminary assessment of complaints
- Conduct reviewers will only be permitted to investigate a matter where they are satisfied the alleged conduct is sufficiently serious to warrant investigation and cannot be resolved by alternate means

- Provision will be made for the use of conduct review committees of three persons to investigate matters in limited circumstances
- The investigation process including procedural fairness requirements will be more clearly prescribed
- Councils will no longer make a determination that there has been a breach of the code. Determinations will now be made by the investigator
- Investigation reports will no longer be dealt with in the public domain. The only investigation reports that will be reported to council will be those recommending the imposition of a more severe sanction (eg censure)
- An amendment to section 10A of the Act will be sought to permit councils to consider investigation reports in closed meetings
- Councils' role in relation to code of conduct matters will be limited to imposing more severe sanctions (eg censure) where such sanctions have been recommended by the investigator. Councils will have limited discretion in the imposition of a sanction
- Lesser sanctions (eg training or counselling) will be implemented by the general manger or, in the case of a complaint about the General Manager, by the Mayor
- Where a person has a sanction imposed on them, they will have a limited right to request a review of the determination by the Division

We do **not** propose to proceed with the proposal made in the position paper to prescribed regional groups of councils. As stated above, it will be left to individual councils to determine how to configure their local arrangements for the administration of the code in a way that best suits their needs.

We also do **not** propose to proceed with the proposal made in the position paper for councils to nominate a neighbouring General Manager to undertake the preliminary assessment of complaints. As stated above, this role will now be undertaken by independent contracted conduct reviewers.

ORD07

Attachment 1

As foreshadowed in the position paper, we propose to seek amendments to the Act to simplify and streamline the process for taking action under the misbehaviour provisions.

We propose to seek amendments to the Act to change the term “misbehaviour” to “misconduct”. We believe this will more accurately reflect the nature of the conduct dealt with under those provisions.

We also propose to seek amendments to give the Division more options for managing misbehaviour under the Act. Accordingly the misbehaviour provisions will no longer focus simply on “suspension” as the sole form of action available for misbehaviour but will also refer to a broader range of options known collectively as “disciplinary action”.

Our proposed amendments will also confer on the Division the option of “calling in” code of conduct matters so that they may be dealt with under the misbehaviour provisions instead of a council’s code of conduct.

The amendments will maintain the existing two avenues for seeking disciplinary action to be taken against councillors under the misbehaviour provisions. These are:

- Action by the Chief Executive, Local Government as delegate of the Director General, Department of Premier and Cabinet
- Action by the Local Government Pecuniary Interest and Disciplinary Tribunal

Under our proposed amendments, the sanctions available to the Chief Executive will be strengthened to include suspension for up to three months.

The sanctions available to the Tribunal will be strengthened to align with those available for breaches of the pecuniary interest provisions of the Act. Under our proposed amendments, the Tribunal will be able to disqualify a councillor from holding civic office for up to 5 years for misbehaviour.

Under our proposed amendments, the Chief Executive and the Tribunal may take into consideration previous incidents of misbehaviour in imposing these sanctions.

5. WHAT DO WE WANT FROM YOU?

Attached to this paper are the following:

- Proposed amendments to the Model Code of Conduct (the amendments are highlighted in bold)
- Proposed new procedures for the administration of the Model Code
- Proposed amendments to the Local Government Act 1993 and Local Government (General) Regulation 2005 (the amendments are highlighted in bold).

We want to ensure that our proposed changes are workable and will provide for the more effective and efficient administration of the code of conduct.

To this end, we would like to hear your views on our proposed changes. In particular, we would like to hear your views on the following:

- Do you agree with the proposals? If not why not?
- Is there anything unclear about our proposed drafting?
- If so, how could it be said more clearly?
- Is there anything we have missed?
- Are there any loopholes?
- Does any of our proposed drafting carry potential unforeseen consequences?

We request that you make your submissions in writing to the following postal address:

Model Code of Conduct Review
Division of Local Government
Locked Bag 3015
NOWRA NSW 2541

ORD07

Alternatively your submission may be lodged electronically via email to:
dlq@dlq.nsw.gov.au .

We ask that submissions be received by **Tuesday, 26 June 2012**.

Should you wish to discuss the consultation drafts or the Model Code of Conduct Review, please contact Mr John Davies, the Leader of the Division's Council Governance Team, on telephone 02 4428 4139.

6. WHERE TO FROM HERE?

We will consider your comments prior to recommending the final Model Code and Model Code procedures to the Minister for consideration.

As with previous versions of the Model Code we intend to supplement the new Model Code and procedures with amended Guidelines to assist in their interpretation. We also intend to reissue an updated education package to assist councils to raise awareness among councillors, staff, delegates and committee members of any new requirements under the new Model Code and procedures.

7. LIST OF ATTACHMENTS

1. Summary version of the proposed new Model Code
2. Draft revised Model Code
3. Proposed procedures for the administration of the Model Code
4. Proposed amendments to the *Local Government Act 1993*

Attachment 1

SUMMARY

PROPOSED NEW MODEL CODE OF CONDUCT

Standards of conduct for council officials

Council officials play a vital role in serving local communities.

To do this effectively you will want to uphold the highest standards of behaviour to ensure the public has trust and confidence in local government.

What are the expected standards of behaviour?

The following standards of behaviour are expected of council officials. You must:

- not conduct yourself in a manner that is likely to bring the council into disrepute
- act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions
- treat others with respect at all times
- consider issues consistently, promptly and fairly
- not harass, discriminate against, or support others who do so
- ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly
- not participate in binding caucus votes
- avoid or appropriately manage any conflict of interests
- take all reasonable steps to ascertain the source of and report any reportable political donations
- not accept money or gifts of value and avoid situations that give rise to the appearance of securing favourable treatment
- in the case of councillors, not direct council staff or influence staff in the exercise of their role
- in the case of staff, ensure efficient and effective operation of the council's organisation and ensure the implementation of the decisions of the council without delay
- examine and make available information in accordance with Government Information (Public Access) Act 2009 and the council's charter.
- use and secure information appropriately
- use council resources ethically, effectively, efficiently and carefully in the course of official duties
- not make complaints improperly or take detrimental action in response to complaints about standards of behaviour.

Council officials include councillors, members of staff of council, administrators appointed under section 256 of the Act, members of council committees, conduct reviewers and delegates of council.

These standards are described in detail in the Model Code of Conduct for Local Councils in NSW. The code is a legal document that all officials are obliged to

understand and follow. The Model Code forms the basis of each council's own code of conduct.

What happens if the standards are not met?

In the very small number of cases where council officials fail to follow this code, this will be dealt with in accordance with the procedure for administration of the Model Code.

Complaints about a breach of these standards by anyone other than the general manager are to be made at first instance to general manager. Complaints about the general manager are to be made to the Mayor. In most cases where the complaint cannot be resolved informally, the process involves investigation by an independent conduct reviewer. The process for dealing with complaints is summarised in the flowchart below.

Breaches of these standards by delegates or council committee members may result in the following action:

- censure
- requirement of apology
- prosecution
- removal or restriction of delegation

Breaches by council staff may result in disciplinary action, termination or such other penalty permitted under the relevant industrial award.

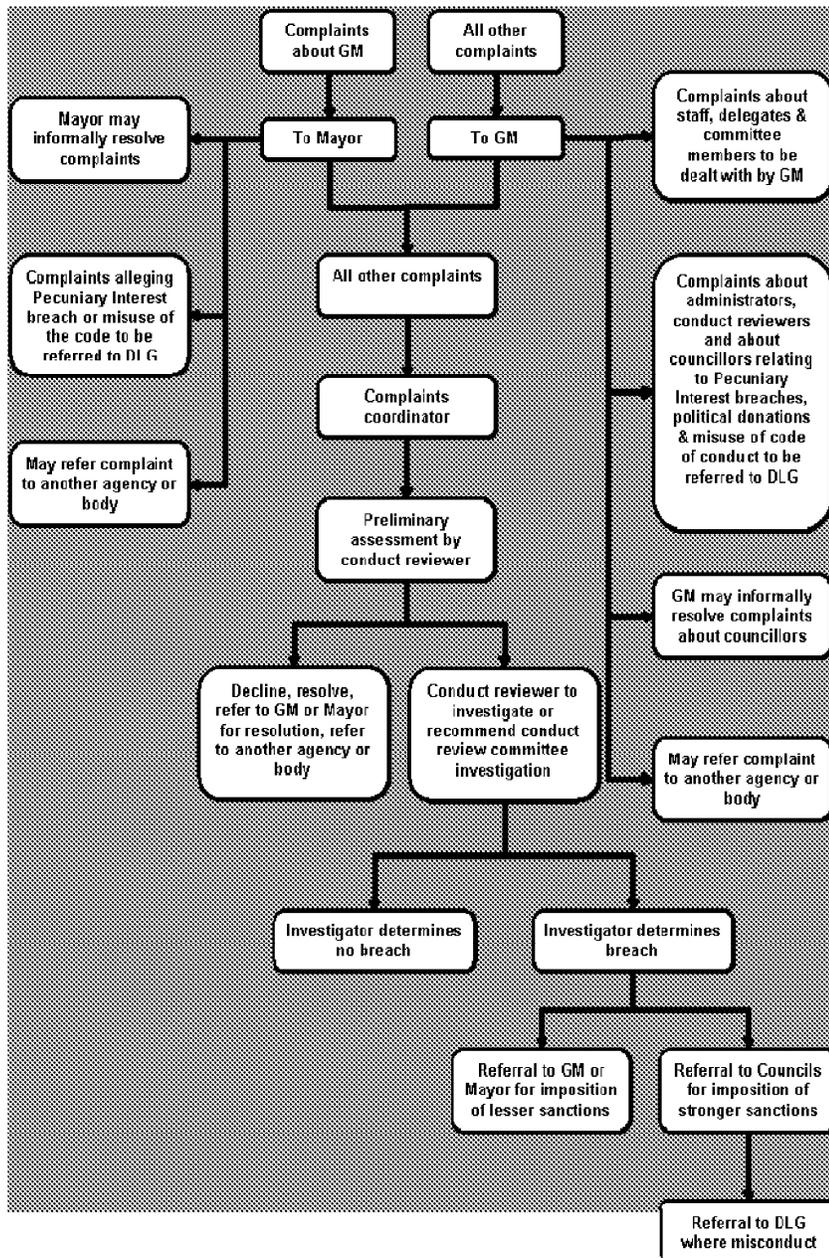
Breaches by the general manager may result in the following action

- requirement for training
- counselling
- requirement for apology
- findings of inappropriate conduct made public
- action under the general manager's contract

Breaches by councillors may result in the following action:

- requirement for training
- counselling
- requirement for apology
- findings of inappropriate conduct made public
- censure
- referral to the Division of Local Government for disciplinary action including but not limited to suspension for up to 3 months
- referral by the Division to the Pecuniary Interest and Disciplinary Tribunal for suspension of up to 6 months or disqualification from holding civic office.

Understanding the process for code of conduct breaches



ORD07



Attachment 1

The Model Code of Conduct for Local Councils in NSW

May 2012

TABLE OF CONTENTS

PART 1	INTRODUCTION.....	17
PART 2	PURPOSE OF THE CODE OF CONDUCT.....	17
PART 3	GENERAL CONDUCT OBLIGATIONS.....	18
PART 4	CONFLICT OF INTERESTS.....	20
PART 5	PERSONAL BENEFIT.....	25
PART 6	RELATIONSHIP BETWEEN COUNCIL OFFICIALS.....	27
PART 7	ACCESS TO INFORMATION AND COUNCIL RESOURCES.....	29
PART 8	MAINTAINING THE INTEGRITY OF THIS CODE.....	32
PART 9	DEFINITIONS.....	34

ORD07

Attachment 1

ORD07

Attachment 1

PART 1 INTRODUCTION

This Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, the Model Code of Conduct comprises all sections of this document.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the *Local Government Act 1993* (the Act). The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office.

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

A set of guidelines has also been developed to assist councils to review and enhance their codes of conduct. The guidelines support this code and provide further information and examples on the provisions in this code.

PART 2 PURPOSE OF THE CODE OF CONDUCT

The Model Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation.

The Model Code of Conduct has been developed to assist council officials to:

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

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:
- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
 - b) is detrimental to the pursuit of the charter of a council
 - c) is improper or unethical
 - d) is an abuse of power or otherwise amounts to misconduct
 - e) causes, comprises or involves intimidation, harassment or verbal abuse
 - f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
 - g) causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A*)
- 3.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439*)
- 3.3 You must treat others with respect at all times.

Fairness and equity

- 3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

- 3.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Development decisions

- 3.7 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 3.8 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors

ORD07

conveys any suggestion of willingness to provide improper concessions or preferential treatment.

Binding caucus votes

3.9 You must not participate in binding caucus votes.

3.10 For the purposes of clause 3.9, a binding caucus vote is a process whereby a group of councillors establish a predetermined position on a matter before the council by way of a vote or other means that has the effect of compelling members of the group to vote on that matter in accordance with that position regardless of the merits of the matter or any personal views members of the group may have on the matter.

3.11 Clause 3.9 does not prohibit councillors from discussing a matter before the council prior to considering the matter in question at a council meeting.

Attachment 1

PART 4 CONFLICT OF INTERESTS

- 4.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 4.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 4.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 4.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 4.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. (*section 442*)
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (*section 443*)
- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
 - a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (*section 449*)
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (*section 451*)
 - c) designated persons immediately declare, in writing, any pecuniary interest. (*section 459*)
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 4.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

What is a non-pecuniary conflict of interests?

4.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

4.11 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

4.13 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.

4.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

4.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

4.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

- 4.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 4.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

Reportable political donations

- 4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 4.21 Councillors should take all reasonable steps to ascertain the source of any reportable political donations.**
- 4.22 Where a councillor has received a direct benefit to their election campaign from a reportable political donation:
- a) made by a major political donor or a related entity in the previous four years; and
 - b) where the major political donor or related entity has a matter before council,
- then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).
- 4.23 The obligation to disclose and manage a conflict of interests under clause 4.22 will only arise where there is a direct and demonstrable connection between the reportable political donation in question and any benefit to the election campaign of the councillor.
- 4.24 For the purposes of this Part (Part 4):
- a) a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*,
 - b) a "major political donor" is a "major political donor" for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*, and
 - c) a "related entity", is a "related body corporate" for the purposes of section 50 of the *Commonwealth Corporations Act 2001*.
- 4.25 Councillors should note that political **donations** below \$1,000, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.

