



Camden Council

Business Paper

Ordinary Council Meeting
9 March 2021

**Camden Council
Administration Centre
70 Central Avenue
Oran Park**

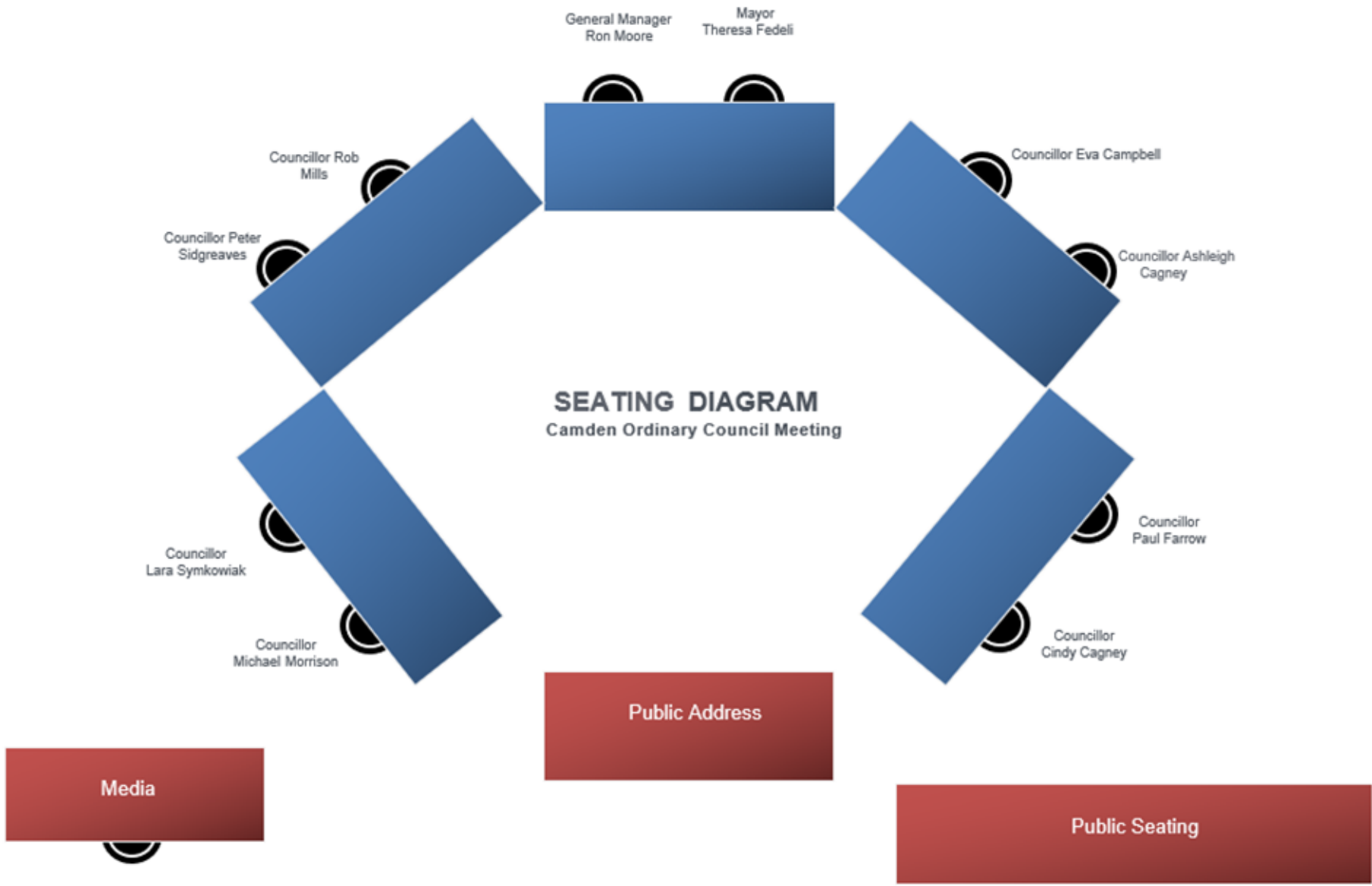


**This meeting will be held in accordance
with current NSW Health COVID-19
guidelines and restrictions**



COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
CRET	Camden Region Economic Taskforce
DA	Development Application
DCP	Development Control Plan
DPIE	Department of Planning, Industry & Environment
TfNSW	Transport for NSW
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
GSC	Greater Sydney Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
S10.7 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
S603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
S73 CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
VPA	Voluntary Planning Agreement



ORDINARY COUNCIL MEETING

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ORDINARY COUNCIL MEETING

SUBJECT: PRAYER

PRAYER

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

Amen

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

Amen

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

Amen

AFFIRMATION

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

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

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

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

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

ORDINARY COUNCIL MEETING

SUBJECT: ACKNOWLEDGEMENT OF COUNTRY

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

ORDINARY COUNCIL MEETING

SUBJECT: WEBCASTING OF COUNCIL MEETINGS

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

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

I remind those that are in the chamber that your image and what you say will be broadcast live to the public and will also be recorded so please be mindful of your actions and comments. You should avoid making statements that might defame or offend and note that Council will not be responsible for your actions and comments.

ORDINARY COUNCIL MEETING

SUBJECT: LEAVES OF ABSENCE

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

RECOMMENDED

That leaves of absence be granted.

ORDINARY COUNCIL MEETING

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 4.28-5.19).

Councillors should be familiar with the disclosure provisions contained in 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 MEETING

SUBJECT: PUBLIC ADDRESSES

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

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

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

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

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

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

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

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person, or make a point of order ruling if a speaker breaches the Guidelines.

Only the audio recording of the public address speakers will be heard on Council's webcast. Visual images of the speaker will not be captured as part of that webcast.

RECOMMENDED

That the public addresses be noted.

ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting Meeting held 9 February 2021.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting Meeting held 9 February 2021, copies of which have been circulated, be confirmed and adopted.

ORDINARY COUNCIL MEETING

Mayoral Minute

SUBJECT: MAYORAL MINUTE - COUNCILLOR PETER SIDGREAVES
FROM: The Mayor
TRIM #: 21/8732

I would like to take the opportunity to acknowledge my fellow Councillor, Peter Sidgreaves, as he attends his last Council meeting tonight and steps down to focus on his role as the State Member for Camden.

Peter first became a Councillor in 2012, when the area started to experience significant growth and change. During his time as a Councillor, he has been passionate about creating quality places for people to live, while ensuring all the things that make Camden special and unique stay that way.

Peter has always hoped, as the area expanded and we welcomed more residents, that the natural beauty, history, and heritage of Camden is maintained, which is really important for our residents.

He has been a big supporter of Council's vision for providing exceptional sporting, open space and recreation facilities, so local families have world-class facilities right here in our area.

During his time on Council, Peter has also been a strong advocate for local business, our local economy and providing local employment opportunities for our citizens.

Peter held the position of Deputy Mayor from October 2012 to September 2013 and was the Mayor of Camden from September 2018 to April 2019.

Peter has represented this community with pride and passion, which is what every resident hopes for in a Councillor. I have no doubt he will continue to do so in his capacity as the State Member for Camden.

On behalf of Councillors and Camden Council staff, we thank you Peter for your service here on Council and wish you and your family all the very best for your future endeavours.

RECOMMENDED

That Council note the information.



ORDINARY COUNCIL MEETING

ORD01

SUBJECT: DRAFT SUBMISSION - AGRICULTURAL LAND USE PLANNING STRATEGY OPTIONS PAPER

FROM: Director Planning & Environment

TRIM #: 21/41330

PURPOSE OF REPORT

The purpose of this report is to inform Council of the Agricultural Land Use Planning Strategy Options Paper (Options Paper) and to seek Council's endorsement of a draft submission.

The Options Paper and draft submission are provided as **attachments** to this report.

