



# PENRITH CITY COUNCIL BUSINESS PAPER



**Tuesday 18 June 2002**

John MacLean meeting kids in wheelchairs at Kilometres for Kids function, hosted by Mayor. John is handcycling from Brisbane to Melbourne to raise funds for kids in wheelchairs.



## Ordinary Meeting

**15 July 2002**



# Penrith City Council

A COUNCIL COMMITTED TO PROVIDING THE HIGHEST QUALITY SERVICE TO ITS CUSTOMERS

10 July 2002

Dear Councillor,

In pursuance of the provisions of the Local Government Act, 1993 and Regulations thereunder, notice is hereby given that an **ORDINARY MEETING** of Penrith City Council is to be held in the Council Chambers, Civic Centre, 601 High Street, Penrith on Monday 15 July, 2002 at 7.00pm.

Attention is directed to the statement accompanying this notice of the business proposed to be transacted at the meeting.

Yours faithfully

**Alan Travers**  
General Manager

## *B U S I N E S S*

1. **APOLOGIES**
2. **LEAVE OF ABSENCE**
3. **CONFIRMATION OF MINUTES**  
*Ordinary Meeting – 1 July 2002*
4. **DECLARATIONS OF INTEREST**  
*Pecuniary Interest (The Act requires Councillors who declare a pecuniary interest in an item to leave the meeting during discussion of that item)*  
*Other Interest*
5. **ADDRESSING THE MEETING**
6. **MAYORAL MINUTE**
7. **NOTICE OF MOTION**
8. **ADOPTION OF REPORTS AND RECOMMENDATIONS OF COMMITTEES**  
*Local Traffic Committee Meeting – 1 July 2002*
9. **MASTER PROGRAM REPORTS**
10. **URGENT REPORTS (to be dealt with in the master program to which the item relates)**
11. **QUESTIONS WITHOUT NOTICE**
12. **COMMITTEE OF THE WHOLE**

*Enquiries regarding this Business Paper should be directed to the  
Public Officer, Peter Huxley on (02) 4732 7649*

**ORDINARY MEETING  
MONDAY 15 JULY 2002  
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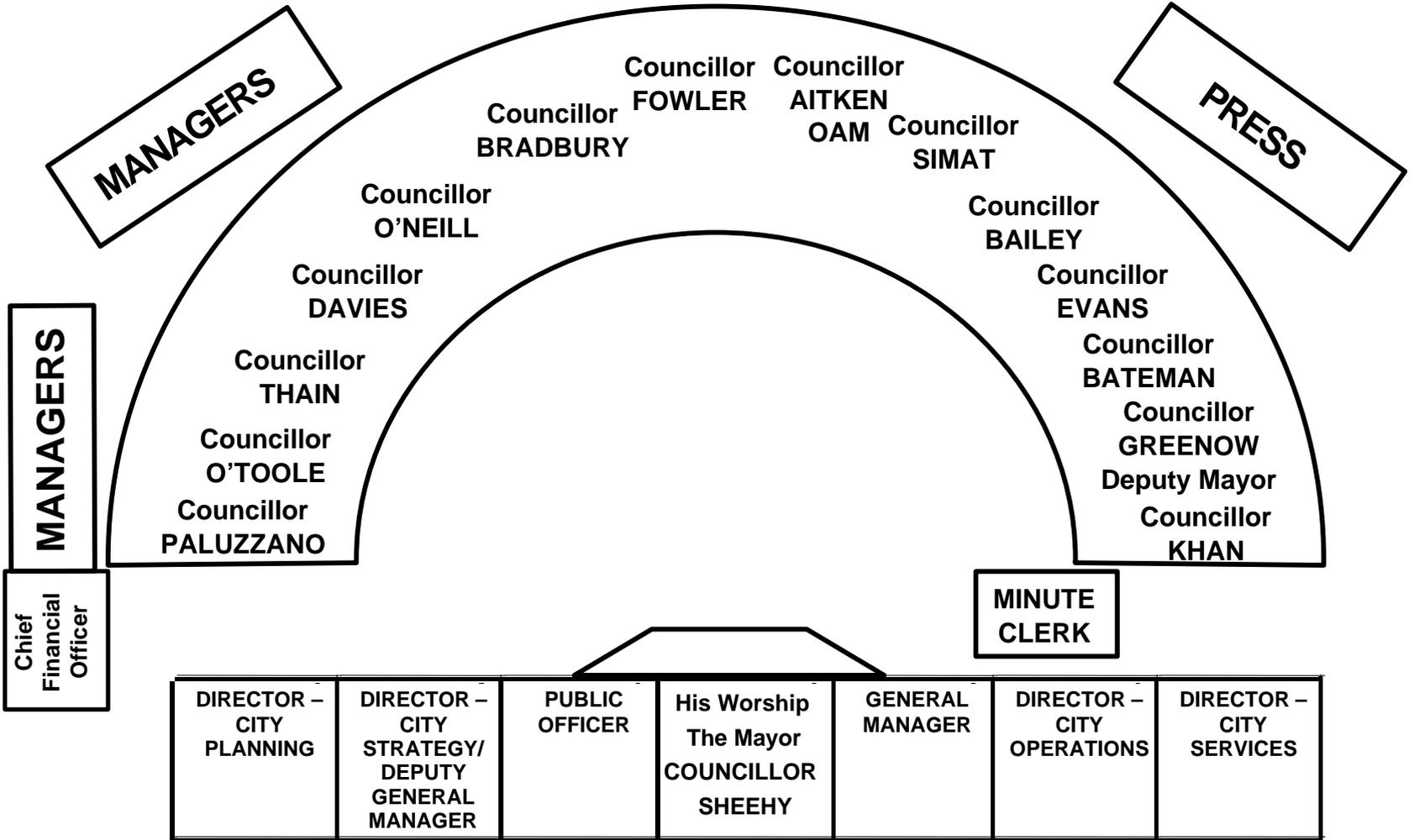
# **PRAYER**

“Almighty God, we acknowledge that you are sovereign over the nations of the World and in the lives of individuals. Our destiny is in your hands. Help us who are gathered here in this Council Meeting to seek your way and the welfare of the people we represent.

Guide us, we pray in our deliberations, in our differing opinions, to listen to each other with respect and interest. Help us to be fair in our judgements, wise in our actions, endeavouring to keep a spirit of harmony and peace, so that our city may prosper and our people live in contentment. In the name of Jesus Christ our Lord. Amen.”



# COUNCIL CHAMBERS SEATING ARRANGEMENTS



**PENRITH CITY COUNCIL**  
**MEETING CALENDAR**  
**July 2002 – December 2002**

	TIME	JULY	AUG	SEPT	OCT	NOV	DEC
		Mon	Mon	Mon	Mon	Mon	Mon
Ordinary Meetings	7.00 pm	1	5	2		11	2
		15	19#	^16 30	14	18#	16
Policy Review Committee	7.00 pm	22	26	23	21	25	9

**Council has two Ordinary Meetings per month where practicable. Extraordinary Meetings are held as required.**

**Policy Review Meetings are held monthly.**

**Members of the public are invited to observe at meetings of the Council. Should you wish to address Council, please contact The Public Officer, Peter Huxley on 47327649.**

# Meetings at which the Management Plan quarterly review is tabled and discussed.

\* Meeting at which the Management Plan for 2002/2003 is adopted

^ Mayoral Election

**UNCONFIRMED MINUTES  
OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE  
COUNCIL CHAMBERS, PENRITH  
ON MONDAY 1 JULY 2002 AT 7.05 PM**

**PRAYER**

The meeting opened with the National Anthem and the Prayer read by Reverend Neil Checkley.

His Worship the Mayor Councillor Pat Sheehy read a statement of recognition of Penrith City's Aboriginal and Torres Strait Islander cultural heritage.

**PRESENT**

His Worship the Mayor Councillor Pat Sheehy, Councillors D Bailey, D Bradbury (arrived 7.56PM), G Davies, G Evans, R Fowler, J Greenow, A Khan, C O'Neill, C O'Toole, S Simat, and J Thain.

**APOLOGIES**

952 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Evans that apologies be received and accepted from Councillor Bradbury.

**LEAVE OF ABSENCE**

Leave of absence had previously been granted to Councillors Paluzzano, Bateman and Aitken.

**CONFIRMATION OF MINUTES**

**Ordinary Meeting – 17 June 2002**

953 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Simat that the minutes of the Ordinary Meeting of 17 June 2002 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor Thain declared a non-pecuniary interest in Item 20 as Bishop Austrans is a customer of the company that he works for. Councillor Thain took no part in the debate or voting.

**SUSPENSION OF STANDING ORDERS**

954 RESOLVED on the MOTION of Councillor Greenow seconded Councillor Simat that Standing Orders be suspended to allow Mr Matt Hazell, Mr Peter Batton, Mr Francisco Lay and Mr Laurie Bishop to address the meeting, the time being 7.07PM.

Mr Matt Hazell, Chairman of Cambridge Park/Werrington Residents Action Group addressed Council on over-development of Cambridge Park and Werrington.

Mr Hazell raised concerns about a comment made by Mark Greenhill on Channel 7 recently that 600,000 extra people are expected to live in the Greater Western Sydney area over the next 20 years.

Mr Hazell said he was concerned that children have no room and space to play and there would be no spaces for visitors to park if further development goes ahead. Mr Hazell said there are major traffic concerns and named Barlow Street Cambridge Park and Irwin Street Werrington as particular traffic hazards.

Councillor Thain asked whether Council is taking these older established areas into consideration in regards to planning community facilities. Roger Nethercote, Council's Environmental Planning Manager, said that the Recreation, Cultural, Infrastructure, Facilities and Services Needs Study that Council is conducting is looking at infrastructure needs of older established areas.

Roger said the intention is to develop a strategy, which would identify shortcomings in the provision of community facilities and infrastructure in those areas. The study will also look at the development of an established areas Section 94 plan which would assist in providing a means for partial funding of identified facilities and infrastructure which Council proposed to deliver in future works programs.

Mr Peter Batton, resident of Cambridge Park, addressed Council on rapid and over-development of the Penrith area. Mr Batton said that the residents have formed a group to ensure all new developments are strictly managed. The group will liaise with Council. He stated that they are not a political or radical group, rather they are genuinely concerned and focussed on the needs of the community.

Mr Batton said some residents are disgusted with zoning laws. Mr Batton also raised concerns with the issue of invasion of privacy. He said residents have been forced to sell their properties due to development encroaching on their properties.

Mr Batton asked Council to alleviate the concerns of the residents, particularly the elderly.

Mr Francisco Lay, representing the residents of Chapman, Walker, Landers, Railway and Rance Roads Werrington addressed Council on Item 20: Development Application for Narrow Gauge Railway and Associated Amenity Buildings on Lot 1 DP 791299 The Great Western Highway, Werrington: Applicant: Bishop Austrans; Owner: University of Western Sydney, Penrith (Werrington North) Campusa development application for a Narrow Gauge Railway.

Mr Lay said the group is opposed to the location of the industrial facility being located so close to homes. He said there are potentially more suitable locations available within the Penrith area. Mr Lay encouraged Council to explore other avenues.

Mr Lay raised concerns with the lack of involvement from UWS, the lack of information for the community, the issue of employment for local residents, limited business opportunities to Penrith, access alternatives to the use of Chapman Street, noise and vibration and drainage and flooding.

Mr Lay asked what benefits there are to the residents and he said that there are none.

Mr Lay proposed the following recommendations:

1. Alternate access road, eg not Chapman, but to use the UWS existing road system in the Western end of the site;
2. As we are unconvinced that the noise protection offered will be adequate, we believe further investigation is warranted;
3. Written assurance and acceptance of liability to recompense residents in the event of drainage and flooding damage due to the introduction of this facility;
4. If the access road to Chapman Street remains, the call for the construction of a pedestrian footpath on both sides of the street to protect residents from higher volumes of traffic;
5. That the land will be restored and rehabilitated to its original condition after the facility has been decommissioned, and that Council be responsible for overseeing this process.

Mr Laurie Bishop of Bishop Austrans, addressed Council on item 20: Development Application for Narrow Gauge Railway and Associated Amenity Buildings on Lot 1 DP 791299 The Great Western Highway, Werrington: Applicant: Bishop Austrans; Owner: University of Western Sydney, Penrith (Werrington North) Campus.

Mr Bishop said they are not developers but are a research organisation, with 25 staff members, privately funded. Mr Bishop said the money comes from a single shareholder. He also said that a \$14.3m grant was received from the government to come up with a transportation system.

Mr Bishop said they have engaged consultants to minimise the impact of the development. He said they have no desire to cause hardships to residents and they have met with the residents to discuss certain issues and concessions had been made.

Mr Bishop said if successful, traffic congestion would be removed and pollution will be lessened.

Mr Bishop said the application is for 10 years and if the project is unable to be completed or to continue, the development site will be returned to how it was originally found.

Mr Bishop said they are trying to provide long-term solutions to the transportation problem.

## **RESUMPTION OF STANDING ORDERS**

955 RESOLVED on the MOTION of Councillor Greenow seconded Councillor Evans that Standing Orders be resumed the time being 7.48PM.

## REPORTS OF COMMITTEES

### Policy Review Committee Meeting – 24 June 2002

Councillor O'Toole referred to PR58 and asked when the report on the linkage to future developments to the north of the ADI site would be coming to Council. The Environmental Planning Manager responded that it was in the ADI report before Council at tonight's meeting.

956 RESOLVED on the MOTION of Councillor O'Toole seconded Councillor Greenow that the recommendations PR52 to PR57 and PR59 to PR65 contained in the Minutes and Report of the Policy Review Committee Meeting of 24 June 2002 be adopted, with the following amendment under Item 1 in PR 58 following g) the item to read:

- h) Council seek a commitment from the Minister for Roads and Transport to assess the impacts of the ADI development on adjoining and nearby residential areas, and to implement such elements of the Werrington Arterial proposal that are needed to negate those impacts.

## MASTER PROGRAM REPORTS

### THE CITY IN ITS REGION

#### 21 ADI Site, St. Marys

4130/2 Part 59

Councillor Thain left the meeting the time being 7.50PM.

957 RESOLVED on the MOTION of Councillor O'Toole seconded Councillor Davies that Council write to the Minister for Roads and Transport and the Minister for Planning advocating the need to set aside transport corridors within the ADI site providing linkages to external transport corridors and setting aside land for future transport corridors to prevent the need for costly land acquisitions in the future.

### THE CITY IN ITS ENVIRONMENT

- 1 **Development Application to erect a Kennards Self Storage Facility with associated signage. Lot 3 DP 1020994 Castlereagh Road, Penrith. Owner: Department of Defence. Applicant: Kennards Self Storage Pty Ltd.**

DA02/0074

958 RESOLVED on the MOTION of Councillor Davies seconded Councillor Simat

That:

- 
- (A) Development Application No. 02/0074 to erect a Kennards Self Storage Facility on Lots 1 & 3 of the proposed subdivision of Lot 3 DP 1020994 Castlereagh Road, Penrith, together with associated signage be approved subject to the following conditions:

**Standard Conditions**

A002(Approved Plans), A011(Engineering Works DCP), A019(Occupation Certificate), A032(Goods in Buildings), A038(Lighting Locations), A039(Graffiti & External Finishes), D001(Sediment Erosion Control Measures), D005(Fill Validation), D021(Bunding), D023(Stormwater Quality), D031(Noise), E001(BCA Compliance), E006(Disabled Access & Facilities), E008(Fire Safety List), E009(Annual Fire Safety Statement), G002(Section 73), G003(Integral Energy), H001(Stamped Plans), H002a, b, c, d & e(Construction), H004(Hours of Work), H005a(Soil Erosion), H013a, b, c, d, & g(Further Building Details), H022(Survey), I002b, e & h(Roads Act), , K025(Pavement Standard), Q001(Notice of Commencement), Q006(Fire Safety certificate)Q007(Occupation Certificate)

**Special Conditions**

1. All conditions of Development Consent No. 01/1961 relating to the subdivision and filling of the site, upgrading of the "Coombewood" driveway and the provision of road and drainage infrastructure are to be implemented prior to or during construction of this development. The applicant is reminded that:
  - All roadwork, dedications and drainage works are to be carried out at the applicant's cost
  - Work on the subdivision is not to commence until a Construction Certificate has been issued. Penrith City Council is to be notified 48 hours prior to commencement of engineering works or clearing associated with the subdivision.
  - All Compliance Certificates relating to the engineering works shall be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.
  - A Subdivision Certificate is to be obtained prior to the release of the linen plan of subdivision. Prior to the release of the linen plan, the following service authority clearances shall be obtained and submitted to the Principal Certifying Authority:
    - i. A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water.
    - ii. A letter from Integral Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements.
    - iii. A Certificate from an approved telecommunications service provider (Telstra or Optus) that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.
2. Satisfactory arrangements being made to enable the owners of Coombewood to relocate the *Maclura pommifera* (Osage Orange) trees to the Coombewood site. Such work is to be carried out in a manner that does not impede development of the site.

3. The Kennards Self Storage facility site being consolidated into one allotment of land prior to the issue of an occupation certificate.
4. A detailed plan of site fencing is to be submitted to and approved by Council prior to the issue of a Construction Certificate. The design, location and scale of the fencing is to be compatible with the site's location on Castlereagh Road, proximity to Coombewood, an item of environmental heritage, and the flooding characteristics of the site.
5. The covered parking structure to be located adjacent to Building 2 is to be divided into two sections by a minimum 5m wide suitably landscaped area. The style, quantity and species of landscaping is to be consistent with that indicated in Landscape Plans LP 1 & 2 submitted with this application.
6. The finished floor level of all buildings shall not be below RL 25.8m AHD (adopted flood level + 0.5m).
7. A certificate by a surveyor registered under the Surveyor's Act 1929, verifying the finished floor level of the building is not less than RL25.8 m AHD shall be submitted upon completion of the building to that level. The building shall not be further constructed until approval is given to proceed.
8. Recommendation 6.1 of the "Flora & Fauna Issues Discussion Paper" prepared by Wildsearch Flora & Fauna Surveys dated September 1999 and the recommendations within Section 5 of the Discussion Paper titled "Assessment of native grass rehabilitation resources at Thornton Park" prepared by Anne Clements and Associates Pty Ltd dated 23 September 1999 are to be implemented prior to the issue of any Construction Certificate. A Compliance Certificate or other document shall be obtained from a qualified arborist certifying that the recommended measures have been carried out in accordance with the recommendations of the respective reports. The Compliance Certificate or other suitable documentation shall be submitted to the Principal Certifying Authority a minimum 5 days prior to the commencement of site works.
9. Only those trees located within the development site and identified in the "Tree Survey and Assessment" report prepared by Sydney Arboricultural Services Pty Ltd dated 5 October 1999 as being removed are to be removed and replaced as recommended. The trees identified as "retain & protect", in particular the Bunya Pine identified as tree No. 22, shall be retained as part of this development. Tree protection measures shall be installed prior to clearing of site vegetation, the commencement of site works or the commencement of any construction works. A Compliance Certificate or other document shall be obtained from a qualified arborist certifying that the tree protection measures have been installed in accordance with the recommendations in the approved arborist report. The Compliance Certificate or other suitable documentation shall be submitted to the Principal Certifying Authority a minimum 5 days prior to the commencement of site works.
10. To ensure performance with those conditions of this consent that require the retention of trees, the applicant shall submit a bank guarantee or insurance bond to Penrith City Council, prior to the issue of a Construction Certificate. The value of the bank guarantee or insurance bond is to be determined by an appropriately qualified arborist or tree surgeon using the Thyer Tree Valuation Method.

A refund of all bank guarantees or insurance bonds relating to tree conservation on the subject property will occur after satisfaction of the following requirements:

- After no less than 12 months after the first occupation of any of the buildings, the applicant shall submit to Penrith City Council a report detailing the health and prognosis of the tree(s) identified in the consent. The report is to be prepared by a duly qualified arborist or tree surgeon.
  - The bond shall be released in full by Council in the event that the arborist or tree surgeon certifies that the tree(s) have not suffered, and are unlikely to suffer injury to their health as a result of the development.
  - In the event that the arborist or tree surgeon has identified damage to any of the trees, Council is entitled, by notice in writing, to direct the applicant to take such steps as may be reasonable and appropriate to restore the damage to the trees within a period of not less than 90 days.
  - In the event that the applicant fails to comply with this notice, Council is entitled to carry out such work (including replacement of the tree(s) with mature specimens) as may be required for that purpose, and to call up so much of the bank guarantee or insurance bond as may be required by Council to cover the cost of replacing or restoring the health any of the trees.
11. Rail Estate is to be consulted on the impact of rail related noise and vibration on building design. Written confirmation that consultation has taken place is to be submitted to Council prior to the issue of a Construction Certificate for the building.
  12. All land that has been disturbed by earthworks and not immediately landscaped is to be spraygrassed or similarly treated to establish a grass cover as an interim measure prior to the area being landscaped.
  13. Before any works are commenced on site, Lot 5 DP 1020994 is to be protected by adequate fencing with star picket and wire fencing installed to ensure that the area is not disturbed and the archaeological remains are not damaged by the construction work.
  14. Where a building is to take place on any land that is to be filled, such filling is to be compacted appropriately prior to any construction work being carried out
  15. Stamped plans, specifications, a copy of the consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.
  16. All landscaping depicted on Landscape Plans LP 1 & 2 Issue A submitted with the development application, which form part of this consent, shall be completed in accordance with those plans. Particular attention is to be given to the provision of planting to screen the view of the covered parking facility from Castlereagh Road. Landscaping shall be maintained in a healthy state and maintained in perpetuity by the existing or future owners and occupiers of the property. If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation which died or was removed.
  17. The roof of the buildings and the covered parking facility are to be provided in a natural earth tone colour. Details are to be submitted for Council approval prior to the issue of a Construction Certificate.

18. The roller shutters along the Castlereagh Road elevations of building 1 and 2 are to be deleted and that aspect of the elevations redesigned, in consultation with Council's architect, to enhance the streetscape presentation of the development. Detailed plans are to be submitted to and approved by Council prior to the issue of a Construction Certificate.
- (B) Those people who made a submission with respect to this application be advised of Council's decision

**2 Development Application - Alterations and Additions to the Blue Cattle Dog Tavern. Lot 1 DP 730490 (No. 1) Banks Drive St Clair. Owner: The Blue Cattle Dog Tavern Pty Ltd. Applicant: Mulroneys Architects Pty Ltd.**

**DA 01/2059**

959 RESOLVED on the MOTION of Councillor Davies seconded Councillor Simat

That:

- (A) Development Application No. 01/2059 to carry out alterations and additions to and provide live entertainment in the Blue Cattle Dog Tavern on Lot 1 DP 730490 (No. 1) Banks Drive, St Clair be approved subject to the following conditions:

**Standard Conditions**

A002 (Approved Plans), A019 (Occupation Certificate), A026 (Advertising Sign), A036 (Parenting Room), A038 (Lighting Locations), A039 (Graffiti), D031 (Noise), E001 (BCA Compliance), E009 (Essential Fire), K025 (Parking Pavement), L012 (Existing Landscaping),

**Special Conditions**

1. The building is to comply with the relevant provisions of the BCA. Particular attention is to be given to the provisions relating to Places of Public Entertainment.
2. A Structural Engineers Certificate is to be submitted to Council confirming the structural adequacy of the construction works.
3. Opaque glazing is to be applied to the two windows in the eastern elevation of the staff facilities/gymnasium area and they are to be sealed permanently closed so as to maintain the privacy of adjoining properties.
4. A bus service is to be provided for hotel customers. The bus is to provide an hourly service within St Clair, St Marys and surrounding customer destination areas from 4pm until the hotel closes.
5. Entertainment is to be restricted to between the hours of 7pm and 12 midnight Thursday to Saturdays and public holidays and 4pm to 9pm Sunday, without the prior approval of Council.

6. The form of entertainment is to be restricted to low key lounge style entertainment provided by a disc jockey or single or duo performers.
7. All entertainment/entertainers are to utilise the hotel's sound system. A tamper proof programmable sound monitor is to be installed in the sound system to ensure that the systems noise levels do not cause the following criteria to be exceeded.  
  
Noise levels from the premises measured as  $Leq_{15}$  shall not exceed 50dB(A) at a residential boundary between the hours of 6pm and 10pm or 43dB(A) at a residential boundary between the hours of 10pm and 12am.
8. The doors to the entertainment area are to be provided with self closing mechanisms and the entry/exit to the area is to be controlled by security staff to ensure the doors are closed except at the immediate time of access by customers to the entertainment area.
9. A report demonstrating compliance with conditions 7 & 8 shall be submitted to Council prior to the conduct of the first entertainment function. The report shall account for the frequency of the entertainment area's doors opening and the noise intrusion which results. In this regard the report should deal specifically with the issue of whether a foyer or airlock is also required to provide appropriate attenuation of noise.
10. The provisions of the *Protection of the Environment Operations Act 1997* apply to this premises in terms of regulating offensive noise.
11. The measures nominated in the Community Safety Management Plan prepared by Mulroneys Architects Pty Ltd and submitted with the application are to be implemented at all times entertainment is provided.
12. The Community Safety Management Plan is to be amended to include a statement to the effect that the hotel management will be available at mutually convenient times, at the invitation of Council and or the Police, to discuss and action agreed community safety strategies with other local stakeholders in the area should the need arise.
13. When entertainment is provided security staff are to remain until the last person has left the site.
14. All entertainment/entertainers are to be engaged on the basis that they will not carry out, or cause to be carried out, bill posting on their or the hotel's behalf. Entertainment/entertainers found to engage in such practices are not to be employed in/on the premises from that time.
15. The use of the gymnasium is to be limited to staff and the hotel sponsored boxing and football teams. The facility is not to be open to the general public or operated on a commercial basis.
16. A parenting room shall be provided in accordance with Penrith City Council's Parenting Facilities Policy 1996. Details are to be submitted as part of the Place of Public Entertainment Application.
17. The broken sections of concrete footpath adjacent to the entry/exit driveway in Banks Drive are to be replaced with new concrete to Council's satisfaction.