ORD07

Attachment 1

4.26 If a councillor has received a **direct benefit to their election campaign from a reportable political donation** of the kind referred to in clause 4.22, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

Loss of quorum as a result of compliance with this Part

4.27 Where a majority of councillors are precluded from consideration of a matter under this Part (Part 4), the council must resolve to delegate consideration of the matter in question to another person.

4.28 Where a majority of councillors are precluded from consideration of a matter under this part (Part 4), and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part.

4.29 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where

- a) compliance by councillors with a requirement under the Part in relation to a matter before the council will result in the loss of a quorum, and
- b) the matter before the council relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.

4.30 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part (Part 4) is permitted to participate in consideration of the matter, if:

- a) the matter is a proposal relating to
 - i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
- b) the councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this part.

Other business or employment

4.31 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (*section 353*)

- 4.32 As a member of staff, you must ensure that any outside employment or business you engage in will not:
- a) conflict with your official duties
 - b) involve using confidential information or council resources obtained through your work with the council
 - c) require you to work while on council duty
 - d) discredit or disadvantage the council.

Personal dealings with council

- 4.33 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

PART 5 PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Gifts and benefits

- 5.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.
- 5.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Token gifts and benefits

- 5.3 Generally speaking, token gifts and benefits include:
- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - iii) the discussion of official business
 - iv) council work related events such as training, education sessions, workshops
 - v) conferences
 - vi) council functions or events
 - vii) social functions organised by groups, such as council committees and community organisations.
 - b) invitations to and attendance at local social, cultural or sporting events
 - c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
 - d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers.

Gifts and benefits of value

- 5.4 Notwithstanding clause 5.3, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

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

- 5.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) accept any gift or benefit of more than token value

e) accept an offer of cash or a **cash-like gift**, regardless of the amount.

5.6 For the purposes of clause 5.5(e), a “cash-like gift” includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.

5.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

Improper and undue influence

5.8 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.

5.9 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

PART 6 RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

6.1 Each council is a body corporate. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to industrial relations policy.

6.2 Councillors or administrators must not:

- a) direct council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (*section 352*)
- b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (*Schedule 6A of the Act*)
- c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
- d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. **This does not apply to council's external auditors or the Chair of council's audit committee who, in the course of their work, may be provided with information by individual councillors.**

Obligations of staff

6.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.

6.4 Members of staff of council must:

- a) give their attention to the business of council while on duty
- b) ensure that their work is carried out efficiently, economically and effectively
- c) carry out lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them
- e) **ensure that any participation in political activities does not conflict with their primary duty to serve the council in a politically neutral manner.**

Obligations during meetings

- 6.5 You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the *Local Government (General) Regulation 2005* during council and committee meetings.
- 6.6 You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

- 6.7 You must not engage in any of the following inappropriate interactions:
- a) Councillors and administrators approaching staff and staff organisations to discuss individual staff matters and not broader industrial policy issues.
 - b) Council staff approaching councillors and administrators to discuss individual staff matters and not broader industrial policy issues.
 - c) Council staff refusing to give information that is available to other councillors to a particular councillor.
 - d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
 - e) Councillors and administrators being overbearing or threatening to council staff.
 - f) Councillors and administrators making personal attacks on council staff in a public forum.
 - g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
 - h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
 - i) Council staff meeting with **development applicants or objectors to development applications** alone AND outside office hours to discuss development applications or proposals.
 - j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.
- 6.8 It is appropriate that staff and staff organisations have discussions with councillors in relation to matters of industrial policy.
- 6.9 **Notwithstanding clause 6.7, councillors and administrators may discuss issues with the general manager relating to the general manager's employment and performance provided they do so in a manner that is consistent with the requirements of the general manager's employment contract.**

PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCESCouncillor and administrator access to information

7.1 The general manager and public officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under the *Government Information (Public Access) Act 2009*.

7.2 The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.

7.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.

7.4 Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.

7.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

Councillors and administrators to properly examine and consider information

7.6 Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

Refusal of access to documents

7.7 Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 7.2). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

7.8 In regard to information obtained in your capacity as a council official, you must:

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

Use and security of confidential information

7.9 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.

7.10 In addition to your general obligations relating to the use of council information, you must:

- a) protect confidential information
- b) only release confidential information if you have authority to do so
- c) only use confidential information for the purpose it is intended to be used
- d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
- f) not disclose any information discussed during a confidential session of a council meeting.

Personal information

7.11 When dealing with personal information you must comply with:

- a) *the Privacy and Personal Information Protection Act 1998,*
- b) *the Health Records and Information Privacy Act 2002,*
- c) the Information Protection Principles and Health Privacy Principles,
- d) council's privacy management plan,
- e) the Privacy Code of Practice for Local Government

Use of council resources

7.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

7.13 Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

7.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.

7.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

ORD07

Attachment 1

- 7.16 You must not use council property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the property or facility.**
- 7.17 You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:**
- a) the purpose of assisting your election campaign or the election campaign of others, or**
 - b) for other non-official purposes.**
- 7.18 You must not convert any property of the council to your own use unless properly authorised.
- 7.19 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

- 7.20 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 7.21 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.
- 7.22 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

PART 8 MAINTAINING THE INTEGRITY OF THIS CODE

8.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Complaints made for an improper purpose

8.2 You must not make a complaint or cause a complaint to be made for an improper purpose.

8.3 For the purposes of clause 8.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

- a) to intimidate or harass another council official,
- b) to damage another council official's reputation,
- c) to obtain a political advantage,
- d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions,
- e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions,
- f) to avoid disciplinary action under this code,
- g) to take reprisal action against a person for making a complaint under this code except as may be otherwise specifically permitted under this code,
- h) to take reprisal action against a person for exercising a function prescribed under the procedures for the administration of this code except as may be otherwise specifically permitted under this code,
- i) to prevent or disrupt the effective administration of this code.

Detrimental action

8.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code except as may be otherwise specifically permitted under this code.

8.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code except as may be otherwise specifically permitted under this code.

8.6 For the purposes of clauses 8.4 and 8.5 detrimental action is an action causing, comprising or involving any of the following:

- a) injury, damage or loss,
- b) intimidation or harassment,
- c) discrimination, disadvantage or adverse treatment in relation to employment,
- d) dismissal from, or prejudice in, employment,
- e) disciplinary proceedings.

ORD07

Attachment 1

Compliance with requirements under this code

- 8.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.
- 8.8 You must comply with a reasonable and lawful request made by a person exercising a function under this code.
- 8.9 You must comply with a practice ruling made by the Division of Local Government.
- 8.10 Where you are a councillor, you must comply with any council resolution requiring you to take action as a result of a breach.

Disclosure of information about the consideration of a matter under this code

- 8.11 You must report breaches of this code in accordance with the reporting requirements under this code.
- 8.12 You must not make allegations of suspected breaches of this code at council meetings or in other public forums.
- 8.13 You must not disclose information about the consideration of a matter under this code unless the disclosure is otherwise permitted under this code.

Complaints alleging a breach of this part

- 8.14 Complaints alleging a breach of this Part (Part 8) by a councillor, the general manager or an administrator are to be made to the Division of Local Government.
- 8.15 Complaints alleging a breach of this Part (Part 8) by other council officials are to be made to the general manager for consideration under the procedures prescribed under the Regulation for the administration of this code.

PART 9 DEFINITIONS

In the Model Code of Conduct the following definitions apply:

the Act	the Local Government Act 1993
act of disorder	see the definition in clause 256 of the <i>Local Government (General) Regulation 2005</i>
administrator	a person appointed under section 256 of the Act
Chief Executive	Chief Executive of the Division of Local Government, Department of Premier and Cabinet
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
council official	includes councillors, members of staff of council, administrators appointed under section 256 of the Act, members of council committees, conduct reviewers and delegates of council
delegate of council	a person or body, and the individual members of that body, to whom a function of council is delegated
designated person	see the definition in section 441 of the Act
election campaign	includes council, State and Federal election campaigns
personal information	information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion
the Regulation	the Local Government (General) Regulation 2005

The term "you" used in the Model Code of Conduct refers to council officials.

The phrase, "this code" used in the Model Code of Conduct refers also to the procedures for the administration of the Model Code of Conduct prescribed under the Local Government (General) Regulation 2005.

ORD07



Attachment 1

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

May 2012

TABLE OF CONTENTS

PART 1	INTRODUCTION	37
PART 2	DEFINITIONS	37
PART 3	ADMINISTRATIVE FRAMEWORK	38
PART 4	HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?	40
PART 5	HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?.....	41
PART 6	PRELIMINARY ASSESSMENT	47
PART 7	OPERATIONS OF CONDUCT REVIEW COMMITTEES.....	51
PART 8	INVESTIGATIONS.....	53
PART 9	RIGHTS OF REVIEW	61
PART 10	PROCEDURAL IRREGULARITIES.....	63
PART 11	PRACTICE DIRECTIONS	63
PART 12	REPORTING ON COMPLAINTS STATISTICS.....	64

ORD07

Attachment 1

PART 1 INTRODUCTION

These procedures (“the Model Code Procedures”) are prescribed for the purposes of the administration of the Model Code of Conduct for Local Councils in NSW (“the Model Code of Conduct”). Both the Model Code and Model Code Procedures are made under section 440 of the *Local Government Act 1993* (“the Act”) and the Local Government (General) Regulation 2005 (“the Regulation”).

Section 440 of the Act requires every council to adopt a code of conduct and procedures for the administration of the code of conduct that incorporate the provisions of the Model Code and Model Code Procedures respectively.

In adopting procedures for the administration of their adopted codes of conduct, councils may supplement the prescribed Model Code Procedures. However provisions of a council’s adopted procedures that are not consistent with those prescribed under the Model Code Procedures will have no effect.

A set of guidelines has also been developed to assist councils in the implementation of these procedures.

PART 2 DEFINITIONS

For the purposes of the procedures, the following definitions apply:

“the Act”	the Local Government Act 1993
“administrator”	a person appointed under section 256 of the Act.
“code of conduct”	a code of conduct adopted under section 440 of the Act
“code of conduct complaint”	a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council’s code of conduct.
“complainant”	a person who makes a code of conduct complaint.
“complainant councillor”	a councillor who makes a code of conduct complaint.
“complaints coordinator”	a person appointed by the general manager under these procedures as a complaints coordinator.

“conduct reviewer”	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager.
“council committee member”	a person other than a councillor or member of staff of a council who is a member of a committee of the council
“council official”	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council.
“delegate of council”	a person (other than a councillor or member of staff of a council) or body and the individual members of that body to whom a function of the council is delegated.
“the Division”	the Division of Local Government, Department of Premier and Cabinet
“investigator”	a conduct reviewer or conduct review committee
“the Regulation”	the Local Government (General) Regulation 2005
“subject person”	a person whose conduct is the subject of investigation by a conduct reviewer or conduct review committee under these procedures

PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

- 3.1 The council must by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.

- 3.5 To be eligible to be a member of a conduct review committee, a person must, at a minimum, meet the following requirements:
- a) knowledge of the local government context, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations, or
 - ii) law, or
 - iii) public administration, or
 - iv) public sector ethics, or
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person will not be eligible to be a member of the panel of conduct reviewers if they are
- a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.9 The council may terminate the panel of conduct reviewers at any time by resolution.
- 3.10 When the term of the conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.11 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council.

The appointment of complaints coordinators

- 3.12 The general manager must appoint a senior and suitably qualified member of staff of the council to act as a complaints coordinator.

- 3.13 The general manager may appoint other senior and suitably qualified members of staff to act as alternates to the complaints coordinator.
- 3.14 The general manager must not undertake the role of complaints coordinator.
- 3.15 The person appointed as complaints coordinator must also be a nominated disclosures officer appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.16 The role of the complaints coordinator is to:
- coordinate the management of complaints made under the council's code of conduct,
 - liaise with and provide administrative support to a conduct reviewer or conduct review committee,
 - liaise with the Division of Local Government, and
 - arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a "code of conduct complaint"?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.2 Only code of conduct complaints are to be dealt with under these procedures.

When must a code of conduct complaint be made?

- 4.3 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.

How may a code of conduct about a council official other than the general manager be made?

- 4.4 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing.
- 4.5 Where a code of conduct complaint about a council official other than the general manager can not be made in writing, the complaint must be

ORD07

Attachment 1

confirmed with the complainant in writing as soon as possible after the receipt of the complaint.

- 4.6 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.7 The general manager or, where the complaint is referred to a conduct reviewer, the conduct reviewer, will consider the complainant's preferences in deciding how to deal with the complaint.
- 4.8 Notwithstanding clauses 4.4 and 4.5, where the general manager becomes aware of a possible breach of the council's code of conduct, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

- 4.9 Code of conduct complaints about the general manager are to be made to the Mayor in writing.
- 4.10 Where a code of conduct complaint about the general manager can not be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.11 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.12 The Mayor or, where the complaint is referred to a conduct reviewer, the conduct reviewer, will consider the complainant's preferences in deciding how to deal with the complaint.
- 4.13 Notwithstanding clauses 4.9 and 4.10, where the Mayor becomes aware of a possible breach of the council's code of conduct by the general manager, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

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

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

- 5.1 The general manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about members of staff of council and for determining the outcome of such complaints.

- 5.2 Where the general manager decides not to make enquiries into a code of conduct complaint about a member of staff, the general manager will give the complainant reasons in writing for their decision.
- 5.3 Without limiting clause 5.2, the general manger may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.4 Enquiries made into staff conduct that might give rise to disciplinary action must occur in accordance with the relevant industrial instrument and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.5 Sanctions for staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council and council committee members to be dealt with?

- 5.6 The general manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about delegates of council and council committee members and for determining the outcome of such complaints.
- 5.7 Where the general manager decides not to make enquiries into a code of conduct complaint about a delegate of council or a council committee member, the general manager will give the complainant reasons in writing for their decision.
- 5.8 Without limiting clause 5.7, the general manger may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.9 Sanctions for delegates of council and/or members of council committees depend on the severity, scale and importance of the breach and may include one or more of the following:
 - a) censure,
 - b) requiring the person to apologise to any person adversely affected by the breach,
 - c) prosecution for any breach of the law,
 - d) removing or restricting the person's delegation,
 - e) removing the person from membership of the relevant council committee, or
 - f) revising any of council's policies or procedures
- 5.10 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.9, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:

ORD07

Attachment 1

- a) the substance of the allegation (including the relevant provision/s of council's code of conduct that the alleged conduct is in breach of) must be put to the person the subject of the allegation, and
- b) the person must be given an opportunity to respond to the allegation, and
- c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.9.

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

- 5.11 The general manager is to refer all code of conduct complaints about conduct reviewers to the Division for its consideration.
- 5.12 The general manager must notify the complainant of the referral of their complaint in writing.
- 5.13 The general manager must implement any recommendation made by the Division as a result of its consideration of a code of conduct complaint about a conduct reviewer.