BACKGROUND

In August 2020, the State Government appointed an Agriculture Commissioner (Commissioner). The Commissioner, with the support of the Department of Primary Industries (DPI), is reviewing the NSW Right to Farm Policy and developing an Agricultural Land Use Planning Strategy (Strategy) for NSW. The Commissioner released an Issues Paper: Agricultural Land Use Planning Strategy, aimed at informing the Strategy's development (**attached**).

In reviewing the NSW Government's Right to Farm Policy, the Commissioner found ongoing issues impacting agriculture in land use planning and recommended a Strategy be prepared to address these issues. The Commissioner proposes the Strategy contain an Agricultural Land Use Planning Policy (Policy), agreed to by the State Government, containing specific measures to implement the Policy.

The Agricultural Land Use Planning Strategy Options Paper (Options Paper) has been prepared by the Department of Primary Industries and proposes a range of options that could be included in the Strategy. The Commissioner is seeking feedback on options identified for inclusion in the Strategy.

A Councillor briefing was provided on the draft submission on 2 March 2021.

MAIN REPORT

Agricultural Land Use Planning Strategy Options Paper

The Options Paper identifies key issues, related policy concerns and a range of statutory and non-statutory options to address the issues:

- Key Issue 1: Minimise the loss of productive capacity;
- Key Issue 2: Reduce and manage land use conflict; and
- Key Issue 3: Support agriculture to recover and grow.

The Options Paper also identifies areas for further research to inform future policy.

Council officer's comments on the key issues, policy concerns and options are discussed below.

Key Issue 1: Minimise the loss of productive capacity

Policy concern: there is no definition, identification or development protections for State Significant Agricultural Land (SSAL), which is leading to this land being lost to non-agricultural uses.

Council officer comment:

Council's Rural Lands Study noted the State Government was working to identify and map valuable agricultural land across the state, known as Biophysical Strategic Agricultural Land (BSAL). The majority of BSAL in the Camden Local Government Area (LGA) follows the Nepean River floodplain and is zoned RU1 Primary Production and SP2 Infrastructure (University of Sydney Camden Farms Network).

Council's Rural Lands Strategy (RL Strategy), adopted in 2018, contains an action to retain the existing 40 ha minimum lot size (Camden LEP 2010) for rural land to avoid further land fragmentation.

The current approach to SSAL is based on land biophysical properties (land and water). Council officers see merit in the Commissioner investigating if proximity to major infrastructure such as the Western Sydney Airport (WSA) and its proposed agribusiness precincts, in addition to land biophysical properties, is criteria for considering land as SSAL.

Non-statutory options to address Key Issue 1

The Options Paper outlines the following non-statutory measures for the State Government to explore to minimise the loss of productive capacity:

- Develop a policy on rural land;
- Identify production areas across the state;
- Monitor land use change and the loss of rural land that is best suited to agriculture; and
- Support councils and planners to understand the needs of agricultural operations.

Council officer comment:

Key existing strategies at the region, district and local level seek to support agricultural activity and better manage rural areas. A key objective is to maintain and enhance the environmental, social and economic values of the Metropolitan Rural Area (MRA).

A State Government policy on rural land could provide leadership at the state level to complement and reinforce region, district and local strategies. A state policy should seek to address the unique challenges posed to agriculture in the Sydney basin.

Council officers support Government initiatives to identify production areas across the state, and monitor land use change and the loss of agricultural land. Identification of production areas should consider key location criteria, including proximity to major infrastructure such as the WSA.



There is broad support for education and guidance to be provided to councils to understand the needs of agricultural operations.

Statutory options to address Key Issue 1

The Options Paper outlines the following statutory measures for the State Government to explore to minimise the loss of productive capacity:

- Identify SSAL in State Environmental Planning Policy (Primary Production and Rural Development) 2019 (Primary Production SEPP);
- Prohibit zone changes or non-agricultural uses on agricultural land except in certain tightly defined circumstances or through a stringent exception process;
- Require councils to obtain approval from DPI before deciding on the development of non-agricultural uses on SSAL and in identified production areas (recognised agricultural industry clusters); and
- Require councils to seek formal advice from DPI for the development of non-agricultural uses on SSAL and in identified productions areas.

Council officer comment:

An aim of the Primary Production SEPP is to identify SSAL for the purpose of ensuring its ongoing viability for agriculture however the SEPP does not currently identify SSAL. As such, Council officers recommend further information be provided to understand the potential implications for landowners and Council of identifying SSAL under the Primary Production SEPP.

The option of prohibiting zone changes or non-agricultural uses on agricultural land requires careful consideration to ensure a blanket prohibition approach does not result in unintended consequences at the local level, such as prohibiting non-agricultural uses that are compatible with the agricultural, environmental and conservation values of the land.

It is noted options to make the DPI either an integrated approval body for DAs or require the DPI's advice to be sought on a DA could be tailored to SSAL or could be applied more broadly to rural land. Any proposed role in the DA assessment process for DPI should be proportionate to the proposed development's scale and potential impacts on agricultural land.

Key Issue 2: Reduce and manage land use conflict

Policy concern: *there is no simple, accessible and impartial mechanism for farmers to resolve land use conflict regarding their operations.*

The Commissioner has heard from councils they are often the 'first port of call' for complainants, even where the issue is the responsibility of a state government agency.

Council officer comment:

Council's RL Strategy notes rural-urban conflicts typically arise when there is insufficient separation between incompatible land uses, where rural activity is poorly managed or where new residents do not understand the type of rural activities operating in the area.

A large amount of Camden's productive agricultural areas are associated with intensive agriculture land uses on small lot agriculture land (zoned RU4 Primary Production Small Lots). At the same time, RU4 zoned land is located within the South West Growth Area (SWGA). At the local level, Council regulates existing intensive agriculture uses that have a right to operate. Council also has a responsibility to ensure the successful delivery of urban development in the SWGA.

In the longer term, as the SWGA is progressively taken-up for urban development (and small lot agriculture cease or relocate), land use conflict in these areas is likely to reduce. However, in the interim, instances of land use conflict may continue or be increased as new residents move into an area.

Council officers see merit in the State Government exploring measures that offer assistance and incentives to existing agricultural businesses in the SWGA, such as poultry and intensive horticulture, to relocate their business to a suitable alternate location.

Option to address Key Issue 2

The Options Paper identifies the State Government could expand the jurisdiction of existing dispute resolution bodies including the NSW Small Business Commission (SBC), NSW Fair Trading or Community Justice Centres to improve operational dispute resolution.

Council officer comment:

Council officers currently investigate complaints arising from land use conflict within the scope of the *Protection of Environment Operations Act 1997*, *Environmental Planning and Assessment Act 1979* and *Local Government Act 1993*.

Expanding the jurisdiction of existing dispute resolution bodies, at a broad level, could assist the affected parties and councils. However, there would need to be further clarity on the role and authority of the dispute resolution body to be able to comment on its effectiveness. As previously noted, Council officers support a proactive approach such as incentives to assist the relocation of agricultural businesses from the SWGA.

Council officers support a broader community education campaign by the State Government that addresses the need for and value of agriculture. This could extend to promoting urban agriculture (along with traditional agriculture) so that the value of agriculture is promoted to the wider community. This may assist to build a broader understanding and tolerance of agriculture.

Key Issue 3: Support agriculture to recover and grow

Policy concern: the planning framework does not reflect the needs of agriculture

The Options Paper notes the State Government's Standard Instrument LEP (SI LEP) does not define all agricultural land uses and could be expanded to include artisan food and drink industry, horticulture and intensive horticulture developments.

The Options Paper says ambiguity of definitions leads to variations in how planning requirements are enforced across LGAs.



Council officer comment:

Agricultural production in the Camden LGA is a contributor to the economy.

Council's RL Strategy identifies the need to enhance Camden's rural economy by identifying potential activities which Council can support and promote viable and sustainable agriculture.