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18. All pavement failures in Banks Drive in front of the entry/exit driveway are to be repaired to Council's satisfaction. Council's Asset Management Section is to be contacted prior to the commencement of work.
  19. Stormwater is to be directed to the existing drainage system for the development which is to be cleaned and cleared of silt and debris.
  20. A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator, for details see the Customer Services, Urban Development @ [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

21. Prior to the issue of an Occupation Certificate, a written clearance is to be obtained from Integral Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development. In the event that a padmounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation.
22. Under the Roads Act, 1993 the following works in Banks Drive are to be approved by Penrith City Council before the work is commenced:
  - Provision of a heavy-duty gutter crossing.
  - Opening the road reserve for the provision of services.

A formal application to Penrith City Council for approval of the works is required. All works shall be carried out in accordance with Penrith City Council's specifications. Contact Council's Development Services Unit on (02) 4732 7777 to arrange for payment of fees and an inspection of the works.

- (B) That Council not require the boom gates at either end of the motel parking area so as to enable safe and efficient movement of vehicles on the site
- (C) The applicant and owner of the property be reminded of the necessity to obtain all relevant approvals prior to the carrying out of any future work on the site or to the premises.

## **6 Amendment to Urban Land Local Environmental Plan**

**4100/56**

960 RESOLVED on the MOTION of Councillor Davies seconded Councillor Simat

That:

1. Pursuant to Section 54 of the Environmental Planning and Assessment Act, 1979, Council prepare a draft LEP to amend Urban Lands LEP 1998 to:
  - Allow 14 – 20 Great Western Highway, Colyton (Lot 100 DP 712 957) to be used for the purposes of a shops or commercial premises.

- Allow No 86 Great Western Highway, Colyton (Lot 2 DP 250213) to be used for parking, landscaping and access associated with the adjoining service station at 88 Great Western Highway.
- 2. Council inform the Director of Planning NSW of its decision to prepare the draft LEP.
- 3. Pursuant to Sections 61 and 62 of the Environmental Planning and Assessment Act, 1979, Council undertakes consultation with relevant public authorities in relation to the draft LEP.
- 4. Pursuant to Section 66 of the Environmental Planning and Assessment Act, 1979, the draft LEP be exhibited and the outcome of the public exhibition process be reported back to Council for consideration.
- 5. The applicants for the rezoning applications be advised that commencement of the draft LEP process does not infer ultimate support or approval of the applications.

**8 Energy Performance Contract Proposal**

**38/62**

961 RESOLVED on the MOTION of Councillor Davies seconded Councillor Simat

That:

1. Council engages the services of Siemens Building Technology to carry out the Detailed Feasibility Study relating to the Energy Performance of the Civic Centre/Library and the Queen Street Centre;
2. a further report be submitted to Council following the completion of the above Study.

**3 Amendment to Urban Land Local Environment Plan**

**4100/56**

Councillor Thain returned to the meeting the time being 7.53PM.

962 RESOLVED on the MOTION of Councillor Bailey seconded Councillor Davies

That:

1. pursuant to Section 54 of the Environmental Planning and Assessment Act, 1979, Council prepare a draft LEP to amend Urban Lands LEP 1998 as detailed in the report;
2. Council inform the Director of Planning NSW of its decision to prepare the draft LEP;
3. pursuant to Sections 61 and 62 of the Environmental Planning and Assessment Act, 1979, Council undertake consultation with relevant public authorities in preparing the draft LEP;

4. pursuant to Section 66 of the Environmental Planning and Assessment Act, 1979, the proposed draft LEP be exhibited and the outcome of the public exhibition process be reported back to Council for consideration.

**4 International Cities & Town Centres Conference 4105/3**

963 RESOLVED on the MOTION of Councillor Davies seconded Councillor Greenow that Councillors Greenow, Khan, Evans, Simat, Davies and Aitken attend the International Cities and Town Centres Conference, Caloundra, Queensland, and associated urban release area development tour.

**5 Grant from Department Land and Water Conservation 3302/1**

964 RESOLVED on the MOTION of Councillor Bailey seconded Councillor Greenow

That:

1. the information concerning the success of the grant application for funding of \$80,000 from the Department of Land and Water Conservation for the Werrington Creek Park Riparian Management Improvement Works be received;
2. further funding opportunities be explored as part of this year's management plan;
3. the Werrington Lake be placed on a future site inspection.

**7 Pole Posters 4129/5 Pt 5**

Councillor Bradbury arrived at the meeting the time being 7.56PM.

Councillor Bailey requested information on the number of man hours taken in removing posters.

965 RESOLVED on the MOTION of Councillor Bailey seconded Councillor Aitken

That:

1. the report on Pole Posters be received;
2. the quarterly Directorate Report include information on the number of hours Council staff spend taking down posters.

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**20 Development Application for Narrow Gauge Railway and Associated Amenity Buildings on Lot 1 DP 791299 The Great Western Highway, Werrington: Applicant: Bishop Austrans; Owner: University of Western Sydney, Penrith (Werrington North) Campus**

**DA02/0972**

966 RESOLVED on the MOTION of Councillor Bailey seconded Councillor Greenow

That:

- (A) Development Application No. 02/0972 for a narrow gauge railway and associated amenities buildings on Lot 1 DP 791299 The Great Western Highway, Werrington be approved subject to the following conditions:

### **Standard Conditions**

A001 (approved plans, as amended by plans submitted to Council on 1 July 2002); A011 (Engineering Works DCP); A026 (Advertising signs); A039 (graffiti); D001 (soil erosion and sediment controls); E001 (BCA compliance); H004 (Hours of Construction); H028 (roof finishes); K001 (Engineering Works DCP); K002 (works-as-executed drawings); K025 (bituminous pavement); K036 (maintenance bond); P001 (costs);

### **Special Conditions**

1. Under the Roads Act, 1993 the following works in Chapman Street are to be approved by Penrith City Council before the Construction Certificate for the development is issued:
  - (a) The construction of kerb and gutter, drainage and road pavement on the southern side of Chapman Street from the end of the existing pavement to the western end of the road reserve.
2. Noise during construction and operation of the facility measured as Leq<sub>15</sub> shall not exceed the levels detailed in Table 4.4 on page 36 of the Statement of Environmental Effects prepared by ERM dated 22 April 2002.
3. The following noise mitigation measures, as listed in the Statement of Environment Effects prepared by ERM, are to be implemented during construction:
  - Residential class mufflers on all equipment
  - Proper maintenance to ensure noise source levels are not exceeded
  - Preparation of a noise management plan by the contractor prior to construction to ensure all staff understand noise control measures. This plan is to be submitted to Council for consideration and approval prior to the commencement of works
  - Monitoring of equipment regarded by the site superintendent as being excessively noisy. If monitoring exceeds specified sound power levels, the contractor will be instructed to modify the equipment or remove it from the site.

- A communications program will be developed to keep the community informed of activities. This will include local newsletters, leaflets, newspaper advertisements and community notice boards.
  - Local residents in close proximity to works will be notified prior to expected commencement of work adjacent their property.
  - A 24 hour contact telephone number will be provided for the public to seek information or make a complaint. A complaints register will be maintained and acted upon.
  - Construction activities should be carried with reference to AS 2436-1981 "Guide to Noise Controls on Construction Maintenance and Demolition Sites".
  - Utilisation of temporary noise barriers where appropriate.
4. Further to Condition 3, during the construction and operation of the facility, a complaints register shall be maintained. Details of an appropriate contact person shall be provided to Council and surrounding residents prior to the commencement of any works. Complaint details shall be provided to Council upon request.
  5. Prior to the issue of an Occupation Certificate, and 6 months after operation of the facility has commenced, a qualified acoustic consultant shall certify that the development has been completed (or is operating) in accordance with Conditions 2, 3, 4, 12(a), 12(b) and H004. This certification shall be submitted to the Principal Certifying Authority. A copy of the certification, together with the Occupation Certificate, shall be submitted to Council if obtained from an accredited certifier.
  6. The provisions of the *Protection of the Environment Operations Act 1997* apply to the construction and operation of this facility in terms of regulating offensive noise.
  7. Information on any fill material to be imported to the site will be required to be submitted to Council in accordance with Section 12.2 of Council's *Contaminated Land Development Control Plan* prior to works commencing. The required volume of fill material is also to be provided.
  8. Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding residences.
  9. The tracking of mud and soil deposits from the site shall not occur during construction works.
  10. Details of environmental controls/Waste Management Plan to be implemented for the Vehicle Maintenance Shed is to be submitted to Council prior to the issue of the Occupation Certificate. This includes details of bunding, chemical storage and disposal, and waste oil/water storage and disposal. If wastewater is to be discharged to the sewer, then a Trade Waste Agreement with Sydney Water is required.
  11. Access and sanitary facilities for persons with disabilities are to be provided in accordance with the requirements of the Building Code of Australia and Penrith City Council's Access Policy for Persons with Disabilities.

12. (a) Operating times are restricted to 7am to 6pm Monday to Friday. For weekend and after-hours operation for promotional and media purposes, the applicant is to submit to Council a Management Plan outlining the anticipated number of weekend and after-hours events and the times these will operate.
- (b) Details on the type, sound reduction capability, maintenance and location of permanent and temporary noise barriers shall be provided to Council for approval prior to the issue of a Construction Certificate.
- (c) Details of the trees to be removed, including the number and location are to be submitted to Council. For trees to be retained and within the construction area, protection zones are to be provided around the trees. All fences are to be located outside the drip line of the trees.
- (d) A colour schedule for the associated amenity buildings is to be submitted to Council for approval.

The submission of the above matters before a Construction Certificate can be issued are ancillary aspects of the development under Section 80A (2) of the Environmental Planning and Assessment Act, 1979. Appeal provisions will apply to the submission requirements regarding ancillary aspects of the development (see Sections 80A (3) and 97 of the Act).

13. The maximum noise level calculated for the peak traffic hour is not to exceed 55dB(A) during the daytime (7.00am to 10.00pm) and 50dB(A) during the night time (10.00pm to 7.00am), in accordance with the EPA's *Environmental Criteria for Road Traffic Noise*.
  14. No construction vehicles are to "queue" in the local streets, including Chapman, Walker, Landers and Railway Streets, or enter the site, prior to 7am Mondays to Fridays, and 8am Saturdays.
  15. The developers be asked to contribute to the provision of a footpath along Chapman Street from the Landers Street Intersection.
  16. The developers be required to restore and rehabilitate the site if the development ceases to operate.
- (B) That all persons who made submissions to Council be informed of the determination.

## THE CITY AS A SOCIAL PLACE

### 9 Penrith Regional Gallery and Lewers Bequest - Selection of Architect

1043/26

967 RESOLVED on the MOTION of Councillor Aitken seconded Councillor Fowler that Council engage Peddle Thorp and Walker Architects for professional services at the Penrith Regional Gallery and Lewers Bequest for an amount up to \$179,000.

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**10 Off-Leash Area - Emu Heights**

**7001/1 Pt 10**

968 RESOLVED on the MOTION of Councillor Aitken seconded Councillor Fowler

That:

1. the report concerning Off-Leash Area – Emu Heights be received;
2. an off-leash area be established on land described as 2a, Lot 3, DP 849448 Wedmore Road, Emu Heights;
3. a further report on the establishment of an off-leash area in South Ward be submitted as further information comes to hand.

**11 Tender for the Manufacture and Completion of Operations Building - Penrith State Emergency Service**

**38/68**

969 RESOLVED on the MOTION of Councillor Aitken seconded Councillor Fowler that the tender of Team Sales (Australia) Pty Ltd for the manufacture and completion of an operations building for the Penrith State Emergency Service at a cost of \$141,930 (exclusive of G.S.T.) be accepted.

**12 NSW Rural Fire Service State Championships**

**1011/1**

970 RESOLVED on the MOTION of Councillor Aitken seconded Councillor Fowler

That:

1. the NSW Rural Fire Service State Championships report be received;
2. an amount of \$4,500 be funded from the City Marketing and Events Allocation towards sponsorship of the NSW Rural Fire Service State Championships.

**13 Presentation of a New Bus to Penrith Rural Fire Service**

**1033/8**

971 RESOLVED on the MOTION of Councillor Aitken seconded Councillor Fowler that the report on the Presentation of a New Bus to Penrith Rural Fire Service be received.

Councillor O'Toole left the meeting the time being 8.02PM.

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**THE CITY SUPPORTED BY INFRASTRUCTURE**

**14 Tender 59-01/02 - Construction of Concrete Path Paving in Three Separate Wards**

##

972 RESOLVED on the MOTION of Councillor Bailey seconded Councillor Davies

That:

1. the Schedule of Rates Tender from Scattergood Concreting Pty Ltd be accepted to carry out the construction of footpaths in North and South Wards;
2. the Schedule of Rates Tender from De Vries Concreting and Excavations Pty Ltd be accepted to carry out the construction of footpaths in East Ward;
3. in the advent of one of the above tenderers not being able to complete the work in the allocated ward by the end of the tender period, the work be offered to the next lowest priced available tenderer as listed in the report.

**COUNCILS OPERATING ENVIRONMENT**

**15 Tender No 44-01/02 - Provision of Professional Services**

38/63

Councillor O'Toole returned to the meeting the time being 8.03PM.

973 RESOLVED on the MOTION of Councillor Aitken seconded Councillor Simat

That:

1. All conforming tenders for the offer to provide professional services be accepted onto a Panel of approved Suppliers, and that
2. The selection process for engaging the most appropriate Supplier from the panel of approved Suppliers for specific works be made on the basis of price, availability, suitability for work required, experience and qualifications of relevant staff during the term of the agreement.
3. In instances where only one (1) supplier is available for a particular category Council officers obtain individual submissions from other suitable suppliers for works expected to exceed \$5,000 in value.

**16 Continue to Reduce Risk 6011/38**

974 RESOLVED on the MOTION of Councillor Aitken seconded Councillor Simat that the report be received and Councillor Fowler be nominated to attend the 2002 ARIMA Conference.

**17 Request from the Local Government and Shires Associations about the establishment of the 'Councillor Pat Dixon Memorial Scholarship' 751-1**

975 RESOLVED on the MOTION of Councillor Davies seconded Councillor Greenow

That:

1. Council donate the sum of \$2,000 to the Pat Dixon Memorial Scholarship.
2. The \$2,000 be allocated from available funds in the 2002/2003 budget.

**18 2002 State Assembly of Local Government 751/1**

976 RESOLVED on the MOTION of Councillor Greenow seconded Councillor Evans that Councillors Simat, Aitken and Davies be Council's delegates to the 2002 NSW State Assembly of Local Government.

**19 Local Government Managers Australia (NSW) - New Zealand Manager Exchange Program 932/23**

977 RESOLVED on the MOTION of Councillor O'Neill seconded Councillor Greenow t

That:

1. the report concerning the Local Government Managers Australia (NSW) - New Zealand Manager Exchange Program, be received and noted;
2. Congratulations be extended to Mr Peter Huxley.

**QUESTIONS WITHOUT NOTICE**

QWN1 Councillor Bailey requested a memo outlining the number of people who were not on full duties due to Occupational Health and Safety and that this be reported in the quarterly Directorate report. *905/17*

QWN2 Councillor Greenow requested a report on any land that is proposed to be owned by Council arising either from subdivision dedication or transfer from State Government being inspected and certified free of noxious weeds prior to the transfer taking place.

978 RESOLVED on the MOTION of Councillor Greenow seconded Councillor Thain that a report be prepared on Council acquiring any land that is proposed to be owned by Council arising either from subdivision dedication or transfer from State Government be inspected and certified free of noxious weeds prior to the transfer taking place.

QWN3 Councillor Bradbury requested mowing be undertaken on the vacant land adjacent to Miner Glen, Erskine Park. *MI/23*

QWN4 Councillor Bradbury requested information on the embankment near South Creek – Charles Hackett Drive, St Marys. *CH/05 Pt 2*

The Parks Construction and Maintenance Manager advised that the embankment would be planted out.

QWN5 Councillor O’Toole requested a report to Council on the development of Council’s Community Consultation Policy. *1129/22*

The Director City Strategy advised that matter would be presented to Council at the next meeting.

QWN6 Councillor O’Toole requested a report to Council investigating the need to revisit the 1997 Residential Strategy in light of current concerns in some older established areas. *4100/56 Pt 17*

QWN7 Councillor O’Toole requested a report investigating options to ensure compliance with all Development Application conditions. *31/29 Pt 3*

QWN8 Councillor Davies requested the Local Traffic Committee investigate the Putland and Pages Road intersection with the view to implementing traffic calming devices. *PU/01*

Councillor Bradbury left the meeting the time being 8.20PM.

## COMMITTEE OF THE WHOLE

979 RESOLVED on the MOTION of Councillor seconded Councillor that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8.20PM.

### 1 Presence of the Public

CW1 RESOLVED on the MOTION of Councillor Greenow seconded Councillor Simat that the press and public be excluded from Committee of the Whole to deal with the following matters

### 2 Property Matter

304824 Pt 9

*This item has been referred to committee of the whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

The meeting resumed at 8.22PM and the General Manager reported that the Committee of the Whole met at 8.20PM on Monday 1 July 2002, the following being present

His Worship the Mayor Councillor Pat Sheehy, Councillors D Bailey, G Davies, G Evans, R Fowler, J Greenow, A Khan, C O'Neill, C O'Toole, S Simat, and J Thain.

and the Committee of the Whole excluded the press and public from the meeting for the reasons set out in CW1 and that the Committee of the Whole submitted the following recommendations to Council.

## CONFIDENTIAL BUSINESS

### 2 Property Matter

304824 Pt 9

## RECOMMENDATION

CW2 RECOMMENDED on the MOTION of Councillor Fowler seconded Councillor Simat that the information be received.

**ADOPTION OF COMMITTEE OF THE WHOLE**

980 RESOLVED on the MOTION of Councillor Greenow seconded Councillor Evans that the recommendation contained in the Committee of the Whole and shown as CW1 to CW2 be adopted.

Councillor Bradbury returned to the meeting the time being 8.22PM.

There being no further business the Chairperson declared the meeting closed the time being 8.23PM.

Confirmed  
Chairperson

# PENRITH CITY COUNCIL

## Procedure for Addressing Meetings

Anyone can request permission to address a meeting, providing that the number of speakers is limited to three in support of any proposal and three against.

Any request about an issue or matter on the Agenda for the meeting can be lodged with the General Manager or Public Officer up until the time of the meeting, that is 7.00pm.

The Public Officer or Minute Clerk will speak to those people who have requested permission to address the meeting, prior to the meeting at 6.50pm, to advise them of the procedure to be followed.

It is up to the Council or Committee to decide if the request to address the meeting will be granted.

Where permission is to be granted the Council or Committee, at the appropriate time, will suspend Standing Orders to allow the address to occur.

The Chairperson will then call the person up to the lectern or speaking area.

The person addressing the meeting needs to clearly indicate:

- Their name;
- Organisation or group they are representing (if applicable);
- The issue or matter to be addressed;
- Whether they are opposing or supporting the issue or matter (if applicable) and the action they would like the meeting to take.

Each person then has five minutes to make their address. The Council or Committee can extend this time if they consider it appropriate, however, everyone needs to work on the basis that the address will be for five minutes only.

Councillors may have questions about the address so people are asked to remain at the lectern or in the speaking area until the Chairperson has thanked them.

When this occurs, they should then return to their seat.

**REPORT AND RECOMMENDATION  
OF THE LOCAL TRAFFIC COMMITTEE MEETING OF PENRITH CITY  
COUNCIL HELD IN THE OSBORNE ROOM, PENRITH  
ON MONDAY 1 JULY 2002 AT 9.00AM**

**PRESENT**

David Burns – Asset Manager (Chairperson), Senior Constable Bob Tengdahl – St Marys/Regentville Police, Senior Constable Scott Walker – Penrith Police.

**IN ATTENDANCE**

Ron Watson – Westbus, Bill Nilson – Westbus, Rosemarie Barretto – Senior Traffic Engineer, Stephen Barnes – Traffic Engineer.

**APOLOGIES**

Councillor Greenow.

**CONFIRMATION OF MINUTES**

**Local Traffic Committee Meeting – 3 June 2002**

The minutes of the Local Traffic Committee Meeting of 3 June 2002 were confirmed.

**DECLARATIONS OF INTEREST**

No declarations of interest.

**MASTER PROGRAMME REPORTS**

**1 Bus Stops - Various Locations**

**(9001/8 Pt 16)**

**RECOMMENDATION**

LTC84 That:

1. the installation of bus stops be approved at the following locations:
  - a) Tornado Crescent, Mt Pleasant, outside house number 13,
  - b) Hillcrest Avenue, Kingswood Park, corner of Illawong Avenue;
2. the installation of a bus stop at Rugby Street, Cambridge Park, outside house number 65 be deferred for further investigation and resident consultation by Westbus;
3. Westbus be advised of the Committee's recommendations.

- 2 Davenport Drive, Wallacia - Request for Use of Road as Bus Route (9001/8 Pt 16)**

**RECOMMENDATION**

LTC85 That:

1. the use of the Penrith City Council section of Davenport Drive, Wallacia, be approved for use as a bus route, including for some school bus services;
2. Westbus be advised of the Committee's recommendation.

- 3 Bus Stops & Bus Zones – Request for Approval for Provision of New Bus Stops in the Penrith LGA (9001/8 Pt 16)**

**RECOMMENDATION**

LTC86 That:

1. the Roads and Traffic Authority be requested to remove the existing "No Standing" zone in Station Street, north side, at the bus interchange and carry out the following:
  - provide a "No Parking – Buses Excepted" zone from the eastern end of the interchange-bus entry point to a distance of about 60m to the west;
  - provide a "No Stopping" zone on the remaining section from the "No Parking - Buses Excepted" zone to the western end of the interchange-bus exit point;
2. the Roads and Traffic Authority be requested to extend the existing bus zone on the south side of Derby Street, west of Woodriff Street, by a distance of 10m–12m to the west (near the existing driveway);
3. a passenger survey to be carried out for the bus stop on the south side of Oxford Street, Cambridge Park, opposite Cambridge Park Public School, and for the one on either side of the proposed bus stop location (ie, 200m to the west and 130m to the east), to determine passenger numbers and usage;
4. the installation of a bus stop near 241 Carpenter Street, St Marys not be approved, and the bus stop be installed at the boundary of house numbers 231 and 229 Carpenter Street, subject to Westbus consultation with affected residents;
5. Westbus be advised of the Committee's recommendations.

**4 Cox Avenue, Kingswood - Traffic Safety near Penrith Cemetery (CO/12 Pt2 & 1005/10)**

**RECOMMENDATION**

LTC87 That:

1. provision of kerb blisters together with a supplementary “No Stopping” zone, at a distance of 18m on either side of the driveway, as well as bollards on the footpath reserve near the driveway, be approved;
2. implementation of the works to be funded from the Cemeteries Operations Fund;
3. Council’s Neighbourhood Facilities Co-ordinator be advised of the Committee’s recommendation and be requested to liaise with Council’s Design Engineer and Construction Engineer regarding the proposed works.

**5 Penrith Valley Festival – Saturday, 21 September 2002 (1003/32 Pt 7)**

**RECOMMENDATION**

LTC88 That approval be given to conduct the event on Saturday, 21 September 2002, subject to the following conditions:

1. the route of the Parade (from 12.00pm to 2.00pm) to commence from Woodriff Street at Judges Place carpark, then right at Masters Place (carpark), left at Castlereagh Street, left at High Street, left at Henry Street, through to near Penrith Plaza (adjacent proposed triangle) then right at the roundabout to Council’s Civic Centre;
2. the lodgement and approval by the Roads and Traffic Authority of a Traffic Management Plan (TMP) by the organiser/applicant;
3. the proposal being referred to Penrith Chamber of Commerce for information;
4. the organiser to co-ordinate with Council’s Safety, Emergency and Waste Services Manager regarding the barricades to part of the Civic Centre carpark, if required;
5. the organisers requesting separate Police approval;
6. the organiser following Police directions;
7. the organisers placing barricades and providing marshals where required by the approved TMP;
8. the organisers indemnifying Council against all claims for damage or injury which may result from conducting the event;
9. a Public Liability Insurance of \$10 million is required;

10. the applicant to co-ordinate with the bus operators (Westbus and Pearce Omnibus Company) and to advertise the proposed event in local newspapers at least two weeks prior to the event;
11. Westbus and Pearce Omnibus Company be requested to advertise the changed route for the Festival event on buses, at least one week prior to the event;
12. the organiser/applicant to co-ordinate with Council's Engineering Inspector regarding appropriate signage in the areas advising of the road closure, at least two weeks prior to the parade, and for the barricades and to advise points of delivery for these facilities;
13. High Street from the western side of Castlereagh Road to the eastern side of Station Street and from the western side of Riley Street to Henry Street (opposite Penrith Plaza) be closed to vehicular traffic for the street fair from 5.00am to 9.00pm. Station Street, Riley Street, and High Streets between Station and Riley Streets are to remain open at all times.

**6 Endeavour Avenue, St Clair - Proposed Relocation of Taxi Zone**

**(EN/02)**

**RECOMMENDATION**

LTC89 That the matter be deferred for further investigation.

**7 Allen Place, Penrith – Request for Coach Parking**

**(AL/15)**

**LTC Comment**

The Committee noted that there is a review of parking within the Penrith CBD being undertaken.

**RECOMMENDATION**

LTC90 That the matter be deferred and be included as part of the review of parking within the Penrith CBD.

**8 Wainwright Lane, Kingswood - Proposed “No Stopping” Restrictions**

**(WA/17)**

**RECOMMENDATION**

LTC91 That:

1. the Roads and Traffic Authority be requested to provide a “No Stopping” zone in Wainwright Lane, both sides, at a distance of approximately 10m to all approaches to the intersection at Somerset Street, Kingswood;

2. the Roads and Traffic Authority be requested to remove the existing “No Standing” signs on the southern side of Wainwright Lane and replace with “No Stopping” signs.

**9 Hope Street, Penrith – Request for Parking Restrictions**

**(HO/05)**

**RECOMMENDATION**

LTC92 That Hope Street, both sides, approximately 80m to the west of Parker Street, be approved as part of the “Restricted Parking Area Scheme”, subject to no objection from the affected residents.

**10 GENERAL BUSINESS**

**10.1 O’Connell Street, Werrington – Request for Provision of Parking Restriction (*Raised Council*)**

**(OC/01 Pt 3)**

Council has received a letter from the Manager Capital Works of the UWS, concerning students parking their vehicles along O’Connell Street, adjacent the Engineering Workshop building at Werrington South. The area where they are parking is an unsealed area, frequently muddy and not suitable for safe parking.

The UWS advised that there is adequate parking nearby on the campus which is not being used, and they have requested the provision of a “No Parking” restriction on both sides of the roadway in this area to discourage parking.