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

- 5.14 The general manager is to refer all code of conduct complaints about administrators to the Division for its consideration.
- 5.15 The general manager must notify the complainant of the referral of their complaint in writing.

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

- 5.16 The general manager is to refer the following code of conduct complaints about councillors to the Division:
 - a) complaints alleging a breach of the pecuniary interest provisions of the Act,
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interests arising from reportable political donations (see section 328B),
 - c) complaints alleging a breach of Part 11 of the code of conduct relating to the maintenance of the integrity of the code, and
 - d) complaints the subject of a special complaints management arrangement with the Division under clause 5.39.
- 5.17 Where the general manager refers a complaint to the Division under clause 5.16, the general manager must notify the complainant of the referral in writing.

- 5.18 Where the general manager considers it to be practicable and appropriate to do so, he or she may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Division under clause 5.16, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology.
- 5.19 Where the general manager resolves a code of conduct complaint under clause 5.18 to their satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this will serve to finalise the consideration of the matter under these procedures.
- 5.20 The general manager must refer all code of conduct complaints about councillors other than those referred to the Division under clause 5.16 or resolved under clause 5.18 to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

- 5.21 The Mayor is to refer the following code of conduct complaints about the general manager to the Division:
- a) complaints alleging a breach of the pecuniary interest provisions of the Act,
 - b) complaints alleging a breach of Part 11 of the code of conduct relating to the maintenance of the integrity of the code, and
 - c) complaints the subject of a special complaints management arrangement with the Division under clause 5.39.
- 5.22 Where the Mayor refers a complaint to the Division under clause 5.21, the Mayor must notify the complainant of the referral in writing.
- 5.23 Where the Mayor considers it to be practicable and appropriate to do so, he or she may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Division under clause 5.16, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology.
- 5.24 Where the Mayor resolves a code of conduct complaint under clause 5.23 to their satisfaction, the Mayor must notify the complainant in writing of the steps taken to resolve the complaint and this will serve to finalise the consideration of the matter under these procedures.
- 5.25 The Mayor must refer all code of conduct complaints about the general manager other than those referred to the Division under clause 5.21 or resolved under clause 5.23 to the complaints coordinator.

Referral of code of conduct complaints to external agencies

- 5.26 The general manager, Mayor or a conduct reviewer or conduct review committee may, at any time refer a code of conduct complaint to an external agency or body such as, but not limited, to the Division, the Independent Commission Against Corruption, the NSW Ombudsman or the Police for its consideration, where they consider such a referral is warranted.
- 5.27 Where the general manager, Mayor or conduct reviewer refers a complaint to an external agency or body, under clause 5.26, they will notify the complainant of the referral in writing where it is appropriate for them to do so.
- 5.28 Referral of a matter to an external agency or body will serve to finalise consideration of the matter under the code of conduct unless the council is subsequently advised otherwise by the referral agency or body.

Disclosure of the identity of complainants

- 5.29 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d) a conduct reviewer or conduct review committee is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e) it is otherwise in the public interest to do so.
- 5.30 Clause 5.29 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.31 Where a councillor makes a code of conduct complaint about another councillor or the general manager and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.32 A request made by a complainant councillor under clause 5.31 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.33 Conduct reviewers or conduct review committees must consider a request made under clause 5.31 before disclosing information that

identifies or tends to identify the complainant councillor but are not obliged to comply with the request.

- 5.34 Where a complainant councillor makes a request under clause 5.31, a conduct reviewer or conduct review committee will notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as Public Interest Disclosures

- 5.35 Code of conduct complaints that are made as public interest disclosures under the Public Interest Disclosures Act 1994 are to be managed in accordance with the requirements of that Act, the council's internal reporting policy and any guidelines issued by the NSW Ombudsman that relate to the management of Public Interest Disclosures.
- 5.36 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.37 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.36, the general manager or the Mayor must refer the complaint to the Division for consideration.

Special complaints management arrangements

- 5.38 The general manager may request in writing that the Division enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.39 Where the Division receives a request under clause 5.38, it may agree to enter into a special complaints management arrangement where it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the council.
- 5.40 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.
- 5.41 The Division may by notice in writing, amend or terminate a special complaints management arrangement at any time.

ORD07

Attachment 1

- 5.42 While a special complaints management arrangement is in force, an officer of the Division (the assessing Divisional officer) will undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of these procedures except as provided by clauses 5.43 below.
- 5.43 Where, following a preliminary assessment, the assessing Divisional officer determines that a code of conduct complaint warrants investigation by a conduct reviewer or a conduct review committee, the assessing Divisional officer will notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing Divisional officer.
- 5.44 Prior to the expiry of a special complaints management arrangement, the Division, will, in consultation with the general manager review the arrangement to determine whether it should be renewed or amended.
- 5.45 A special complaints management arrangement will expire on the date specified in the arrangement unless renewed under clause 5.44.

PART 6 PRELIMINARY ASSESSMENT

Referral of code of conduct complaints to conduct reviewers

- 6.1 The complaints coordinator will refer all code of conduct complaints about councillors or the general manager submitted to the complaints coordinator within 21 days of receipt of a complaint by the general manager or the Mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation prescribed under the Regulation.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interests in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council in the 2 years preceding the referral and they or

- their employer have received or expect to receive payments under the contract or contracts of a cumulative value that exceeds \$100K, or
- d) at the time of the referral, they or their employer are the council's legal service providers or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interests in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 7.1 of the Model Code of Conduct)
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council.
- 6.8 The complaints coordinator will notify the complainant in writing that the matter has been referred to a conduct reviewer and advise which conduct reviewer the matter has been referred to.

Preliminary assessment by a conduct reviewer

- 6.9 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.10 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action, or
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - c) to refer the matter to the general manager or, in the case of a complaint about the general manager, the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, or apology, or
 - d) to refer the matter to another agency or body such as, but not limited to the ICAC, the NSW Ombudsman, the Division or the Police, or
 - e) to investigate the matter, or

- f) to recommend that a conduct review committee be convened to investigate the matter.
- 6.11 In determining how to deal with a matter under clause 6.10, the conduct reviewer is to have regard to the complaint assessment criteria prescribed under clause 6.27.
- 6.12 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what option to exercise under clause 6.10.
- 6.13 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what option to exercise in relation to the matter under clause 6.10. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.14 The conduct reviewer must refer to the Division, any complaints referred to him or her that should have been referred to the Division under clauses 5.16 and 5.21.
- 6.15 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.16 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.10, paragraphs (a), (b) or (c), they will provide the complainant with written notice of their determination and provide reasons for it and this will finalise consideration of the matter under these procedures.
- 6.17 Where the conduct reviewer refers a complaint to another agency or body, they will notify the complainant of the referral in writing where it is appropriate for them to do so.
- 6.18 The conduct reviewer may only determine to investigate a matter or to recommend that a conduct review committee be convened to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a “code of conduct complaint” for the purposes of these procedures, and
 - b) that the alleged conduct, on its face, is sufficiently serious to warrant investigation, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.19 The conduct reviewer may only determine to recommend that a conduct review committee be convened to investigate a matter where they are satisfied that it would not be practicable or appropriate for the matter to be investigated by a sole conduct reviewer.

- 6.20 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator.
- 6.21 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint except as may be specifically required under these procedures.

Referral back to the general manager or Mayor for resolution

- 6.22 Where the conduct reviewer determines to refer a matter to the general manager or to the Mayor to be resolved by alternative and appropriate means, they will write to the general manager or, in the case of a complaint about the general manager, to the Mayor, recommending the means by which the complaint may be resolved.
- 6.23 The conduct reviewer is to consult with the general manager or Mayor prior to referring a matter to them under clause 6.22.
- 6.24 The general manager or Mayor may decline to accept the conduct reviewer's recommendation. Where the general manager or Mayor declines to do so, the conduct reviewer may determine to deal with the complaint by other means under clause 6.10.
- 6.25 Where the conduct reviewer refers a matter to the general manager or Mayor under clause 6.22, the general manager or, in the case of a complaint about the general manager, the Mayor, will be responsible for implementing, or overseeing the implementation of the conduct reviewer's recommendation.
- 6.26 Where the conduct reviewer refers a matter to the general manager or Mayor under clause 6.22, the general manager, or, in the case of a complaint about the general manager, the Mayor, will advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.27 In undertaking the preliminary assessment of a complaint, the conduct reviewer may have regard to the following considerations:
- a) whether the complaint is a "code of conduct complaint",
 - b) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - c) whether the complaint discloses prima facie evidence of a breach of the code,
 - d) whether the complaint raises issues that would be more appropriately dealt with by another agency or body,

- e) whether there is or was an alternative and satisfactory means of redress available to the complainant in relation to the conduct complained of,
- f) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to explanation, counselling, training, informal discussion, negotiation or apology,
- g) whether the issue/s giving rise to the complaint have previously been addressed or resolved,
- h) whether the conduct complained of forms part of a pattern of conduct,
- i) whether there were mitigating circumstances giving rise to the conduct complained of,
- j) the seriousness of the alleged conduct,
- k) the significance of the conduct or the impact of the conduct for the council,
- l) how much time has passed since the alleged conduct occurred, or
- m) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 7 OPERATIONS OF CONDUCT REVIEW COMMITTEES

- 7.1 Where a conduct reviewer recommends that a conduct review committee be convened to investigate a matter, the conduct reviewer will notify the complaints coordinator of their recommendation and the reasons for their recommendation in writing.
- 7.2 The complaints coordinator will convene a conduct review committee comprising three conduct reviewers selected from:
- a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation prescribed under the Regulation.
- 7.3 In selecting suitable conduct reviewers for membership of a conduct review committee convened under clause 7.2, the complaints coordinator may have regard to the following:
- a) the qualifications and experience of members of the panel of conduct reviewers and
 - b) any recommendation made by the conduct reviewer about the membership of the committee.
- 7.4 The conduct reviewer who made the preliminary assessment of the complaint may be a member of a conduct review committee convened under clause 7.2.
- 7.5 A member of a panel of conduct reviewers may not be appointed to a conduct review committee where they would otherwise be precluded

from accepting a referral of the matter to be considered by the committee under clause 6.4.

- 7.6 Where the complaints coordinator convenes a conduct review committee, they will advise the complainant in writing that the committee has been convened and the membership of the committee.
- 7.7 Where, after a conduct review committee has been convened, a member the committee becomes unavailable to participate in further consideration of the matter, the complaints coordinator may appoint another person from a panel of conduct reviewers to replace them.
- 7.8 Meetings of a conduct review committee may be conducted in person or by teleconference.
- 7.9 The members of the conduct review committee are to elect a chairperson of the committee.
- 7.10 A quorum for a meeting of the conduct review committee is two members.
- 7.11 Business is not to be conducted at any meeting of the conduct review committee unless a quorum is present.
- 7.12 If a quorum is not present at a meeting of the conduct review committee, it must be adjourned to a time and date that is specified.
- 7.13 Each member of the conduct review committee is entitled to one vote in relation to a matter. In the event of an equality of votes being cast, the chairperson will have the casting vote.
- 7.14 If the vote on a matter is not unanimous, then this should be noted in the report of the conduct review committee in which it makes its determination in relation to the matter.
- 7.15 The chairperson may make a ruling on questions of procedure and the chairperson's ruling is to be final.
- 7.16 The conduct review committee will conduct business in the absence of the public.
- 7.17 The conduct review committee will maintain proper records of its proceedings.
- 7.18 The complaints coordinator will undertake the following functions in support of a conduct review committee:
 - a) provide procedural advice where required,
 - b) ensure adequate resources are provided including secretariat support

- c) attend meetings of the conduct review committee in an advisory capacity
- d) provide advice about council's processes where requested

7.19 The complaints coordinator must not be present at, or in sight of a meeting of the conduct review committee where it makes its final determination in relation to the matter.

7.20 The conduct review committee may adopt procedures governing the conduct of its meeting that supplement these procedures. However any procedures adopted by the committee must not be inconsistent with these procedures.

PART 8 INVESTIGATIONS

What matters may a conduct reviewer or conduct review committee investigate?

- 8.1 A conduct reviewer or conduct review committee (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 8.2 Where an investigator identifies further possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the Mayor.
- 8.3 The general manager or the Mayor is to deal with a matter reported to them by an investigator under clause 8.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 8.4 The investigator must at the outset of their investigation provide a written notice of investigation to the subject person. The notice of investigation must:
 - a) disclose the substance of the allegations against the subject person, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) invite the subject person to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice, and

- e) provide the subject person the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 8.5 The subject person may within 14 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the subject person to identify the substance of the allegation against them.
- 8.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the subject person in relation to the matter referred to them.
- 8.7 Where an investigator issues an amended notice of investigation, they will provide the subject person with a further opportunity to make a written submission in response to the amended notice of investigation within 28 days or such other reasonable period specified by the investigator in the amended notice.
- 8.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the Mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, invite them to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice.

Written and oral submissions

- 8.9 Where the subject person or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 8.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 8.11 Prior to preparing a draft report, the investigator must give the subject person an opportunity to address the investigator on the matter being investigated. The subject person may do so in person or by telephone.
- 8.12 Where the subject person fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of

investigation, the investigator may proceed to prepare a draft report without hearing from the subject person.

- 8.13 Where the subject person accepts the opportunity to address the investigator in person, they may have a support person or legal advisor in attendance. The support person or legal advisor will act in an advisory or support role to the subject person only. They must not speak on behalf of the subject person or otherwise interfere with or disrupt proceedings.
- 8.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

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

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

- 8.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - c) refer the matter to another agency or body such as, but not limited to the ICAC, the NSW Ombudsman, the Division or the Police.
- 8.21 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they must do

so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.

- 8.22 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they may by written notice to the subject person, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager the Mayor, discontinue their investigation of the matter.
- 8.23 Where the investigator discontinues their investigation of a matter under clause 8.22, this will serve to finalise the consideration of the matter under these procedures.
- 8.24 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 8.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 8.25 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 8.26 The investigator must provide their draft report to the subject person and invite them to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.
- 8.27 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide that person with relevant extracts of their draft report containing such comment and invite the person to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.
- 8.28 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 8.29 The investigator may, after consideration of all written submission received in relation to their draft report make further enquiries into the matter. Where as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the subject person or any other person, they must provide the affected person with a further opportunity to make a written submission in relation to the new adverse comment.
- 8.30 Where the subject person or any other affected person fails to make a written submission in relation to the draft report within the period

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

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

Final investigation reports

- 8.32 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 8.22.