Council's Local Strategic Planning Statement (LSPS) seeks to leverage industry opportunities created by Camden's proximity to the WSA and Aerotropolis. The LSPS contains an action for Council to review how Camden's rural lands relate to future agribusiness precincts within the Aerotropolis.

Council's Stage 1 LEP Planning Proposal, undertaken as part of LEP review program, supports the visitor economy by permitting non-agricultural uses (including tourism-related uses) that are compatible with the agricultural, environmental and conservation values of rural land. It also permits eco-tourist facilities within the RU1 and RU2 zone.

The Options Paper focuses on how the planning system can better support the growth of agriculture and regional economies. Whilst the planning framework should be examined, the scope could be expanded to support and enhance agricultural production. This could include consideration of the opportunities available to agriculture in Camden from major infrastructure projects such as the WSA and its planned agribusiness precincts.

Options to address Key Issue 3

The Options Paper outlines the following range of measures for the State Government to explore to improve consistency across LGAs:

- Revise and update definitions in the Standard Instrument LEP (SI LEP) to address ambiguity between LGAs;
- Expand the list of exempt and complying developments in the SI LEP;
- Establish a guideline to clarify and consolidate buffer requirements across industry and LGAs; and
- Support the 'Agent/initiator of change' principle to mitigate land use conflict (and reverse the onus of buffer requirements to new/encroaching developments).

Council officer comment:

It is mandatory for councils to implement the State Government's SI LEP to ensure consistency in the planning system across councils. The Department of Planning, Industry and Environment (DPIE), as the agency responsible for the SI LEP, should be engaged about these issues, if not already done. Investigating definitions that address tourism-related uses that are compatible with the agricultural, environmental and conservation values of the land is supported. Investigating definitions that respond to innovation in agriculture, including urban agriculture, is also supported.

Council officers note the use of the term 'intensive', in the agricultural industry, refers to a higher investment of capital and labour per hectare compared to broadacre grazing of stock. In terms of land use planning definitions, 'intensive' is associated with uses that have a potential to cause land use conflict or generate environmental impacts. There may be scope to explore these issues to determine if greater clarity and understanding of land use definitions across agricultural and planning industries is required.

Council officers support investigating an expansion of exempt and complying development to permit agricultural and non-agricultural uses (including tourism-related uses) that are compatible with the agricultural, environmental and conservation values of the land.

An action of Council's RL Strategy is to investigate the introduction of appropriate zones within the SWGA to provide a buffer between rural land uses and urban development. This action is consistent with the 'agent/initiator of change' principle mentioned in the Options Paper.

Council officers support the State Government establishing a guideline to clarify and consolidate buffer requirements across industry and LGAs.

Areas for further research

The Options Paper identifies areas for further research to inform future policy centred around the following themes:

- Urban Agriculture;
- Agricultural Offset and Credit Schemes; and
- Minimum lot size.

Urban Agriculture – The NSW Government could provide guidance materials on modern urban agricultural practices and its advantages.

Council officer comment:

Investigation of urban agriculture is supported. Urban agriculture provides an opportunity for urban populations to connect with agriculture and can assist to meet Sydney's fresh food needs. This could lead to a broader acceptance of the value of agriculture. It is noted the Western Sydney Parklands (to the north of Camden LGA) supports urban farming.

Agricultural Offset and Credit Schemes – The NSW Government could investigate how an agricultural offset scheme could shore up supply of agricultural land and provide alternative income sources.

Council officer comment:

An action of Council's RL Strategy is to work with Wollondilly Council to explore options to protect agricultural land and encourage food production. In September 2020, Council officers attended an initial meeting of Wollondilly Council's Agricultural Enterprise Credit Scheme Working Group, which is investigating this issue.

Council officers will continue to work with Wollondilly to explore this issue and welcome Government-led investigations into the matter.

Minimum lot size – The NSW Government could conduct further research on the efficiency of lot sizes on agricultural operations and release guidance material.

The Commissioner notes fragmentation of agricultural land is one of the primary factors affecting the continued use of rural land for productive agriculture.



Council officer comment:

Council's RL Strategy includes a key planning principle to provide certainty and avoid rural land fragmentation and notes existing minimum lot sizes are an effective tool to avoid further land fragmentation and manage land use conflict. Government research on the efficiency of lot sizes on agricultural operations and release of guidance material is supported.

Council officers note clause 4.2 'rural subdivision' of Camden LEP 2010 enables flexibility in the application of minimum lot sizes for subdivision in rural zones for primary production purposes. This provision does not provide for a dwelling entitlement on the lot.

Further opportunities for research

It is noted that Camden and Wollondilly LGAs have hosted the:

- NSW DPI, Elizabeth Macarthur Agricultural Institute which covers 1,600 ha that includes the Centres for Excellence for Animal and Plant Health; and
- University of Sydney Camden Farms Network, covering 1,500 ha across a series of farms in the Camden and Badgerys Creek area.

Collaboration with these institutions could assist to identify areas for further research. This is consistent with Council's RL Strategy action to work with University of Sydney to investigate innovative opportunities for the Camden Campus.

Action 78 of the Western City District Plan seeks to maintain or enhance the values of the MRA using place-based planning to deliver targeted environmental, social and economic outcomes. The Commissioner could collaborate with the Greater Sydney Commission and Western City Councils to research how place-based planning can maintain or enhance the MRA, including the protection of agricultural land and enhancing the rural economy.

FINANCIAL IMPLICATIONS

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

CONCLUSION

The NSW Agriculture Commissioner is inviting feedback on an Agricultural Land Use Planning Strategy Options Paper. Council officers have prepared a draft submission for Council's consideration. This report and draft submission have identified where there is consistency between the Options Paper and Council's Rural Lands Strategy.

The Options Paper focuses on how the planning system can better support the growth of agriculture and regional economies. Council officers support the scope of the options to be expanded to support and enhance agricultural production and rural economies.

The draft submission notes the challenges Council faces in managing rural land in a growth area. Importantly, the report and draft submission outlines opportunities to leverage Camden's rural assets and proximity to the Western Sydney Airport and its agribusiness precincts to enhance Camden's rural economy.

RECOMMENDED

That Council:

- i. endorse and forward the attached draft submission on the Agricultural Land Use Planning Strategy Options Paper to the NSW Agriculture Commissioner; and**
- ii. forward a copy of Council's submission to Mr Peter Sidgreaves MP, Member for Camden.**

ATTACHMENTS

1. Options paper: Draft Agricultural Land Use Planning Strategy - 21 12 2020
2. Draft Submission - Agricultural Land Use Planning Strategy Options Paper - 1/3/21
3. Issues Paper : NSW Agricultural Land Use Planning



ORDINARY COUNCIL MEETING

ORD02

SUBJECT: JULY-DECEMBER 2020 - DELIVERY PROGRAM PROGRESS REPORT
FROM: Director Customer & Corporate Strategy
TRIM #: 21/8750

PURPOSE OF REPORT

The purpose of this report is to provide Council a progress report on the four-year Delivery Program 2017/2018 to 2020/21.

BACKGROUND

In accordance with the *Local Government Amendment (Planning and Reporting) Act 2009*, all councils are required to undertake their planning and reporting activities using the Integrated Planning and Reporting (IPR) framework. The framework requires councils to develop a suite of plans that reflect the vision and aspirations of their community. The IPR framework also requires councils to report on the progress of the Delivery Program.

The documents that form our IPR framework include:

- **Community Strategic Plan (10 year+)**

This Community Strategic Plan is the highest level of plan, which stretches beyond the next 10 years, identifying the community aspirations, desired outcomes and necessary strategies.

- **Four-Year Delivery Program and Operational Plan (Budget)**

The Delivery Program is Council's commitment to progress the Community Strategic Plan in its Council term, which is aligned with the six Key Directions. The Delivery Program shows how the community's aspirations are developed into objectives (community outcomes).