A site inspection on Thursday, 27 June 2002 between Council officers and the St Marys/Regentville Police representative revealed that there is no kerb and gutter on the northern side of O’Connell Street between the access road to the building and Gershwin Crescent. Due to site constraints and enforcement problems, provision of parking restrictions at the location in question would not be effective and therefore should not be implemented.

The traffic and parking situation at this location would, however, continue to be monitored.

**RECOMMENDATION**

LTC93 That:

1. parking restrictions on O’Connell Street, north side, between the access road to the building and Gershwin Crescent not be provided;
2. the Manager Capital Works of the UWS be advised of the Committee’s recommendation.

**10.2 NSW Rural Fire Service State Championships – 21 September 2002 (Raised Council)**

**(9011/41 Pt 8)**

Council has received a request for approval to hold a parade as part of the NSW Rural Fire Service State Championships on Saturday, 21 September 2002, commencing at 9.30am.

The proposed route is as follows:

From Masters Place, left into Castlereagh Street to High Street, west in High Street to Station Street, south in Station Street to the entrance of the Paceway where marchers will leave the parade and vehicles will proceed south to Ransley Street, and west in Ransley Street to the western entrance to the Paceway.

The proposed road closures would be for about five minutes before commencement of the parade, and the road would be opened immediately following. All affected intersections would have barriers as per Council's guidelines, with personnel to advise of delays.

Disruption of traffic flows in High Street and Station Street would occur for the duration of the parade, ie, approximately 30 minutes, and northbound traffic in Station Street would be unaffected.

A map of the route was tabled at the meeting.

The NSW Rural Fire Brigade has forwarded a Traffic Management Plan to the Roads and Traffic Authority and Police for consideration.

It is noted that the Fire Brigade parade is to be held on the same day as the Penrith Valley Festival, however these events will be held at different times of the day (ie, Penrith Valley Festival from 12.00pm to 2.00pm).

**RECOMMENDATION**

LTC94 That approval be given to conduct the event, subject to the following conditions:

1. the route of the event to commence from Masters Place, left into Castlereagh Street to High Street, west in High Street to Station Street, south in Station Street to the entrance of the Paceway, where marchers will leave the parade and vehicles will proceed south to Ransley Street, west in Ransley Street to the western entrance to the Paceway.
2. the lodgement and approval by the Roads and Traffic Authority of a Traffic Management Plan (TMP) by the organiser/applicant;
3. the proposal being referred to Penrith City Centre Association and Penrith Chamber of Commerce for information;
4. the organisers obtaining separate Police approval;
5. the organiser following Police directions;

6. the organisers placing barricades and providing marshals where required by the approved TMP;
7. the organisers indemnifying Council against all claims for damage or injury which may result from conducting the event;
8. a Public Liability Insurance of \$10 million is required;
9. the applicant to co-ordinate with the bus operators (Westbus and Pearce Omnibus Company) and to advertise the proposed event in local newspapers at least two weeks prior to the event;
10. Westbus and Pearce Omnibus Company be requested to advertise the changes to the route for the event on buses, at least one week prior to the event,
11. the organiser/applicant to co-ordinate with Council's Engineering Inspector regarding appropriate signage and barricades required for the event and to advise points of delivery for these facilities.

**10.3 St Marys Spring Festival 2002 - Saturday, 7 September 2002**  
*(Raised Council)*

**(1095/14 Pt 5)**

An application was received from the St Marys Development Committee on Friday, 28 June 2002 to hold the St Marys Spring Festival on Saturday, 7 September 2002.

The route of the event will be the same as last year, ie, from Station Street, left into Queen Street, right into Carson Lane, then to Lang Park, with the proposed road closure times being:

Queen Street (Phillip Street to King Street) :	7.00am to 5.00pm
Station Street (Queen Street to East Lane) :	10.30am to 12.30pm
Chapel Street (south of East Lane) :	7.00am to 5.00pm
Belar Street (north of West Lane) :	7.00am to 5.00pm
Kungala Street (north of West Lane) :	7.00am to 5.00pm
Crana Street (north of West Lane) :	7.00am to 5.00pm
Carsons Lane :	11.00am to 1.00pm
West Lane (Crana Street to Kungala Street) :	7.00am to 5.00pm

The applicant has prepared a Traffic Management Plan (TMP) for approval by the Roads and Traffic Authority.

The St Marys Development Committee event organiser advised that they would require seven to ten Police officers from 11.30am to 1.00pm for the parade and five Police officers from 8.00am to 4.00pm for the all day festival.

**RECOMMENDATION**

LTC95 That:

1. the route of the event as proposed be approved;

2. the lodgement of a Traffic Management Plan (TMP) by the organiser/applicant, for approval by the Roads and Traffic Authority;
3. the applicant to co-ordinate with Westbus and be requested to advertise the proposed Festival at least two weeks prior to the event;
4. Westbus be requested to advertise the changed route for the Festival on buses, at least one week prior to and during the Festival;
5. the organiser/applicant to co-ordinate with Council's Engineering Inspector regarding appropriate signage and barricades required for the event and to advise points of delivery for these facilities.
6. the organisers be requested to co-ordinate advisory signs, as required, with Council's Asset Manager:
  - for westbound traffic "Queen Street from Station Street to Carsons Lane will be temporarily closed to vehicular traffic on Saturday, 7 September 2002 (7.00am-5.00pm)"
  - for eastbound traffic "Queen Street from Station Street to Carsons Lane will be temporarily closed to vehicular traffic on Saturday, 7 September 2002 (7.00am-5.00pm)"

The signs are to be placed on the Great Western Highway (on the concrete median and prior to Glossop Street for westbound traffic, and on the northern kerbside for eastbound traffic), approximately 50m on both approaches to Queen Street, at least two weeks before the Festival;

7. the organisers obtaining separate Police approval;
8. the organisers following Police directions;
9. the organisers placing barricades and providing marshals where required by the approved TMP;
10. the organisers indemnifying Council against all claims for damage or injury which may result from conducting the event;
11. the organisers submitting to Council a copy of Public Liability Insurance of \$10 million.

**10.4 Saddington Street, St Marys - Traffic Safety Issues (*Raised Roads and Traffic Authority*)**

**(SA/04)**

At the Local Traffic Committee meeting on 8 April 2002, the Roads and Traffic Authority representative advised that parents have been observed stopping their vehicles (while the traffic signals are green) in the "No Stopping" area of the southern kerbside lane of Saddington Street (eastern side of Mamre Road), and waiting until there is space in the school's "Kiss and Ride" area to enter and pick up their children.

Council, at its meeting of 22 April 2002, resolved on the recommendation of the Committee *“that a site meeting between the RTA and Council staff be carried out regarding this matter and a further report be submitted to the Committee for consideration.”*

Subsequently, a site meeting was held at 3.00pm on 27 June 2002 between Council officers and the Roads and Traffic Authority representative. The School’s Assistant Principal was also in attendance and he discussed the concerns raised with the Authority.

At the time of inspection, there was no evidence of the problem occurring at the location in question where the primary school is situated. The Assistant School Principal advised that the school had just implemented on a trial basis (four days earlier), a system of controlled access to the “Kiss and Ride” facility, which was originally implemented at the infants school situated in Swanston Street. This action was taken by the primary school in an attempt to minimise illegal parking and encourage a higher turnover of vehicles efficiently and at a safe level of operation.

The system on trial involves students to be picked up being corralled inside the school gate (on the eastern end near Mamre Road) by the Assistant Principal. The students are then only allowed to proceed through the gate when the respective parent has arrived at the “Kiss and Ride” facility. The system is not entirely perfect, with some parents still electing to arrive early prior to school finishing, parking their vehicles illegally within the “Kiss and Ride” area, and proceeding inside the school grounds to wait for their children.

The Assistant Principal requested enforcement of the parking restrictions within the “Kiss and Ride” to be carried out by the Police, along with an educational programme advising parents of their obligations when using such facilities.

Another issue raised by the Assistant Principal relates to the inadequate pedestrian phase time when students are required to cross Mamre Road to attend students’ sports day every Friday afternoon at both the infants school in Swanston Street and at the Don Bosco Youth Centre on the corner of Swanston Street and Mamre Road.

With the number of students involved, the existing phase time is not sufficient and only allows small groups of students to cross at a time.

It is noted that there is a missing section of the double barrier lines on Saddington Street between the lines associated with the wombat crossing and traffic signals, and these lines should be provided to prevent drivers doing a “U-turn” on this section of Saddington Street.

## **RECOMMENDATION**

LTC96 That:

1. the St Marys/Regentville Police be requested to carry out enforcement of the “Kiss and Ride” parking restrictions outside Our Lady of the Rosary Primary & Infants School in Saddington Street and Swanston Street, St Marys;
2. the Roads and Traffic Authority be requested to investigate phasing of the traffic signals at the intersection of Saddington Street and Mamre Road to accommodate a longer pedestrian phase (eg, additional 5 to 8 seconds);

3. the School Principal be requested to liaise with Council's Road Safety Supervisor regarding a strategy to improve awareness of both students' and parents' safety within the vicinity of the school;
4. the Roads and Traffic Authority be requested to provide double barrier centre linemarking on the missing section, between the lines associated with the wombat crossing and traffic signals outside Our Lady of Rosary Primary School in Saddington Street.

#### **10.5 Copeland Street, Kingswood (*Raised Council*)**

**(CO/08 Pt 3)**

St Dominic's College was conditioned to construct a pedestrian refuge island in Copeland Street as part of their recent redevelopment and extensions of the school. Funding of this facility was to be met by the developer at no cost to Council.

Determining the exact location of this facility has been greatly delayed due to construction of other developments in the area and issues with the performance of the Council Depot entrance, as well as traffic issues associated with the Burger King development opposite the school.

Council, at its ordinary meeting on 3 December 2001, considered the QWN from Councillor Bailey requesting that the provision of a "centre-ped" refuge island be deferred pending an on-site meeting in Copeland Street in the vicinity of the school, the Council Depot and Burger King. The purpose of the site meeting was to observe the traffic and pedestrian movements at the location in question, including the issue of vehicles wishing to turn right from Copeland Street into the Burger King development.

Subsequently, a site meeting was held on Monday, 24 June 2002 at 3.00pm between North Ward Councillors (ie, Clr O'Neill, Clr Bailey and the Mayor, Clr Sheehy), the Roads and Traffic Authority, Penrith Police representatives, and Council officers, to discuss and observe the issues raised above.

*Comments on the observation and discussion at the site meeting are as follows:*

- a small number of students from St Dominics College normally cross the road diagonally between the Council Depot driveway and Phillip Street;
- recent traffic/pedestrian counts which were carried out on 5 June 2002 (ie, from 8.30am to 9.30am, and from 2.30pm to 3.30pm) indicated that the results of the survey did not meet the Roads and Traffic Authority warrant for the installation of a pedestrian crossing facility;
- it is considered that construction of the "centre-ped" refuge island should not be implemented, however provision of centre linemarking and edge lines (parking lanes) be provided in lieu of the pedestrian crossing facility (ie, a 3.0m traffic lane and 2.5m parking lane on each side of the road);
- the cost of supply and installation of the linemarking to be met by the developer for the School, in lieu of the previous condition as mentioned above;
- the developer should be requested to submit a Section 96 application to modify the development consent condition previously imposed regarding the construction of a pedestrian crossing facility;

- due to the short distance of the part-time 40kph speed limit school zone, the Police representative advised that enforcement is difficult to implement on this section of Copeland Street;
- the Roads and Traffic Authority representative advised that additional part-time 40kph speed limit school zone repeater signs or pavement markings should be provided in the vicinity of the school;
- no significant conflict between the movements of traffic to and from the Council Depot due to different times of operations (ie, Council depot staff finish work at 3.30pm and students finish school at 3.00pm);
- although there is minimal impact on the right-turning movements of vehicles into and out of the Burger King development in Copeland Street, the queuing for access to the development has effected the capacity of the signals on Parker Street;
- the queuing at this location can be improved by providing “Keep Clear” pavement marking across the driveway;
- it is noted that the provision of “Keep Clear” pavement marking would not normally apply to this situation, however, in this instance, “Keep Clear” pavement marking is supported;
- the Bus Zone on the southern side of the road opposite the school was not observed to be utilised at the time and Westbus should be requested to advise the Committee of the level of usage of this Bus Zone.

## **RECOMMENDATION**

LTC97 That:

1. the construction of the “centre-ped” refuge island not be implemented;
2. centre linemarking and edge lines (parking lane) be provided in Copeland Street between Phillip Street and Parker Street, in lieu of the pedestrian crossing facility construction;
3. the cost of supply and installation of the linemarking to be met by the developer of the School;
4. the developer to be requested to submit a Section 96 application to modify the Development Consent relating to the construction of a pedestrian crossing facility;
5. the Roads and Traffic Authority be requested to provide additional part-time 40kph speed limit zone signs and pavement marking between Phillip Street and Parker Street;
6. the Roads and Traffic Authority be requested to provide “Keep Clear” pavement marking across the driveway to the Burger King development on Copeland Street, on the westbound approach to the intersection with Parker Street, Kingswood;
7. Westbus be requested to review the operation of the part-time bus zone on the southern side of Copeland Street;
8. the School Principal and North Ward Councillors be advised of the Committee’s recommendation.

**10.6 William Howell Drive, Glenmore Park – Request for “No Stopping” Restrictions** (*Raised St Marys/Regentville Police*) (WI/38)

St Marys/Regentville Police Parking Patrol Officers have advised of potential hazards to vehicular and pedestrian traffic at the roundabout at the intersection of William Howell Drive and the driveway entry/exit to the proposed church development site (vacant land) adjacent the Bethany Primary School near Gunara Terrace.

The vacant land is owned by the Catholic Diocese and for future development of a church. Parents are using this land as a car parking area and entry/exit is via the roundabout, however the Parking Patrol Officers have indicated that, due to lack of signposting within the roundabout, parents do not observe the statutory parking regulation.

The Parking Patrol Officer has advised that parents often park in the manoeuvring or turning area, thereby reducing sight distance for turning vehicles as well as those exiting from the carpark, and also impeding the turning movements of school buses carrying out a “U-turn” movement at the roundabout.

To prevent parents from parking in this location, it is requested that “No Stopping” zone restrictions be provided on all approaches to the roundabout in order to improve sight distance and turning movements at the intersection.

**RECOMMENDATION**

LTC98 That the Roads and Traffic Authority be requested to provide “No Stopping” zone restrictions at a distance of approximately 10m on all approaches to the roundabout at William Howell Drive at the driveway entry/exit to the unsealed land (carpark) adjacent the Bethany Primary School.

**10.7 Jamison Road at Bringelly Road, Kingswood – Request for Additional Section of Median** (*Raised Council*) (JA/06 Pt5 & BR/10 Pt4)

Concerns have been received regarding vehicles cutting the corner at the intersection of Jamison Road and Bringelly Road, Kingswood.

A site inspection revealed that there is currently a 7.2m wide median island along the centre of Jamison Road that terminates 7.4m from the kerb line of Bringelly Road. There is evidence of vehicles cutting the corner (ie, tyre rubber) at this intersection.

Concrete path paving exists along the western side of Bringelly Road both north and south of Jamison Road at this intersection. It should also be noted that pedestrians are required to cross 24m of asphalt concrete between these paths.

It should be possible to construct a median at Bringelly Road (approximately 7.2m x 1.7m) to prevent vehicles cutting this corner and to provide pedestrians with a barrier midway across Jamison Road, subject to further detailed investigation.

**RECOMMENDATION**

LTC99 That further investigation be carried out on the possibility of providing an additional section of median in Jamison Road at the intersection with Bringelly Road to prevent vehicles cutting the corner and to provide pedestrians with a midway across Jamison Road, Kingswood.

**10.8 Parker Street, Penrith – Request for Provision of “No Stopping” Zone - (*Raised Penrith Police*)** (PA/08 Pt 5)

It has been brought to Council’s attention that vehicles are constantly parked on the western side of Parker Street, between Derby Street and High Street, thereby creating traffic congestion and delays for traffic northbound and travelling towards Penrith CBD. It is considered appropriate to provide a “No Stopping” zone (during morning and afternoon peak periods) on this section of Parker Street.

**RECOMMENDATION**

LTC100 That the Roads and Traffic Authority be requested to investigate provision of a “No Stopping” zone on Parker Street, between Derby Street and High Street, Penrith.

**10.9 Emerald Street, Emu Plains – Request for Enforcement at “Kiss and Ride” Zone (*Raised Representative for Member for Penrith*)** (EM/01)

The representative for the Member for Penrith requested Police enforcement to be carried out at the “Kiss and Ride” zone at Emu Plains Public School, in Emerald Street, Emu Plains.

Appropriate signage (“No Parking” signs with associated advisory signs advising “Set Down & Pick Up Permitted”) will be installed shortly by the Roads and Traffic Authority.

**RECOMMENDATION**

LTC101 That Police be requested to carry out enforcement at the “Kiss and Ride” zone at Emu Plains Public School in Emerald Street, Emu Plains.

**10.10 Great Western Highway – Existing 1 Hour Parking Not Utilised – (*Raised St Marys/Regentville Police*)** (GR/33 Pt 4)

St Marys/Regentville Police have advise that the existing “1 Hour Parking” restriction on the Great Western Highway between the St Marys Band Club and Queen Street, St Marys is not being utilised. It is recommended that removal of the parking restriction be investigated by the Roads and Traffic Authority, to improve traffic flow on this section of the Great Western Highway.

**RECOMMENDATION**

LTC102 That the Roads and Traffic Authority be requested to investigate removal of the existing "1 Hour Parking" restriction on the Great Western Highway between St Marys Band Club and Queen Street, St Marys, to improve traffic flow and safety on this section of the Great Western Highway.

There being no further business the Chairperson declared the meeting closed, the time being 11.40am.

Confirmed

\_\_\_\_\_ Chairperson

## **MASTER PROGRAM REPORTS**

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**The City in Its Environment**

**1 Application for Grant - Resource New South Wales: Removal of Waste**

**7004/54**

**Compiled by: Robert Webster, Acting Community Protection Supervisor**

**Authorised by: Barry Ryan, Waste and Community Protection Manager**

<p><b>Management Plan 4 Year Outcome (Page 29):</b> <i>Key agencies, institutions, landholders and the community are engaged in enhancing the visual amenity of the City.</i> <b>02/03 Critical Action:</b> <i>Promote clean environments in local communities.</i></p>
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**Purpose:**

*To inform Councillors of the opportunity to obtain grant funding from Resource NSW for both the clean-up of illegally dumped rubbish and deterrence measures.*

**Background**

Resource NSW has recently advised of an "Illegal Dumpsite Clean-Up and Deterrence Grants Program 2002-2003".

The closing date for grant applications is 31 July 2002.

**Current Situation**

The program will provide \$1.6 million in grant funding to support the following initiatives to tackle illegal dumping:

- The clean-up and removal of material from dump sites in both urban and fringe areas adjacent to major built up areas in Sydney, Hunter and the Illawarra.
- Support for deterrence measures at problem dumping sites including signage, bollards, lighting and restoration.

Information on the grant has been supplied to all Bushcare groups and site co-ordinators associated with Clean-Up Australia Day.

The issue of illegal dumping in the Penrith Local Government Area is a continuing issue and, whilst the activities of the RID Squad and Council Rangers have reduced the incidence, the problem remains.

It is proposed to submit a grant application for the removal of roadside waste in problematic rural areas of the City.

The grants are available under the proviso that the applicant meets all labour costs.

The proposal to Resource NSW will be for a clean-up grant to cover the cost of plant to remove the waste and tipping fees (\$20,000) with Council staff providing the necessary labour to remove the waste.

In addition, Resource NSW will be requested to provide deterrence grant funding of \$5,000 (maximum available) towards the cost of producing signs to be installed in and around the problematic dumping areas. Council staff will manufacture and install the signs.

The purpose of the signs is to inform that rubbish dumping is illegal and can attract fines of \$1,500, to encourage people to “dob in a dumper” and to advise of the EPA Waste Hotline 131 555.

#### **RECOMMENDATION**

That an application for grant funding of \$25,000 be submitted to Resource NSW for the reduction of illegal dumping and removal of roadside waste.



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The City as a Social Place

2 NSW Department Sport and Recreation Capital Assistance  
Program

6013/74

Compiled by: Raphael Collins, Parks Construction & Maintenance Manager

Authorised by: Ray Moore, Director City Operations

<p><b>Management Plan 4 Year Outcome (Page 45):</b> <i>Community recreation facilities and services in new and established areas meet contemporary needs.</i> <b>02/03 Critical Action:</b> <i>Provide in partnership with others an agreed plan for delivery of recreation facilities and services based on available resources.</i></p>
---

**Purpose:**

*Councillor Davies and Councillor Fowler requested a report to advise Council of applications that will be submitted to the Department of Sport and Recreation for consideration for the Capital Assistance Program.*

**Background**

The objective of the Capital Assistance Program is to assist with the development and enhancement of local community sporting and recreational facilities throughout NSW. Sporting clubs throughout the Penrith Local Government Area are urged to apply for Grants under this program to assist with facility improvements.

Clubs and associations nominating projects for the Capital Assistance Program must be able to match half the cost. Numerous Council facilities have benefited from the Capital Assistance Program in the past including the BMX track in St Marys and Saunders Park Little Athletics in St Clair building additions. The deadline for this year's submissions is 10<sup>th</sup> July. The Penrith Valley Sports Foundation has urged all clubs to participate in the program and at this stage, three projects have emerged from the sporting community.

**Council Projects**

The three projects that have been nominated for consideration in this year's Capital Assistance Program are:

- **Cook Park, St Marys**

This project involves the installation of spectator seating in the grandstand and a players 'race'. The total cost of the project is \$14,100 and Council is paying half the cost (\$7,050). Council's share of this grant application can be sourced from savings from the 2001/2002 Parks Improvement Program.

- **Peppertree Reserve, Erskine Park**

The St Clair Junior Rugby League Club have requested assistance with extensions to their canteen. This matter was reported to Council on 18<sup>th</sup> February and Council resolved to support the Club's application through the local State Members. The anticipated building cost based on the concept plans is \$72,000. It is proposed that the full cost of the project be divided into thirds with each party contributing \$24,000.

- **Dukes Oval, Emu Plains**

The Emu Plains AFL Club have requested support for the provision of training field lighting. A design and estimate has been prepared for the supply and installation of a lighting system. The cost associated with the floodlighting is \$40,000. The grant request is for \$20,000. The Emu Plains AFL Club are asking Council to contribute \$10,000 with the remaining \$10,000 coming from the club.

It should be noted that the competition for Capital Assistance Grants is intense and the announcement of successful submissions is not made until December. Council's contribution will not be required until early 2003.

#### **Chief Financial Officer's Comments**

Should either or both of the latter two proposals be successful, a source of funds will need to be identified from within current budget allocations.

#### **RECOMMENDATION**

That Council support the three applications tabled in this report for the 2002/2003 Capital Assistance Program.



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**The City as a Social Place**

**3 Parks and Leisure National Conference**

**946/1 Pt 3**

**Compiled by: Raphael Collins, Parks Construction and Maintenance Manager**

**Authorised by: Ray Moore, Director City Operations**

<p><b>Management Plan 4 Year Outcome (Page 45):</b> <i>Community recreation facilities and services in new and established areas meet contemporary needs.</i> <b>02/03 Critical Action:</b> <i>Provide in partnership with others an agreed plan for delivery of recreation facilities and services based on available resources.</i></p>
---

**Purpose:**

*The purpose of this report is to advise Council of the National Parks and Leisure Australia Conference and seek Councils interest in participating.*

**Background**

The National Parks and Leisure Australia Conference is being held from 15<sup>th</sup> to 18<sup>th</sup> September 2002 at the Melbourne Convention Centre.

The theme of the conference is 'Sport in the City' and will be combined with the international Parks and Leisure conference, which is held biennially. The conference will cover 'grass roots' participation in sport, major events and facilities management.

**Program**

Speakers from Australia and Overseers are scheduled over 3 days. Some of the topics of the sessions include:

- Enhancing lives with sport
- Management, innovation and trends
- Selling sport
- Future directions – role of local government in sport education

as well as concurrent sessions covering

- Horticulture
- Arboriculture

Several technical tours have been arranged to visit sporting complexes and municipal facilities in Melbourne.

The program will highlight the often under-valued contribution that horticulture plays in sport from ground maintenance to landscape setting.

A copy of the Conference Program has been distributed to all Councillors.

## **Conclusion**

The forthcoming Parks and Leisure Conference addresses many of the issues confronting sport in Penrith. The conference also provides the opportunity for participants to see first hand how various facilities in Melbourne are managed.

It is suggested that Council nominates interested and available Councillors to attend the conference and it is further suggested that Council sponsor a representative from the Penrith Valley Sports Foundation.

## **RECOMMENDATION**

That:

1. Council nominate Councillors to attend the National Parks and Leisure Australia Conference to be held in Melbourne on 15<sup>th</sup> to 18<sup>th</sup> September, 2002;
2. Council sponsors a member from the Penrith Valley Sports Foundation to attend the conference.



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The City as a Social Place

**4 Protocol for the Review of Development Applications referred to the NSW Police Service by Penrith City Council.**

**1027/14 Pt 4**

**Compiled by: Yvonne Perkins, Community Safety Officer**

**Authorised by: Gary Dean, Facilities Operations Manager**

**Management Plan 4 Year Outcome (Page 48):** *A City-wide Community Safety Plan, supported by the community, is in place.*

**02/03 Critical Action:** *Implement the agreed program of strategies of the Penrith Valley Community Safety Plan.*

**Purpose:**

*The purpose of this report is to advise Council of an interim protocol for the CPTED review of Development Applications referred to the NSW Police Service by Council.*

*This is a trial and will be evaluated by the Penrith Valley Community Safety Partnership and relevant Council Officers, amended if required and form part of a Crime Prevention through Environmental Design (CPTED)- Development Control Plan.*

*This report records support for a trial period.*

**Background**

The purpose of the protocol is to facilitate the incorporation of Crime Prevention through Environmental Design (CPTED) principles in the assessment of Development Applications.

The protocol forms part of the crime prevention and the assessment of development applications strategies developed by Planning NSW in conjunction with the NSW Police Service (guidelines under section 79C of the Environmental Planning and Assessment Act 1979). A standard format has been produced that provides a framework for Councils to liaise with Police Local Area Commands in the assessment of development applications.