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

- 8.34 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the code of conduct, or
 - ii. does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.

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

- a) that the council revise any of its policies or procedures,
- b) that the subject person undertake any training or other education relevant to the conduct giving rise to the breach
- c) in the case of a breach by a councillor, that the councillor be counselled by the general manager for their conduct,
- d) in the case of a breach by the general manager, that the general manager be counselled by the Mayor for their conduct,
- e) that the subject person apologise to any person affected by the breach in such a time and form specified by the recommendation,
- f) that findings of inappropriate conduct be made public,
- g) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,
- h) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act,
- i) in the case of a breach by a councillor, that the council resolves as follows:
 - i. that the councillor be formally censured for the breach under section 440G of the Act, and
 - ii. that the council states its belief that grounds may exist that warrant the councillor's suspension, and
 - iii. that the council request that the Director General suspend the councillor for the conduct.

- 8.36 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies or procedures,
 - b) that a person or persons undertake any training or other education.
- 8.37 In making a recommendation under clause 8.35, the investigator may have regard to the following:
- a) the seriousness of the breach,
 - b) whether the breach can be easily remedied or rectified,
 - c) whether the subject person has remedied or rectified their conduct,
 - d) whether the subject person has expressed contrition,
 - e) whether there were any mitigating circumstances,
 - f) the age, physical or mental health or special infirmity of the subject person,
 - g) whether the breach is technical or trivial only,
 - h) any previous breaches,
 - i) whether the breach forms part of a pattern of conduct,
 - j) the degree of reckless intention or negligence of the subject person,
 - k) the extent to which the breach has affected other parties or the council as a whole,
 - l) the harm or potential harm to the reputation of the council or local government arising from the conduct,
 - m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny,
 - n) whether an educative approach would be more appropriate than a punitive one,
 - o) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action,
 - p) what action or remedy would be in the public interest.
- 8.38 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the subject person,
 - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated,
 - c) a statement of reasons as to why the conduct reviewer considered that the matter warranted investigation,
 - d) a statement of reasons as to why the conduct reviewer considered that the matter was one that could not or should not be resolved by alternative means,
 - e) where the matter is investigated by a conduct review committee, a statement as to why the matter was one that warranted investigation by a conduct review committee instead of a sole conduct reviewer,

- f) a description of any attempts made to resolve the matter by use of alternative means,
- g) the steps taken to investigate the matter,
- h) the facts of the matter,
- i) the investigator's findings in relation to the facts of the matter and the reasons for those findings,
- j) the investigator's determination and the reasons for that determination,
- k) any recommendations.

- 8.39 The investigator must provide a copy of their report to the complaints coordinator, the subject person and the complainant,
- 8.40 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator will provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the Mayor and this will finalise consideration of the matter under these procedures.
- 8.41 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraph (a), the complaints coordinator will provide a copy of the investigator's report to the general manager. The general manager will be responsible for implementing the recommendation/s.
- 8.42 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (b) to (d), the complaints coordinator will provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the Mayor. The general manager will be responsible for implementing the recommendation/s where the report relates to a councillor's conduct. The Mayor will be responsible for implementing the recommendation/s where the report relates to the general manager's conduct.
- 8.43 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (e) to (i), the complaints coordinator will, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration.

Consideration of the final investigation report by council

- 8.44 The role of the council in relation to a final investigation report is to impose a sanction where it is recommended by an investigator in their final report under clause 8.35, paragraphs (e) to (i).
- 8.45 The council is to close its meeting to the public under section 10A of the Act to consider the final investigation report.

- 8.46 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interests in relation to the matter unless otherwise required to do so under the Act.
- 8.47 Prior to imposing a sanction, the council must provide the subject person with an opportunity to make an oral submission to the council. The subject person is to confine their submission to addressing the investigator's recommendation.
- 8.48 Once the subject person has completed their oral submission, they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 8.49 The council must not invite oral submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 8.50 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion by the Division in relation to the report.
- 8.51 The council may, by resolution defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Division.
- 8.52 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 8.53 Where the investigator prepares a supplementary report, they are to provide copies to the complaints coordinator for submission to the council and to the subject person and the complainant.
- 8.54 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 8.55 The council will only be required to provide the subject person a further opportunity to address it on a supplementary report where the supplementary report contains new information that is adverse to them.
- 8.56 A council may by resolution impose the following sanctions on a subject person:
- a) that the subject person apologise to any person affected by the breach in such a time and form specified by the resolution,
 - b) that findings of inappropriate conduct be made public
 - c) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,

- d) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act
- e) in the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the Act, and
 - ii. that the council states its belief that grounds may exist that warrant the councillor's suspension, and
 - iii. that the council request that the Director General suspend the councillor for the conduct.

8.57 The council may only impose a sanction on the subject person under clause 8.56 that is recommended by the investigator in their final report.

8.58 The council is not obliged to adopt the investigator's recommendation. Where the council does not adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution, the reasons for its decision.

8.59 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Division of the council's decision and the reasons for it.

PART 9 RIGHTS OF REVIEW

Failure to comply with a requirement under these procedures

9.1 Where any person believes that a person has failed to comply with a requirement prescribed under these procedures, they may, at any time prior to the council's consideration of an investigator's final report, raise their concerns in writing with the Division.

Practice rulings

9.2 Where a subject person and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Division to make a ruling on a question of procedure (a practice ruling).

9.3 Where the Division receives a request in writing for a practice ruling, the Division may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.

9.4 Where the Division makes a practice ruling, all parties are to comply with it.

9.5 The Division may decline to make a practice ruling. Where the Division declines to make a practice ruling, it will provide notice in writing of its

decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Requests for review

- 9.6 A person the subject of a sanction imposed under Part 8 of these procedures other than one imposed under clause 8.56, paragraph (e), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation.
- 9.7 A review under clause 9.6 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that the council has failed to comply with a requirement under these procedures in imposing a sanction.
- 9.8 A request for a review made under clause 9.6 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 9.9 The Division may decline to conduct a review, where the grounds upon which the review is sought are not sufficiently specified.
- 9.10 The Division may undertake a review of a matter without receiving a request under clause 9.6.
- 9.11 The Division will undertake a review of the matter on the papers. However the Division may request that the complaints coordinator provide such further information that the Division considers reasonably necessary for them to review the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the Division.
- 9.12 The Division will notify the person who requested the review and the complaints coordinator of the outcome of the Division's review in writing and the reasons for its decision. In doing so, the Division may comment on any other matters the Division considers to be relevant.
- 9.13 Where the Division considers that the investigator or the council has erred, the Division may recommend that a decision to impose a sanction under these procedures be reviewed.
- 9.14 In the case of a sanction implemented by the general manager or Mayor under clause 8.42, where the Division recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator will provide a copy of the Division's determination in relation to the matter to the general manager or the Mayor, and

- b) the general manager or Mayor will review any action taken by them to implement the sanction, and
- c) the general manager or Mayor will consider the Division's recommendation in doing so.

9.15 In the case of a sanction imposed by the council by resolution under clause 8.55, where the Division recommends that the decision to impose a sanction be reviewed:

- a) the complaints coordinator will, where practicable, arrange for the Division's determination to be tabled at the next ordinary council meeting, and
- b) the council will:
 - i. review its decision to impose the sanction, and
 - ii. consider the Division's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

9.16 Where having reviewed its previous decision in relation to a matter under clause 9.15, the council resolves to reaffirm its previous decision the council must state in its resolution its reasons for doing so.

PART 10 PROCEDURAL IRREGULARITIES

10.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct except as may be otherwise specifically provided under the code of conduct.

10.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:

- a) the non-compliance is isolated and/or minor in nature, or
- b) reasonable steps are taken to correct the non-compliance, or
- c) reasonable steps are taken to address the consequences of the non-compliance.

PART 11 PRACTICE DIRECTIONS

11.1 The Division may at any time issue a practice direction in relation to the application of these procedures.

11.2 The Division will issue practice directions in writing, by circular to all councils.

11.3 All persons performing a function prescribed under these procedures must consider the Division's practice directions when performing the function.

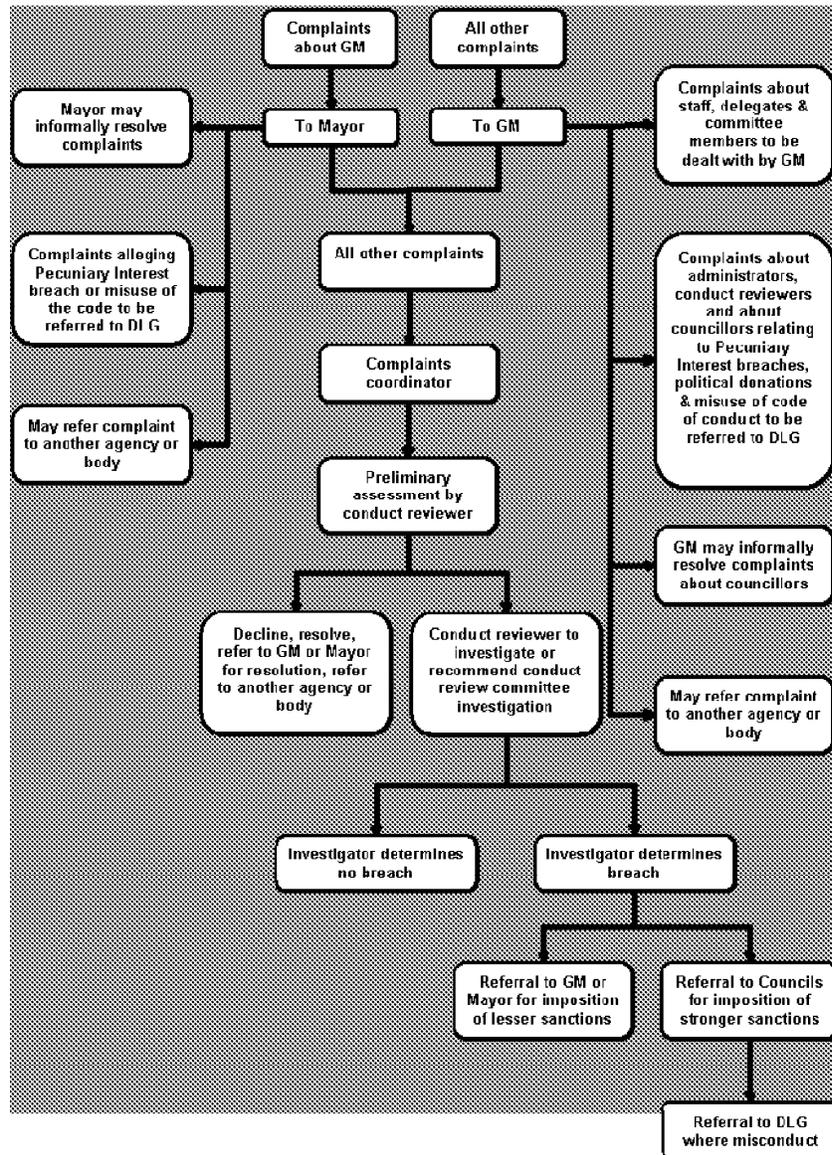
PART 12 REPORTING ON COMPLAINTS STATISTICS

- 12.1 The complaints coordinator will arrange for the following statistics to be reported to the council within 3 months of the end of each financial year:
- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct,
 - b) the number of code of conduct complaints referred to a conduct reviewer,
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints,
 - d) the number of code of conduct complaints investigated by a conduct reviewer,
 - e) the number of code of conduct complaints investigated by a conduct review committee,
 - f) without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures,
 - g) the number of matter reviewed by the Division and, without identifying particular matters, the outcome of the reviews.
- 12.2 The council is to provide the Division with a report containing the statistics referred to in clause 12.1 within 3 months of the end of each financial year.

ORD07

Attachment 1

Model Code Procedure Flowchart





Premier & Cabinet
Division of Local Government

Proposed Amendments to the Local Government Act 1993 to Support the Revised Model Code of Conduct

May 2012

ORD07

Attachment 1

INTRODUCTION

The purpose of this document is to provide an indication of how proposed amendments to the Local Government Act 1993 to support the revised Model Code of Conduct for Local Councils in NSW may look. This document has been prepared by the Division of Local Government for consultation purposes only to assist you to provide feedback on the drafting of the proposed amendments.

The proposed amendments are highlighted in bold. Existing headings in the legislation are also in bold. Proposed amendments to headings in the legislation are underlined.

The proposed amendments outlined in this document are indicative only and may not reflect any final amendments that may be made to the Act. Your comments will assist us to provide drafting instructions to the Parliamentary Counsel's Office.

Ultimately any final proposed amendments will need to be approved by Cabinet, drafted by the Parliamentary Counsel's Office and passed by both Houses of Parliament.

Proposed amendment to section 10A

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) **a matter dealt with under the council's code of conduct adopted under section 440(3).**
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Proposed amendments to sections 439 and 440

439 Conduct of councillors, administrators, staff and delegates

- (1) Every councillor, **administrator**, member of staff of a council and delegate of a council must act honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions under this or any other Act.
- (2) Although this section places certain duties on councillors, **administrators**, members of staff of a council and delegates of a council, nothing in this section gives rise to, or can be taken into account in, any civil cause of action.

440 Codes of conduct

- (1) The regulations may prescribe the following:
 - (a) a model code of conduct (the model code) applicable to councillors, **administrators**, members of staff of councils and delegates of councils,
 - (b) **procedures for the administration of the model code (model code procedures), and**
 - (c) **arrangements for the implementation of the model code and model code procedures.**
- (2) Without limiting what may be included in the model code, the model code may:
 - (a) relate to any conduct (whether by way of act or omission) of a councillor, **administrator**, member of staff or delegate in carrying out his or her functions that is likely to bring the council or holders of civic office into disrepute, and

ORD07

Attachment 1

- (b) in particular, contain provisions for or with respect to conduct specified in Schedule 6A.
- (3) A council must adopt a code of conduct (the adopted code) **and procedures for the administration of the adopted code (the adopted code procedures)** that incorporate the provisions of the model code **and the model code procedures respectively**. The adopted code **and adopted code procedures** may include provisions that supplement the model code **and model code procedures**.
- (4) A council's adopted code **and adopted code procedures** have no effect to the extent that they are inconsistent with the model code and **the model code procedures** as in force for the time being.
- (5) Councillors, **administrators**, members of staff and delegates of a council must comply with the applicable provisions of:
- (a) the council's adopted code, except to the extent of any inconsistency with the model code as in force for the time being, and
- (b) the model code as in force for the time being, to the extent that:
- (i) the council has not adopted a code of conduct, or
- (ii) the adopted code is inconsistent with the model code, or
- (iii) the model code contains provisions or requirements not included in the adopted code.
- (6) A provision of a council's adopted code is not inconsistent with the model code merely because the provision makes a requirement of the model code more onerous for persons required to observe the requirement.
- (7) A council must, within 12 months after each ordinary election, review its adopted code **and adopted code procedures** and make such adjustments as it considers appropriate and as are consistent with this section.
- (8) **The Director General may issue:**
- (a) **practice directions to provide procedural guidance to councils on the administration of their adopted codes of conduct.**
- (b) **practice rulings on questions of procedure in relation to particular matters being dealt with under a council's adopted code.**
- (9) **A council and any person exercising a function under a council's adopted code procedures must comply with a practice direction or practice ruling issued by the Director General.**
- (10) **The Director General may authorise a member of staff of the Department to exercise a function of the Department that is prescribed under the model code procedures.**

- (11) Nothing in this section or such a code gives rise to, or can be taken into account in, any civil cause of action, but nothing in this section affects rights or liabilities arising apart from this section.