- **Resourcing Strategy: Executive Summary**

The Strategy ensures the community's long-term objectives are met. It integrates the below strategy and plans in accordance with the IP&R framework:

- Asset Management Strategy and Plans;
- Workforce Plan;
- Long Term Financial Plan;

The 2017/2018 to 2020/21 four-year Delivery Program and Operational Plan (Budget) were adopted in June 2017. The IPR framework requires Council to report the progress on the four-year Delivery Program. This report provides a progress update on the Delivery Program for the period July to December 2020.

A Councillor briefing was provided on the Delivery Program Progress Reports for the period July to December 2020 on 2 March 2021.

MAIN REPORT

A progress report is provided as **Attachment 1** to this report and provides a status update on the adopted 39 performance indicators within the Delivery Program for the period July to December 2020.

The progress report captures the status of the performance indicators under each of the six Key Directions and provides overall highlights.

Council monitors its progress in achieving the objectives stated in the Community Strategic Plan through the implementation of the Delivery Program under the six Key Directions:

1. Actively Managing Camden LGA's Growth;
2. Healthy Urban and Natural Environment;
3. A Prosperous Economy;
4. Effective and Sustainable Transport;
5. An Enriched and Connected Community;
6. Strong Local Leadership.

Council utilises a rating scale to assess the status of the performance indicators. **Table 1** below provides a description for each rating scale.

Table 1










Rating Scale	Symbol	Description
"On Track"		When the 'actual' is either equal, less or greater than the set target
"Monitoring"		Corporate variance of $\pm 10\%$ applies to the set target and is considered achievable, feasible and realistic for performance improvement, with the exception of legislative requirements
"Needs Work"		When the 'actual' is either below or above the corporate variance
"Trend"		Shows a pattern of change data over time where setting a target is not possible
"COVID Impact"		Deliverables impacted by COVID-19 NSW Public Health guidelines and restrictions

Table 2 below provides a summary of the status of the 39 performance indicators under the six Key Directions.

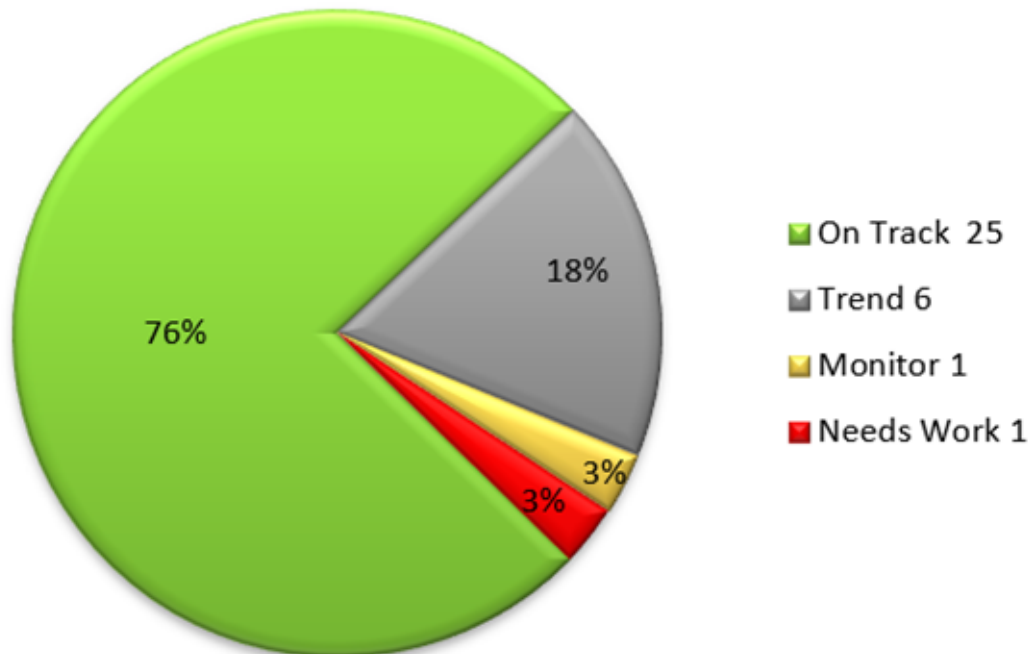
Table 2

Key Direction	No. of Performance Indicators	Status				COVID Impact
		On Track 	Monitoring 	Needs Work 	Trend 	
Actively Managing Camden LGA's Growth	4	4	0	0	0	0
Healthy Urban and Natural Environment	12	6	1	1	3	1
A Prosperous Economy	3	1	0	0	2	0
Effective and Sustainable Transport	5	4	0	0	0	1
An Enriched and Connected Community	8	4	0	0	0	4
Strong Local Leadership	7	6	0	0	1	0
TOTALS	39	25	1	1	6	6

The COVID-19 pandemic has had a challenging impact on activities and services Council would ordinarily provide to the community under normal circumstances. In recognition of this, an additional rating scale has been included for the reporting period, with six performance indicators noted as impacted by the pandemic.

In brief, of the Performance Indicators that were able to be delivered during the reporting period, 25 Indicators (76%) were assessed as 'On Track'; 1 Indicator (3%) as 'Needs Work'; 6 Indicators (18%) as 'Trend'; 1 Indicator (3%) as 'Monitoring'.

The below diagram provides a visual presentation on the overall progress status:



It is noted that one performance indicator is flagged as 'Needs Work' and below are the associated comments:

- Companion Animals are Appropriately Identified

117 dogs were impounded with 42 microchipped and 81 dogs were returned to their owner instead of impounding. Twelve cats were impounded with 1 microchipped. Council microchipped, with no charge, 89 dogs and cats. Whilst the number of microchipped animals is below target, Council continues to work with the community to promote and encourage responsible pet ownership, including a free desexing program, education and promotional activity, which due to COVID-19, was conducted online, through social media, during this period.

FINANCIAL IMPLICATIONS

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

CONCLUSION

The progress report highlights that, at the end of the reporting period (31 December 2020), of those indicators able to be delivered during the reporting period, 94% of the performance indicators are 'on track' or 'trend'. As outlined above, the items that were flagged 'Needs Work' have been addressed and appropriate actions taken to ensure it is brought back on track.

RECOMMENDED

That Council note and endorse the attached Delivery Program Progress Report.



ATTACHMENTS

1. Delivery Program Progress Report July to December 2020



ORDINARY COUNCIL MEETING

ORD03

SUBJECT: INVESTMENT REPORT - JANUARY 2021
FROM: Director Customer & Corporate Strategy
TRIM #: 21/51945

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 January 2021 is provided.

MAIN REPORT

The weighted average return on all investments was 1.21% p.a. for the month of January 2021. The industry benchmark for this period was 0.01% (Ausbond Bank Bill Index) and the current official cash rate as determined by the Reserve Bank of Australia (RBA) is 0.10%.

The Responsible Accounting Officer (the Chief Financial Officer) has 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.

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

RECOMMENDED

That Council:

- i. **note that the Responsible Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act 1993*, Regulations, and Council's Investment Policy;**
- ii. **note the list of investments for January 2021; and**
- iii. **note the weighted average interest rate return of 1.21% p.a. for the month of January 2021.**

ATTACHMENTS

1. Investment Report - January 2021



ORDINARY COUNCIL MEETING

ORD04**SUBJECT: CODE OF CONDUCT POLICY & PROCEDURES - REVISED****FROM: Director Customer & Corporate Strategy****TRIM #:21/8734**

PURPOSE OF REPORT

The purpose of this report is for Council to consider a revised Code of Conduct (Code) and Procedures for the Administration of the Code of Conduct (Procedures), as detailed in this report. It is recommended that Council adopt the revised Code and Procedures.

BACKGROUND

The Office of Local Government (OLG) has made amendments to the *Model Code of Conduct for Local Councils in NSW* (the Model Code) and the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Model Procedures).