An atypical protocol developed by NSW Police, outlines a range of procedures covering discretionary clauses, development type, timeframes, pre development meetings etc.

**Current Situation**

A strategy of the draft Penrith Valley Community Safety Plan, Key area 4 - Issues affecting People and Places includes an action "Incorporate CPTED principles within all new Development Control Plans (DCP) and Local Environmental Plans (LEP). A CPTED - DCP is currently in the first stages of development and the proposed protocol will be incorporated into the DCP.

Discussions have been held between Council's Community Safety Officer, Yvonne Perkins, Senior Environmental Planner, Patrick Coleman, and Crime Prevention Officers from St Marys & Penrith Local Area Commands. It was agreed during these discussions that a trial

period for the standard protocol would be useful in determining an agreed achievable local practice (eg. response times) that meets the needs of Council and NSW Police.

The ongoing development of the CPTED - DCP will be a high priority in the Community Safety Plan strategies and it is expected that the trial period, evaluation and inclusion of a relevant Penrith/St Marys protocol within the DCP would be completed prior to the end of the year.

#### **RECOMMENDATION**

That:

1. the information in the report be received.
2. Council supports a trial for the protocol for a period of not more than six months for the assessment of development applications by the Police Local Area Commands.



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## The City as a Social Place

### 5 Jamison Skate Park - Community Safety Management Plan

1027/21

**Compiled by:** Yvonne Perkins, Community Safety Officer

**Authorised by:** Gary Dean, Facilities Operations Manager

**Management Plan 4 Year Outcome (Page 48):** *A City-wide Community Safety Plan, supported by the community, is in place.*  
**02/03 Critical Action:** *Adopt and implement the Penrith Valley Community Safety Plan in conjunction with the community and stakeholders.*

#### **Purpose:**

*The purpose of this report is to advise Council of a Community Safety Management Plan developed in consultation with stakeholders for the Jamison Skate Park.*

#### **Background**

As a requirement of the approval process for the Jamison Skate Park a Community Safety Management Plan for the facility has been developed. The safety plan is to be developed in four (4) stages. Stage 1 relates to the first six months of operation of the facility. The staged development of the plan allows time for emerging issues of use or management to be reviewed and updated.

A strategy has been included in the draft Penrith Valley Community Safety Plan, Key area 4 - "Issues affecting People and Places" that will contribute to the success of the Skate Park.

To ensure that the facility is well-maintained, welcoming to all users and has a good relationship with adjoining sporting groups and neighbours, a sub committee of the Penrith Valley Community Safety Partnership (including invited Skate Park stakeholders and users) has been formed. The sub committee will monitor the ongoing implementation of the Skate Park Community Safety Management Plan.

#### **Current Situation**

The Management Plan (circulated to all Councillors under separate memo) includes the following issues:

- Skate Park Management and Maintenance Program
- Communication
- Risk Management Checklist (recommended by Sport & Recreation Victoria, The Skate Facility Guide)
- Skate park Signage
- Media and Promotion
- Special Events Requests
- Landscaping
- Security
- Access from major public transport generators
- Skate Park Amenities

A substantial amount of networking has occurred over the past few months with other Councils who already have Skate Park facilities up and running in their Local Government Areas. They have advised that some essential design elements were missing from the construction of their Skate Parks. The requirement for the installation of tables, seating, general water supply including drinking water and rubbish bins was identified after the Skate Parks commenced operation.

#### **Asset Manager's Comments**

*As a result of this information, estimates for the installation of water supply, rubbish bins tables and seating were obtained. The cost of these items is estimated at \$5600 which includes the provision of topsoil and grassing of the batters. The provision of these items is considered essential to improve the amenity of the Skate Park. The additional cost can be accommodated from the contingency item within the total project budget allocation of \$157,000.*

*The construction of the Skate Park is progressing well and the contractor advises that the completion date will be in mid July 2002. On completion of the contract works Council staff will need to install the additional items mentioned above as well as the installation of the Skate Park Signage. It is anticipated that all works will be completed by the end of July.*

*In addition to the above advice, Councils with Skate Parks advised that the facility would be used as soon as the works were substantially completed. The Blue Mountains City Council advised that they opened the Glenbrook Skate Park to all users prior to the official opening. Council's contractor has experienced similar usage at the numerous skate facilities constructed by them.*

*It is therefore recommended that the Jamison Park facility be opened for all users once all operational and management issues have been addressed including the installation of all signage.*

#### **Consultation**

As part of the development application requirement, a consultation meeting was held (6.30pm, 4<sup>th</sup> July) with stakeholders to review stage 1 of the Community Safety Plan and those present agreed to the adoption of the plan for the stage 1 period. (first 6 months of operation).

#### **Conclusion**

Since construction work has commenced great interest has been shown by potential users of the facility including contact from representatives of the skating industry. Offers have been made by these representatives to make available professional skaters to take part in any official opening ceremony or possible future promotions.

Arrangements are being made to conduct the Official Opening of the Skate Park on Sunday 4<sup>th</sup> August 2002.

#### **RECOMMENDATION**

That:

1. the report concerning the Jamison Skate Park Community Safety Management Plan be received.

2. Council approves the expenditure of \$5,600 from the project budget allocation for the provision of tables, seating, water supply, rubbish bins and the grassing of the batters.



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**The City as a Social Place**

**6 Companion Animals Conference**

**7028/10**

**Compiled by: Robert Webster, Community Protection Supervisor**

**Authorised by: Barry Ryan, Waste & Community Protection Manager**

<p><b>Management Plan 4 Year Outcome (Page 48):</b> <i>Heightened community awareness of companion animal ownership.</i> <b>02/03 Critical Action:</b> <i>Develop and implement a strategy in response to the Companion Animals Act.</i></p>
--

**Purpose:**

*To inform Councillors of the Inaugural Companion Animals Conference.*

**Background**

The Inaugural Companion Animals Conference is to be held on 1 August 2002 at the Sunnybrook Conference Centre, Warwick Farm.

**Current Situation**

The conference is to be co-hosted by the NSW Department of Local Government, Companion Animals Advisory Board and the Local Government Rangers Institute. It is aimed at Councillors, Managers and Council staff with an interest in the Companion Animals Act.

The agenda will include papers by:

- Dr Kersti Seksel, veterinary animal behaviour specialist, on the causes behind “nuisance dogs” and what councils can do to reduce dog complaints
- Dr Paul McGreevy, Faculty of Veterinary Science, University of Sydney, on the place of pets in the community
- Ms Virginia Jackson, Director, Harlock Jackson Pty Ltd, Urban Policy Analysts and Town Planners, on the built environment and how it affects animal ownership
- Cr Ian McKenzie, Newcastle Council, a case study: Newcastle’s successful animal management strategy;
- Mr David Clark, Legal Officer, LGSA, on risk management and the *Companion Animals Act*
- Mr Peter Tegert, Planning and Administration, Eurobodalla Shire Council, on Eurobodalla’s companion animal management plan

Workshops topics include:

- Working with companion animal advisory committees
- Cats – demonstration on handling, setting up cages, seizure
- Dogs – managing dangerous dogs, barking dogs, better management of wild dogs

- Implementing companion animal management plans
- Regional co-operation achieves better outcomes for community education
- Working with vets to better manage strays after hours
- Managing the end of the transition period from the *Dog Act*
- Pounds best practice record systems

The comprehensive agenda ensures there will be considerable benefit to those in attendance with the opportunity to interact with others experiencing similar problems relating to companion animal management.

It is proposed that the Companion Animals Officer and other appropriate staff attend the conference. Interested Councillors are also invited to attend.

### **RECOMMENDATION**

That the report on the Companion Animals Conference be received.



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## The City as a Social Place

### 7 Indigenous Homelessness Action Research Project

1105/35

**Compiled by:** Erich Weller, Community Programme Co-ordinator

**Authorised by:** Carol Joyce, Community Development Manager

**Management Plan 4 Year Outcome (Page 53):** *Equity of access to social services and facilities is increased for identified communities.*  
**02/03 Critical Action:** *Encourage fairness of access to Council and non-government facilities and services.*

#### **Purpose:**

*To inform Council that Council's application to the Western Sydney Area Assistance Scheme (WSAAS) for the Indigenous Homelessness Action Research Project has been successful.*

#### **Background**

At the Ordinary Meeting of the 5 November 2001, Council resolved to:

“Auspice the Indigenous Homelessness Action Research Project and forward an application to undertake the Project to Planning NSW to be considered for funding as part of the 2001-2002 Western Sydney Area Assistance Scheme.”

In the November report Council officers also indicated that Indigenous workers and representatives participated in a number of meetings that identified Indigenous homelessness as one of a number of high priority social needs of Aboriginal and Torres Strait Islander residents in the City. This network of Indigenous workers and representatives requested that Council auspice the action research project. Council will establish a Project Advisory Group made up of participants from the network to support and assist the delivery of the project.

A summary of the Project (also included in the November report) is provided below:

#### **Summary of the Project**

The purpose of the action research project is:

- to define the extent of Indigenous homelessness in the Penrith LGA
- to describe the risk factors associated with Indigenous homelessness in the Penrith LGA
- identify the existing services available to assist Indigenous homeless and usage by Indigenous homeless
- identify the obstacles to access and develop strategies to address these obstacles
- define the uniqueness of Indigenous homelessness in Penrith City and identify the issues relevant to Indigenous people from rural areas visiting urban areas.

*The expected outcomes from the project include:*

- a report documenting a profile of Indigenous homeless people in the Penrith LGA
- issues for Aboriginal people in transit from various locations identified
- information collated and distributed about services available to support homeless Indigenous people
- partnerships established and strategies developed to improve Indigenous access to existing services
- training for existing service providers to enable them to provide appropriate services to Indigenous homeless people
- support options for homeless Indigenous people developed
- gaps in services to support homeless Indigenous people identified
- appropriate strategies to address Indigenous homelessness identified
- appropriate options for funding and other resources to address Indigenous homelessness identified
- assessment of impact of the project on Indigenous homelessness and access to services at the end of the project.

### **Current Situation**

In June this year Council received confirmation from Planning NSW that Council's application has been successful in obtaining the requested funding of \$69,838 (including establishment costs) for the first year and \$67,103.00 for the second year.

The General Manager has signed the Grant Acceptance on behalf of Council.

### **Next Steps**

Next steps include:

- reconvene the Indigenous Homelessness Working Group
- develop Terms of Reference for the Project Advisory Group and seek nominations
- develop a Project Worker job description
- commence recruitment
- formally commence the Project

### **Summary**

Through the effective and responsive management of the Indigenous Homelessness Action Research Project Council can demonstrate its leadership in supporting Indigenous organisations to undertake important action research that can make a difference to the

wellbeing of a high need group of Indigenous people in the City. The outcomes of this action research will provide a model for other areas in increasing equity of access to services for homeless people or people at risk of homelessness.

**RECOMMENDATION**

That Council receive the information in the Indigenous Homelessness Action Research Project Report.



## **The City as a Social Place**

### **8 Neighbourhood Centre Week**

**1350/2 Pt5**

**Compiled by: Helen Lewis, Neighbourhood Centre Week Co-ordinator**

**Authorised by: Carol Joyce, Community Development Manager**

<p><b>Management Plan 4 Year Outcome (Page 48):</b> <i>Social Services and facilities are established and operating to meet community needs.</i> <b>02/03 Critical Action:</b> <i>Support local community programs to meet identified community needs.</i></p>
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#### **Purpose:**

*To inform Council about Neighbourhood Centre Week celebrations conducted from 20<sup>th</sup> to 26<sup>th</sup> May, 2002.*

#### **Background**

Each year Council supports the celebration of Neighbourhood Centre Week. Council's role was to:

- 1) encourage community development projects to participate actively in the week through organising special activities;
- 2) liaise with community development workers and to assist them wherever possible with the planned activities;
- 3) promote neighbourhood centres and community development projects.

The theme of Neighbourhood Centre Week this year was "Community, all faces all places".

#### **Report**

Neighbourhood Centre Week celebrations were planned and conducted in partnership with the community development workers based in Council-owned Neighbourhood Centres.

The events focussed on the importance of community development in meeting local and regional needs. In particular they were designed to raise awareness of the many services, activities, social groups, educational and vocational programs that take place in neighbourhood centres throughout the Penrith LGA. The availability of Council facilities for social events was also highlighted.

The contribution of voluntary management committees and local community development workers was acknowledged throughout the activities conducted during Neighbourhood Centre Week.

## **Activities Held during Neighbourhood Centre Week**

### ***Official Launch***

The Mayor launched Neighbourhood Centre Week on Monday, 20th May with an afternoon tea held to thank community development workers and volunteers for their valued efforts in the field. It was particularly important for them to have this acknowledgement. Councillor Sheehy presented cheques to the Werrington Community Project and Neighbourhood Development Team-Erskine Park from Community Assistance Program funding to help them in running Neighbourhood Centre Week activities.

A display in the foyer of the Civic Centre featuring photographs and examples of craft work and other items of interest was exhibited for the week. This display effectively highlighted the variety of activities that take place in neighbourhood centres.

### ***Erskine Park Neighbourhood Centre***

Erskine Park Community Development Project conducted an early Neighbourhood Centre Week event, a car boot sale held on Saturday, 4<sup>th</sup> May, which was particularly successful and enjoyable for all present. As a result of this activity, regular Market Days are planned.

### ***Floribunda Community Centre, Glenmore Park***

Glenmore Park Community Development Project held a luncheon on Wednesday, 22<sup>nd</sup> May. The luncheon provided the opportunity for local residents and service providers to meet their new community development worker, Kathryn Sloan, and for Kathryn to obtain feedback on community needs.

### ***Namatjira Neighbourhood Centre***

Werrington Community Project held an Open Day on Sunday, 26<sup>th</sup> May at Namatjira Neighbourhood Centre. The day was a friendly family day with many activities to occupy all present. The Mayor opened the refurbished Annex, which is now the home of the Project. The Penrith Valley Concert Band and performers from the Dance Power Studio also entertained the crowd. About 400 people attended during the day. It is anticipated that this event will be held annually in Neighbourhood Centre Week, and will be known as the "Werrington Festival".

## **Media Promotion**

Council promoted Neighbourhood Centre Week in "Your Council News", which was circulated through five local newspapers. This section included a Mayoral Message featuring Neighbourhood Centre Week, and highlighting the importance of the centres to the community. Additionally, a half page promotion of neighbourhood centres incorporated a map showing the location of neighbourhood centres, contact details, a photo of a neighbourhood centre, as well as services and activities provided at neighbourhood centres. Halls and community centres directly managed by Council were publicised through a section entitled "Have a Hall- Have a Ball!"

Coverage of the Launch appeared in the Western Weekender and Penrith Press. The luncheon at Floribunda Community Centre was reported in the Penrith Press. This media attention served to raise community awareness of neighbourhood and community centres.

**RECOMMENDATION**

Council receive the report on Neighbourhood Centre Week.



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## The City Supported by Infrastructure

9 RTA Grants – 2002/2003

6041/8

Compiled by: Lindsay Clarke, Works Maintenance Engineer

Authorised by: David Burns, Asset Manager

**Management Plan 4 Year Outcome (Page 89):** *A register of all significant assets, their condition and standards determined and a plan for their maintenance is operating.*  
**02/03 Critical Action:** *Develop a sustainable financial response to existing and future asset maintenance, and incorporate that in Council's Management Plan.*

### Purpose:

*The purpose of this report is to advise Council of the 2002/03 Block Grants for Regional Roads and to recommend Council's acceptance of the Grants.*

### Background

The Roads and Traffic Authority has advised of the following grants to Council for 2002/2003.

The grants and amounts are advised as follows:

#### Block Grant - Road Component

The road component for maintenance work on regional roads is \$316,000. This is an increase of \$8,000 over the previous grant for the period 1 July 2001 to 30 June 2002.

This grant will assist Council as it strives to maintain the 57 kilometres of regional roads within the Penrith City area to an acceptable standard.

#### Block Grant - Ex 3 x 3 Council Determined Component

The Block Grant Agreement includes an item titled Ex 3 x 3 Council Determined Component. The 3 x 3 Council Determined Program ceased in the 1999/2000 financial year. However, the State Government gave a commitment to supply an equivalent level of funding to that received under the program in 1999/2000. This is a continuation of that commitment. An amount of \$156,000 has been allocated as the Ex 3 x 3 component of the Block Grant for 2002/2003. This Ex 3 x 3 component is available for road works as determined by Council on regional roads.

This grant has been allocated to the Rural Roads Widening Program in the 2002/03 Management Plan for the continuation of the staged widening of Llandilo Road/Second Avenue.

Llandilo Road, Berkshire Park and Second Avenue, Llandilo are classified as Regional Roads and forms part of the regional road link between Richmond Road and The Northern Road (a total length of 11.64 km). It carries an estimated traffic volume of 4,500 vehicles per day and varies in width between 5.8 metres to 6.2 metres. It is proposed to widen the road to allow

for two 3.5 metres wide travel lanes and 0.5 metre wide sealed shoulder, i.e. a total sealed width of 8.0 metres. The construction of wider traffic lanes and sealed shoulders with painted edge lines will improve safety and delineation along this route. In addition, the edge breaks of the existing narrow pavement will be greatly reduced, as vehicles will tend to travel within the marked lines.

This widening has been completed from Richmond Road to approximately Galvin Road. This allocation will allow for the widening to continue south along Second Avenue toward Eight Avenue.

### **Block Grant – Traffic Facilities Component**

Council at its meeting on 8 April 2002 received a report advising of the current situation and information received from the RTA concerning the Block Grant – Traffic Facilities Component. A copy of this report is attached. As reported Council did not accept the Traffic Facilities Component of the Block Grant for 2001/2002 and advice received from the RTA in March 2002 stated that in 2002/2003 all submissions for regulatory signs and markings from Councils that do not take the Traffic Facilities Component of the Block Grant will be subject to the Business Rules from day one i.e. 1 July 2002. This means that Penrith Council would not receive its annual allocation for this type of work, as it had in previous years. As a result, Council resolved at its meeting on 8 April 2002 that:

*“the Members for Penrith, Londonderry, Mulgoa and Camden be requested to make representations to the Minister for Roads and Minister for Transport the Hon. Carl Scully, requesting that councils be guaranteed the allocation equal to 100% of the amount calculated using the agreed formula and inventory for Regulatory Signs and Markings (excluding 50kph signage) and an amount for future growth, prior to any changes occurring to the current procedures for the maintenance and installation of regulatory signs and markings.”*

The following reply to these representations has been received from the Parliamentary Secretary for Roads, Tony Stewart MP.

*“I refer to your representations to the Hon Carl Scully MP, Minister for Transport and Minister for Roads, on behalf of Penrith City Council (Mr A Travers, General Manager, PO Box 60, Penrith 2751), regarding the traffic facilities component of the Regional Roads Block Grant. The Minister has asked me to reply on his behalf.*

*As Penrith City Council accepted the delegated responsibility for traffic facilities, the Roads and Traffic Authority (RTA) believes that Council is the authority responsible for the upkeep of these assets. A legal opinion is being sought by the RTA about this.*

*A working party comprising representatives for the RTA and Councils conducted a review of the Block Grant allocation in early 2001. It was agreed by the working party that the results of this review were interim as the allocations were based on inventories that were considered unrepresentative. A follow up review was planned for the end of 2001 to be based on inventories supplied by all Sydney councils by 26 October 2001. Approximately half the councils had responded by that date and audits of these inventories indicated that they were still not fit for use in calculating the council grants. Councils were then requested to supply accurate inventories by April 2002. To date, about one third of councils have replied. The formula that was agreed to be used by the working party was dependent on the inventory of each asset type for each of the different road types. Once calculated, the formula allows for increases in lengths of each of the road types in each council area. This is quite unlike the review that was completed in 1994, which relied solely on the total*

*inventory of sample councils and which could not cater for increases of council's road networks.*

*In February 2001 an extraordinary meeting was held to discuss the working party's recommendations. This meeting was attended by representatives from Councils and the RTA. Council representatives requested the RTA to ensure that each Council received not less than 80% of the calculated grants and that no Council's allocation would decrease by increasing the total amount available for Block Grants in Sydney by \$2 million. The RTA understood from this meeting that if the extra \$2M was made available, each council would then accept the grant. The Government agreed to provide the additional funding in the 2001/2002 budget and is disappointed that some Councils have still not accepted the grant.*

*With regard to the "pool" to which Penrith Council refers, this applies only to those councils that do not accept the grant.*

*Business rules for the administration of this pool were implemented to improve the management of the Block Grant program for councils that have not accepted the grants. The RTA's business rules have been finalised and are accessible for all councils on the RTA's website.*

*It has been necessary to develop these business rules for those councils that choose not to accept responsibility for the Block Grants so that the RTA can discharge its financial responsibility for the pooled funds.*

*The RTA received Penrith Council's inventory on 5 April 2002, in which it was indicated an amount of \$420,000 was required to install and maintain traffic facilities. The amounts expended on Council's traffic facilities by the RTA over the last five years range from \$99,500 in 1999/00 to \$206,100 in 1998/1999. The average annual expenditure for this period was \$146,500 while the average annual grant was \$143,250.*

*Under the revised formula and with the increased level of funding, the proposed allocation for Penrith for 2002/2003 is \$318,000. Given Council's expenditure history over the last five years, the Government believes Council would be well placed to accept the grant.*

*I trust this sufficiently explains the process of allocations for the Regional Roads Block Grant."*

It would appear that Council's request for the full allocation for the Traffic Facilities Component has been rejected by the Government.

The amount offered, however, has increased from \$312,000 for the 2001/2002 financial year to \$318,000 for the 2002/2003 year.

### **Current Situation**

Penrith City Council has 2 options available.

- Accept the grant of \$318,000 for the 2002/2003 financial year and manage the work within the funding available.
- Carry on with current arrangements with no defined funding allocation for Penrith. Work in the Penrith LGA would be subject to the business rules adopted by the RTA

for the administration of the pool of funds from Councils that have not accepted the Grant.

It could be assumed that the RTA is making it very difficult for Councils that do not accept the Grant.

The purpose of the Traffic Facilities allocation is to provide new regulatory signs and lines from the Traffic Committee recommendations and maintain the existing signs and lines.

Under current arrangements, requests for work are forwarded to the RTA by Council and the RTA arrange for the work to be carried out, usually by Contract. The cost of the work calculated from the RTA schedule of rates is then progressively deducted from the allocation.

Council has had no control over or input into the rates charged by the RTA for Traffic Facilities. Generally the rates are considered excessive when compared to the cost for Council to carry out the work. Heavy surcharges apply to urgent work and this is common, as some signs (e.g. Stop, Giveaway) require replacement immediately because of the potential for accidents to occur.

With an applicable surcharge, a single sign replacement can cost in the order \$300 for a sign blade.

### ***Proposal***

Council could set up an additional sign crew for installation and maintenance of regulatory signs. This crew could also carry out regular inspections as part of its normal duties and supplement the regular precinct inspection being carried out by Asset Co-ordinators in the Asset Management Department. RTA Block Grants are received yearly and hence are able to fund recurrent additional staff costs.

The labour cost of the new two-person crew and the cost to purchase and run an appropriate vehicle would be in the order of \$120,000 for the first year. Subsequent years, the cost would be around \$90,000 p.a. allowing for vehicle replacement when required.

The remainder of the Grant offered by the RTA in 2002/2003, \$198,000, would be available to purchase sign blades, posts and fitting and carry out line marking using Council's Line Marking Contractor from the Materials and Services Contract. Depending on sign type and line type, the quantity of work this could fund is approximately 1000 new/replacement signs and 55 Km of line marking in the first year and 1200 signs and 75 KM of line marking in subsequent years.

In the 2001/2002 financial year, the RTA installed approximately 450 signs and undertook approximately 30 km's of line marking within the Penrith area from an allocation of \$153,000.

### **Conclusion**

With the appointment of an additional crew, the Asset Management Department can carry out the necessary Traffic Facilities with more efficiency than the current arrangement with the RTA and with greatly improved response times, within the funds available from the RTA Block Grant – Traffic Facilities Component of \$318,000.

Acceptance of the Grant would also clearly define Council's Duty of Care with respect to regulatory signs and lines. Council would be in a better position to manage this responsibility.

The Traffic Facilities Component of the Grant applies only to Local and Regional Roads under the care and control of Penrith City Council.

Accepting this Grant should not effect Council's Public Liability costs. Westpool has been consulted and has advised verbally that this is the case, and is seeking written confirmation from the Underwriter in London.

At the time of writing this report, confirmation from the Underwriter has not been received. It is anticipated that written advice will be received prior to the meeting on 15 July 2002.

As part of the agreement for these Grants, the RTA requires two copies of the document "Agreement for Block Grant of Assistance to Council for Regional Roads 2002/2003" to be executed under seal by the General Manager.

### **RECOMMENDATION**

That:

1. The Block Grant – Road Component in the amount of \$316,000 be accepted.
2. The Block Grant – Ex 3x3 Council Determined Component in the amount of \$156,000 be accepted and allocated to the continuation of the widening of Llandilo Road/Second Avenue under the Rural Road Widening Program.
3. The Block Grant – Traffic Facilities Component in the amount of \$318,000 for the 2002/03 financial year be accepted.
4. That an additional two-person sign crew be appointed with funds available from the Block Grant – Traffic Facilities Component.
5. The General Manager duly execute the documents "Agreement for Block Grant of Assistance to Council for Regional Roads 2001/2002" under seal.



## **The City Supported by Infrastructure**

**10 City Operations Directorate Report to end June 2002**

**153/2**

**Compiled by: David Burns, Asset Manager**

**Authorised by: Ray Moore, Director of City Operations**

<p><b>Management Plan 4 Year Outcome (Page 89):</b> <i>A register of all significant assets, their condition and standards determined and a plan for their maintenance is operating.</i></p> <p><b>02/03 Critical Action:</b> <i>Determine and agree on appropriate standards for condition and functionality for existing and new assets.</i></p>
--

### **Purpose:**

*To report to Council on the progress of works of the City Operations Directorate.*

## **Asset Management Department**

### **Construction Section**

**Path Paving** - Works finished since last report, Jamison Road, Londonderry Road, Parker (Corren and Glebe) Cox, Forrester, Barlow, Ash, Melville, Birmingham, Fairlight.