Proposed amendments to the current misbehaviour provisions

Division 3 Misconduct

440F Definitions

- (1) In this Chapter:

***administrator* means a person appointed under section 256**

***Disciplinary action* means any of the following:**

- (a) disciplinary action by the Director General under section 440K**
- (b) suspension of a councillor from civic office by the Director General under section 440L**
- (c) a decision by the Pecuniary Interest and Disciplinary Tribunal under section 482A**

***Misconduct* of a councillor means any of the following:**

- (a) a contravention by the councillor of this Act or the regulations,**
- (b) a failure by the councillor to comply with an applicable requirement of a code of conduct as required under section 440 (5),**
- (c) an act of disorder committed by the councillor at a meeting of the council or a committee of the council,**
- (d) a failure to comply with an order made by the Director General under this Division.**

but does not include a contravention of the disclosure requirements of Part 2.

***Pattern of misconduct* means a pattern of conduct that comprises of more than one incident of misconduct.**

Note. A contravention of the disclosure requirements of Part 2 is dealt with under other provisions of this Chapter.

- (2) A reference in this Chapter to **misconduct** or an incident of **misconduct** includes a reference to **misconduct** that consists of an omission or failure to do something.

ORD07

Attachment 1

440G Formal censure of councillor for misconduct

- (1) A council may by resolution at a meeting formally censure a councillor for **misconduct**.
- (2) A formal censure resolution may not be passed except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 and, if applicable, the council's code of meeting practice.
- (3) A council may pass a formal censure resolution only if it is satisfied that the councillor has **engaged in misconduct** on one or more occasions.
- (4) The council must specify in the formal censure resolution the grounds on which it is satisfied that the councillor should be censured.
- (5) A motion for a formal censure resolution may, without limitation, be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

440H How may the process for disciplinary action under this Division be initiated?

- (1) The process for **disciplinary action under this Division** may be initiated by:
 - (a) a request made by the council by resolution communicated to the Director-General, in which the council states its belief that grounds may exist that warrant the councillor's suspension, or
 - (b) **a referral by the general manager where such a referral is required under section 328B or the model code procedures, or**
 - (c) **at the Director-General's own motion, or**
 - (d) a request made by the Director-General to the council for a report from the council in relation to the councillor's alleged **misconduct**, or
 - (e) a report made by the Ombudsman in which the Ombudsman states that the Ombudsman is satisfied that grounds exist that warrant **disciplinary action under this Division**, or
 - (f) a report made by the Independent Commission Against Corruption in which the Commission recommends that consideration be given to **disciplinary action** under this Division.
- (2) **The process for disciplinary action under this Division cannot be initiated by a request made by the council unless the councillor has:**
 - (a) **been formally censured for the misconduct in question, or**
 - (b) **been expelled from a meeting of the council or a committee of the council for the incident of misconduct in question.**

- (3) The council must make a report to the Director-General requested under subsection (1)(c) before the date specified in the Director-General's request or any later date allowed by the Director-General.
- (4) This section authorises such requests and reports to be made, and a reference in this section to a report made by the Independent Commission Against Corruption or the Ombudsman is a reference to a report made to the Director-General under the authority of this subsection or under any other provisions of this or any other Act.
- (5) Nothing in this section affects any function under any other provisions of this or any other Act that authorises the making of a report or recommendation concerning suspension of a councillor from civic office.

440I What are the grounds on which disciplinary action may be taken against a councillor?

The grounds on which disciplinary action may be taken against a councillor under this Division are that the councillor's conduct has involved one or more incidents of misconduct or a pattern of misconduct.

440J Preparation of a departmental report a prerequisite to disciplinary action

- (1) The Director-General may arrange for a departmental report to be prepared into the matters initiated under section 440H.
- (2) The Director-General may authorise a member of the staff of the Department to conduct an investigation into any or all of those matters to assist in the preparation of the departmental report.
- (3) A member of staff authorised to conduct an investigation under subsection (2) may require a councillor or member of staff of a council to:
 - (a) give a statement of information,
 - (b) produce any document or other thing, or
 - (c) give a copy of any document.
- (4) The preparation of a departmental report is a prerequisite to a decision by the Director-General to take disciplinary action against a councillor, but is not necessary if the Independent Commission Against Corruption or the Ombudsman states in a report that the Commission or Ombudsman is satisfied that grounds exist that warrant disciplinary action against the councillor

- (5) In this Division, departmental report means a report prepared by a person authorised by the Director-General to do so.

440K Disciplinary action by the Director General

- (1) The Director General may by order in writing take one or more of the disciplinary actions against a councillor referred to in subsection (2):
- (a) if the Director-General has considered a departmental report into the matters concerned and is satisfied that grounds exist that warrant disciplinary action against the councillor, or
 - (b) if the Independent Commission Against Corruption or the Ombudsman states in a report that the Commission or Ombudsman is satisfied that grounds exist that warrant disciplinary action against the councillor.
- (2) For the purposes of subsection (1), the Director-General may take one or more of the following disciplinary actions against the councillor:
- (a) counsel the councillor.
 - (b) reprimand the councillor
 - (c) make public findings of misconduct
 - (d) require the councillor to apologise to any person adversely affected by the conduct that constitutes an incident of misconduct
 - (e) require the councillor to take such action specified in the order
 - (f) suspend the councillor's right to be paid any fee or other remuneration to which the councillor would otherwise be entitled as the holder of the civic office in respect of a period not exceeding 3 months.
- (3) A copy of the order must be served on the councillor.
- (4) A failure by a councillor to comply with a requirement under an order issued by the Director General under this section will constitute grounds for suspension from civic office by the Director General or referral to the Pecuniary Interest and Disciplinary Tribunal.

440L Suspension by Director-General for misconduct

- (1) The Director-General may by order in writing suspend a councillor from civic office for a period not exceeding **three months**:
- (a) if the Director-General has considered a departmental report into the matters concerned and is satisfied that grounds exist that warrant the councillor's suspension, or
 - (b) if the Independent Commission Against Corruption or the Ombudsman states in a report that the Commission or

Ombudsman is satisfied that grounds exist that warrant the councillor's suspension.

- (2) A copy of the order must be served on the councillor.
- (3) A councillor, while suspended from civic office under this section:
 - (a) is not entitled to exercise any of the functions of the civic office, and
 - (b) is not entitled to any fee or other remuneration to which he or she would otherwise be entitled as the holder of the civic office.
- (4) **The Director General may take into consideration previous incidents of misconduct by the councillor when determining whether to suspend the councillor from civic office.**

440M When does an order of suspension take effect?

The period of suspension under an order made by the Director-General commences on the date 7 days after the service of the order on the councillor or the date specified in the order for the commencement of the period of suspension, whichever is the later.

440N Appeals against disciplinary action by the Director General

- (1) A councillor against whom an order of **disciplinary action** or suspension is made by the Director-General may appeal against the order to the Pecuniary Interest and Disciplinary Tribunal.
- (2) Such an appeal may not be made more than 28 days after the date the order was served on the councillor.
- (3) The Tribunal may stay the order of suspension until such time as the Tribunal determines the appeal.
- (4) The Tribunal may:
 - (a) confirm the order, or
 - (b) quash the order, or
 - (c) amend the order consistently with the powers of the Director-General.
- (5) If the order is quashed, any fee or other remuneration withheld is payable to the councillor.
- (6) If the order is amended, the order as amended has effect as if it had been made in that form by the Director-General.
- (7) The regulations may make provision for or with respect to the making, hearing and determination of appeals under this section.

440O Referral of matters to Pecuniary Interest and Disciplinary Tribunal

- (1) The Director-General may refer a matter **initiated** under section 440H for consideration by the Pecuniary Interest and Disciplinary Tribunal instead of **taking disciplinary action** against the councillor concerned under this Division.
- (2) The preparation and consideration of a departmental report is not a prerequisite to a decision by the Director-General to refer a matter to the Tribunal, but the Director-General may take into consideration a departmental report into the matter if one is prepared.
- (3) A matter is referred to the Tribunal under this section by means of a report presented to the Tribunal by the Director-General. A report may contain or be accompanied by such material and observations as the Director-General thinks fit.
- (4) The regulations may make provision for or with respect to the reference of matters to the Tribunal under this section.

440P Are there alternatives to disciplinary action under this Division or referral to Pecuniary Interest and Disciplinary Tribunal?

- (1) The Director-General may, after considering a matter **initiated** under section 440H and any relevant departmental report prepared under section 440J, decide to take no further action on the **matter**, whether or not a departmental investigation or departmental report has been authorised, started or completed, if satisfied that no further action is warranted.
- (2) The Director-General may, instead of **taking disciplinary action against a councillor** under this Division or referring the matter to the Pecuniary Interest and Disciplinary Tribunal, refer the matter to the council with recommendations as to how the council might resolve the matter, by alternative dispute resolution or otherwise.

440Q Expenses to be borne by council

- (1) The Director-General may recover the reasonable expenses incurred by or in respect of the Department in considering and dealing with a request made by a council under section 440H from the council, including the expenses of any departmental investigation and departmental report into the matters raised by or connected with the request.
- (2) The Director-General may make a determination of the amount of the expenses referred to in subsection (1) and serve a notice on the council requiring the amount so determined be paid in recovery of the Department's expenses.

- (3) An amount equal to the expenses as so determined is payable to the Department as a debt by the council concerned, except as determined by the Director-General.
- (4) The council may apply to the Administrative Decisions Tribunal for a review of whether any part of the expenses so determined are not reasonable expenses.
- (5) The Director-General must give effect to any decision of the Tribunal on a review of the determination of the amount of the expenses.
- (6) A reference in this section to expenses incurred includes a reference to remuneration paid to departmental staff.

440Q Reasons to be given

- (1) The Director-General is required to prepare a written statement of reasons for:
 - (a) **disciplinary action taken under section 440K,**
 - (b) **imposing a period of suspension,**
 - (c) **a decision to take no action**
 - (d) referring a matter to the Pecuniary Interest and Disciplinary Tribunal.
- (2) The statement of reasons is to be provided to the council and councillor concerned.
- (3) **The Director General may make the written statement of reasons public.**

Proposed amendments to section 482A

482A Decision of Pecuniary Interest and Disciplinary Tribunal—misconduct matters

- (1) This section applies where a matter has been referred to the Pecuniary Interest and Disciplinary Tribunal under section 440O.
- (2) The Tribunal may, if it finds that the **conduct** concerned warrants action under this section:
 - (a) counsel the councillor, or
 - (b) reprimand the councillor, or
 - (c) suspend the councillor from civic office for a period not exceeding 6 months, or
 - (d) **disqualify the councillor from holding civic office for a period not exceeding 5 years, or**
 - (e) suspend the councillor's right to be paid any fee or other remuneration, to which the councillor would otherwise be entitled as the holder of the civic office, in respect of a period not

ORD07

exceeding 6 months (without suspending the councillor from civic office for that period).

- (3) **The Tribunal may take into consideration previous incidents of misconduct by the councillor when determining what action to take under this section.**

Proposed amendment to section 661

275 Who is disqualified from holding civic office?

- (1) A person is disqualified from holding civic office:
- (a) while disqualified from being an elector, or
 - (b) while a judge of any court of the State or the Commonwealth, or
 - (c) while serving a sentence (including a sentence the subject of an intensive correction order) for a serious indictable offence or any other offence, except a sentence imposed for a failure to pay a fine, or
 - (d) if he or she is while holding that office, or has been within 2 years before nomination for election, election or appointment to the office, convicted of an offence under the regulations made for the purposes of section 748 (3), or
 - (e) if he or she is while holding that office, or has been within 5 years before nomination for election, election or appointment to the office, convicted of an offence referred to in Part 4 of the Crimes Act 1900 (Offences relating to property), or
 - (f) while a surcharge, payable by the person under Part 5 of Chapter 13 and not paid within 6 months after it became payable, remains unpaid, or
 - (g) while disqualified from holding a civic office under a provision of this Act or Part 4A of the Crimes Act 1900 (Corruptly receiving commissions and other corrupt practices), or
 - (h) while disqualified from managing a corporation under Part 2D.6 of the Corporations Act 2001 of the Commonwealth, **or**
 - (i) **while disqualified from holding civic office by an order by the Pecuniary Interest and Disciplinary Tribunal made under section 482 or section 482A.**
- (2) A person is disqualified from holding civic office on a council if he or she is an employee of the council or holds an office or place of profit under the council.
- (3) A person is not disqualified from holding a civic office only because, while holding the civic office, the person ceases to be a resident in the area, to own property in the area or to be an occupier or ratepaying lessee of rateable land in the area.
- (4) A person is taken not to be disqualified from holding civic office if the Administrative Decisions Tribunal, in proceedings under section 329,

Attachment 1

has refused to order the dismissal of the person in circumstances to which subsection (4) of that section applies.

Note. If a person while holding civic office becomes subject to disqualification under this section, the office becomes vacant under section 234.

Proposed amendment to section 329

329 Can the holder of a civic office be dismissed?

- (1) Any person may apply to the Administrative Decisions Tribunal for an order that a person be dismissed from civic office.
- (2) On any such application, the Tribunal may order the dismissal of a person from civic office:
 - (a) if there has been any irregularity in the manner in which the person has been elected or appointed to that office, or
 - (b) if the person is disqualified from holding civic office.
- (3) Proceedings based on the ground that there has been an irregularity in the manner in which a person has been elected or appointed to civic office may not be commenced more than 3 months after the date of the person's election or appointment to that office.
- (4) If the proceedings are based on the ground that a person is disqualified from holding civic office, the Tribunal may refuse to order the dismissal of the person from that office if it is satisfied:
 - (a) that the facts and circumstances giving rise to the disqualification are of a trifling character, and
 - (b) that the acts which gave rise to that disqualification were done in good faith and without knowledge that the person would incur disqualification by doing those acts.
- (5) Subsection (4) does not apply to a person who is disqualified from holding civic office by a decision of the Pecuniary Interest and Disciplinary Tribunal under section 482 **or section 482A** or by a decision of the Governor under section 440B.
- (6) The Tribunal may award costs under section 88 of the Administrative Decisions Tribunal Act 1997 in respect of proceedings commenced by an application made under this Part.