With the recent amendments to the Model Code and Model Procedures, it is recommended that a number of amendments be made to Council's Code and Procedures.

Councillors were provided a briefing on the proposed amendments to the Code and Procedures on 2 March 2021.

MAIN REPORT

The Model Code and Model Procedures have been prescribed under the *Local Government (General) Regulation 2005* and outline the minimum ethical and behavioural standards all council officials in NSW are required to comply with.

Summary of amendments to the Model Code

The Model Code has relaxed the limits on gifts and benefits. The amendments to the gifts and benefits provisions are to:

- Lift the \$50 cap (on the value of gifts and benefits that may be accepted) to \$100;
- Clarify that items with a value of \$10 or less are not "gifts or benefits" for the purposes of the Model Code and do not need to be disclosed;
- Clarify that benefits and facilities provided by councils (as opposed to third parties) to staff and councillors are not "gifts or benefits" for the purposes of the Model Code; and
- Remove the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.

Other notable amendments to the Model Code are to:

- Remove, as a breach, failure to comply with a council resolution requiring action in relation to a code of conduct breach (because it is now redundant);

-
- Update the language used to describe the various heads of discrimination to reflect more contemporary standards;
 - Include, in the definition of council committee and council committee members, members of Audit, Risk and Improvement Committees (ARICs).

Council is generally required to adopt the provisions of the Model Code. However, under s 440(6) of the *Local Government Act 1993* (the Act):

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.

Council's Code is more restrictive than the Model Code for gifts and benefits and therefore Council may choose to adopt the amendments, maintain its current provisions or take a position between these alternatives.

It is recommended that Council adopt all the amendments to the Model Code except that Council should maintain its current provisions in relation to the \$50 cap on the value of gifts and benefits that may be accepted.

The proposed amendments to the Code are provided as track changes in **Attachment 1** to this report.

Summary of amendments to the Procedures

Provisions related to disciplinary options have been amended in the Model Procedure in response to a decision by the Supreme Court, which found that, for code of conduct breaches by councillors:

- The only disciplinary power available to councils under the Act is the power to censure councillors formally;
- The power does not extend to 'other measures' such as directing participation in training, counselling, directing the person to apologise, and making the finding of inappropriate conduct public.

The 'other measures' are reflected in Council's Procedures and therefore are now of no effect.

Other notable amendments to the Model Procedure are to:

- Allow panels of conduct reviewers to be appointed without a resolution of the council; and
- Allow the referral of investigators' reports to OLG for action under the misconduct provisions of the Act where the council will not have a quorum to deal with the matter.

Council is required to adopt the provisions of the Model Procedures.

The proposed amendments to the Procedures are provided as track changes in **Attachment 2** to this report.

Public exhibition of the Code and Procedures is not required under the Act.



FINANCIAL IMPLICATIONS

This report has no financial implications.

CONCLUSION

It is proposed that Council adopt the revised Code and Procedures.

RECOMMENDED

That Council adopt the revised Code of Conduct and Procedures for the Administration of the Code of Conduct as attached to this report.

ATTACHMENTS

1. Code of Conduct
2. Procedures for the Administration of the Code of Conduct

ORDINARY COUNCIL MEETING

ORD05

SUBJECT: COVID-19 COMMUNITY SUPPORT PACKAGE - STAGE 3
FROM: Director Sport, Community & Activation
TRIM #: 20/433343

PURPOSE OF REPORT

The purpose of this report is to advise Councillors of the draft COVID-19 Community Support Package – Stage 3 and seek approval for the program and funding commencing in the current financial year and concluding in the 2024/2025 financial year.

BACKGROUND

At the meeting of 28 April 2020, Council endorsed Stages 1 & 2 of the Community Support Package totalling \$16.8m in value.

Stages 1 and 2 of the package focused on immediate support to the wider community and businesses to ease the impact of the pandemic. Stage 3, as outlined in this report, focuses on longer term recovery across a 4.5 year program and generating local employment both directly and indirectly.

Councillors were briefed on the draft package in October and November 2020, and on 16 February 2021.

MAIN REPORT

Stage 3 of the package will be delivered across five financial year periods, starting in 2020/21 and concluding in 2024/25. The total value of the package is \$113.85m.

The package contains eight categories of work, including projects to be delivered under the federally funded Local Roads and Community Infrastructure Grant (LRCI) through two rounds of funding. The full list of all projects and a brief description is included as an **attachment** to this report.

Local Road and Community Infrastructure Grants (LRCI)

The LRCI grants include two rounds of funding received by Council in August and December of 2020.

The program of works included in Round 1 is valued at \$874,692 and includes five playground upgrades and renewals, and four facilities upgrades and renewals.

Round 2 of the LRCI program is valued at \$3.25m and includes a total of 16 projects including playground and facility upgrades and renewals, fencing, new footpaths and projects to improve pedestrian access.

The first round of the program has already commenced and needs to be completed by 30 June 2021. Round 2 projects need to be completed by 30 December 2021.



Community Infrastructure Projects

The Community Infrastructure category forms the largest portion of the program with a total of 23 projects.

The program includes the design and construction of the new Oran Park Leisure Centre valued at \$57.6m, as well as a \$18.5m program for upgrades at various sporting facilities identified in the Camden Sportsground Strategy (2020).

The Community Infrastructure category includes upgrades to the Camden Civic Centre, new recreation facilities, additional shared paths and the installation of more shade sails across our extensive park network.

The value of the Community Infrastructure category is \$105m.

Events

The COVID-19 pandemic has been devastating to Camden's event calendar throughout 2020. The Stage 3 package seeks to reactivate events in Camden and to assist providing COVID-safe events.

The program includes activations across the local government area including hosting an event in each of Camden's three wards.

The value of the events category is \$320,000.

Grants and Financial Assistance

Following the success of grants provided under Stage 2 of the Community Support Package, Stage 3 provides more grants for the community. The grants have three separate funding streams: Cultural Activation, Sports, and Community Events and Programs.

Grants will be advertised through an expression of interest process and reported to Council to endorse the allocation of funding to successful applicants. The EOI process will commence following endorsement of the Stage 3 package.

The value of the grants category is \$359,600.

Local Employment

The local employment category builds on Council's existing commitment to supporting apprentices and trainees. The program recommends an increase in trainees and apprentices employed across Council, with six new roles across the program.

The value of the local employment category is \$675,000.

Building Renewal Works

In addition to the upgrade and renewal works identified within the LRCI and Community Infrastructure categories, Stage 3 also includes further upgrades to the Currans Hill Community Centre and a program to facilitate improved lighting solutions for our open access tennis/hard courts.

The value of the building renewal works category is \$150,000.

Programs

The programs category of Stage 3 includes a total of five projects, including the continuation of two projects already underway, such as the expansion of online content in our libraries and the promotion and facilitation of outdoor dining in the Camden Town Centre. There is also a strong focus on economic development initiatives and supporting ongoing business recovery initiatives.

The value of the programs category is \$248,000.

City Beautification Program

The program for city beautification across the Camden LGA focuses on improving the presentation of our public areas, including open space, waterways and the public road network.

The value of the city beautification category is \$2.98m.

Summary of the Program

The program as outlined in this report seeks to provide long-term financial stimulus for the Camden economy, and deliver infrastructure to support our growing community.

The Stage 3 program will be implemented across five financial years starting in 2020/2021 and concluding in 2024/2025.

CATEGORY	TOTAL VALUE
Local Roads and Community Infrastructure Grant – Round 1	\$874,692
Local Roads and Community Infrastructure Grant – Round 2	\$3,249,586
Community Infrastructure	\$104,995,000
Events	\$320,000
Grants and Financial Assistance	\$359,600
Local Employment	\$675,000
Building Renewal and Upgrades	\$150,000
Programs	\$248,000
City Beautification	\$2,980,000
TOTAL	\$113,851,878



Economic Benefit

To understand the full economic impact of all of Council's Community Support packages, consultants SGS Economics & Planning (SGS) were engaged to undertake an analysis of Stages 1 and 2 and the proposed Stage 3 initiatives.