Budget Estimate: \$749,000  
Expenditure to date: \$620,000

**Werrington Road (Railway to Kingsway) Reconstruction.** This work is complete.

Budget Estimate: \$250,000  
Expenditure to Date: \$200,000

**Gross Pollutant Traps** - Work is in progress on grates for Panthers, Links Parade and Buckland Road.

Budget Estimate: \$172,000  
Expenditure to Date: \$141,800

**Dunheved Circuit (Severn to Vallance) Reconstruction** - A contractor is currently constructing the new deep-lift asphalt pavement.

Budget Estimate: \$1,055,190  
Expenditure to Date: \$922,000

**The Northern Road Widening** (Homestead to Glenmore Parkway) Widening - Pavement construction on the Northbound carriageway continues.

Contract Value: \$1,900,000

**Biodiversity Park** - This work is finished

Contract Value: \$453,188

**Skateboard Ramp** - Concrete work is well underway with finish date expected in mid July.

Contract Value: \$147,875

**Stock Avenue Drainage** – Stormwater pipe construction is 90% complete.

Budget Estimate: \$370,000

Expenditure to Date: \$292,472

**Hunter Field Car Park** - This work is complete.

#### **Traffic Facilities**

**St Clair Avenue** - Traffic Facilities are complete.

Budget Estimate: \$38,586

Expenditure to Date: \$31,092

#### **Drainage**

**Tamarra CC**- This work is currently underway.

Budget Estimate: \$53,479

Expenditure to Date: \$35,612

**Komirra Road** - This work is complete

Budget Estimate \$50,000

Expenditure to Date: \$57,278

The over expenditure was due to

- 1) Problems in crossing other services
- 2) The unexpected striking of rock during excavation work

There is sufficient funding in the Drainage Program to cover this over-expenditure

**Coachmans Park Reconstruction** - This work is currently in progress.

Budget Estimate \$189,500

Expenditure to Date: \$34,278

**East Lane Retaining Wall** - The removal of the timber wall and replacing with a keystones retaining wall is now complete.

Budget Estimate \$35,000

Expenditure to date: \$10,226

**High Street Triangle & Zonta Gardens** - This work is currently in progress.

Budget Estimate: \$185,000 and \$17,000 respectively  
Expenditure to Date: \$51,666

**Glossop Street (Brisbane to Phillip – South Bound Side)** - This work is complete.

Budget Estimate: \$100,000  
Expenditure to Date: \$91,000

**Vincent Road Closure** - This work on the median construction at the Northern Road is now complete.

Budget Estimate: \$23,456  
Expenditure to Date: \$19,253

### ***Maintenance Section***

The recent dry weather has helped reduce delays in road maintenance work.

Because of the lengthy back-log in concrete maintenance, road maintenance crews have been carrying out temporary repairs to trips in concrete foot paving using asphalt. As well as removing the trip, the asphalt infill highlights the irregularity to pedestrians.

Two local concrete contractors have been carrying out kerb and gutter repairs for Council in preparation for 2002/03 Road Resealing Programme.

The system of regular inspections of civil assets during the 2001/02 year has worked particularly well. The information obtained and recorded has also been beneficial in defending many insurance claims to-date.

The additional day shift mechanical street sweeper is having a noticeable effect on the number of street sweeping requests from residential areas. The re-deploying of this machine from night shift to day shift, has also allowed hand sweeping in the Penrith and St Marys CBD's to be extended to include Saturday mornings. The recent restructure of Council Street Sweeping operation has resulted in these additional services at no additional cost.

### ***Plant Replacement Program***

Delays with the body builder for the 2 new, 8 tonne tippers have meant delivery is not expected till mid July.

The inclusion of emulsion tanks on these trucks for the heavy patch crew, resulted in extensive modifications to the tipper body. These have now been completed and painting has commenced.

### ***Asset Systems Section***

#### **Roads to Recovery Programme – 2001/2002**

All works complete.

#### **Road Resheeting/resealing Programme**

Marking out of kerb & gutter and heavy patching for the 2002/2003 Resurfacing Program is complete. Contractors are currently being engaged to mill several roads on the 2002/2003 Resheeting Program. Numerous shrubs adjacent to the kerb & gutter have been trimmed to permit paving equipment access to perform the resurfacing works.

Since the previous report the following road has been resurfaced with asphaltic concrete:

Birmingham Road, South Penrith (Moseley Ave to No. 41)  
Birmingham Road, South Penrith (York Rd (e) to Maxwell Street)

### **Audits / Inspections**

Detailed inspections of all of Councils kerb & gutter and path paving are currently still in progress. Any 'trip hazards' greater than 20mm are being temporarily repaired with asphalt.

The fourth cycle of Auspec#4 routine maintenance inspections is in progress and approximately 50% completed. All outstanding defects are being prioritised for repair.

### **Development Services Unit**

- Accepted the following developer constructed assets:

Precinct 8L, Glenmore Park – 175 metres of new road

- Construction certificates were issued for the engineering works associated with the following developments:

Grey Street, Emu Plains – roadworks associated with sale of residential lots owned by RTA.

- Inspections were carried out on the engineering works for the following developments:
  - Precinct 8N, Glenmore Park – road pavement and drainage construction
  - Precinct 8L, Glenmore Park – road pavement and drainage construction
  - Blaikie Road/Pattys Place, Penrith – drainage and road pavement construction
  - Augusta Place/Explorers Way, St Clair – road pavement and drainage construction
  - Wolseley Street Penrith – road pavement construction

### **Traffic Section**

The Local Traffic Committee at its meeting on 3 June 2002 considered thirteen Items on traffic and safety issues and Council at its ordinary meeting on 17 June 2002 adopted the report and recommendations of the Local Traffic Committee.

Investigation and analysis of other traffic and safety issues received including determination of speed profile in nominated locations are continuously being carried out. In addition, traffic impact on development application referrals received from the Development Services Unit are also being investigated and assessed.

*Pages Road/John Street, St Marys – Traffic Calming*

A public meeting with the East Ward Councillors and the affected residents was held on Thursday, 13 June 2002 to discuss amended proposal as outlined in the Design and Technical

Advice Manager's report which was considered by Council at its ordinary meeting 18 February 2002. Comments and concerns from the residents were noted. Following the discussion at the meeting, it was agreed that the current facility be removed and a traffic calming device be further investigated between Vincent St/John St and Wilson Street. A report in this regard will then be submitted to Council at its ordinary meeting on 15 July 2002.

*Copeland Street, Penrith – Traffic and Pedestrian Safety in the vicinity of the St Dominic's College, Burger King Development and Council Depot*

An on-site meeting with the North Ward Councillors (ie, Clr O'Neill, Clr Bailey and the Mayor, Clr Sheehy), Council Officers, Roads and Traffic Authority and Penrith Police representatives was held on Monday, 24 June 2002 to observe and assess the safety issues in the vicinity of the St Dominic's College, Burger King Development and Council Depot.

Comments on the observation and discussion at the site meeting were noted and presented to the Local Traffic Committee on 1 July 2002 and the recommendations of the Committee will be submitted to Council on 15 July 2002.

Status of projects funded under the 2001/2002 RTA Local Network Services are as follows:

- *Jamison Rd/Racecourse Rd, South Penrith – Roundabout.* Construction works in progress.
- *Brisbane St/Sydney St, St Marys – Roundabout.* Construction works in progress
- *St Clair Ave, St Clair – Route Traffic Calming.* Works completed.
- *P.A.M.P Implementation.* Works on the project list are continually being assessed and implemented.
- *Debrincat Avenue, St Marys – Roundabout at Maple Street.* Design plan in progress. Public meeting was held with the residents on 13 June 2002. Comments and concerns from the residents were noted a report will then be submitted to Council at its ordinary meeting on 15 July 2002
- *Surveyors Creek, South Penrith – Off Road Cycleway* Works completed.

## **Road Safety Section**

*Responsible Driver Program (formerly called Traffic Offenders Program)*

Responsible Driver Program commenced on 17/4/02 for six weeks every Wednesday night for 1.5 hours from 7.00pm-8.30pm for people referred by either the court or their solicitor for traffic offences. It is an educational option while the client waits to appear in court for sentencing.

Main objectives of the Program are as follows:

- to reduce the re-offending rate of Traffic Offenders who have appeared before court, and
- to contribute to a decrease in the number of fatal and injury collisions in the Penrith Local Government area.

Each week participants gain valuable information from a variety of speakers whose aim is to provide the participants with knowledge, skills and attitudes to take personal responsibility for their current driving behaviour and learn new ways of responding to make positive changes. A Management Committee consists of representatives from Police, Ambulance Service, "Enough is Enough", Penrith City Council and the Judicial System.

*FARM (Fatal Accidents in Rural Main Roads)*

Funding submission (from Penrith & Hawkesbury Councils) made for FARM on Speed Prevention was approved by RTA (\$5,000 each). The Project is designed to target local

drivers across the two LGAs and drivers in transit over the October 2002 long weekend and school holiday period. Distribution of FARM Travel Pack via Councils to be targeted at local service stations (located on rural main roads).

*Who me? Drink or Drive Shuttle Bus*

Who me? Drink or Drive Shuttle Bus service commenced 12/04/02 for a 20-week trial period. Program is currently in operation for 12 weeks and at this stage it is moderately well patronised (with some buses full). The Program is to be reviewed after the trial period.

## **Parks Construction & Maintenance**

### **Landscape Construction**

- **Werrington Creek Rehabilitation**

The majority of all work within the designated target area has been completed. A perimeter fence around the site is being installed. A final assessment of the work and expenditure will be undertaken later this month.

Preparations have commenced for the creek rehabilitation work upstream of Werrington Lake. This project is funded by Department Land and Water Conservation.

### **City Beautification**

Most of this year's City Beautification projects have been finished. Projects that will commence in July are:

- North and Henry Streets, Penrith – landscaping
- Chapman Gardens, Kingswood – tree planting along Great Western Highway
- Bringelly and Northern Road, Kingswood – landscaping around intersection

Projects that are still underway are:

- Floral display at Log Cabin, Penrith
- Floral display at Charles Hackett and Great Western Highway, St Marys

### **Parks Improvement Program**

All of the projects in this year's Parks Improvement Program have been completed except some remaining work at South Creek Park. There were 14 projects in this year's program. The program has come in under the allocated budget of \$350,000.

### **Tree Planting**

This year's target of 20,000 trees has been achieved. Throughout the year, over 22,000 trees have been planted in parks and footpaths.

The trees that were planted in front of the Rugby Park were all destroyed. Over 200 Casuarinas were pulled out of the ground and snapped in half. These trees will be replaced in early Spring.

### **Tree Preservation**

The total number of Tree Preservation Applications in 2001/2002 was 2,161.

## **Bushcare**

- **Boronia Reserve, North St Marys**

The Friends of Ropes Creek have continued to restore the grasslands in this reserve. Conservation Volunteer team contributed to some of the works on the site in preparation for the Open Day which was held recently.

- **Charles Sturt Drive, Werrington**

Werrington Creek Landcare Group have undertaken extensive weeding and revegetation activities along this stretch of Werrington Creek. The results of the previous year's efforts in this reserve, especially the tree planting, are starting to be visually noticeable.

- **Clissold Reserve, Emu Plains**

Emu Heights Bushcare Group have made incredible impact on the weeds that have been growing on the north side of the creek in Clissold Reserve. They have been removing large quantities of lantana and other weed species.

- **Gow Park, Mulgoa**

Mulgoa Valley Landscare Group with the help of their resident bush regeneration expert, continue to monitor the progress of the biological control of bridal veil creeper.

- **Kananga Reserve, Kingswood**

A new bushcare group has been formed that will focus their efforts in this area, near the water tank on Glebe Place, Kingswood. Their first activity day will be on the 20<sup>th</sup> July.

- **Werrington Creek, Werrington**

An Open Day was held on 2<sup>nd</sup> July which was attended by the Minister for Lindsay, Ms Jackie Kelly. The purpose of the Open Day was to launch the future work activities by the Green Corps Team. This work will be undertaken throughout the 2002/2003 financial year and is mainly funded by DLWC. The exact location of this work will be downstream of Victoria Road to Werrington Lake.

## **Building Construction & Maintenance**

### **2002-2003 Building Asset Replacement Program**

1. Upgrading works are continuing at Copeland Street Depot
2. Arrangements are being made for quotations for the following:
  - Kitchen upgrade at four Child Care Centres
  - Carpet replacement at one Child Care Centre
  - Replacement of roof guttering on the Mulgoa Hall
  - Wilson Street Amenities building to be connected to sewer

### **Improvement Program**

Orders placed for additional buildings to be fitted with a roof fall arrestor systems.

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## **MAINTENANCE WORKS FOR JUNE 2002**

The BCM department received 236 maintenance requests (not including graffiti) for June 2002.

### **Graffiti Removed by Council Staff**

Council staff removed graffiti from buildings on 180 occasions during the month of June 2002. This involved visiting 77 sites. The most frequented locations for graffiti during the month were:

18 hits	Judges Place Carpark
16 hits	Mt Pleasant Shopping Centre Precinct
9 hits	Claremont Meadows Youth Centre
6 hits	Regatta Park
6 hits	Werrington Lakes Toilets
3	various bus shelters

Graffiti was removed from 2,492 sites during the past twelve months.

### **Department of Juvenile Justice – Young Offenders Programme**

The Department of Juvenile Justice are assisting Council to paint out graffiti on colourbond fencing. Work was completed at the following sites during June 2002.

- Beach Lane Emu Plains
- Second Avenue, Kingswood backing onto Chapman Gardens
- Trunk drainage between Stafford Street & Jamison Road, Kingswood (Bringelly Road end).

The sites where work has already commenced are checked regularly by the Department's staff for any further graffiti attacks prior to commencing new sites.

## **Waste & Community Protection Department**

### **Ranger and Animal Services**

Advice from the Local Government and Shires Association has been received confirming 22 July 2002 as the effective date of transfer of responsibility for on street parking and the subsequent transfer of parking officers to Penrith City Council.

As part of the ongoing education program established by the Council's United for Pets Committee, this month saw the launch of the Community Watch Dog Program. This project highlights the environmental damage, caused by uncollected dog faeces, to our waterways and the effect on the quality of stormwater.

A program of identification and placement of appropriate signage relating to control of dogs in identified areas has commenced with the installation of signs in Applegum Reserve, Glenmore Park. This program also places waste dispensers and collection bins in selected areas for the use of dog owners, and will continue as further areas are identified.

An initiative of Council's Animal Services Section is the production and distribution of "pooch-pouches". These pouches are designed to attach to a dog lead and are zippered to contain biodegradable plastic bags for the collection of dog faeces. The pouches are

embossed with Council's logo and are available for residents to promote responsible dog ownership.

Seventeen abandoned motor vehicles were removed from Penrith streets and reserves during this period. This reduced figure is a result of increased patrols in identified areas by Rangers during the monthly program.

A concerted program of rapid pole poster removal has been initiated. This program of proactive removal has resulted in obvious improvements in the visual appearance of the City. In excess of 40 man-hours has been devoted to this activity by Council's Rangers during the month.

### **Penrith Rural Fire Service**

During June the Penrith Rural Fire Service attended 44 incident calls. These were as follows:

- 18 grass and bush fires
- 14 unauthorised fires
- 2 structure fires
- 1 serious motor vehicle accident
- 5 false alarm calls
- 4 motor vehicle fires

Penrith RFS took delivery of two new Category One Isuzu Fire Tankers as part of Council's vehicle replacement program. These vehicles are stationed at Castlereagh and Regentville.

Penrith held their local Championships at the Museum of Fire. It was a very successful day with the results as follows:

- Seniors First Overall - Castlereagh
- Second - Berkshire Park
- Third - Orchard Hills
- Cadets First Overall - Orchard Hills
- Second - St Paul's Cadets
- Third - Llandilo Cadets

Castlereagh and Berkshire Park became eligible to enter the Regional Championships, however, Castlereagh had to withdraw. Berkshire Park and Orchard Hills teams did well at the Regional Championships and will represent Penrith, along with a Cadet team, at the State Championships being held at Penrith on 21 & 22 September 2002.

Penrith Brigades received a new 22 seater commuter bus bought through donations of \$50,000 from Penrith City Council and \$50,000 from the Panthers World of Entertainment. The bus was presented at a Panthers home game by Mayor, Cr Pat Sheehey and Panthers Chairman of the Board of Directors, Mr Barry Walsh.

### **Penrith SES**

June has been a quiet operational month for Penrith State Emergency Service. The main activities this month have centred on maintenance activities at the Headquarters. Training and maintenance activities continued as scheduled during the month.

Improvements to the Headquarters continued with refitting of dining room cupboards, installation of new computer systems and external maintenance and painting.

On 26 June the SES assisted St Marys Police in a car incident in Colyton where the car had run into a house and caused structural damage to the dwelling.

On 27 June the SES assisted Penrith Police at an incident on Londonderry Road where a car had run into a tree which had fallen across the road.

The total operational hours for June was 5 hours. The total hours this month was 436 hours including training, meetings, maintenance and community events.

## **Waste Management**

### **Waste Education**

#### *Promote Clean Environments in Local Communities*

- Production of a litter and stormwater demonstration model for use in school lessons and displays underway.
- EPA litter education program for primary schools being adapted for use in the Penrith LGA.

#### *Education and Promotion*

- World Environment Day (5 June) program at Werrington Lake undertaken with Council's Environmental Education Group and Office of Western Sydney. Twelve organisations (State Forests, Cleanaway, CDS Technologies, UWS rain simulator, UWS students – water quality, WSROC/DLWC salinity display, Bushcare Greening Australia, SCRAP, Penrith Lakes Education Centre, Junk Heaven, Mt Tomah Botanic Gardens) participated and held a variety of stalls. Waste theme stalls included Junk Heaven, Cleanaway's recycling, Kerbie the recycling symbol, composting and primary schools (Kingswood PS, Jamisontown PS, Londonderry PS, Samuel Terry PS, Mulgoa PS, St Marys PS and Orchard Hills PS) in the Penrith area participated.
- Promotion of St Marys North Proposed Community Garden Project in St Marys Standard.
- Waste audit of Civic Centre (Council building and library) running from 17 June to 9 July 2002.
- Talks presented: Penrith View Club – 27 June (20 women).
- Talks booked: Holy Family Primary (26/08), Kingswood High Year 8 classes (2 in Oct), Home Carers Group (24/10 & 31/10).

#### *Home Composting and Worm Farms*

- Letter sent to residents who purchased worm farms or compost bins in the last twelve months requesting a registration of interest for Earthworks courses.
- Compost bins and worm farm sales = 65 worm farms since 1 July 2001  
82 compost bins since 1 July 2001

#### *Encourage Household Waste Reduction*

- Display replaced in Civic Centre foyer promoting smaller bin, recycling, home composting, worm farming and Closing the Loop.
- Statistics from May 02 random survey and St Paul's Junior Grammar School survey calculated. Winners of worm farm and compost bin notified. Worm farm picked up, waiting on contact from compost bin winner.

*Conduct School and Community Education and Promotional Activities*

- Articles promoting Steel Can Recycling Competition in local papers: Penrith Press – 18/6/02, Western Weekender

Contacts Initiated:

- Michaela Kennedy, Penrith Home Educators Group.

## **Property Development Department**

### **Great Western Highway, Kingswood**

A report was presented to Council at its meeting of 1<sup>st</sup> July, 2002 indicating the outcome of the court case between Council and Robose Pty Ltd.

As a result of the case, the site will now be considered in this year's Management Plan for sale and development.

### **Former Council Chambers Site**

A report was presented to Council at its meeting of 17<sup>th</sup> June, 2002 providing an update on the current situation in dealings with the Department of Public Works and Services.

### **Mulgoa Road Industrial Site**

A Draft Development Control Plan was prepared to account for the existing trees and vegetation on the site to maintain the protection and preservation. The implementation of a Development Control Plan can have a degree of flexibility.

However, a covenant on the Title of the land is considered more appropriate in protecting and preserving the trees, as it has a greater control in terms of protection. An 88B Instrument will be compiled to meet the objectives of the trees and vegetation on the site.

### **Property Management**

- All rental reviews have been completed on Council property for the month of June.
- All maintenance and repairs to Council leased premises are being attended to within two (2) days.

### **Acquisition of Property**

- Negotiations are progressing with properties that meet Council's strategic, economic and environmental objectives. A separate report will be presented to Council once agreement has been achieved with the respective owners.

### **Council Property – Generally**

- Investigations are continuing on matters in dealing with Council's land that requires compensation for easements relating to drainage and gas facilities.
- Laneway closure over Leslie Street, Werrington is progressing with sale prices offered to the adjoining owners.

## **Facilities Operations Department**

### *Community Safety*

#### *Penrith Valley Community Safety Plan*

The Penrith Valley Community Safety Partnership has recently adopted the draft Penrith Valley Community Safety Plan. Representatives from the Centre for Regional Research & Innovation, UWS, will provide a presentation on the development of the plan to Council at the Policy Review meeting on 22<sup>nd</sup> July. After the presentation to Council, the plan will be placed on public exhibition from 23<sup>rd</sup> July to the 21<sup>st</sup> August.

#### *Penrith Valley Community Safety Partnership*

The partnership has recently completed a series of monthly meetings during its establishment period and will now break into small working groups to progress strategies outlined in the draft Community Safety Plan in anticipation of its final endorsement. The group will re-convene for a full partnership meeting in October, 2002.

#### *Community Safety Brochure*

A brochure has been developed by the Penrith Valley Community Safety Partnership in conjunction with the Centre for Regional Research & Innovation, UWS. The brochure covers a range of community safety matters including information on the 5 key areas outlined in the community safety plan, what can be achieved by being pro-active, contact numbers for reporting crime and vandalism and how to contact the Partnership if people have a community safety concern.

A slogan "people working together" has been adopted to highlight the potential for partnership approaches to community safety issues.

The brochure will be a useful tool in promoting community safety and crime prevention and will be available at Council's upcoming Open Day.

#### *Jamison Skate Park Community Safety Management Plan*

A Community Safety Management Plan (stage 1, for the first 6 months of operation) has been prepared for the Jamison Park Skate Park in consultation with relevant stakeholders. The plan covers a range of issues including:

- Management
- Communication
- Risk management
- Maintenance
- Signage
- Media contact/promotions/special events
- Landscaping
- Security
- Access from major public transport generators
- Amenities

The Skate Park is near completion and it was agreed at a consultation with stakeholders on 4<sup>th</sup> July that the plan be adopted for the first 6 months. The plan will be reviewed in four stages to ensure that the final Community Safety Plan covers all issues of management and usage for the facility.

**RECOMMENDATION**

That the Directorate of City Operations Progress Report to end June 2002 be received.



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## The City Supported by Infrastructure

### 11 The Northern Road Reconstruction

TH/02 (Sth) Pt 6, TH/02/7/Sth

**Compiled by:** David Burns, Asset Manager

**Authorised by:** Ray Moore, Director of City Operations

**Management Plan 4 Year Outcome (Page 92):** *Assets which are delivered meet community expectations (DCP)*  
**02/03 Critical Action:** *Design and construct new assets in accordance with ESD principles (DCP/DCO).*

#### **Purpose:**

*The purpose of this report is to advise Council of the project to reconstruct The Northern Road between the M4 Motorway and the Glenmore Parkway, its progress to date and requirement for an addition to the Contract.*

#### **Background**

The Northern Road between the M4 Motorway and the Glenmore Parkway is currently a 2-lane main road (Main Road 154) which fulfils a role as a vital north-south strategic link in the Sydney main road network. The Northern Road together with the M4 Motorway forms a principal road connection to the Penrith area as well as catering for the needs of the surrounding local communities. The Northern Road is also classified as State Road 69, under the care and control of the Roads and Traffic Authority of NSW. Due to residential and industrial developments in the Western Sydney region and associated increased traffic generation and delays a proposal was developed to upgrade the 800 metre section of The Northern Road between the Glenmore Parkway and Garswood Road, from two lanes to a four lane divided road with a central median.

Benefits from this proposal will include a reduction in congestion and accidents; improved access to the Penrith, Orchard Hills, Glenmore Park and Luddenham areas; improved cyclist safety and access; and improved local amenity. In general terms the project will improve traffic flow, capacity and safety for motorists and cyclists along The Northern Road.

The general features for the proposal for widening of The Northern Road are:

- Widening the 800-metre section of The Northern Road between the Glenmore Parkway and Garswood Road from two lanes to a four- lane divided road.
- The widening will take place on the western side of The Northern Road with the northern end connecting to the existing four-lane road formation just south of the M4 Motorway overpass.
- Provision of two, 3.5 metre wide, travel lines in each direction separated by a 4.5 metre wide median.
- Provision of a shared shoulder and cycleway on each side of the road.
- A “seagull” type intersection banning right turn ingress to the Penrith Golf and Recreation Club.
- Connection with the existing two lane roundabout at the intersection of The Northern Road with the Glenmore Parkway and Wentworth Road.

- Reinstatement of existing accesses into the Penrith Golf and Recreation Club and private properties.
- Relocation and adjustment of utilities and services as required, including the provision of street lighting to Traffic Route Lighting standards.
- Provision of improved drainage and landscaping along the road widening.

Although, as previously stated, The Northern Road is classified as a State Road under the care and control of the Roads and Traffic Authority of NSW, Penrith City Council was the proponent of the project and is the Project Manager responsible for the delivery of the project.

It should be noted that it is rare for the RTA to allow a local council to be responsible for the reconstruction of projects on its State Road Network. The RTA, however, had to approve both the road design and road pavement design prior to tenders being advertised.

At its meeting on 8 April, Council accepted the tender of Nace Civil Engineering Pty Ltd for this project in the amount of \$1,954,977.94.

The total available funding for this project is \$3,031,318 comprising of \$2,531,318 Section 94 funds and a \$500,000 contribution from the RTA. Other works included in the budget allocation are landscaping, traffic route lighting and a contingency to for extras and variations to be carried out in addition to the above tender.

### **Current Situation**

Work is well advanced on the construction of the new northbound carriageway between the Glenmore Parkway and Garswood Road. This work includes, excavation for new carriageway, retaining wall, overhead electricity relocation, select fill, subsoil drains, and work is approximately 50% complete for the concrete sub-base. The project is expected to be completed by the end of September.