Proposed amendment to section 661

661 Failure to comply with certain directions

ORD07

Attachment 1

A person who fails, without lawful excuse, to comply with a direction given to the person under Part 3 or 5 of Chapter 13 **or Part 1 of Chapter 14** by a person authorised to give the direction is guilty of an offence.

Maximum penalty: 20 penalty units.

Proposed amendment to Part 8A of Chapter 10

Part 8A Political donations

328A General manager to keep register of political donation disclosures

- (1) The general manager is required to keep a register of copies of current declarations of disclosures of political donations lodged with the Election Funding Authority by or on behalf of councillors of the council concerned (including in their capacity as candidates for election as councillors).
- (2) For the purposes of this section, current declarations of disclosures of political donations are declarations lodged under Part 6 of the **Election Funding, Expenditure and Disclosures Act 1981** in respect of the relevant disclosure period that includes the date of the last election (other than a by-election) and all subsequent relevant disclosure periods.

Note. Part 6 of the **Election Funding, Expenditure and Disclosures Act 1981** makes provision for disclosure by councillors and candidates for civic office (and parties registered in connection with local government elections) of political donations and electoral expenditure.

328B Reference by general manager to Director-General of political donation matters

- (1) If the general manager reasonably suspects that a councillor has not complied with the provisions of the code of conduct under section 440 relating to the disclosure of political donations or the manner of dealing with any perceived conflict of interest in relation to political donations, the general manager is to refer the matter to the Director-General.
- (2) Any such matter may be referred by the Director-General to the Pecuniary Interest and Disciplinary Tribunal.
- (3) **Any such matter is taken (for the purposes of this Act) to be referred to the Tribunal under section 440O.**

Other consequential amendments

All other references in Chapter 14 to “misbehaviour” are to be amended to refer instead to “**misconduct**”.

All references in Chapter 14 to section “440N” in relation to the referral of matters to the Tribunal are to be amended to refer instead to “**section 440O**”

Consequential amendments to the Local Government (General) Regulation 2005

Division 4 Conduct generally

193 Code of conduct

- (1) For the purposes of section 440 (Codes of conduct) of the Act:
 - (a) the Code called The Model Code of Conduct for Local Councils in NSW, as published in the Gazette on [XX] 2012, is prescribed as the model code of conduct, and
 - (b) **the procedures called Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, as published in the Gazette on [XX] 2012, is prescribed as the model code procedures.**
- (2) **Councils may use conduct reviewers appointed to a panel established by an organisation prescribed under this Regulation for the purposes of implementing the model code and model code procedures.**

Division 5 Appeals against suspension

195 Making of appeal

An appeal under section 440N of the Act is to be made:

- (a) in accordance with any relevant procedures set out in the Pecuniary Interest and Disciplinary Tribunal Procedure Manual published by the Pecuniary Interest and Disciplinary Tribunal, as in force from time to time, or
- (b) if there are no such relevant procedures (or no such manual)—by giving written notice of the appeal to that Tribunal.

ORD07



Attachment 2

SUBMISSION BY CAMDEN COUNCIL

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

BACKGROUND

In 2011, the Division of Local Government (the Division) commenced a review of the Model Code of Conduct for Local Councils in NSW (the Model Code) at the request of the Minister for Local Government.

As part of the review process, the Division issued a discussion paper outlining the issues that had been raised with them about the operation of the current version of the Model Code and asked councils and stakeholders for feedback. A position paper was also released and workshops were held across the state to discuss the proposed amendments.

In response to the feedback received through the consultation process, the Division has released its reform proposal, in the form of the following draft documents:

- Proposed amendments to the Model Code
- Proposed new procedures for the administration of the Model Code
- Proposed amendments to the Local Government Act and Regulations

The Division is asking for comment on the technical detail of the proposed changes to be submitted by Tuesday 26 June 2012. A two (2) day extension has been granted to Camden Council for the submission of its feedback following the Council meeting of 26 June 2012.

COMMENTS ON THE PROPOSED AMENDMENTS

Proposal to split the Model Code into two instruments

Camden Council considers this to be a positive amendment to the Model Code. Having two distinct instruments will assist in navigating the document/s in a simplified manner and clearly distinguishes what the prescribed standards of the Code are from the procedural requirements regarding conduct complaints.

Model Code of Conduct

- *Removal of the "context" section of the Model Code*

Council agrees with the proposed amendments. The 'context' section is purely for education purposes and is largely irrelevant to the purpose of the Model Code, as it does not constitute enforceable standards of conduct. Incorporating this information into a 'Guideline' simplifies the Model Code, removing superfluous information.

Amendments to wording within the Introduction of the Model Code relating to "failure by a councillor to comply with the standards of conduct prescribed" from "**constitutes misbehaviour**" to "**constitutes misconduct**" is also seen as a sensible and necessary amendment.

- *Prohibition of binding caucus votes that prevent councillors from exercising their discretion. However Councillors will still be permitted to meet to discuss council business ahead of meetings*

Council agrees with the proposed amendments. What constitutes a binding caucus vote has now been clearly defined and identified as specifically

ORD07

prohibited, whilst still allowing for councillors to discuss matters prior to consideration at a council meeting. It should be noted, however, that it may still be difficult to prove that caucusing has taken place.

- *Refinement of the provisions relating to the disclosure of reportable political donations to align them with subsequent amendments to the relevant legislation and to eliminate loopholes*

Council agrees with the proposed amendments. The current Model Code lacks detail on the obligations to disclose political donations as well as clear definitions of what are considered reportable political donations. The proposed amendments clarify these issues and are otherwise necessary due to amendments to legislation.

- *Provisions to address the loss of quorum arising from compliance with requirements under the code*

Council agrees with the proposed amendments **in part**. Whilst it is considered necessary to address the issue of loss of quorum, the requirement for a councillor to “pre declare” their interest to the General Manager in writing may need to be made more prescriptive. For example, how much notice is required to be given and to what extent does the General Manager need to advise/determine the appropriateness of a Councillor participating in these circumstances?

There also appears to be a contradiction between Clauses 4.28, 4.29 and 4.30(b). Clauses 4.28 & 4.29 state that the Councillor must declare their interest in the matter to the General Manager who will determine if the Councillor can participate in consideration of a matter, however 4.30(b) states that as long as the Councillor declares an interest, they can participate in consideration of the matter.

- *Expansion on the prohibition on the acceptance of cash to include cash like gifts*

Council agrees with the proposed amendments **with one additional inclusion**. Cash like gifts have never been addressed in the Model Code and their inclusion in the Code removes any uncertainty or loopholes in regards to accepting these types of gifts. Council would also like to see the inclusion of “frequent flyer points or use of own credit card for Council funded business to receive frequent flyer points” within the list of cash like gifts.

- *Amendment to provisions relating to the relationship between council officials to allow councillors to provide information to the Chair of the audit committee, to prohibit staff from participating in political activities that interfere with their duty to serve council in a politically neutral manner and to allow councillors to discuss the general manager’s performance and inappropriate interactions.*

Council agrees with the proposed amendments **in part**. A Councillor should be permitted to speak to a staff member provided it is permitted in the Audit Committee Charter.

The provision relating to inappropriate interactions (clause 6.7) needs to include an additional point regarding Councillors interactions with

Attachment 2

development applicants. Clause 6.7 (i) could perhaps be amended to read “Councillors, acting in their role as such, and Council staff meeting with development applicants or objectors...”. It is noted that the Division intends to include this matter within the Guidelines; however it is more appropriate that this standard of conduct is clearly outlined with the Model Code itself.

- *Removal of loopholes in the provisions that relate to the use of council resources for election purposes*

Council agrees with the proposed amendments. The addition of council property and facilities not being able to be used for election purposes is appropriate and the proposed wording is considered stronger and clearer than the current Model Code.

- *Creation of a new class of standards relating to the maintenance of the integrity of the Code of Conduct. Breaches of these standards will be dealt with by the Division under the misbehaviour provisions.*

Council agrees with the proposed amendments **in part**. The proposed amendments clearly outline what behaviour is likely to undermine confidence in the integrity of the Code. As the Division is ultimately responsible for the Model Code, it is considered appropriate that the Division deal with complaints alleging breach of this part.

Procedures for the Administration of the Model Code

The following changes in relation to the procedures are proposed:

- *Councils will be able to establish their own panels of conduct reviewers or to establish regional panels*

Council agrees with this proposal. It should be left up to each Council to determine whether it establishes its own panel or establish a regional panel of conduct reviewers. This ability to choose how panels are established is particularly important for smaller councils, whether in the country or metropolitan fringe, which have a distinct shortage of suitably qualified community members to fill the positions. The opportunity to establish a regional panel will ensure there is a greater pool of reviewers to select from, enabling rotation of members, assisting in maintaining the impartiality of the Committee.

- *An option will be created to allow councils to use conduct reviewers from a panel established by a prescribed organisation*

If by a prescribed organisation it is intended to be a Regional Organisation of Councils, then Council agrees with the proposal. A definition of what constitutes a prescribed organisation needs to be included.

- *The selection process and criteria for conduct reviewers will be prescribed*

Council agrees with this proposal **in part**. A clear selection process and criteria is lacking in the current Model Code and where it is mentioned, is quite ambiguous. Whilst it is agreed that the required knowledge and experience of a conduct reviewer needs to be prescribed, the proposed

ORD07

amendments are considered very specific and will narrow the range of potential interested parties, making an already difficult task of attracting a suitable pool of candidates even more so.

- *To limit the misuse of the procedures to deal with non code of conduct matters "Code of conduct complaint" will be a defined term*

Council agrees with this proposal. This is an obvious omission from the current Model Code and needs to be included to ensure that it is only those issues defined as code of conduct complaints are dealt with under the provisions of the Code.

- *Complaints must be made within three months*

Council agrees with this proposal. Complaints should be made within a set period of time and three months is considered more than sufficient.

- *General Managers and Mayors will no longer have any role in the management of complaints about councillors or the General Manager beyond the initial receipt of complaints. General Managers and Mayors will however retain the option to resolve complaints informally at the outset should they choose to do so, but this will be at their discretion*

Council agrees with this proposal. The General Manager and Mayor should not be required to have any involvement in the management or assessment of complaints. It can place considerable pressure on the working relationship between the General Manager, the Mayor and Council and may call into question the integrity and perception of the process.

- *Councils will be required to nominate a member of staff other than the General Manager to be a complaints coordinator for the purposes of providing administrative support for the code. This will ensure complaints are dealt with at arms length from the General Manager and Mayor*

Council agrees with this proposal **in part**. Whilst the General Manager and Mayor should not be required to have any involvement in the management or assessment of complaints, it is recognised that a staff member of Council needs to provide administrative support to the conduct reviewer/panel. It should however be made clear within the Code that the complaints coordinator role is purely administrative, merely a conduit to the complaint, and does not have any involvement in the review process. Given this, 21 days seems an excessive amount of time to refer the complaint on to a suitable complaints reviewer and this time frame could perhaps be reduced.

- *The process for dealing with complaints about councillors and General Managers will be simplified. Where the current code prescribes a 3 tier process (ie preliminary assessment by the General Manager or Mayor, investigation by a conduct reviewer and determination by the council), under our proposed changes, complaints will be dealt with from start to finish by a conduct reviewer at arms length from the council*

Council agrees with this proposal. Management of a complaint by one party from start to finish ensures the integrity of the process is maintained. Again, the General Manager and Mayor should not be required to have any

Attachment 2

involvement in the management or assessment of complaints and removing the council from the equation as far as making the determination is seen as a necessary approach if the process is to be seen as transparent, equitable and fair.

- *Preliminary assessment of complaints will be undertaken by independent conduct reviewers*

Council agrees with this proposal. A preliminary assessment will ensure that time and resources are not wasted if the complaint is found to be invalid.

- *Limited provision will be made for the Division of Local Government to undertake a preliminary assessment role for a council in relation to complaints made by or about a person where the number or nature of complaints made by or about the person imposes an undue cost burden on the council or impedes the effective administration of the councils code*

Council agrees with this proposal. This option should perhaps be extended to Councils in regional areas who are unable to attract a suitable pool of conduct reviewers.

- *A time limit will be imposed on the preliminary assessment of complaints*

Council agrees with the proposal **in part**. A time limit on the preliminary assessment is seen as necessary, however it is unclear as to whether “stop the clock” provisions would apply should additional information be required to complete the preliminary assessment of the complaint.

The onus is on the complainant to provide additional information (via the complaints coordinator) who may take some time to produce the information requested. If the preliminary assessment by the conduct reviewer is not completed within the prescribed timeframe, what happens? Is there provision to extend the timeframe or “stop the clock” should additional information be requested?

- *Conduct reviewers will only be permitted to investigate a matter where they are satisfied the alleged conduct is sufficiently serious to warrant investigation and cannot be resolved by alternate means*

Council agrees with this proposal. All attempts should be made to resolve a matter and the complaints assessment criteria under 6.27 clearly outlines various alternate means by which the matter may be able to be resolved.

- *Provision will be made for the use of conduct review committees of three persons to investigate matters in limited circumstances*

Council agrees with this proposal **in part**. A conduct reviewer, under clause 6.19, is able to recommend a conduct review committee be convened where it would not be “practicable or appropriate” for the matter to be investigated by a sole reviewer. It is unclear what should be considered practicable/not practicable or appropriate/inappropriate. Does the conduct reviewer need to provide justification as to his/her decision to convene a conduct review committee?

ORD07

Attachment 2

- *The investigation process including procedural fairness requirements will be more clearly prescribed*

Council agrees with this proposal. Natural justice and procedural fairness requirements appear to be already sufficiently highlighted and the rules clearly defined, however any attempts to provide further clarity are certainly supported as this will leave little room for misinterpretation.

- *Councils will no longer make a determination that there has been a breach of the code. Determinations will now be made by the investigator*

Council agrees with this proposal. It is the investigator's role to deal with all aspects of the complaint so they are in the best position to make a proper determination. It also ensures council is kept at arms length.