Stages 1 and 2

The combined Stages 1 and 2 are projected to have increased economic output by between \$23.5m and \$26.7m, with an estimated 50 to 70 jobs created. In addition, it is estimated that Stages 1 and 2 increased the Gross Regional Profit (GRP) by between \$11.3m and \$13.3m.

Stage 3

The proposed Stage 3 initiatives are projected to increase economic output by between \$173.6m and \$195.1m, with an estimated 355 to 437 jobs to be created. In addition, it is estimated that the Stage 3 package will result in an increased GRP of between \$76.1m and \$89.6m across the full program.

FINANCIAL IMPLICATIONS

The funding of the Community Support Package is detailed below.

Funding:	
Section 7.11 Funding	\$60,950,000
Grant Funding	\$10,536,278
Internal Reserves	\$1,609,800
Loan Income (over 4 years)	\$37,300,000
General Fund	\$3,455,800
Total Funding - Stage 3 Community Support Package	\$113,851,878

The funding package has been assessed against current cash reserves, grant funding, Council's capacity to borrow and Long-Term Financial Plan to ensure the program supports Council's continued strong cash position and financial sustainability. It should be noted that, over the next 4 years, it is expected that additional grant funding will become available which will reduce Council's reliance on loan funds. The program also has a strong focus on addressing asset renewal and upgrades across the entire LGA, which further supports Council's long-term financial sustainability and asset management programs.

The proposed loans program will be over four years as follows:

2021/22	2022/23	2023/24	2024/25	Total
\$4.3 million	\$11 million	\$11 million	\$11 million	\$37.3 million

The loan borrowings required may reduce following additional grant funding being available. Any change to the loan borrowings would be reported to Council as part of a quarterly budget review or annual budget process. For the loan borrowing process to be efficient, a delegation to the General Manager has been included as part of the Council resolution. This delegation is the normal process followed by Council for loan borrowings to ensure Council can lock in the negotiated borrowing interest rate.

CONCLUSION

The Community Support Package - Stage 3 has been developed to compliment Stages 1 & 2 of Council's response to COVID-19. Stage 3 as outlined in this report implements a long-term recovery and economic stimulus program.

The program valued at \$113.85m will generate direct and indirect jobs and economic stimulus for the Camden LGA. In addition, the program will provide essential community infrastructure to support the Camden community.

The projected economic benefits of all three stages of the community support package are estimated to provide a total increase in economic output of between \$197.1m and \$221.8m, as much as 507 new jobs and increase GRP by up to \$102.9m.

RECOMMENDED

That Council:

- i. endorse the COVID-19 Community Support Package – Stage 3 Program as outlined in this report and the allocation of funding and loan borrowings to be included in the 2020/21 – 2024/25 Operational Plans (budgets) and Long-Term Financial Plan as detailed in the financial implications section of this report; and**
- ii. delegate authority to the General Manager or his nominee to negotiate and finalise loan terms consistent with this report and authorise relevant loan documentation to be completed under Council's Power of Attorney.**

ATTACHMENTS

1. Project List - Community Support Package - Stage 3



ORDINARY COUNCIL MEETING

ORD06

SUBJECT: ACCEPTANCE OF GRANT FUNDING - CROWN RESERVES IMPROVEMENT FUND - CAMDEN RSL'S YOUTH FACILITY

FROM: Director Sport, Community & Activation

TRIM #: 21/19073

PURPOSE OF REPORT

The purpose of this report is to seek Council's acceptance of grant funding under the NSW Government's 2020-2021 Crown Reserves Improvement Fund (CRIF) for the upgrade and redevelopment of the Camden RSL's Youth Facility.

BACKGROUND

Council submitted an application for funding through the NSW Government's 2020-2021 CRIF for upgrades at the Camden RSL Youth Facility and has been successful in securing funding in the amount of \$312,273 (excl. GST) under the grant program.

MAIN REPORT

This project seeks to enhance community use of the Camden RSL's Youth Facility.

The project incorporates renewal works as well as the enhancement works to the existing Camden RSL Youth Hall Building and includes:

- Improvements to the existing amenities;
- General repair works;
- Improvements to the female toilets;
- Installation of additional storage facilities;
- Façade renewal;
- Ceiling repairs; and
- Car park improvement works.

These works were identified in consultation with the users of the Camden RSL Youth Hall. An approved DA is in place to carry out these works.

The project must be completed within twelve months of acceptance of the grant.

FINANCIAL IMPLICATIONS

Grant funding of \$312,273 (excl. GST) has been secured for implementation of this project. In addition, Council has an allocation of \$200,000 for the project within existing budgets.

CONCLUSION

Council has been successful in attaining funding through the NSW Government's CRIF for the upgrade and improvement of the Camden RSL Youth Facility.

The funding of \$312,273 (excl. GST) will contribute towards a range of renewal and upgrade works at the facility.

RECOMMENDED

That Council:

- i. accept grant funding of \$312,273 (excl. GST) under the NSW Government's 2020-2021 CRIF Grant;**
- ii. write to The Hon. Rob Stokes MP, Minister for Planning and Public Spaces, thanking him for the grant; and**
- iii. write to Mr Peter Sidgreaves MP, Member for Camden, thanking him for his support.**



ORDINARY COUNCIL MEETING

ORD07

SUBJECT: ACCEPTANCE OF GRANT FUNDING - THE FESTIVAL OF PLACE - SUMMER FUND

FROM: Director Sport, Community & Activation

TRIM #: 21/50317

PURPOSE OF REPORT

The purpose of this report is to seek Council's acceptance of grant funding from NSW Government Department of Planning, Industry and Environment (DPIE), under The Festival of Place – Summer Fund grant program for the delivery of the #camdenlive program.

BACKGROUND

The DPIE is administering The Festival of Place – Summer Fund. The fund provides every NSW Council with an opportunity to receive a \$9,100 (excl. GST) grant as a contribution toward a program of free activations or events that enliven public spaces to 're-emerge, celebrate and engage' with community.

The objectives of the program are:

- Support community wellbeing by giving people opportunities to safely return to public spaces;
- Enliven public spaces in high streets within local centres through small scale activations or events contributing to The Festival of Place;
- Boost foot traffic and dwell time in local centres during day and night to help revitalise the economy; and
- Support engagement and employment of creative workers, food and beverage operators and producers.

The fund will create a suite of activations across public spaces in NSW with funds used to:

- Engage artists, performers, musicians, or creative workers;
- Employ event production, technology providers, or arts companies;
- Fund event infrastructure, including leasing equipment; and
- Contract services provided to deliver the activation/event.

Funds are to be utilised for COVID-Safe, free to access, live activations or events in and around high streets within local centres prior to 18 April 2021.

The program is offered to assist councils provide events and activations that will bring benefit to local business and creative and cultural sectors.

MAIN REPORT

A trial program of activation is proposed for delivery in the Camden Town Centre during March 2021.

The proposed program #camdenlive will run in the second two weeks of March 2021 and the program will focus on busking site activation in the Camden Town Centre including live entertainment, music and art displays.

The program will be supported by a #camdenlive social media campaign, banner display in the town centre and promotion on Council websites that builds on the existing #camdenbought and #camdenlove hashtags.

The recently announced Dine and Discover NSW Voucher Scheme will be a key element of the promotion of this program to encourage residents and visitors to frequent businesses within the town centre during The Festival of Place.

FINANCIAL IMPLICATIONS

The total cost of delivering the event is approximately \$15,000. The DPIE will fund an allocation of \$9,100 (excl. GST) under the Summer Fund.