As stated earlier in this report the widening of The Northern Road takes place on the western side, i.e. adjacent to the Penrith Golf and Recreation Club. Prior to the proposed widening there was a footpath reserve area up to 8.0 metres wide from the edge of the bitumen road pavement to the Golf Club boundary fence. The design for the widened Northern Road brings the edge of the new road pavement as close to 2.5 metres to the Golf Club fence. In addition the height of the new northbound carriageway has substantially increased adjacent to the Golf Club, reducing the effective height of the existing boundary fence.

The 18<sup>th</sup> fairway of the Golf Club runs parallel to The Northern Road and hence, as a result of the redesign the reconstruction of The Northern Road, there is an increased probability of golf balls hitting northbound vehicles. This eventuality was not perceived during the design and investigation stage and only became apparent during the construction phase.

Negotiations have been taking place between Council officers and the Penrith Golf and Recreation Club officials to address this potential problem.

The Club has indicated that it is planning to redesign the 18<sup>th</sup> hole, which will reduce, but not eliminate the potential of golf balls striking northbound vehicles. In addition to the redesign of the tee, a new very high protective fence will need to be constructed in the golf course adjacent to The Northern Road. The fence required is 180 metres long and 19.5 metres high and will consist of high density polyethylene safety netting supported on galvanised wires attached to ten treated hardwood poles. Quotations received have indicated the cost of the fence at \$125,000 (GST exclusive). The fence will be erected within the golf course. The existing trees will assist in screening the fence from The Northern Road.

It is not unusual for extensive property adjustments to be carried out as part of major roadworks by the RTA on its State Road Network. For example, the major adjustments to properties in Pennant Hills Road and on sections of Parker Street reconstructed by the RTA. The costs of these adjustments are included as part of the total cost of the roadworks and are not a cost to the property owner.

Hence, the cost of this new protective fence within the Penrith Golf and Recreation Club, is a legitimate cost to the roadworks, resulting from the widening and height increase adjacent to the Golf Club.

It is recommended, Council allocate funds of \$125,000 from The Northern Road widening project to the provision of a protective fence adjoining the 18<sup>th</sup> fairway. The Penrith Golf and Recreation Club will be responsible for arranging the submission of the Development Application for the fence, the construction of the fence and also will be responsible for its future maintenance.

### **Legal Officer's Comment**

As the widening of the Northern Road will have the effect of bringing the roadway to within 2.5 metres of the boundary of the Golf Club, there is a real potential for a wayward golf ball to cause injury or damage if it is hit onto the Northern Road. Risk management issues associated with the road widening have been discussed with the Golf Club, and it was decided that preventative measures should be taken as a matter of urgency, with completion of the project soon to occur. In order to properly manage this risk, it was decided that safety screen fencing should be placed along the boundary of the Golf Club, along the Northern Road.

It is of the utmost importance that the safety fencing is in place prior to completion of the works. As Council has been placed in control of this project by the RTA, and the effect of the project is to create this potential hazard, then it is reasonable for Council to contribute towards the cost of the safety fencing in this instance.

### **RECOMMENDATION**

That:

1. The report concerning the reconstruction of The Northern Road between the M4 Motorway and the Glenmore Parkway be received;
2. Council approve the provision of \$125,000 from the existing project budget allocation for the construction of a new protective fence adjacent to The Northern Road.



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## The City Supported by Infrastructure

### 12 Pages Road/John Street, St Marys - Traffic Calming(PA/05 Pt 2 & JO/03 & 459328)

**Compiled by:** Rosemarie Barretto, Senior Traffic Engineer

**Authorised by:** David Burns, Asset Manager

<p><b>Management Plan 4 Year Outcome (Page 94):</b> <i>Traffic congestion and accident trauma reduced within the City.</i> <b>02/03 Critical Action:</b> <i>Coordinate local traffic planning and implement the Road Safety Strategic Plan.</i></p>
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#### **Purpose:**

*The purpose of this report is to advise Council of the progress of the implementation of traffic calming devices at the intersection of Pages Road and John Street following a public meeting with the affected residents and to seek Council's agreement to a course of action to finalise the matter.*

#### **Background**

Following the Local Traffic Committee's endorsement of the Local Area Traffic Management Scheme and construction of the facilities in the vicinity of Pages Road, concern was raised by the nearby residents that sight distance for vehicles exiting John Street was compromised.

At its meeting on 18 February 2002, Council considered a report concerning the progress of the implementation of traffic calming devices at the intersection of Pages Road and John Street, St Marys and the issues raised by the residents concerning this facility. The report also addressed the available Options (amended proposal), as described below, to resolve this matter.

Council resolved (in part) *"that an on-site meeting be arranged with residents of John Street and East Ward Councillors to discuss the amended proposal outlined in the Design and Technical Advice Manager's report."*

#### **Current Situation**

A meeting with the affected residents was held on Thursday, 13 June 2002 in Nepean Soccer Pavillon. There were 9 residents who attended the public meeting together with Council officers, the Deputy Mayor Councillor Greenow, Councillor Thain, Councillor Bradbury & Councillor Simat.

The Deputy Mayor, Councillor Greenow, chaired the meeting and Council's Asset Manager addressed the meeting advising the residents of the history and purpose of the meeting as well as the proposed amended options available for consideration by the residents.

These options are described below:

***Option 1 – Compulsory Acquisition of the Land***

This option would achieve the Local Traffic Committee's recommended approach, however could result in a long, protracted timeframe before Council could complete the construction of the facility. The estimated cost to acquire 15m<sup>2</sup> of land from the corner property is \$7,000. Council has not pursued such an approach before.

***Option 2 – Construct the Facility as Designed***

This would provide a traffic calming facility that conforms to Roads and Traffic Authority guidelines but does not address the residents' concerns regarding reduced sight distance for vehicles exiting John Street. The cost of the outstanding works is estimated at \$6,000.

***Option 3 – Move the Facility ½ metre to the West***

This would involve reconstruction of a new kerb blister that is currently in place, construction of additional kerb blisters on the eastern side of Pages Road, and construction of the central medians, in permanent materials, relocated to the west. The cost of these works is estimated at approximately \$19,000 and will allow vehicles exiting John Street to proceed an extra ½ metre to the hold line, increasing their sight distance.

***Option 4 – Construct Roundabout***

This proposal was suggested by the residents at the previous on-site meeting and would involve the deviation of John Street to the south and construction of a roundabout that encroaches into Cook Park. Property acquisition would still be required from private properties and significant drainage relocation is also required. The cost of this proposal is in the order of \$200,000.

***Option 5 – Remove the Facility***

This option would overcome the sight distance concerns for the residents in John Street but would not address the issues raised at the two previous public meetings regarding vehicle speeds on Pages Road. The estimated cost of this work is \$23,000.

A plan layout of each of the available Options was tabled at the meeting.

Comments from the residents regarding the facility are as follows:

- residents believe that a speed reduction device should be installed, however it should be provided away from the intersection
- existing device is considered dangerous;
- lack of sight distance turning out of John Street;
- relocating the traffic calming device to a distance of ½ metre to the west would not achieve anything apart from the improvement of the line of sight at the intersection;
- a "slow point" device should be provided somewhere between Vincent St/John St and Wilson Street;
- install a pedestrian crossing facility associated with the "slow-point" device;
- provide parking restrictions near Cook Park

The above comments and concerns from the affected residents were noted.

Subsequently, following the discussion, the meeting agreed with Option 5 (the current facility be removed) and that a traffic calming device be further investigated between Vincent St/John St and Wilson Street.

It is recommended that a further detailed investigation including speed classification survey be carried out to determine possible options for the installation of a traffic calming device in Pages Road between Vincent St/John St and Wilson Street or between Vincent Street and Saddington Street. In addition, the affected residents will also be consulted prior to implementation.

**RECOMMENDATION**

That:

1. the removal of the existing facility at the intersection of Pages Road/John Street be approved and funded from Pages Road LATM Scheme;
2. a further detailed investigation including speed classification survey be carried out to determine possible options for the installation of a traffic calming device in Pages Road between Vincent St/John St and Wilson Street or between Vincent Street and Saddington Street;
3. the affected residents be consulted regarding the proposal, for a traffic calming device between Vincent St/John St and Wilson Street, prior to implementation;
4. the residents be advised of Council's decision.



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## Council's Operating Environment

### 13 Awnings and Structures over Public roads.

6011/38 Part 2

Compiled by: Ken Muir, Risk Management Co-ordinator

Authorised by: Barry Husking, Chief Financial Officer

<p><b>Management Plan 4 Year Outcome (Page 108):</b> <i>Effective risk management is practiced.</i> <b>02/03 Critical Action:</b> <i>Continue to reduce risks through improved workforce, administrative, decision-making and regulatory practices.</i></p>
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#### Purpose:

*The purpose of this report is to recommend the implementation of a system for the maintenance of adequate standards for awnings and structures over Public roads.*

#### Background

In July 1998 a person was killed as a result of a collapse of a street awning, in Bathurst. It was found that the awning collapsed because of a combination of factors, including inadequate anchoring, deterioration of the mortar used on the awning anchors and removal of vertical supports. The Coroner expressed concern over the potential for future similar events. The Coroner recommended to the Department of Local Government that all local Councils arrange inspections by competent persons to determine the structural condition and capacity to support awnings. The Coroner's finding was by way of recommendation only and did not impose a legal obligation on Council to inspect awnings.

As a result of the Coroner's findings, property owners may not be covered by insurance for the collapse of an awning as the exposure has been recognised and is therefore foreseeable and preventable. Owners may be liable in negligence if their failure to inspect and remedy problems causes injury.

#### Current Situation

The frequency of collapsed awnings is very low but the potential consequences, such as loss of life, are high. It should be noted that the majority of awnings encroach onto the public road area. Awnings create a public benefit but also provide an enhanced environment benefiting the property owner/occupier's business. With this enhancement comes an obligation to maintain the structures throughout their life.

Council Officers have met with the Local Chambers of Commerce and Traders Association to discuss the issue. They have indicated support to ensure community safety. It has also been suggested to the Chambers of Commerce and the Traders Association that they may engage consultants to provide cost effective inspections for their members. Obviously Council cannot recommend structural engineers but Officers have indicated that structural engineers engaged to certify awnings and structures over the roadway will need to be practicing structural engineers capable of being a member of the Institution of Engineers, Australia.

Council Officers conducted an audit of awnings to determine the location and number of awnings in the city. A total of 429 awnings that overhang public space were identified. Of the 429 awnings identified 89 were visually identified as having potential defects. Property owners have been sent letters outlining concerns and requiring them to take appropriate action to ensure the structural adequacy of each awning. This action will continue.

### **Proposed Programme**

It is proposed that, Council will introduce a system to inform property owners of the potential liability exposure. The new system requires new developments with awnings to include structural certificates on a regular basis. The strategy will target the current owners of commercial and/industrial properties with awnings and/or other structures that may be over or on the footpath/road reserve and ensure that any future owners of commercial and industrial properties are advised about their responsibilities. It will also require the existing awnings to be inspected and periodically re-inspected by the property owners.

The proposed process for building owners with existing awnings, advertising signs, or other structure over or on the footpath/road reserve will be as follows:

- Inform the building owners of the potential risk, through local Chambers of Commerce and local media;
- require building owners submit to Council, by 1 January 2003, a certificate stating that their awnings and structures over the roadway have been inspected, by a qualified engineer, to determine the structural condition and capacity to support the structures over the roadway;
- It is also require re-inspection every five (5) years;
- A small fee for licensing the awning over the roadway will be charged to cover Council's administration of Roads Act approvals for awnings and structures to remain in place, and
- The responsibility for the management of the above process will be with the Asset Management Department, which has the responsibility for works within the road reserve that requires approval under the Roads Act.

The proposed process for new awnings, advertising signs, or other structure over or on the footpath/road reserve will be to impose a condition on the development consent along the following lines -

- obtain an approval under the Roads Act for awnings or structures to remain;
- submit certification from a qualified and practicing structural engineer certifying to the structural adequacy of the structure when the development is occupied;
- submit the certification every five (5) years after the date the development has been occupied;
- Payment of an administrative fee is to accompany each certification, and
- It is also proposed for a notation to be placed on the 149 Certificate. This will notify intending purchasers of their responsibilities.

The BAEP Department will be responsible for applying the above condition of consent on all new developments which propose to have awnings or structures over or on the road reserve.

It is proposed that Council will promote the issue through local media, Chambers of Commerce and letter mail outs.

**RECOMMENDATION**

That:

1. The information be received;
2. The proposed awning safety program be implemented.



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## Council's Operating Environment

### 14 Review of Council's Code of Meeting Practice

21/13

Compiled by: Peter Huxley, Executive Officer

Authorised by: Steve Hackett, Director - City Services

**Management Plan 4 Year Outcome (Page 108):** *Effective corporate governance has been maintained.*

**02/03 Critical Action:** *Undertake effective local government.*

#### **Purpose:**

*Council's draft Code of meeting practice was revised and placed on public exhibition on 27 May 2002. The exhibition period and the requisite time for the acceptance of submissions has now concluded. No submissions were received in response to the exhibition and the invitation to make submissions.*

*This report recommends that Council adopt the draft Code of Meeting Practice, as exhibited.*

#### **Background**

The Code has been a robust tool to advise Council on the conduct of its meetings. The draft Code, that was on public exhibition during the month of June, is a thorough revision and update of the original code introduced with the then new Local Government Act in 1993. It must be stated that there is no obligation, neither statutory nor regulatory, for Council to extend the privilege of addressing the Council to members of the public. It is entirely at the discretion of Council that it adopts this as a Policy.

The draft Code included as an attachment to tonight's business paper, includes a comprehensive restatement of the means by which members of the public may be granted permission to address the Council.

The draft Code suggests that the granting of permission to address the Council is to be based on the proposition that Council should expect to be given notice of any business to be transacted at any Council Meeting. The Act and the Meeting Regulations state that a minimum of 3 days notice of the business to be transacted at a Council Meeting must be given to Councillors. The draft Code picks up on this and details a process whereby Council is to be given advance notice of all matters to be transacted at its meetings.

#### **Current Situation**

The draft Code was exhibited for the required 28 days and notice given that submissions would be accepted for a period of 42 days about the contents of the draft Code.

Notices were placed in all the local papers for three consecutive weeks and copies of the code made available at each office of the Council as well as being placed on Council's Web site. Several copies of the Code were sent to people who made such a request.

As at the date of writing this report, no submissions had been received from any persons about the Draft Code. It can be concluded that there is no objection to the proposals that Council has incorporated into the revised Code.

**RECOMMENDATION**

That the draft Code of Meeting Practice, as exhibited, be approved and implemented.



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## Council's Operating Environment

### 15 Penrith Whitewater Stadium Loan Repayments

2988/3 Pt 3

Compiled by: Vicki O'Kelly, Senior Financial Accountant

Authorised by: Barry Husking, Chief Financial Officer

**Management Plan 4 Year Outcome (Page 112):** *Maintain a sound financial position and liquidity.*

**02/03 Critical Action:** *Ensure the timely provision of financial advice and information to support Council's decision making processes.*

#### Purpose:

*This report is to advise Council that the repayments for the Loan Agreement between Penrith Whitewater Stadium Ltd. and Penrith City Council will commence 24 December 2002.*

#### Background

The Olympic Co-ordination Authority constructed the Whitewater canoe slalom course within the Penrith Lakes Scheme following submissions by the International Canoe Federation and Penrith City Council. A public company limited by guarantee, Penrith Whitewater Stadium Ltd. (PWS), was established to manage the facility. The management of the facility is now under full control of PWS following the Olympic operations. PWS is a unique operation combining an exciting recreational venue with the provision of low cost world class training facilities for elite athletes.

The construction costs of \$6.5M were funded by OCA (\$3.5M), International Canoe Federation (\$1.5M) and Penrith City Council (\$1.5M). The total Whitewater Stadium Project included works and costs beyond that of the OCA project. These additional costs were funded by a combination of an internal loan from Council, a grant from OCA and a subsidy from Council.

The Loan Agreement between Penrith Whitewater Stadium Ltd. and Penrith City Council covering both an estimated internal loan of \$954,472 and the external loan of \$1.5 million was signed 24 February 2000. The agreement allows for bi-annual repayments of the internal component of the loan to Council payable 24 June and 24 December each year commencing 24 December 2002 and up to and including 24 June 2008. The amount of the instalments is calculated with reference to an interest rate linked to the Sydney published bank bill 5 year swap rate as at 24 June 2002. This interest rate is 5.11%

Interest only bi-annual payments on the external loan of \$1,500,000 also commence on 24 December 2002 until 24 June 2008. There is provision for principal repayments to commence during this period depending on Penrith Whitewater Stadium's financial capacity. At 24 June 2008 the loan will be refinanced for the remaining principal amount as a principal and interest loan with a recognised financial institution repayable over a term of up to ten years.

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**Current Situation**

Total project and start up costs, including interest incurred on borrowings to date amounts to \$7,566,886. Expenditure and funding is summarised as follows:

**Expenditure**

Construction costs of main facility		\$6,500,000
Additional works and startup costs		693,589
Interest incurred on loan borrowings		<u>373,297</u>
	<b><u>Total Expenditure</u></b>	<b><u>\$7,566,886</u></b>

**Funding**

Olympic Co-ordination Authority		
Main Facility	\$3,500,000	
Additional Works	<u>98,316</u>	\$3,598,316
International Canoe Federation		\$1,500,000
Penrith City Council loan borrowings to be repaid by PWS Ltd.		
External Borrowings	\$1,500,000	
Internal Borrowings (including capitalised interest)	<u>768,570</u>	2,268,570
Penrith City Council subsidy		<u>200,000</u>
	<b><u>Total Funding</u></b>	<b><u>\$7,566,886</u></b>

The estimated internal loan amount of \$954,472 was not fully utilised in the completion of the Whitewater facility. The final internal loan amount used was \$768,570 as per the table above after the transfer of the remaining \$7,513 of the \$200,000 Council subsidy which is currently held in reserve. The internal loan will be increased for the planned expenditure for further stadium improvements in 2002/03 of \$261,829, revoted to 2002/03 at the March 2002 Quarterly review, when this amount is utilised. A revised loan repayment schedule will then be prepared when these amounts are expended.

The Whitewater Stadium's net profit for the year ending 30 June 2001 (after only eight months trading) was \$195,791 after allowing for \$124,348 of increased loan liability owed to Council. Repayment of the internal loan and interest only payments on the external loan will total \$243,501 annually.

A letter will be sent to the General Manager of Penrith Whitewater Stadium Ltd. outlining the above arrangements.

**RECOMMENDATION**

That:

- 1 the repayment arrangements for the external loan of \$1,500,000 and the internal loan of \$768,570, owed to Council by Penrith Whitewater Stadium Ltd. be noted.
- 2 the proposed extensions to the internal loan facility, to accommodate additional stadium improvement works totaling \$261,829 be noted.



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**Council's Operating Environment**

**16 Summary of Investments & Banking - 29 May to 30 June 2002**

**6021/4**

**Compiled by: Peter Lennon, Expenditure Accountant**

**Authorised by: Barry Husking, Chief Financial Officer**

<p><b>Management Plan 4 Year Outcome:</b> <i>Maintain a sound financial position and liquidity.</i> <b>02/03 Critical Action:</b> <i>Ensure the timely provision of financial advice and information to support Council's decision making processes.</i></p>
--

**Purpose:**

*This report contains a summary of investments for the period 29 May 2002 to 30 June 2002, and a Statement of General fund balances at 30 June 2002.*

**CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER**

I hereby certify the following:

1. All investments have been made in accordance with Section 625 of the Local Government Act, and the relevant regulations.
2. Council's Cash Book and Bank Statements have been reconciled as at 30 June 2002.



**Barry Husking**  
*Responsible Accounting Officer*

**RECOMMENDATION**

That:

1. the Certificate of the Responsible Accounting Officer, Statement of General Fund Bank Balances as at 30 June 2002 and the Summary of Investments for the period 29 May 2002 to 30 June 2002 be noted and accepted;
2. the graphical investment analysis as at 30 June 2002 be noted.



## Summary of Investments

### 29 May 2002 to 30 June 2002

	Term	Balance as at 28-May-02 \$	Investments for this period \$	Withdrawals/ Maturities for period \$	Balance as at 30-Jun-02 \$
IMB	Call	1,200,000		1,200,000	1,100,000
LGFS	Call	1,250,000	1,500,000	2,750,000	1,450,000
St George	Call	0	0	0	0
Westpac	Call	200,000	0	200,000	200,000
CBA	Call	0	0	0	0
Suncorp Metway	Call	0	0	0	0
Citibank	Call	0	0	0	0
Bank West	Fixed	8,400,000	8,000,000	16,400,000	9,000,000
ANZ	Fixed	1,000,000	3,500,000	4,500,000	4,500,000
CBA	Fixed	6,345,965	1,000,000	7,345,965	6,345,965
Citibank	Fixed	10,400,000	4,500,000	14,900,000	12,400,000
Colonial State	Fixed	0	0	0	0
IMB	Fixed	8,000,000	2,500,000	10,500,000	9,000,000
Greater Bld Society	Fixed	0	0	0	0
LGFS	Fixed	9,000,000	3,500,000	12,500,000	10,500,000
NAB	Fixed	0	0	0	0
St George	Fixed	0	0	0	0
Suncorp Metway	Fixed	0	0	0	0
Westpac	Fixed	988,712	0	988,712	0
<b>TOTAL</b>		<b>46,784,677</b>	<b>24,500,000</b>	<b>71,284,677</b>	<b>16,788,712</b>
		262,434		Add: General Fund Bank Balance	50,685
		<b>47,047,111</b>			<b>54,546,650</b>

Period Ending 28-May-02 \$47,047,111	<b>Reconciliation of Invested Funds</b>	* Period Ending 30-Jun-02 \$54,546,650
	Invested Funds Held as at 30 June 2002	\$54,546,650
	Represented by:	
	<b>Externally Restricted Assets</b>	
16,480,907	Section 94 Developer Contributions	15,188,350
1,348,207	Restricted Contributions for Works	1,406,117
<u>2,797,275</u>	Unexpended Grants	<u>7,714,115</u>
20,626,389		24,308,582
	<b>Internally Restricted Assets for funding of operations:</b>	
50,599	Unexpended Loan Funds	80,243
1,645,894	Sinking Funds	1,645,894
18,532,831	Internal Reserves	19,614,836
<u>1,596,646</u>	Security Bonds and Deposits	<u>1,269,883</u>
21,825,970		22,610,856
0	Restricted Assets Utilised in Operations	0
<u>4,594,752</u>	Unrestricted Invested Funds	<u>7,627,212</u>
<b><u>\$47,047,111</u></b>	<b>Invested Funds held as at 30 June 2002</b>	<b><u>\$54,546,650</u></b>

\* The purpose and their values for which invested funds are held as at 30 June 2002 are being determined in conjunction with the completion of the 2001/02 Annual Financial Statements. The figures provided are subject to change following completion of the year end reconciliation process.

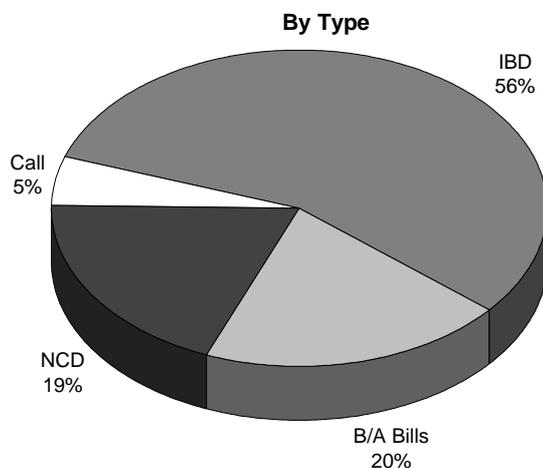
## Statement of General Fund Bank Balances as at 30 June 2002

Cash account balances as at 28 May 2002		(\$823,371.55)
Receipts for period ended 30 June 2002		<u>\$29,586,055.12</u>
		\$28,762,683.57
Payments for Period Ended 30 June 2002		<u>(\$30,055,716.21)</u>
Cash account balances as at 30 June 2002		(\$1,293,032.64)
<b>General Fund Operating Bank Account Balance as at 30 June 2002</b>		\$50,685.00
Limits of overdraft arranged with Bank	\$600,000.00	GENERAL
Limits of overdraft authorised by Auditors Cert.	\$40,249,000.00	GENERAL

### INVESTING GUIDELINES (FROM COUNCIL'S INVESTMENT POLICY 26 MAY 1995 as amended 8 May 2000)

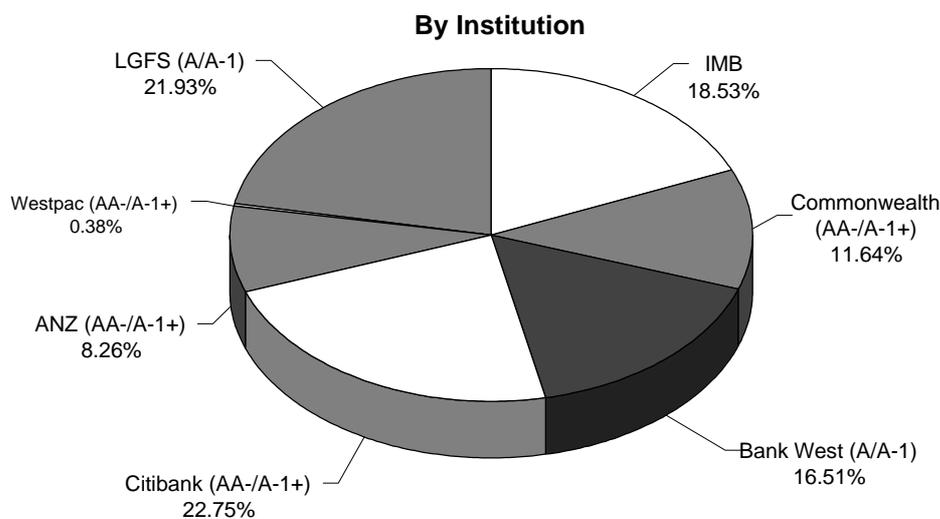
- Minimum acceptable S & P Australian ratings are A (long term) and A-1 (short term) - not more than 20% of Council's portfolio permitted at these ratings. Building Societies are not rated by S & P. Appendix D of Council's Investment Policy specifies conditions to be met.
- Short term ratings < 1 year. Long term ratings > 1 year.
- Term of investments may not exceed three years.
- Investments exceeding one year's duration must be limited to 20% of the average total portfolio.
- The average weighted days to maturity of Council's investment portfolio **must not exceed 548 days**.
- No institution will hold more than 25% of Council's total investments when the investment was first made.