- *Investigation reports will no longer be dealt with in the public domain. The only investigation reports that will be reported to council will be those recommending the imposition of a more severe sanction (eg censure)*

Council agrees with this proposal. This appears to be an appropriate course of action.

- *An amendment to section 10A of the Act will be sought to permit councils to consider investigation reports in closed meetings*

Council agrees with this proposal. This will ensure that discussion of code of conduct complaints are not utilised for inappropriate reasons (for example, political gain) within the public domain.

- *Council's role in relation to code of conduct matters will be limited to imposing more severe sanctions (eg censure) where such sanctions have been recommended by the investigator. Councils will have limited discretion in the imposition of a sanction*

Council agrees with this proposal **in part**. Where the council does not agree with, and resolves not to adopt, the investigators recommendations is the matter considered finalised? According to clause 8.57, the council may only impose those sanctions recommended by the investigator. What if Council consider that lesser sanctions are more appropriate? The Code is not clear whether the council have the right to refer the matter back to the investigator.

- *Lesser sanctions (eg training and counselling) will be implemented by the General Manager, or in the case of a complaint about the General Manager, by the Mayor*

Council agrees with this proposal **in part**. It should be made clear in the procedures that the General Manager is only responsible for imposing the sanctions recommended by the investigator, that is, he/she has no role in determining if they are appropriate or not.

- *Where a person has a sanction imposed on them, they will have a limited right to request a review of the determination by the Division*

Council agrees with this proposal **in part**. In terms of procedural fairness, a review or appeal process is considered appropriate however it should be noted that a review process could further prolong the matter and delay the final determination.

ORD07

Additional points which should be considered

- A current employee of council is understandably excluded from being eligible to be a member on the panel of conduct reviewers. This should extend to ex-employees of Council, or at the very least impose a timeframe for when an ex-employee can be considered as a panel member (perhaps being the next available term of Council). Conduct reviewers need to be independent from Council and absolutely impartial and this would be difficult if a reviewer had recently been employed by the Council.
- Camden has previously suggested that the Division introduce and have responsibility for a training programme for Committee Members, once appointed, to ensure a consistent interpretation and approach to the review process.
- It is suggested that there be a scale of penalties introduced for repeat offenders, or perhaps after a number of offences, the party becomes liable for suspension from office for lengthening periods of time.
- The reporting of complaints should be incorporated into the Annual Report so as not to impose further reporting requirements on a council.
- Clause 8.46 - 8.48 requiring a complainant councillor to absent themselves from a meeting where the complaint is discussed contradicts the provision under Clause 5.29 that stipulates the identity of the complainant is not to be disclosed. It would be obvious who had made the complaint if this was to occur.
- Whilst the flowcharts provided are helpful, it may be useful to have a section clearly outlining the role/obligations of each party involved, ie the complaints coordinator, the preliminary assessment reviewer and the General Manager. It may also be helpful to have some sort of chart which outlines the relevant timeframes.
- It is still not clearly defined when a Councillor is or is not a Councillor. Whilst the Code refers to conduct whilst "carrying out your functions", Camden Council's Code states that a Councillor is considered as such 24 hours a day, 7 days per week. This should be set out within the Code.
- It would be beneficial if the Division provided Council's with a biannual/annual list of reported Code of Conduct breaches and the outcome/findings. The report could be generalised (ie not listing Council details, etc), however the information could assist Councils in preventing future breaches and managing Code of Conduct issues.

Attachment 2

CONCLUSION

In the main, Camden Council considers the changes to the Model Code to be a positive step forward. The amendments, particularly to the procedures for administering Code of Conduct complaints appear to be robust, well defined and will ensure that all complaints are handled logically and methodically.



ORD08

ORDINARY COUNCIL

ORD08

SUBJECT: INVESTMENT MONIES - MAY 2012
FROM: Manager Corporate Services
BINDER: Investment Monies

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 May 2012 is provided.

MAIN REPORT

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 weighted average return on all investments was 5.79% p.a. for the month of May 2012.

The Principal Accounting Officer is the Manager Corporate Services.

RECOMMENDED

That Council:

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act, Regulations, and Council's Investment Policy.***
- ii. the list of investments for May 2012 be noted.**
- iii. the weighted average interest rate return of 5.79% p.a. for the month of May 2012 be noted.**

ATTACHMENTS

1. Investment Listing- May 2012

CAMDEN COUNCIL

Investments as at: 31st May 2012

INSTITUTION (Long term / short term credit ratings)	TYPE	IBD NO.	TERM	MATURITY DATE	INTEREST RATE (p.a.)	PORTFOLIO %	INVESTMENT AMOUNT
WESTPAC	TD	2502	147	12-Jul-12	5.82%		3,000,000
AA / A-1+	TD	2503	147	19-Jul-12	5.86%		1,500,000
	TD	2483	183	7-Jun-12	5.95%		1,000,000
	TD	2504	98	6-Jun-12	5.91%		1,500,000
	TD	2507	147	2-Aug-12	5.82%		3,000,000
						18%	<u>10,000,000</u>
BANK WEST	TD	2514	90	11-Jul-12	5.80%		2,000,000
AA / A-1+	TD	2508	148	9-Aug-12	5.78%		1,500,000
	TD	2515	105	1-Aug-12	5.80%		2,500,000
	TD	2517	90	25-Jul-12	5.60%		1,500,000
						14%	<u>7,500,000</u>
NAB	TD	2500	147	28-Jun-12	5.80%		2,000,000
AA / A-1+	TD	2512	161	6-Sep-12	5.90%		1,000,000
	TD	2522	133	4-Oct-12	5.21%		1,000,000
	TD	2523	133	11-Oct-12	5.20%		2,000,000
						11%	<u>6,000,000</u>
ING DIRECT	TD	2499	141	21-Jun-12	5.69%		1,500,000
A+ / A-1	TD	2506	141	26-Jul-12	5.95%		2,000,000
	TD	2511	211	18-Oct-12	6.10%		1,500,000
						9%	<u>5,000,000</u>
SUNCORP METWAY	TD	2505	118	27-Jun-12	5.92%		3,000,000
A+ / A-1	TD	2516	140	13-Sep-12	5.50%		1,000,000
	TD	2501	183	16-Aug-12	6.00%		1,500,000
	TD	2491	182	5-Jul-12	5.99%		2,000,000
	TD	2513	90	4-Jul-12	5.70%		1,500,000
	TD	2498	135	14-Jun-12	5.89%		2,500,000
	TD	2509	161	23-Aug-12	5.87%		2,000,000
	TD	2510	168	30-Aug-12	5.87%		2,000,000
						27%	<u>15,500,000</u>
ST GEORGE	TD	2484	189	15-Jun-12	5.86%		2,000,000
AA / A-1+	TD	2480	182	1-Jun-12	5.82%		2,000,000
						7%	<u>4,000,000</u>
CUA	TD	2518	728	1-May-14	5.95%		1,000,000
BBB/A2	TD	2519	728	8-May-14	5.95%		1,000,000
						4%	<u>2,000,000</u>
ME BANK	TD	2520	126	20-Sep-12	5.50%		1,500,000
BBB/A2						0%	<u>1,500,000</u>
HERITAGE BANK	TD	2521	127	27-Sep-12	5.40%		1,500,000
BBB/A3						3%	<u>1,500,000</u>
CBA	CALL			Call	4.75%	4%	2,090,000
AA / A-1+							
				TOTAL INVESTMENTS HELD		100%	<u>55,090,000</u>

ORD08

Attachment 1

CAMDEN COUNCIL
Investments as at: 31st May 2012

SOURCE OF FUNDS INVESTED	
SEC 94 DEVELOPER CONTRIBUTIONS	19,877,200
RESTRICTED GRANT INCOME	719,000
EXTERNALLY RESTRICTED RESERVES	13,274,600
INTERNALLY RESTRICTED RESERVES	16,036,400
GENERAL FUND	5,182,800
TOTAL	55,090,000

Council's investment portfolio has decreased by \$665,000 since the April 2012 reporting period. The decrease primarily is the net result of payments for capital works and operational expenses.

NUMBER OF INVESTMENTS	30
AVERAGE DAYS HELD	183
AVERAGE PERCENTAGE	5.78% p.a.
WEIGHTED PORTFOLIO RETURN	5.79% p.a.
CBA CALL ACCOUNT *	4.75% p.a.
HIGHEST RATE	6.10% p.a.
LOWEST RATE	5.20% p.a.
BUDGET RATE	5.90% p.a.
AVERAGE BBSW (30 Day)	3.64% p.a.
AVERAGE BBSW (90 Day)	3.43% p.a.
AVERAGE BBSW (120 Day)	3.37% p.a.

***Note: CBA call account is not included in the investment performance calculations**

TD - Term Deposit - This is a secure investment with a fixed interest rate for the term of the investment.

BB - Bank Bills - This is a negotiable security that is sold at a discount to face value with the full face value paid on maturity.

NCD/TCD - Negotiable/Transferable Certificate of Deposit - Very similar to Bank Bills but often have a higher minimum investment and can have longer maturity dates.

CRI - Committed Rolling Investment - For terms of 1-3 years. The interest rate is set at a margin above the bank bill swap rate for the term of the investment. The investment rolls monthly or quarterly and the BBSW is reset at roll date.

FRN - Floating Rate Note - Generally have 5-10 year terms but are tradable securities that can be bought & sold at prevailing market rates. The interest rate is set at a margin above the bank bill swap rate. Interest coupon is paid quarterly and the rate is reset on coupon date.

BBSW - Bank bill swap rate

LONG-TERM AND SHORT-TERM CREDIT RATINGS AS ISSUED BY STANDARD & POOR'S

A credit rating is a current opinion of an obligor's overall financial capacity (its creditworthiness) to pay its financial obligations.

Long-Term Issuer Credit Ratings

AAA - An obligor rated 'AAA' has an extremely strong capacity to meet its financial commitments. 'AAA' is the highest issuer credit rating assigned.

AA - An obligor rated 'AA' has very strong capacity to meet its financial commitments. It differs from the highest-rated obligors only to a small degree.

A - An obligor rated 'A' has a strong capacity to meet its financial commitments but is somewhat more susceptible to the adverse effects of changes in circumstance and economic conditions than obligors in higher rated categories.

BBB - An obligor rated 'BBB' has adequate capacity to meet its financial commitments. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitments.

Short-Term Issuer Credit Ratings

A-1 - An obligor rated 'A-1' has strong capacity to meet its financial commitments. It is rated in the highest category.

A-2 - An obligor rated 'A-2' has satisfactory capacity to meet its financial commitments. However, it is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligors in the highest rating category.

Plus (+) or Minus (-)

Both long-term and short-term ratings may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the rating categories.

Newly Invested Institutions

Credit Union Australia (CUA) - is Australia's largest credit union with over \$8b in assets. CUA relies on customer deposits for about 70% of its funding, while securitisation makes up 25% of its funding requirements. CUA has a short term rating of A2 and complies with Council's investment policy.

ME Bank - is owned by industry super funds and has assets of around \$8.7b. ME bank has a heavy reliance on securitisation (59% of funding as of 30 September 2011) however it is planning to reduce this to 25% by increasing its customer deposits (which make up only 25% of its funding). ME Bank has a short term rating of A2 and complies with Council's investment policy.

Heritage Bank - Queensland based bank that has over \$8b in assets. Heritage relies on customer deposits for about 50% of its funding, securitisation makes up 23% and wholesale funds around 20%. Heritage Banks has a short term rating of A3 and complies with Council's investment policy.



ORDINARY COUNCIL

ORD09

ORD09

SUBJECT: 2011/12 LOAN BORROWINGS
FROM: Director Governance
BINDER: Loan Borrowings

PURPOSE OF REPORT

At this time each year Council considers its loan borrowings, although the amount to be borrowed by Council is already adopted as part of the original budget, historically we do not take up the loan until the end of the financial year.

MAIN REPORT

Council approved loan borrowings in 2011/12 of \$2,317,000; this amount was reduced to \$1,600,000 with the allocation of \$717,000 from the 2011/12 March Quarterly Budget Review Surplus.

This report will provide Council with 2 options for the 2011/12 loan borrowings of \$1,600,000.

Option 1 – external borrowings

Following a call for quotations from 4 Banks, accept the offer from the NAB for a \$1,600,000 loan based on a ten (10) year loan with bi-annual principal and interest repayments at a fixed interest rate of 5.72% per annum.

If option 1 is adopted by Council, the seal of Council will be affixed to the necessary loan documents.

Option 2 – internal borrowings

Do not take up external loan borrowings of \$1,600,000 for 2011/12.

As Council would be aware the majority of funds in the Central Administration Building Reserve will not be required for almost 2-3 years, it would be fiscally prudent for Council to consider borrowing interest free funds from the Central Administration Building Reserve instead of external borrowings. The repayment of the \$1,600,000 back to the reserve could be made up of future budget surpluses (including the 2011/12 year-end result) and/or external loan borrowings when the funds are actually required.

CONCLUSION

Although Council had adopted a loan borrowing program for the 2011/12 budget, upon consideration of Council's current financial position and available funds in reserve it would be fiscally responsible not to borrow \$1,600,000 in 2011/12.

ORD09

RECOMMENDED

That Council:

- i. use internal loan borrowings of \$1,600,000 from the Central Administration Building Reserve for the 2011/12 financial year; and**
- ii. repay the \$1,600,000 to the Central Administration Building Reserve from future budget surpluses as a matter of priority.**



ORDINARY COUNCIL

ORD10

ORD10

SUBJECT: IMPACT OF CARBON TAX ON CAMDEN COUNCIL

FROM: Director Governance

BINDER: Environmental Management/Environmental Systems/Climate Change

PURPOSE OF REPORT

In March 2012 an internal staff working group was established to develop a co-ordinated approach to complying with the Carbon Tax legislation. The purpose of this report is to update Council on the impact of the Carbon Tax on Camden Council.

BACKGROUND

The Australian Government passed legislation in November 2011 to put a price on carbon. The price on carbon will be effective from 1 July 2012 and will apply through a cap and trade emissions trading scheme.

The price will be set at \$23/tonne, indexed annually until 1 July 2015, when a cap will be placed on Australia's total emissions and the carbon price will be determined by the market.

The carbon price mechanism will cover facilities which directly release more than 25,000 tonnes or landfill facilities that emit 10,000 tonnes of carbon pollution a year into the atmosphere. Organisations that exceed this criteria are required to register under the National Greenhouse and Energy Reporting System (NGERS).