Council will contribute staff time and additional budget for marketing and promotion of the program, which will be funded from the Economy and Place budget. The value of Council's contribution is approximately \$5,900.

CONCLUSION

The trial program of activation will be delivered within the Camden Town Centre during March 2021, focused on busking site activation including live entertainment, music, and art displays.

The #camdenlive program will be supported by the #camdenlive social media campaign building on the #camdenbought and #camdenlove hashtags.

Council will curate the program, working collaboratively with local businesses and creatives to deliver the events in suitable locations for engaging with community.

RECOMMENDED

That Council:

- i. note the delivery of the program of activations for the Camden Town Centre #CamdenLive;**
- ii. accept grant funding of \$9,100 (excl. GST) from the Department of Planning, Industry and Environment for The Festival of Place – Summer Fund;**
- iii. write to The Hon. Rob Stokes MP, Minister for Planning and Public Spaces, thanking him for the grant; and**
- iv. write to Mr Peter Sidgreaves MP, Member for Camden, thanking him for his support.**



ORDINARY COUNCIL MEETING

ORD08

SUBJECT: ACCEPTANCE OF GRANT FUNDING - SENIORS FESTIVAL GRANT PROGRAM - VIRTUAL CONNECT PROJECT

FROM: Director Sport, Community & Activation

TRIM #: 21/53695

PURPOSE OF REPORT

The purpose of this report is to advise Council of the successful grant funding application of \$9,100 (excl. GST) through the NSW Government Seniors Grant Program and to seek Council's endorsement to accept the funding.

BACKGROUND

The Seniors Festival Grant Program is part of the NSW Government's commitment to provide seed funding to councils to run local seniors festival programs and activities that provide opportunities for people over 60 to remain active, healthy, engaged and contributing to their local communities.

The funds provided under this category will enable Council to develop a Virtual Connect program, which will be developed as a series of online videos and DVDs for seniors that provides information, wellbeing activities and lifelong learning initiatives from local services and businesses across the Camden LGA.

MAIN REPORT

The NSW Government Seniors Grant Program has advised Council that it was successful in its application for \$9,100 (excl. GST) to fund a series of online videos and DVDs for seniors that provides information, wellbeing activities and lifelong learning initiatives from local services and businesses across the Camden LGA.

The Virtual Connect project will:

- Promote different activities to scope interest for future social and affordable activities;
- Support a broad range of local community organisations;
- Foster partnerships with community groups and services;
- Support projects that empower older people to stay connected; and
- Assist organisations to increase capacity of current programs.

The videos will be available in a variety of accessible formats, including online links across Council's Active Ageing webpage and websites, social media and electronic mailouts. A DVD version of all sessions will also be available free to seniors and can be posted, picked up at any Council facility or participating organisation, distributed throughout aged care facilities and Macarthur Ageing Forum, and delivered via Council's Mobile Library Services, Meals on Wheels and Community Transport Services.

The program will also increase opportunities for residents to participate in recreational initiatives and affordable exercise programs and workshops.

FINANCIAL IMPLICATIONS

Council has been successful in its grant funding application of \$9,100 (excl. GST). In addition, Council has an allocation of \$5,000 for the project within existing budgets.

The grant will support the use of facilitators to deliver activities, workshops and interactive sessions, through the professional production of the Virtual Connect DVD, offered free and distributed to local seniors across the Camden LGA.

CONCLUSION

Council has been successful in its application for \$9,100 (excl. GST) to deliver the Virtual Connect project through NSW Government Seniors Grant Program.

RECOMMENDED

That Council:

- i. accept grant funding of \$9,100 (excl. GST) from NSW Government Seniors Grant Program to contribute to the delivery of the Virtual Connect project;**
- ii. write to Mr Geoff Lee MP, Acting Minister for Seniors, thanking him for the grant; and**
- iii. write to Peter Sidgreaves MP, Member for Camden, thanking him for his support.**



ORDINARY COUNCIL MEETING

ORD09

SUBJECT: TENDER T002/2021 - PRINCIPAL CONTRACTOR FOR KIRKHAM PARK BMX FACILITY STAGE 2A

FROM: Manager Major Projects

TRIM #: 21/55435

PURPOSE OF REPORT

The purpose of this report is to advise Council of the tenders received for T002/2021 Principal Contractor for Kirkham Park BMX Facility Stage 2A and recommend that Council decline to accept any tenders received.

BACKGROUND

At the Ordinary Meeting held 23 June 2020, Council accepted the grant funding under the 2019/20 Greater Sydney Sports Facility Fund (GSSFF) to the value of \$2.79m for the Kirkham Park BMX and Sports Facility expansion Stage 2, and endorsed allocating \$2.79m (excl. GST) from 7.11 funds to match the grant funding.

Given the design for the 8 metre elite start hill and track were substantially progressed and the design for the remaining works had not commenced, it was agreed to deliver the works in two stages so that the 8 metre elite start hill and track could be delivered early.

The Stage 2A works include construction of an 8 metre elite start hill for the international level BMX race track, an elite first straight to transition into the current race track, a large storage area below the current 5 metre challenge start hill and the stairs link to access between the two start hills.

The Stage 2B development is currently in the design phase and will include:

- Off road sprint area;
- Recreational jump park and pump park;
- Shared carparking; and
- Additional landscaping.

A contractor is required as the Principal Contractor for the Stage 2A site and will be responsible for the construction works. The contractor will manage all subcontractors and direct, coordinate and integrate their output at all stages of the contract works.

MAIN REPORT

Legislation

This tender process was conducted in accordance with the Local Government Act 1993, the *Local Government (General) Regulation 2005* and Council's Procurement Policy and Guidelines.

Advertising of Tenders

A tender for T002/2021 Principal Contractor for Kirkham Park BMX Facility Stage 2A was called on 13 January 2021, and publicly advertised on Council's website.

The tender was open for a period of four weeks until the closing date 10 February 2021 and was available through the e-tendering website: www.tenders.nsw.gov.au.

Tenders Received

Council received two tender responses from the following organisations.

Tender	Suburb
Mack Civil Pty Ltd	Peakhurst
Simpsons Landscapes and Consultants Pty Ltd	Kirrawee

Tender Evaluation Process

Tenders were assessed by the Tender Evaluation Panel, in accordance with Council's Procurement Procedures and Guidelines. The evaluation criteria were prepared and weighted on 1 February 2021. Following the close of the tender period, each tender was evaluated by the members of the Tender Evaluation Panel using a Tender Evaluation and Pricing Matrix on the following criteria:

- Price;
- Contract experience and capacity;
- Construction Methodology and Understanding of Project;
- Project Team including subcontractors;
- Construction Program;
- Work Health Safety; and
- Local Supplier Preference.

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

Tender Compliance Panel

Tender submissions and evaluations were reviewed by the Tender Compliance Panel and all recommendations have been addressed.

CONCLUSION

Recommendation of the Tender Evaluation Panel

Following the tender evaluation process, the Tender Evaluation Panel concluded that neither tender should be accepted.

As such, in accordance with clause 178(3) of the *Local Government (General) Regulation 2005*, it is recommended that Council decline to accept any of the tenders, and invite fresh tenders from suitable contractors to carry out the construction works, as provided by clause 169 of the *Local Government (General) Regulation 2005*.



RECOMMENDATION

That Council:

- i. decline all tenders submitted for T002/2021 Tender Principal Contractor for Kirkham Park BMX Facility Stage 2A in accordance with clause 178(3) of the *Local Government (General) Regulation 2005*; and**
- ii. invite fresh tenders from suitable contractors as provided by clause 169 of the *Local Government (General) Regulation 2005*.**

ATTACHMENTS

- 1. Tender Evaluation Report - T002/2021 - *Supporting Document***

ORDINARY COUNCIL MEETING

ORD10

SUBJECT: APPOINTMENT OF INDEPENDENT MEMBERS - AUDIT, RISK AND IMPROVEMENT COMMITTEE

FROM: General Manager

TRIM #: 20/385369

PURPOSE OF REPORT

The purpose of this report is to recommend the reappointment of the three independent external members to the Audit, Risk and Improvement Committee in accordance with the Audit, Risk and Improvement Committee Charter.