## Investment Portfolio as at 30 June 2002



- NCD      Negotiable Certificates of Deposit
- Call      Overnight Funds
- B/A Bills      Bank Accepted Bills
- IBD      Interest Bearing Deposits

Ratings Hierarchy in Descending Order
<u>Long Term</u>
AAA
AA+
AA
AA-
A+
A
A-
<u>Short Term</u>
A-1+
A-1
A-2



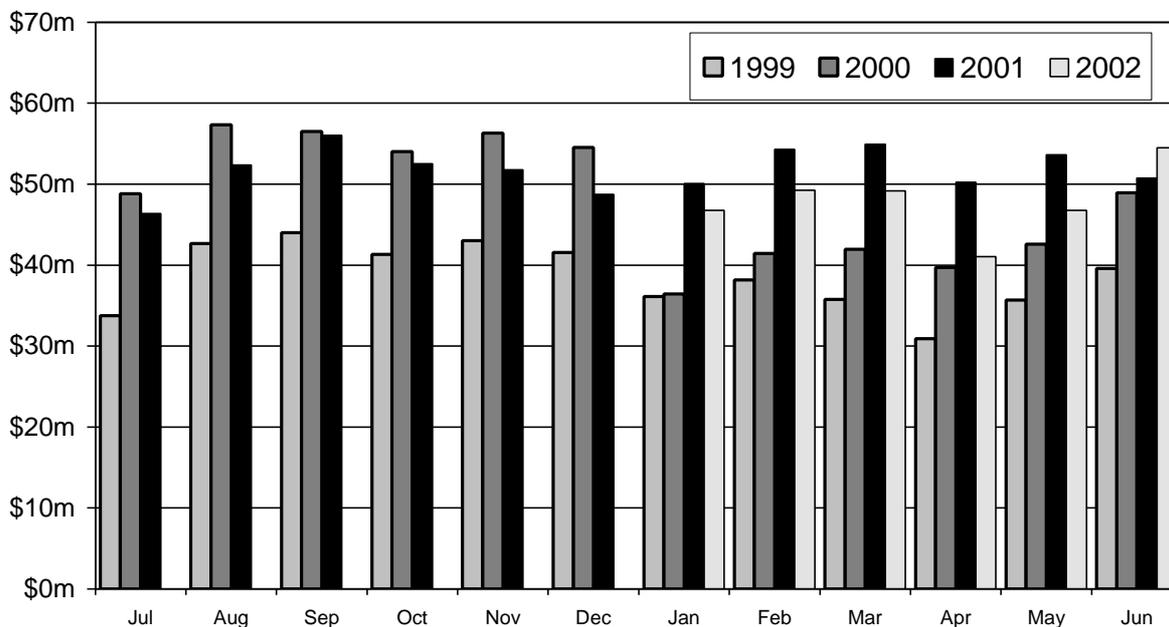
- LGFS      Local Government Financial Services
- IMB      Illawarra Mutual Building Society

Note:

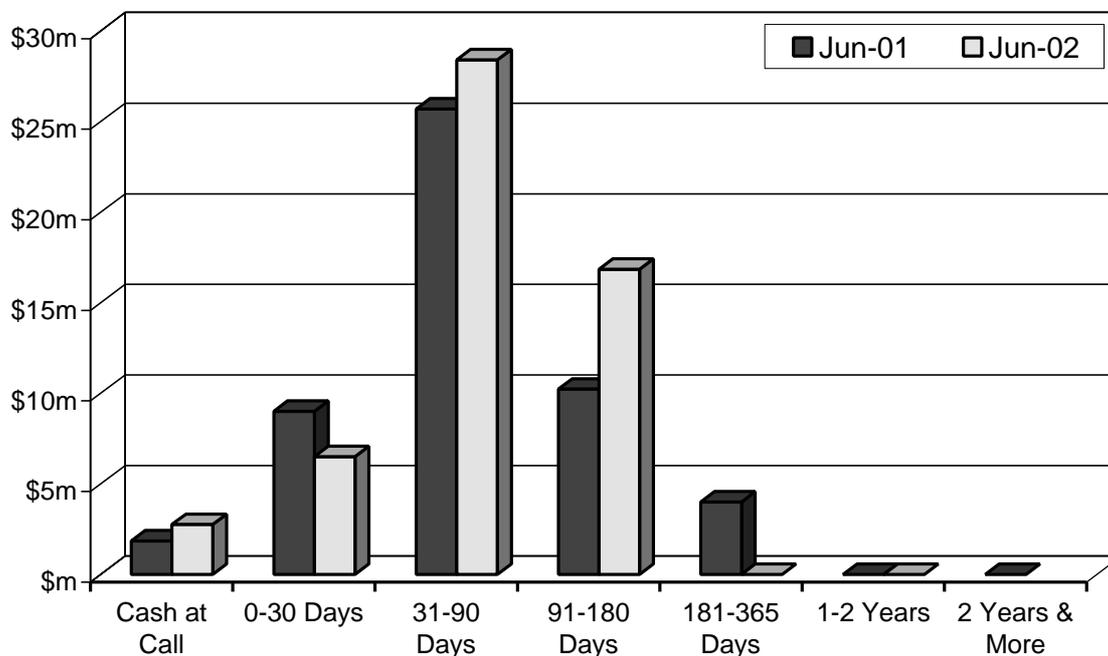
While technically outside Council's Investment Policy in respect of the Rating A (Long Term) and A-1 (short Term), it has been the practice to treat the LGFS (owned equally by the Local Government Association and the Shire's Association of NSW) outside the rating consideration.

## Investments as at 30 June 2002

### Total Investment Portfolio



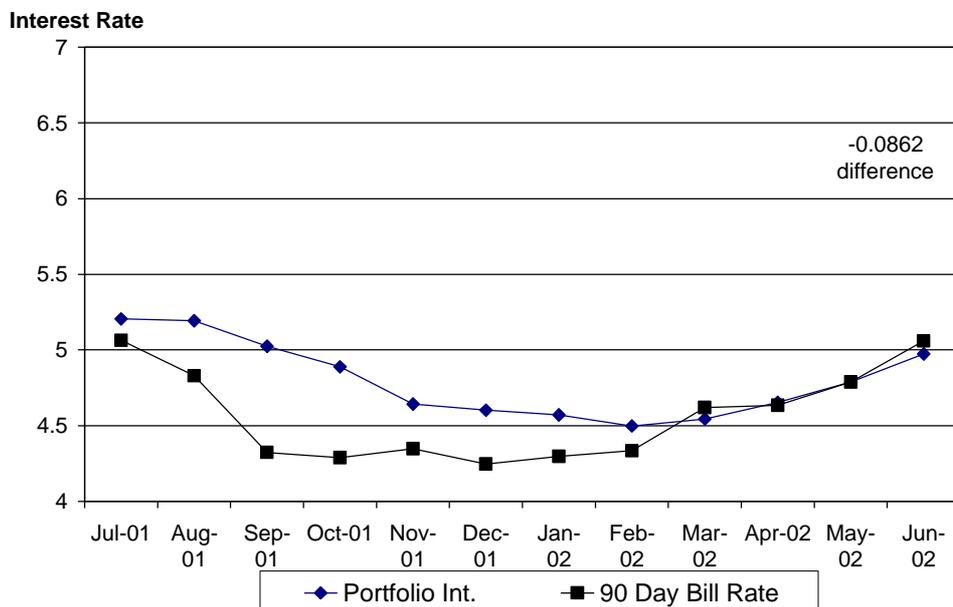
### Spread of Investment Maturities



Note: Term investments exceeding one year's duration as a percentage of average portfolio for the preceding twelve months = 0%.

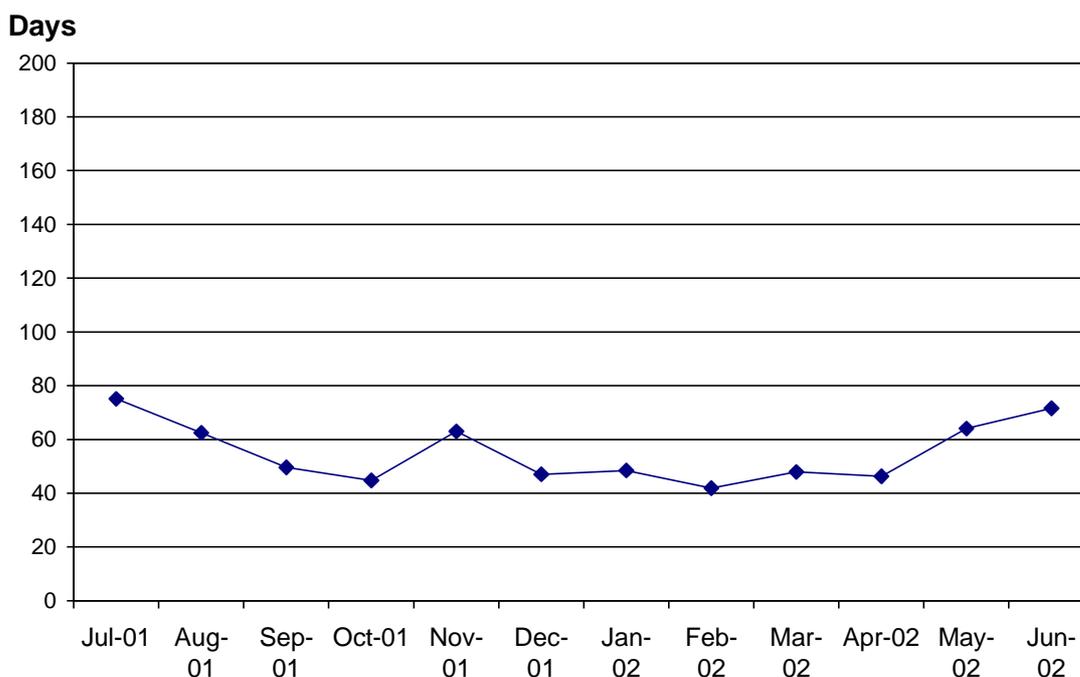
## Weighted Average Interest Rate

(Comparison of PCC's Portfolio Interest Rate to WBC 90 Day Bank Bill Rate)



The WBC 90 Day Bank Bill Rate previously based on the rate at the end of the reporting period is now based on the average bill rate for the month. This will reflect a more relevant comparison of the weighted average interest rates.

## Weighted Average Term to Maturity



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## Council's Operating Environment

17      **Proposed Sale of Lot 1, D.P. 1013818, Richmond Park Estate,  
Cherrybrook Chase, Londonderry** **769449**

**Compiled by:**                      **Bob Anderson, Property Valuation Officer**

**Authorised by:**                    **Brian Griffiths, Property Development Manager**

**Management Plan 4 Year Outcome (Page 113):** *Maintain a sound financial position and liquidity.*  
**02/03 Critical Action:** *Implement a property development strategy to support Council's economic, social and environmental objectives.*

### **Purpose:**

*The purpose of this report is to obtain Council's concurrence for the sale by Public Auction of Lot 1, Cherrybrook Chase, Londonderry.*

### **Background**

The Richmond Park Estate off Londonderry Road was a twenty-eight (28) Lot rural residential subdivision developed by Council during 1999.

Twenty-seven (27) of the Lots were offered by Public Auction on 25<sup>th</sup> March, 2000 resulting in thirteen (13) Lots being sold on the day, several exchanged with the highest bidder after being passed in and all the remaining Lots have now been sold.

Lot 1 Cherrybrook Chase was withheld from the Auction due to the existence of a narrow strip of privately owned land along the road boundary. Access to the land was restricted hence the delay in selling this Lot. Council subsequently resolved to resume this strip of land and dedicate it as part of the road reserve. This resumption and dedication has now been completed and there is now no impediment to the sale of Lot 1.

### **Current Situation**

Lot 1, in D.P. 1018818, Cherrybrook Chase is a 1.922 hectare parcel adjacent to Londonderry Road at the entrance to the Richmond Park Estate and backing onto Rickabys Creek, as shown on the attached plan.

Sale by Public Auction is considered the most appropriate method of offering this land for sale to the public. It is proposed to auction the property near the end of September after allowing an advertising period of some five (5) to seven (7) weeks.

A further report will be presented to Council prior to auction in determining the reserve price.

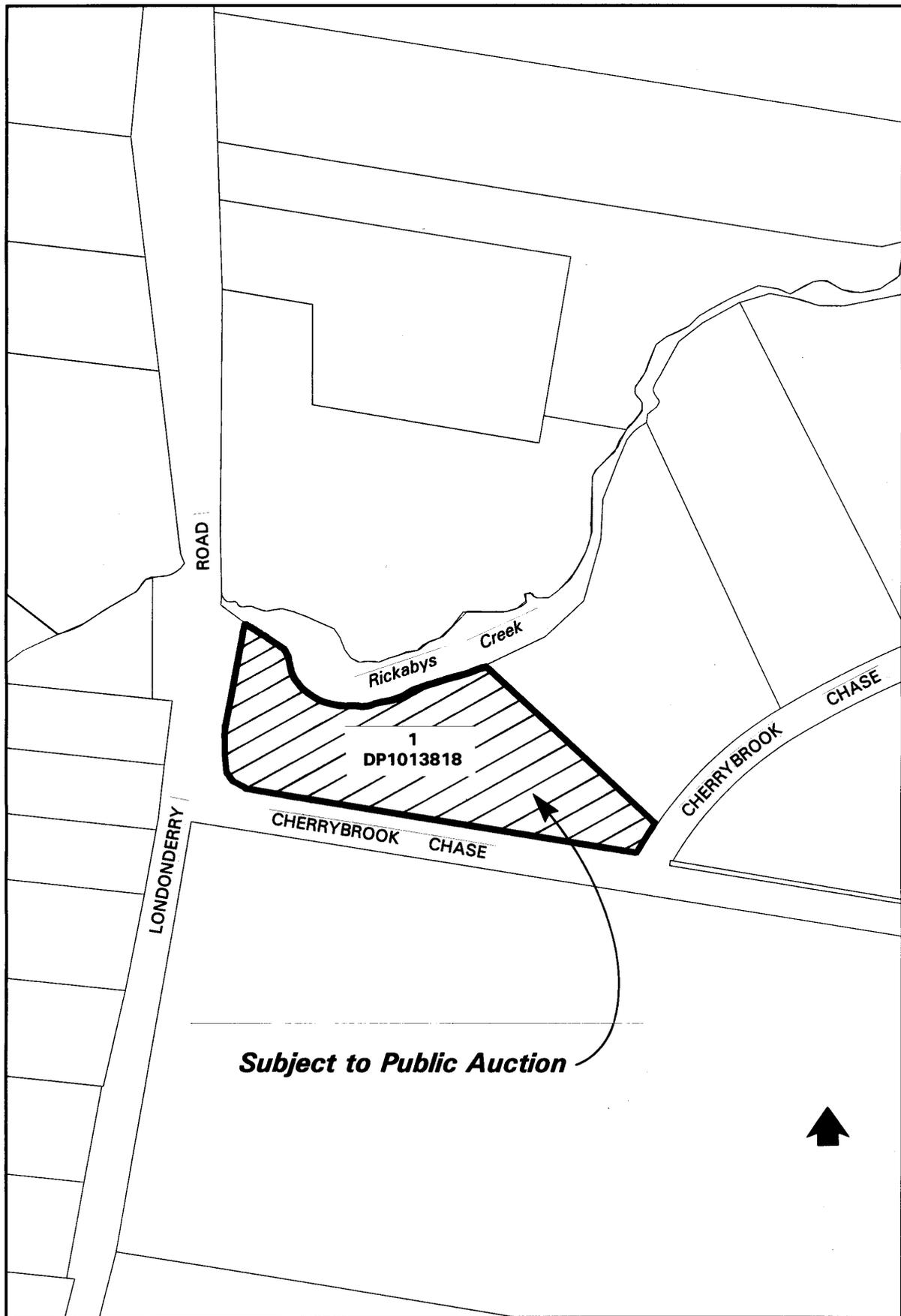
### **RECOMMENDATION**

That:

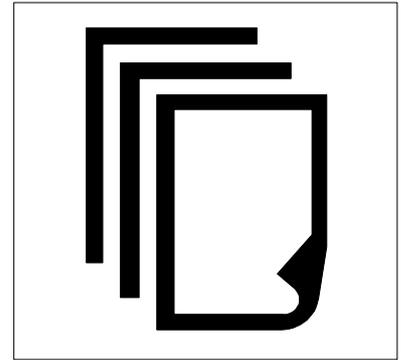
1. Lot 1, D.P. 1013818, Cherrybrook Chase, Londonderry be advertised and offered for sale by Public Auction.

2. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.





# ATTACHMENT



**Date of Meeting:** 15 July 2002

**Master Programme:** The City Supported by Infrastructure

**Programme:** Asset Management

**Report Title:** RTA GRANTS - 2002/2003

## The City Supported by Infrastructure

### 9 RTA Block Grant - Traffic Facilities Component

6041/7

**Compiled by:** David Burns, Asset Manager

**Authorised by:** Ray Moore, Director City Operations

**Management Plan 4 Year Outcome (Page 122):** *A register of all significant assets, their condition and standards determined and a plan for their maintenance is operating.*

**01/02 Critical Action:** *Prepare and implement a prioritised asset management plan.*

#### **Purpose:**

*The purpose of this report is to advise Council of the current situation and information received from the RTA concerning the Block Grant - Traffic Facilities Component.*

#### **Background**

Council was advised at its Ordinary Meeting on 3 September 2001, that the RTA has been negotiating with Councils, with the aim of Councils taking over the maintenance of existing, and the installation of new regulatory signs and markings. Currently this work is carried out by the RTA on behalf of Penrith City Council. It is considered that it is Council's responsibility to inspect the local and regional road system and report problems to the RTA. It is the RTA's responsibility to ensure that traffic facilities are adequate as it is the RTA that provides the funding for regulatory signs and markings.

The RTA allocation to Penrith City Council for regulatory signs and markings for 2000/2001 was \$151,000. This amount was held by the RTA and used to fund Council requests for regulatory signs and markings. The reasons that this grant was not accepted by this Council (and many other Councils), was that it is totally inadequate to maintain the current network of regulatory signs and marking and install new items as recommended by the Local Traffic Committee.

In their aim to get Councils to accept this responsibility, a formula was jointly developed by the RTA and councils to more accurately reflect the actual costs. Using this formula, and the inventory data available last year, the annual grant required by Penrith City Council was \$394,000.

However, the RTA in its 2001/2002 Block Grant for Traffic Facilities offered only 80% of this amount, \$312,000. This was explained as a result of RTA funding constraints.

At this time, Councils were also requested by the RTA to carry out an audit of all regulatory signs and markings and submit them to the RTA by October 2001. These audit figures were then to be used to calculate the 2002/2003 Block Grants. The audit

was to exclude signs and markings associated with the 50 kph speed zones. This will need to be confirmed in writing by the RTA.

Council at its meeting on 3 September 2001, resolved that:

“ The Block Grant – Traffic Facilities Component in the amount of \$312,000 be declined and subject to a further report once further details are received from the RTA concerning the transfer of responsibilities for Regulatory Signs and Markings.”

### **Current Situation**

As Penrith City Council did not accept the \$312,000 offered in 2001/2002, Council was allocated the same grant of \$151,000 as in 2000/2001. The balance of the funds, \$161,000 was placed in a “pool” and made available to the 41 Greater Sydney Councils on a priority basis, as determined by a set of Business Rules developed by the RTA.

Penrith City Council has already spent the \$151,000 allocated this year by the RTA. Requests are still being submitted to the RTA, but as to whether the work is done, will be determined by the RTA using its Business Rules.

Twenty six of the forty one Greater Sydney Councils have to date accepted the Traffic Facilities Component of the Block Grant. I still cannot recommend the acceptance, as the amount on offer is still inadequate.

As requested by the RTA, an audit of all regulatory signs and markings was undertaken. Using these audit figures and the agreed formula the estimated cost to re-linemark and replace regulatory signage within the Penrith LGA is approximately \$452,000. This includes linemarking associated with Council’s resealing, resheeting, reconstruction and Roads to Recovery Programs. If deductions are made for these programs, i.e. the cost of re-linemarking is a charge against these programs, the estimated annual cost is approximately \$370,000. Additional to this amount would be a need to allow for new works of say approximately \$50,000. Hence the annual amount required by Penrith City Council is \$420,000. It is my recommendation that no transfer of responsibility for regulatory signs and markings from the RTA is accepted, until the RTA guarantees payment to Council of this amount. In addition there would need to be a guarantee to pay the growth component included in the agreed formula. This is especially important for councils, such as Penrith City Council, which are subject to growth.

Since the previous report to Council in September there has been very little written correspondence received from the RTA concerning the Block Grant – Traffic Facilities for 2002/2003. Correspondence has been limited to the audit and Business Rules.

However at its Western Consultative Committee Meeting on the 8 march 2002 the following advice subsequently confirmed by the RTA in its minutes of the meeting, was received.

- *When Councils that have not accepted the Block Grant have expended their allocation, they will be eligible to apply for additional funding from the “Pool”. Requests for additional funding are subject to the condition that they must be submitted in accordance with the Business Rules. (This is the situation that Penrith City Council is in for 2001/2002).*

- *The RTA is currently finalising how the Business Rules will be managed.*
- *Next financial year all submissions from Councils that do not take the Traffic Facilities Component of the Block Grant will be subject to the Business Rules from day One i.e. 1 July 2002.*

The Minutes have also indicated that the current Block Grants for 2001/2002 will remain the same for 2002/2003.

The Major issues for Councils who do not accept the Block Grant from the above comments are that it is expected that they:

1. Operate under a set of Business Rules developed by the RTA, however the RTA is yet to determine how the Business Rules will be managed.
2. All requests for regulatory signs and markings, whether replacement or new, will be subject to the Business Rules i.e. even the grant of \$151,000 specific to Penrith City Council will be put into the "Pool" and subject to the Business Rules. It is possible that some of this grant could be lost to Penrith and allocated to other Councils.
3. The Block Grant allocated to Councils in 2001/2002 was based on 80% of the amount calculated using the agreed formula. The grant to be advised for 2002/2003 will now also be 80% i.e. the RTA has not or will not increase the amount to 100%.

The RTA (and its predecessor the DMR) has been responsible for the maintenance and installation of regulatory signs and markings for an extended period of time. It is now obvious that they wish to transfer this responsibility to Local Councils. As stated above 26 of the 41 Councils in Greater Sydney have accepted the Block Grant and hence the responsibility. However, Penrith City Council should not accept this responsibility until the funding offered is adequate to maintain the existing network of and installation of new regulatory signs and markings.

As stated earlier it is considered that it is Council's responsibility to inspect the local and regional road system and report problems to the RTA. It is the RTA's responsibility to ensure that traffic facilities are adequate as it is the RTA that provides the funding for regulatory signs and markings. The RTA takes the view that it is acting as a contractor for the Council (an unusual view as it is also the funding provider).

Following the Western Consultative Committee the following statement was prepared and forwarded to the RTA Legal Branch for comment. No reply has been advised to date.

*"Several Sydney Councils have raised the issue of who is responsible for installing and maintaining Lines and Signs on Local & Regional Roads in Sydney. Several Councils are of the opinion that it is Council's responsibility to inspect the Local and Regional roads in their LGA and report any problems to the RTA. However they contend that it is the RTA's responsibility to make sure those facilities are up to scratch because that is where the funding comes from. If the money runs out then that is the RTA's problem.*

*Many Councils keep a record of work submitted to the RTA and note whether or not the work has been completed. If it goes to court these Councils will contend that they notified the RTA that it needed to be done and that it was the RTA's responsibility to undertake the work as the RTA has the resources and the funds to do the work.*

*These Councils further contend that they have the responsibility to inspect and identify facilities that need upgrading or maintaining but the real issue is who is responsible if an accident occurs because that work was not done. The Councils contend that if a request has been put through to the RTA and for whatever reason such as time, resources or funding the work doesn't get done then that is the RTA's problem because the Council has identified the work to be done.*

*Many Councils do not accept the point that the RTA is acting as a contractor for the Council. They say that the RTA is doing the work for the RTA as they have the responsibility for maintaining the traffic facilities."*

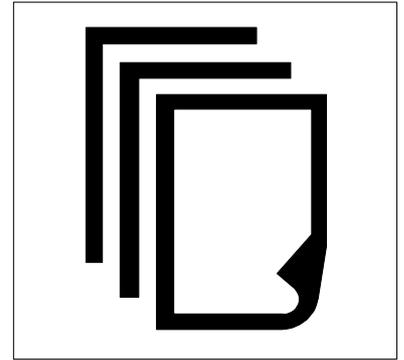
## **Conclusion**

Given the proposal by the RTA for the management of the Block Grant – Traffic Facilities for 2002/2003 and the effect on Penrith City Council and other Councils who have not accepted the grant and hence responsibility, it is recommended that the Members for Penrith, Londonderry, Mulgoa and Camden be requested to make representations to the Minister for Roads and Minister for Transport, the Hon. Carl Scully, to ensure that Councils are guaranteed the allocation of 100% of the amount as calculated using the agreed formula and inventory for Regulatory Signs and Markings (excluding 50 kph signage) for 2002/2003, including an amount for future growth.

## **RECOMMENDATION**

That the Members for Penrith, Londonderry, Mulgoa and Camden be requested to make representations to the Minister for Roads and Minister for Transport the Hon. Carl Scully, requesting that councils be guaranteed the allocation equal to 100% of the amount calculated using the agreed formula and inventory for Regulatory Signs and Markings (excluding 50 kph signage) and an amount for future growth, prior to any changes occurring to the current procedures for the maintenance and installation of regulatory signs and markings.

# ATTACHMENT



**Date of Meeting:** 15 July 2002

**Master Programme:** Council's Operating Environment

**Programme:** Management of the Organisation

**Report Title:** REVIEW OF COUNCIL'S CODE OF MEETING PRACTICE



# PENRITH CITY COUNCIL

## CODE OF MEETING PRACTICE

The Code of Meeting Practice sets out the manner in which meetings of the Council and Committees of Council are to be convened and conducted.

The Code incorporates the requirements of the Local Government Act, 1993 (as amended) and the Local Government (Meetings) Regulation, 1999 with respect to meetings. Changes, which are made to the Act or Regulation, will automatically be incorporated into this Code and such changes will not be advertised.