MAIN REPORT

In March 2012 an internal staff working group was established to develop a co-ordinated approach to complying with the Carbon Tax legislation. The working party consisting of Finance, Waste and Sustainability assessed the likely impacts of the Carbon Tax legislation on Council and have determined the following:

- Council as an entity will not be directly liable for the carbon price as Council does not operate a single facility that emits 25,000t or more of CO_e greenhouse gases or a landfill facility that emits 10,000t or more of CO_e greenhouse gases.
- Council is not required to register under the National Greenhouse and Energy Report System (NGERS).
- It is not expected that Council will be required to register under NGERS in the foreseeable future based on the current criteria, however this circumstance may change should the reporting threshold reduce and Council's direct emissions increase with the construction of new facilities such as the new administration centre, library, leisure centre and other major community facilities.

However, whilst Council is not directly liable for the Carbon Tax, there will still be an impact on Council through indirect costs. The impact on Council's budget in 2012/2013 as a result of indirect costs will be approximately \$155,000 (excluding waste). This estimate has been allowed for in the 2012/2013 budget. This amount is based on Council's current expenditure and IPART's increase recommendations as detailed in its publication "Effects of the carbon price on local Councils". To offset the increase in

expenditure as a result of Carbon Pricing, IPART has allowed a factor of 0.40% in the allowable limit (amount rates may be increased by each year). The increase in rates will generate additional income of \$127,600 or an increase to each household of \$5.00 per year or 0.10 cents per week.

It should be noted that IPART's allowable limit for 2012/13 is 3.60% of which 0.40% relates to the Carbon Tax. It is recommended in Council's draft budget (to be adopted 26 June 2012) that Council adopt the full 3.60%. The 0.40% increase will be taken back out of the allowable limit (by IPART) in the following 2yrs (2013/14 0.10% and 2014/15 0.30%). The reason for this is that the effects of carbon pricing will have flowed through to the Local Government Cost Index. This index is used by IPART to compare the movement in Local Government costs from one year to the next, which informs the allowable limit (or rate peg) for each year.

The difference between the estimated cost of the carbon tax (\$155,000) and offset income generated through the allowable limit (\$127,600) will be absorbed into Council's budget.

The impact of a Carbon Tax on Council's domestic waste service has been assessed separately. It is estimated that tipping costs will increase by \$3.98 per household per year or 0.08 cents per week. The estimate has been calculated by analysing the tonnage of waste that goes to landfill and indicative advice from Council's provider. As Council's waste contract is still under negotiation, any increase to the waste budget as a result of these negotiations and carbon pricing will not be factored into the budget until 2013/14.

It should be noted that Council has still included a 4% increase in its 2012/13 waste budget for increasing operational costs. The increase does not relate to the introduction of a Carbon Tax.

As part of assisting organisations with the introduction of a Carbon Tax, the Australian Government has made available funding under the Community Energy Efficiency Program (CEEP) to improve the energy efficiency of council and community-use buildings, facilities and sites. Funding for projects commenced in 2012. Council applied for a \$170,000 grant for energy efficient measures as part of the refurbishment of the Narellan Community Centre. Council is awaiting notification of the outcome of this funding application.

CONCLUSION

The Carbon Tax Working Party have assessed the impact of the carbon price on Council and determined that Council will not be directly liable and therefore is not required to register under NGERs. However, there will still be an impact on Council through indirect costs for which an estimate has been allowed for in the 2012/2013 budget. Further indirect costs are likely to be incurred as a result of Council's domestic waste service which will be included in the 2013/14 waste budget.

It is important that Council continues to:

- monitor the implementation of the legislation;
- monitor Council's direct emissions;
- review/investigate areas within existing facilities where emissions can be reduced;
- seek and apply for funding to help offset Council's liability; and
- investigate all areas of its operation to reduce Council's carbon footprint.



Should there be any further change to Council's compliance, costs associated with the Carbon Tax or emissions, a further report will be prepared for Council.

RECOMMENDED

That Council note the information provided.

ORD10



ORDINARY COUNCIL

ORD11

SUBJECT: ROADS AND MARITIME SERVICES 2012/13 BLACK SPOT FUNDING
FROM: Director Works & Services
BINDER: Grants and Subsidies/Programs/Road Grants/RMS Grants

PURPOSE OF REPORT

To seek Council acceptance for 2012/2013 Black Spot Funding under the Commonwealth Government's Nation Building Program funded by the Federal Government, and the NSW Government's own Black Spot program.

BACKGROUND

In 2011, Council submitted two applications for Black Spot Program funding under the Federal Government's Nation Building Program. They are:

1. Macquarie Grove Road, Kirkham for a project cost of \$374,960.
2. Springfield Road, Catherine Fields for a project cost of \$70,458.

Council has been informed by Roads and Maritime Services (RMS) on 30 May 2012 that one of these applications (Macquarie Grove Road) has been approved for funding of \$374,960 for the 2012/2013 financial year under the Federal Government's Nation Building Program. The other application (Springfield Road) will be considered under the State program. This latter program required dollar for dollar funding between Council and RMS.

MAIN REPORT

The RMS seeks applications each year for projects under a number of program headings, including the Black Spot Program.

The Black Spot Program is an element of the Federal Government's Nation Building Program. Within New South Wales, the program is administered by the RMS which makes recommendations via an expert committee to the Federal Government. As a general rule, the RMS makes applications for State roads and Councils' submit proposals for Regional and Local roads.

The Nation Building Program provides funds to the Black Spot Program on an annual basis. Funding is made available for the treatment of Black Spots (defined as up to 3km in length), or Black 'lengths' (greater than 3km). Black Spot eligibility is based on a history of recorded accidents and their severity. Black Spot funds can only be spent on measures addressing these accidents. The funds cannot be used on other measures which do not directly address a recorded accident that has occurred in the past.

In August 2011, five potential locations were examined for eligibility. These locations are:

1. Springfield Road, between Camden Valley Way and Catherine Fields Road.
2. Macquarie Grove Road from Exeter Street, Camden to Cobbitty Road, Kirkham.

3. The intersection of Waterworth Drive, Welling Drive, and Main Street, Mount Annan.
4. The intersection of Camden Valley Way and Macarthur Road, Elderslie.
5. The intersection of Camden Valley Way and Richardson Road, Narellan.

Treatments for the first two locations above (Springfield Road and Macquarie Grove Road) were identified as satisfying the Benefit Cost Ratio (BCR) criteria to be eligible for a Black Spot funding application.

Council submitted the above two applications for Black Spot Program funding for the 2012/2013 financial year. The estimated costs for Macquarie Grove Road and Springfield Road are \$374,960 and \$70,458 respectively.

The proposed treatments for Macquarie Grove Road are as shown in **attachment 1** and include:

1. Sealed Shoulder 1.5 metres wide to provide the opportunity for drivers to recover in the event of accidentally leaving the carriageway;
2. Edgelines to provide a continuous guide for drivers by delineating the edges of sealed roads, making driving safer and more comfortable particularly at night and under adverse weather conditions;
3. Raised Reflective Pavement Markers to improve delineation, particularly at night or during wet weather conditions. They also to provide tactile and audible warnings to drivers;
4. Guideposts to assist drivers by indicating the alignment of the road ahead;
5. Curve Advisory signs to provide advance warning to drivers that the alignment of the road is about to change and that the driver should alter the speed of the vehicle to negotiate the curve safely;
6. Remove vegetation to provide better line of sight around the curve; and
7. Extend the existing drainage culvert end headwall from the clear zone.

Council has been informed by the RMS on 30 May 2012 that the application for Macquarie Grove Road, Kirkham has been approved for funding of \$374,960 for the 2012/2013 financial year.

Council was unsuccessful in its application for full funding for upgrading Springfield Road, Catherine Fields. This is because the Benefit Cost Ratio (BCR) of the proposal was not high compared to other submissions across NSW. However, it will be considered for 50/50 State funding in the near future.

CONDITIONS OF ACCEPTANCE

Conditions for accepting Black Spot Program funding under the Commonwealth Government's Nation Building Program are:

- Reimbursement for the project from the Federal Government is totally dependent upon works being completed prior to 30 June 2013.
- All unspent funds by this date will revert back to Federal Treasury.
- The Federal contribution is fixed at the agreed estimate or final cost (whichever is the lesser).
- No additional funds will be available if the estimate is exceeded.
- Approved Nation Building Black Spot Signposting must be installed at all sites prior to construction:
 - the time of construction for projects less than \$100,000.

- two years for projects exceeding \$100,000.

FINANCIAL IMPLICATIONS

There are no financial implications to Council in accepting the Black Spot Funding under the Commonwealth Government's Nation Building Program for Macquarie Grove Road, Kirkham as Council has been awarded 100% funding for these works.

CONCLUSION

In 2011, Council submitted two applications for Black Spot Program funding under the Commonwealth Government's Nation Building Program. Council has been informed on 30 May 2012 that Macquarie Grove Road, Kirkham has been approved for funding of \$374,960 for the 2012/2013 financial year. Council was unsuccessful in its application for full funding for upgrading Springfield Road, Catherine Fields but this will be considered under the State program in the near future. This latter program requires dollar for dollar match funding from Council.

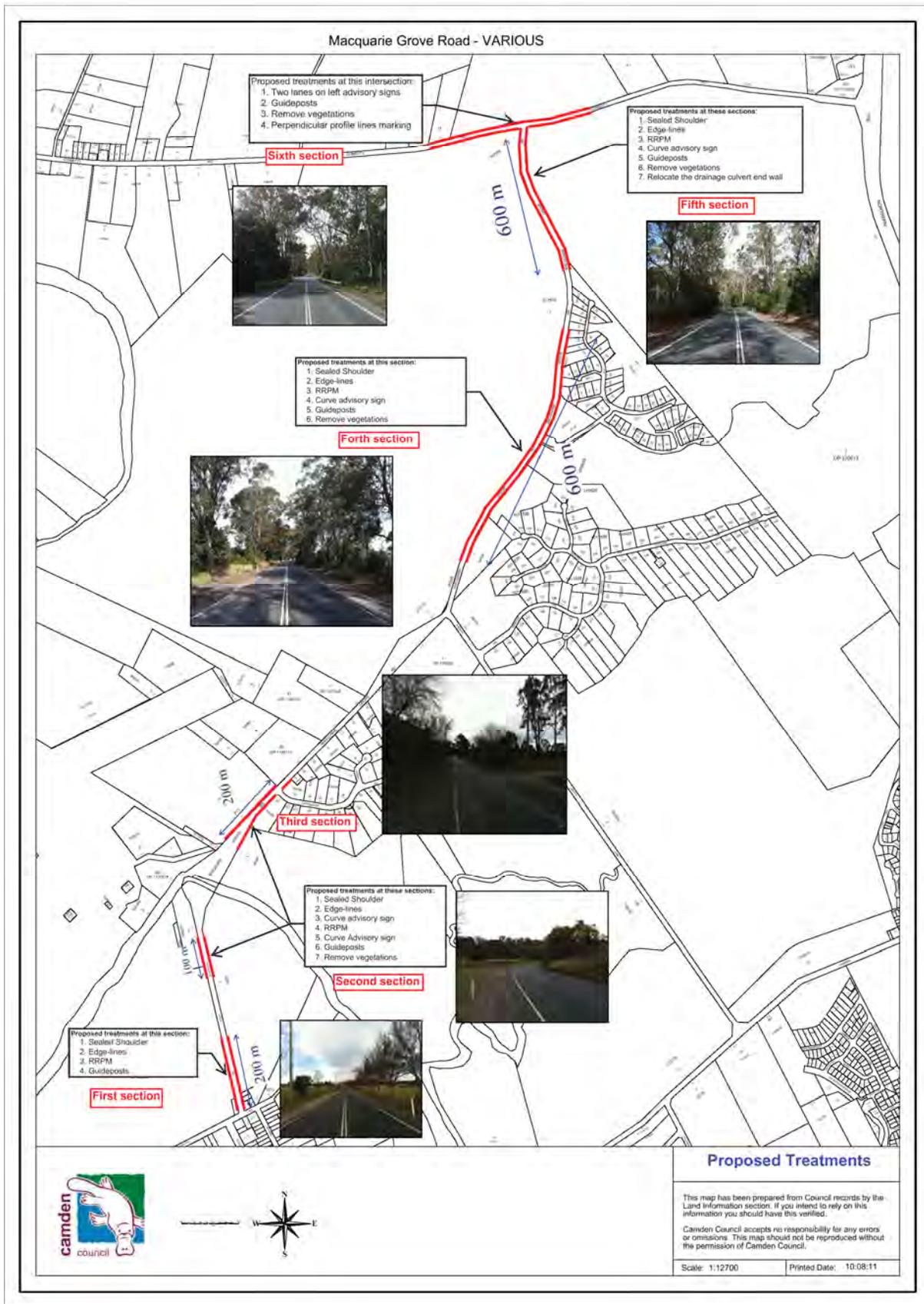
RECOMMENDED

That Council:

- i. accepts Federal Government funding of \$374,960 under the Nation Building Black Spot Program to undertake projects on Macquarie Grove Road between Exeter Street, Camden to Cobbitty Road, Cobbitty; and**
- ii. authorises the relevant documentation to be completed under Council Seal as necessary.**

ATTACHMENTS

1. Attachment 1 - Macquarie Grove Road



ORD11

Attachment 1



ORD12

ORDINARY COUNCIL

ORD12

SUBJECT: CLOSURE OF THE MEETING TO THE PUBLIC
FROM: General Manager
BINDER: Closed Council

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act and should be dealt with in a part of the meeting closed to the media and public.

- Land Acquisition Under Land Acquisition (Just Terms Compensation) Act 1991 - Gregory Hills (1)
- Land Acquisition Under Land Acquisition (Just Terms Compensation) Act 1991 - Gregory Hills (2)
- Purchase of Land for the Upgrade of Springs Road, Spring Farm

Council may, by resolution, allow members of the public to make representations as to whether the meeting should be closed before any part of the meeting is closed to the public. A representation by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded. That period would be limited to four minutes, in line with Council's Public Address Policy.

The meeting will only be closed during discussion of the matters directly the subject of the report and no other matters will be discussed in the closed section of the meeting.

Members of the public will be readmitted to the meeting immediately after the closed section is completed and if the Council passes a resolution during that part of the meeting that is closed to the public, the Chairperson will make the resolution public as soon as practicable after that closed part of the meeting has ended.

RECOMMENDED

That Council:

- now close the meeting to the media and public to discuss reports concerning commercial information of a confidential nature dealing with compulsory acquisition of land – Gregory Hills (1) & (2) and purchase of land for the upgrade of Springs Road, Spring Farm, in accordance with the provisions of Section 10A(2)(b) and (c)(i)(ii) of the Local Government Act, 1993; and**
- now consider any objections or submissions as to the closure of the meeting, to be limited to a period of four minutes.**