BACKGROUND

On 13 May 2014, Council resolved to establish a Business Assurance and Risk Committee.

On 9 April 2019, Council adopted the revised Audit, Risk and Improvement Committee Charter, which outlines the roles and responsibilities of the Committee and provides the structure of the Committee which is to consist of the following voting members:

- Two Councillors;
- Three independent members (not employed or elected representatives of the Council);
- Chairperson (to be one of the independent members).

Councillor Paul Farrow and Councillor Lara Symkowiak are the current appointed Councillor Representatives on the Audit, Risk and Improvement Committee.

On 14 February 2017, Council resolved to re-appoint Mr John Gordon (Independent Chairperson) and Mr Bruce Hanrahan as external independent Committee members for four years.

On 11 July 2017, Ms Elizabeth Gavey was appointed as external independent Committee member after an expression of interest and assessment process. Ms Gavey's current term expires on March 2021.

Councillors were provided a briefing on the proposed reappointment of the Audit, Risk and Improvement Committee members on 2 February 2021.

MAIN REPORT

In accordance with Council's Audit, Risk and Improvement Committee Charter, independent members are to be selected as voting members of the Committee.

Council's Audit, Risk and Improvement Committee Charter allows independent members to be selected for a four-year term with the option to reappoint for up to eight years.



Under the revised Charter approved by Council on 9 April 2020, the Audit, Risk and Improvement Committee Chair can be appointed for up to five years.

Mr John Gordon was initially appointed as Independent Chairperson on 10 February 2015 and was reappointed on 14 February 2017 for a four-year term. Under the Audit, Risk and Improvement Committee Charter, Mr Gordon cannot be reappointed to the position of Independent Chair as the maximum allowable period has been reached. Mr Gordon can be reappointed as an independent member for up to two further years.

Mr Bruce Hanrahan was initially appointed as independent member on 10 February 2015 and was reappointed on 14 February 2017 for a four-year term. Under the Audit, Risk and Improvement Committee Charter, Mr Hanrahan can be reappointed for up to two further years.

Ms Elizabeth Gavey was appointed as independent member on 11 July 2017 and her current term expires in March 2021. Under the Audit, Risk and Improvement Committee Charter, Ms Gavey can be reappointed for a further four-year term.

The independent member terms were originally aligned with the Council election whereby independent members were to be appointed or reappointed 6 months after the Council election.

Changes to the Audit, Risk and Improvement Committee Charter were adopted on 9 April 2020 to allow continuity of independent membership as follows:

“ Upon the appointment of an independent member, Council may set the initial term of that member for a period less than four years, so that the changeover of the independent members on the ARIC is staggered with one independent member being replaced or reappointed at a different time from the other two independent members. This will allow for continuity and transfer of corporate knowledge.”

“Notwithstanding this, positions will be declared vacant and new members will be sought on the date of the Council general election for Councillor members and at least six months after that date for independent external members ...”

As a result of the postponement of the Council election to September 2021, the Audit, Risk and Improvement Committee terms no longer align with the Council term. To allow continuity of independent membership, it is recommended that appointments to the Committee be staggered. The Charter advises the independent membership should be ‘at least’ six months after the Council general election and as a result can be extended.

Mr Gordon, Mr Hanrahan and Ms Gavey have all indicated their interest in continuing on the Committee. The combination of financial, audit, risk management and legal expertise from the current members is considered a good mix of skills for the Audit, Risk and Improvement Committee.

As Mr Gordon and Mr Hanrahan have already served six years on the Committee, it is recommended Mr Gordon and Mr Hanrahan be reappointed as independent members for two years.

As Ms Gavey has been an independent member for less than four years, it is recommended Ms Gavey be reappointed for a second four-year term with an expiry date of March 2025. This will allow continuity of membership.

It is also recommended Ms Gavey be appointed as Independent Chairperson of the Audit, Risk and Improvement Committee for the four-year term. Ms Gavey has proven to be a valuable asset to the Committee and has experience as Chair on two local government Audit, Risk and Improvement Committees.

Proposed changes to Audit, Risk and Improvement requirements under the *Local Government Amendment (Governance and Planning) Act 2016* are expected to be finalised for implementation commencing six months after the September 2021 Council general election.

The proposed framework includes a requirement for independent members to be selected from the NSW Prequalification Scheme at a greater cost to Council. It is uncertain at this stage if this requirement will be included in the final requirements however it has been advised that the option for Councils to continue with their current Audit, Risk and Improvement Committee membership and fees until expiration of their current appointed terms is likely.

At conclusion of the proposed terms, an Expression of Interest process will be undertaken to appoint new members in accordance with the regulatory requirements that are likely to be in place at that time.

FINANCIAL IMPLICATIONS

The fees for the independent external members of the Audit, Risk and Improvement Committee are provided for in Council's budget and are set out in the **supporting document**.

Councillor representatives on the Audit, Risk and Improvement Committee do not receive a fee for their membership.

CONCLUSION

Appointment of independent external members to Council's Audit, Risk and Improvement Committee is required under the Committee's Charter. The reappointment of the existing members to the Audit, Risk and Improvement Committee will ensure continued improvement of Council's governance framework.

The appointment of Ms Gavey as Independent Chairperson for four years and Mr Hanrahan and Mr Gordon as independent external members for two years allows staggered replacement to maintain continuity. The recommended reappointments have a high level of expertise in varying disciplines, which are of significant value to Council.

RECOMMENDED

That Council:

- i. appoint Ms Elizabeth Gavey as Independent Chair of the Audit, Risk and Improvement Committee for four years in accordance with the Audit, Risk and Improvement Committee Charter;**
- ii. reappoint Mr John Gordon as independent member of the Audit, Risk and Improvement Committee for two years in accordance with the Audit, Risk and Improvement Committee Charter;**



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- iii. **reappoint Mr Bruce Hanrahan as independent member of the Audit, Risk and Improvement Committee for two years in accordance with the Audit, Risk and Improvement Committee Charter; and**
 - iv. **write to Mr John Gordon, Mr Bruce Hanrahan and Ms Elizabeth Gavey to thank them for their guidance with the operation of Council's Audit, Risk and Improvement Committee and for their continued support and commitment to the Committee.**

ATTACHMENTS

1. *Audit, Risk and Improvement Committee Fees - Supporting Document*



ORDINARY COUNCIL MEETING

ORD11

SUBJECT: CLOSURE OF THE MEETING TO THE PUBLIC
FROM: General Manager
TRIM #: 21/57626

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, the following business:

- Road Closure & Disposal – Section of Werombi Road and Ellis Lane, Ellis Lane;

is, in the opinion of the General Manager, of a kind referred to in Section 10A(2) of the Act, being:

- Commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i));

and should be dealt with in a part of the meeting closed to the media and public.

Before a part of the meeting is closed, members of the public may make representations as to whether that part of the meeting should be closed. Representations can only be made in writing to the General Manager prior to the commencement of the meeting or a fixed period immediately after the motion is moved and seconded. That period is limited to four minutes under Council's Code of Meeting Practice.

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 part.

Members of the public will be readmitted to the meeting immediately after the closed part has ended and, if Council passes a resolution during the closed part, the Chairperson will make the resolution public as soon as practicable after the closed part has ended.

RECOMMENDED

That Council:

- hear any objection or submission by a member of the public, limited to a period of four minutes, concerning the closure of the meeting; and**
- close the meeting to the media and public to discuss a report dealing with commercial information in accordance with the provisions of Section 10A(2)(d)(i) of the *Local Government Act 1993*.**