This Code has been structured to assist the reader to easily understand what is required in the conduct of meetings and can, if required, be used as a reference document for committees and forums associated with Council.

Where sections of the Act and Regulation make reference to other parts of the Act or Regulation the relevant clause in the Code has been substituted a bold italic type has been used.

The other sections of the Code, which have been formulated to meet the conditions which are considered appropriate for Penrith City Council, have been shaded and appear in a bold italic type in the Code. Should the Council wish to amend these sections of the Code it will need to be advertised in accordance with the requirements of the Act and public comment sought.

This Code will come into effect after consideration by Council, of comments from the public exhibition process in response to the exhibited draft. The date of adoption of the Code by the Council, will be the effective date from which the Code will come into effect.

Pages in the Code will be dated so that any changes to the Code either by way of legislative amendment or amendment by the Council can be easily identified.

The formal review date for this Code is 30 June 2003, however the Council may decide to review and adopt an amended Code prior to that date to meet changing circumstances as they arise.

Any review will be carried out in accordance with the then prevailing provisions of the Local Government Act and Regulations.

**Adopted: Ordinary Meeting.....**

**File No: 21/5**

**Review Date: 30 June 2003.**

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## 1.0 COUNCIL MEETINGS

### 1.1 HOW OFTEN DOES THE COUNCIL MEET?

- (1) The Council is required to meet at least 10 times each year, each time in a different month.  
*[Section 365]*
- (2) The Council will determine its meeting times, dates and locations to suit prevailing conditions and will advertise these details as required under its Code of Meeting Practice.  
*[Council Policy]*

### 1.2 CALLING OF EXTRAORDINARY MEETINGS

- (1) If the Mayor receives a request in writing signed by at least 2 Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event within 14 days after receipt of the request.  
*[Section 366]*
- (2) The Mayor, in consultation with the General Manager, may call an extraordinary meeting to complete Council business or deal with any item of urgency.
- (3) The Council may resolve to hold extraordinary meetings as and when required.
- (4) Any request submitted in accordance with this clause must clearly nominate the business to be transacted at the meeting.  
*[Council Policy]*

### 1.3 MINISTER TO CONVENE MEETINGS IN CERTAIN CASES

- (1) Whenever an area is constituted or reconstituted, the Minister is required:
  - (a) to convene the first meeting of the Council of the area; and
  - (b) to nominate the business to be transacted at the meeting; and
  - (c) to give the Councillors notice of the meeting.
- (2) If there is no quorum at that meeting, the Minister may convene meetings in the same manner until a quorum is present.
- (3) The Council must transact the business nominated by the Minister for a meeting convened under this clause.  
*[Clause 7 of Meetings Regulation]*



## 1.4 NOTICE OF MEETINGS

- (1) The General Manager of a Council must send to each Councillor, at least 3 days before each meeting of the Council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.
- (2) Notice of less than 3 days may be given of an extraordinary meeting called in an emergency.
- (3) A notice under this section and the agenda for, and the business papers relating to the meeting may be given to a Councillor in electronic form but only if all Councillors have facilities to access the notice, agenda and business paper in that form.

*[Section 367]*

- (4) The notice period for ordinary and extraordinary meetings of the Council is to be 3 clear days, subject to subclause 2 above.

*[Council Policy]*

## 1.5 WHAT IS THE QUORUM FOR A MEETING?

The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office.

*[Section 368]*

## 1.6 WHAT HAPPENS WHEN A QUORUM IS NOT PRESENT?

- (1) A meeting of a Council must be adjourned if a quorum is not present:
  - (a) within half an hour after the time designated for the holding of the meeting; or
  - (b) at any time during the meeting.
- (2) In either case, the meeting must be adjourned to a time, date and place fixed:
  - (a) by the chairperson; or
  - (b) in his or her absence - by the majority of the Councillors present; or
  - (c) failing that, by the General Manager.
- (3) The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

*[Clause 6 of Meetings Regulation]*



## 1.7 WHO PRESIDES AT MEETINGS OF THE COUNCIL?

- (1) The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the Council.
- (2) If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

*[Section 369]*
- (3) If the Mayor declares an interest, other than a pecuniary interest, in any matter being dealt with at a meeting, the Mayor will vacate the chair immediately prior to that item being considered and the Deputy Mayor will chair the meeting for the consideration of that item.
- (4) If both the Mayor and Deputy Mayor declare an interest, other than a pecuniary interest, in any matter being dealt with at a meeting, the Mayor will vacate the chair immediately prior to that item being considered and a chairperson will be elected to chair the meeting for the consideration of the item in accordance with clause 1.8 of this Code.

*[Section 451 and Council Policy]*
- (5) *In cases where, in (3) and (4) above, the interest being declared is a pecuniary interest, the provisions of Section 12.1 of this code shall apply*

*[Section 451 and Council Policy]*

## 1.8 COUNCILLOR TO BE ELECTED TO PRESIDE AT CERTAIN MEETINGS

- (1) If no chairperson is present at a meeting of a Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

Note: Section 369 (2) of the Act provides for a Councillor to be elected to chair a meeting of a Council when the Mayor and Deputy Mayor are absent. See clause 1.7(2) of this Code.

- (2) The election must be conducted:
  - (a) by the General Manager or, in his or her absence, an employee of the Council designated by the General Manager to conduct the election; or
  - (b) if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.
- (3) If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- (4) For the purposes of subclause (3), the person conducting the election must:
  - (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
  - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.



- (5) The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

*[Clause 9 of Meetings Regulation]*

### **1.9 CHAIRPERSON TO HAVE PRECEDENCE**

When the chairperson rises during a meeting of a Council:

- (a) any Councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat; and
- (b) every Councillor present must be silent to enable the chairperson to be heard without interruption.

*[Clause 10 of Meetings Regulation]*

### **1.10 PRESENCE (OF COUNCILLORS) AT COUNCIL MEETINGS**

A Councillor cannot participate in a meeting of a Council unless personally present at the meeting.

*[Clause 8 of Meetings Regulation]*





## 2.0 BUSINESS

### 2.1 ORDER OF BUSINESS

- (1) At a meeting of a Council (other than an extraordinary meeting), the general order of business is (except as provided by the Regulation) as fixed by the Council's code of meeting practice or (if the Council does not have a code of meeting practice or its code of meeting practice does not fix the general order of business) as fixed by resolution of the Council.
- (2) The order of business fixed under subclause (1) may be altered if a motion to that effect is carried. Such a motion can be moved without notice.
- (3) Despite *clause 2.10 of this Code*, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.  
*[Clause 12 of Meetings Regulation]*
- (4) Notwithstanding subclause 1 above the order of business for meetings of the Council (including extraordinary meetings), in accordance with this Code, is to be:
  - Ordinary Meetings to commence with the National Anthem and a Prayer
  - Apologies
  - Leave of Absence
  - Confirmation of Minutes
  - Declarations of Interest
  - Addressing Council
  - Mayoral Minutes
  - Notice of Motion to Rescind a Resolution
  - Notice of Motion
  - Master Program Reports
  - Reports from Council Officers
  - Urgent Reports (to be dealt with in the Master Program to which the item relates.)
  - Questions Without Notice
  - Committee of the Whole



### **2.2 OFFICIAL MINUTES (*MAYORAL MINUTES*)**

- (1) If the Mayor is the chairperson at a meeting of a Council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.
- (2) Such a minute, when put to the meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.
- (3) A recommendation made in a minute of the chairperson (being the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.

*[Clause 16 of Meetings Regulation]*

### **2.3 REPORTS OF COMMITTEES**

- (1) If in a report of a committee of the Council distinct recommendations are made; the decision of the Council may be made separately on each recommendation.
- (2) The recommendations of a committee of the Council are, so far as adopted by the Council, resolutions of the Council.
- (3) If a committee of a Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the chairperson must:
  - (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and
  - (b) report the resolution or recommendation to the next meeting of the Council.

*[Clause 42 of Meetings Regulation]*

- (4) Any report of a Committee of the whole or a committee of the Council, or any portion thereof, may be amended by the Council in any manner it may think fit, or may be referred back to the committee for further consideration.

*[Council Policy]*

### **2.4 REPORT OF A DEPARTMENTAL REPRESENTATIVE TO BE TABLED AT COUNCIL MEETING**

When a report of a Departmental representative has been presented to a meeting of a Council in accordance with section 433 of the Act, the Council must ensure that the report:

- (a) is laid on the table at that meeting; and
- (b) is subsequently available for the information of Councillors and members of the public at all reasonable times.

*[Clause 17 of Meetings Regulation]*



## 2.5 COMMITTEE OF COUNCIL

A Council may resolve itself into a committee to consider any matter before the Council.

*[Section 373]*

## 2.6 COMMITTEE OF THE WHOLE

- (1) All the provisions of the Regulation relating to meetings of a Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provision limiting the number and duration of speeches.
- (2) The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager is responsible for reporting to the Council proceedings in committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- (3) The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

*[Clause 32 of Meetings Regulation]*

## 2.7 BUSINESS PAPERS - COUNCIL MEETINGS

- (1) The General Manager must ensure that the agenda for a meeting of the Council states:
  - (a) all matters to be dealt with arising out of the proceedings of former meetings of the Council; and
  - (b) if the Mayor is the chairperson - any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting; and
  - (c) subject to sub-clause 2, any business of which due notice has been given.
- (2) The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.
- (3) The General Manager must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting.
- (4) The General Manager must ensure that the details of any item of business to which *clause 13.1(2) of this Code* applies are included in a business paper for the meeting.
- (5) Nothing in this clause limits the powers of the chairperson under *clause 2.2 of this Code*.

*[Clause 13 of Meetings Regulation]*



## 2.8 BUSINESS PAPERS - EXTRAORDINARY MEETINGS

- (1) The General Manager must ensure that the agenda for an extraordinary meeting of a Council deals only with the matters stated in the notice of the meeting.
- (2) Despite subclause (1), business may be transacted at an extraordinary meeting of a Council even though due notice of the business has not been given to the Councillors. However, this can only happen if:
  - (a) a motion is passed to have the business transacted at the meeting; and
  - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.

- (3) Despite *clause 2.10 of this Code*, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.  
*[Clause 15 of Meetings Regulation]*

## 2.9 GIVING NOTICE OF BUSINESS

- (1) A Council must not transact business at a meeting of the Council:
  - (a) unless a Councillor has given notice of the business in writing within such time before the meeting as is fixed by the Council's code of meeting practice or (if the Council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the Council, and
  - (b) unless notice of the business has been sent to the Councillors in accordance with *clause 1.4 of this Code*. (Section 367 of the Act)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
  - (a) is already before, or directly relates to a matter that is already before the Council; or
  - (b) is the election of a chairperson to preside at the meeting as provided by *clause 1.8(1) of this Code*; or
  - (c) is a matter or topic put to the meeting by the chairperson in accordance with *clause 2.2 of this code*; or
  - (d) is a motion for the adoption of recommendations of a committee of the Council.
- (3) Despite subclause (1), business may be transacted at a meeting of a Council even though due notice of the business has not been given to Councillors. However, this can happen only if:
  - (a) a motion is passed to have the business transacted at the meeting; and
  - (b) the business proposed to be brought forward is ruled by the chairperson to be of urgency.



Such a motion can be moved without notice.

- (4) Despite *clause 2.10 of this code*, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.  
*[Clause 14 of Meetings Regulation]*

## **2.10 LIMITATION AS TO NUMBER OF SPEECHES**

- (1) A Councillor who, during a debate at a meeting of a Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- (2) A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- (3) A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- (4) Despite subclauses (1) and (2), a Councillor may move that a motion or an amendment be now put:
- a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or
  - b) if at least 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.
- (5) The chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion.
- (6) If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (1).
- (7) If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or amendment to be resumed.

*[Clause 23 of Meetings Regulation]*

## **2.11 MODE OF ADDRESSING COUNCIL**

In accordance with the Council's commitment to the principles of equality, gender neutral terms should be used wherever possible.

- (1) A Councillor is, during ordinary and extraordinary meetings of the Council, to address and refer to other members by their official designations of Mr or Madam Mayor, Mr or Madam Deputy Mayor or Councillor.



- (2) Councillors, other than the Chairperson, are to rise in their place and stand while speaking during an ordinary or extraordinary meeting. This provision will not apply if the Councillor is prevented from standing by any disability.  
*[Council Policy]*





## 3.0 MOTIONS

### 3.1 NOTICE OF MOTION

- (1) Notices of motion, for ordinary and extraordinary meetings of the Council, are to be in writing and are to be delivered or posted to the General Manager in order to reach him/her by no later than 4.00 PM on the Tuesday preceding the meeting.
- (2) A Notice of motion must be signed by at least one Councillor.  
*[Council Policy]*

### 3.2 NOTICE OF MOTION - ABSENCE OF MOVER

In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of a Council:

- (a) any other Councillor may move the motion at the meeting; or
- (b) the chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.  
*[Clause 18 of Meetings Regulation]*

### 3.3 MOTIONS TO BE SECONDED

A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to *clauses 2.2(2) and 2.10(5) of this code.*  
*[Clause 19 of Meetings Regulation]*

### 3.4 AMENDMENTS

- (1) At the meeting a Councillor may move an amendment to any motion.
- (2) If an amendment is carried it becomes the motion.  
*[Council Policy]*

### 3.5 HOW SUBSEQUENT AMENDMENTS MAY BE MOVED

If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.  
*[Clause 20 of Meetings Regulation]*

### 3.6 FORESHADOWED AMENDMENTS

- (1) Notwithstanding Clause 3.5 of this Code a Councillor may, when a motion and an amendment have been moved, foreshadow an intention to move a further amendment before the amendment has been voted upon.
- (2) If the amendment is rejected the foreshadowed amendment may be moved and any intention to move a further foreshadowed amendment outlined and so on until the matter is decided.  
*[Council Policy]*



### 3.7 MOTIONS OF DISSENT

- (1) A Councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- (2) If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- (3) Despite *clause 2.10 of this Code*, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

*[Clause 21 of Meetings Regulation]*

### 3.8 CHAIRPERSON'S DUTY WITH RESPECT TO MOTIONS

- (1) It is the duty of the chairperson at a meeting of a Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- (2) The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- (3) Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.

*[Clause 11 of Meetings Regulation]*





### 4.0 VOTING

#### 4.1 VOTING AT COUNCIL MEETINGS

- (1) A Councillor who is present at a meeting of a Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

This subclause does not apply to a Councillor who does not vote because he or she has a pecuniary interest in the subject matter of the motion.

- (2) If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.
- (3) The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 Councillors rise and demand a division.
- (4) When a division on a motion is demanded, the chairperson must ensure that the division takes place immediately.

The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the Council's minutes.

- (5) Voting at a Council meeting, including voting in an election at such meeting, is to be by open means (such as on the voices or by show of hands). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

*[Clause 24 of Meetings Regulation]*

#### 4.2 WHAT ARE THE VOTING ENTITLEMENTS OF COUNCILLORS?

- (1) Each Councillor is entitled to one vote.
- (2) However, the person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

*[Section 370]*

*Note: Use of the casting vote is usually intended to retain the status quo.*





## 5.0 COUNCIL COMMITTEES

### 5.1 COUNCIL MAY ESTABLISH COMMITTEES

- (1) A Council may, by resolution, establish such committees as it considers necessary.
- (2) A committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.  
*[Clause 33(1) &(2) of Meetings Regulation]*

### 5.2 QUORUM FOR COMMITTEES

- (1) The quorum for a meeting of a committee is to be:
  - (a) such number of members as the Council decides, or
  - (b) if the Council has not decided a number - a majority of the members of the committee.  
*[Clause 33(3) of Meetings Regulation]*

### 5.3 FUNCTIONS OF COMMITTEES

A Council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.  
*[Clause 34 of Meetings Regulation]*

### 5.4 NOTICE OF COMMITTEE MEETINGS TO BE GIVEN

- (1) The General Manager of a Council must send to each Councillor, at least 3 days before each meeting of the committee, a notice specifying:
  - (a) the time and place at which and the date on which the meeting is to be held; and
  - (b) the business proposed to be transacted at the meeting.
- (2) However, notice of less than 3 days may be given of a committee meeting called in an emergency.  
*[Clause 35 of Meetings Regulation]*
- (3) The notice period for meetings of a committee of the Council is to be 3 clear days.  
*[Council Policy]*



## 5.5 CHAIRPERSON AND DEPUTY CHAIRPERSON OF COMMITTEES

- (1) The chairperson of each committee of the Council, must be:
  - (a) the Mayor; or
  - (b) if the Mayor does not wish to be the chairperson of a committee - a member of the committee elected by the Council; or
  - (c) if the Council does not elect such a member - a member of the committee elected by the committee.
- (2) A Council may elect a member of a committee of the Council as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- (3) If neither the chairperson nor the deputy chairperson of a committee of a Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- (4) The chairperson is to preside at a meeting of a committee of a Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

*[Clause 40 of Meetings Regulation]*
- (5) If the Mayor declares an interest, other than a pecuniary interest, in any matter being dealt with at a meeting of a committee of the Council, the Mayor will vacate the chair immediately prior to that item being considered and the Deputy Mayor will chair the meeting of the committee for the consideration of that item
- (6) If the Mayor and Deputy Mayor declare an interest, other than a pecuniary interest, in any matter being dealt with at a meeting of a committee of the Council, the Mayor will vacate the chair immediately prior to that item being considered and a chairperson will be elected to chair the meeting of the committee for the consideration of the item in accordance with subclause 1(c) above.

*[Section 451 and Council Policy]*
- (7) ***In cases where, in (5) and (6) above, the interest being declared is a pecuniary interest, the provisions of Section 12.1 of this code shall apply***

*[Section 451 and Council Policy]*

## 5.6 PROCEDURE IN COMMITTEES

- (1) Subject to subclause (3), each committee of a Council may regulate its own procedure.
- (2) Without limiting subclause (1), a committee of a Council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.



- (3) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).

*[Clause 38 of Meetings Regulation]*

### **5.7 NON-MEMBERS ENTITLED TO ATTEND COMMITTEE MEETINGS**

- (1) A Councillor who is not a member of a committee of a Council is entitled to attend, and to speak at, a meeting of the committee.

- (2) However, the Councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

*[Clause 36 of Meetings Regulation]*

### **5.8 ABSENCE FROM COMMITTEE MEETINGS**

- (1) A member ceases to be a member of a committee if the member (other than the Mayor):

- (a) has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences; or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

- (2) Subclause (1) does not apply if all of the members of the Council are members of the committee.

(NB the expression "year" means a period beginning 1 July and ending the following 30 June.)

*[Clause 41 of Meetings Regulation]*

### **5.9 ORDER OF BUSINESS**

The order of business for a meeting of a committee of the Council in accordance with this Code is to be:

- Apologies
- Leave of Absence
- Confirmation of Minutes
- Declarations of Interest
- Addressing the Meeting
- Mayoral Minutes
- Notice of Motion
- Reports and Recommendations of Working Parties



- Master Program Reports
- Urgent Reports (to be dealt with in the Master Program to which the item relates.)
- Confidential Business





## 6.0 DECISIONS OF COUNCIL

### 6.1 WHAT CONSTITUTES A DECISION OF THE COUNCIL?

A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

*[Section 371]*

### 6.2 RESCINDING OR ALTERING RESOLUTIONS

- (1) A resolution passed by a Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with the Council's code of meeting practice.
- (2) If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- (3) If a motion has been negatived by a Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the Council's code of meeting practice.
- (4) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the Council, must be signed by 3 Councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.
- (5) If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.
- (6) A motion to which this section applies may be moved on the report of a committee of the Council and any such report must be recorded in the minutes.
- (7) The provisions of this section concerning negatived motions do not apply to motions of adjournment.

*[Section 372]*

### 6.3 CERTAIN CIRCUMSTANCES DO NOT INVALIDATE COUNCIL DECISIONS

Proceedings at a meeting of a Council or a Council committee are not invalidated because of:

- (a) a vacancy in a civic office; or
- (b) a failure to give notice of the meeting to any Councillor or committee member; or
- (c) any defect in the election or appointment of a Councillor or committee member; or
- (d) a failure of a Councillor or a committee member to disclose a pecuniary interest at a Council or committee meeting in accordance with section 451; or



- (e) a failure to comply with the code of meeting practice.

*[Section 374]*





## **7.0 ADJOURNMENTS**

### **7.1 ADJOURNMENT OF COUNCIL OR COMMITTEE MEETINGS**

- (1) The Council or a committee of Council may, at any time, adjourn a meeting to a time, date and place to be fixed, if the Council or a committee of the Council is of the opinion that it is necessary to do so.

### **7.2 MOTIONS FOR ADJOURNMENT**

- (1) No discussion will be permitted by the Chairperson on any motion for adjournment of a meeting of the Council or a committee of the Council.
- (2) If the motion for adjournment is lost, the subject then under consideration, or next on the business paper, is to be discussed.
- (3) No Councillor is to move a motion for adjournment of the Council or a committee of the Council until half an hour has elapsed since the previous motion for adjournment was lost.

*[Council Policy]*





### 8.0 QUESTIONS

#### 8.1 QUESTIONS MAY BE PUT TO COUNCILLORS AND COUNCIL EMPLOYEES

- (1) A Councillor:
  - (a) may, through the chairperson, put a question to another Councillor; and
  - (b) may, through the General Manager, put a question to a Council employee.
- (2) However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- (3) The Councillor must put every such question directly, succinctly and without argument.
- (4) The chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.  
*[Clause 22 of Meetings Regulation]*
- (5) Where a Councillor raises any question/s at a meeting a written copy of each question is to be tabled at the meeting for inclusion in the Minutes.  
*[Council Policy]*





## 9.0 KEEPING ORDER AT MEETINGS

### 9.1 QUESTIONS OF ORDER

The provisions of *this Code* relating to the maintenance of order in Council meetings apply to meetings of committees of the Council in the same way as they apply to meetings of the Council.

- (1) The chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- (2) A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- (3) The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- (4) The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

*[Clauses 28 & 43 of Meetings Regulation]*

### 9.2 ACTS OF DISORDER

- (1) A Councillor commits an act of disorder if the Councillor, at a meeting of a Council or a committee of a Council:
  - (a) contravenes the Act or any regulation in force under the Act; or
  - (b) assaults or threatens to assault another Councillor or person present at the meeting; or
  - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or committee, or addresses or attempts to address the Council or committee on such a motion, amendment or matter; or
  - (d) insults or makes personal reflections on or imputes improper motives to any other Councillor; or
  - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or committee into contempt.
- (2) The chairperson may require a Councillor:
  - (a) to apologise without reservation for an act of disorder referred to in subclause (1)(a) or (b); or
  - (b) to withdraw a motion or an amendment referred to in subclause (1)(c) and, where appropriate, to apologise without reservation; or



- (c) to retract and apologise without reservation for an act of disorder (referred to in subclause (1)(d) or (e).
- (3) A Councillor may, as provided by *clause 11.2(2)(a) or (b) of this Code*, be expelled from a meeting of a Council for having failed to comply with a requirement under subclause (2). The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.  
*[Clause 29 and Clause 43 of Meetings Regulation]*

## **9.3 HOW DISORDER AT A MEETING MAY BE DEALT WITH**

- (1) If disorder occurs at a meeting of a Council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.
- (2) A member of the public may, as provided by *clause 11.2(2)(a) or (b) of this Code*, be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.  
*[Clause 30 of Meetings Regulation]*

## **9.4 POWER TO REMOVE PERSONS FROM MEETING AFTER EXPULSION**

- (1) If a meeting or part of a meeting of a committee of a Council is closed to the public in accordance with *clause 10.1 of this Code*, any person who is not a Councillor may be expelled from the meeting as provided by *clause 11.2(2)(a) or (b) of this Code*.
- (2) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council, committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain the person from re-entering that place.  
*[Clause 44 of Meetings Regulation]*
- (3) If a Councillor or a member of the public fails to leave the place where a meeting of a Council is being held:
  - (a) immediately after the Council has passed a resolution expelling the Councillor or member from the meeting; or
  - (b) where the Council has authorised the person presiding at the meeting to exercise the power of expulsion, immediately after being directed by the person presiding to leave the meeting,



a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place.

*[Clause 31 of Meetings Regulation]*





## 10.0 CONFIDENTIAL BUSINESS

### 10.1 WHICH PARTS OF A MEETING CAN BE CLOSED TO THE PUBLIC?

- (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,
  - (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:
    - prejudice the commercial position of the person who supplied it, or
    - confer a commercial advantage on a competitor of the Council, or
    - reveal a trade secret.
  - (e) information that would, if disclosed, prejudice the maintenance of the 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.
- (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.

*[Section 10A]*



## **10.2 FURTHER LIMITATIONS RELATING TO CLOSURE OF PARTS OF MEETINGS TO PUBLIC**

- (1) A meeting is not to remain closed during discussion of anything referred to in *clause 10.1(2) of this Code*:
  - (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
- (2) A meeting is not to be closed during the receipt or consideration of information or advice referred to in *clause 10.1(2)(g) of this Code* unless the advice concerns legal matters that:
  - (a) are substantial issues relating to a matter in which the Council or committee is involved, and
  - (b) are clearly identified in the advice, and
  - (c) are fully discussed in that advice.
- (3) If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in *clause 10.1(3) of this Code*), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in *clause 10.1(2) of this Code*).
- (4) For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
  - (a) a person may misinterpret or misunderstand the discussion, or
  - (b) the discussion or the matter may:
    - (i) cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council, or
    - (ii) cause loss of confidence in the Council or committee.
- (5) In deciding whether part of a meeting is to be closed to the public, the Council or committee concerned must have regard to any relevant guidelines issued by the Director-General.

[Section 10B]

## **10.3 NOTICE OF LIKELIHOOD OR CLOSURE NOT REQUIRED IN URGENT CASES**

- (1) Part of a meeting of a Council, or a committee of the Council of which all the members are Councillors, may be closed to the public while the Council or committee considers a matter that has not been identified in the agenda for the



meeting as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during discussion of a particular matter that the matter is a matter referred to in *clause 10.1(2) of this Code*, and
- (b) the Council or committee, after considering any representations made under *clause 10.1(4) of this Code*, resolves that further discussion of the matter:
  - (i) should not be deferred (because of the urgency of the matter), and
  - (ii) should take place in a part of the meeting that is closed to the public.

[Section 10C]

### **10.4 GROUNDS FOR CLOSING PART OF MEETING TO BE SPECIFIED**

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
  - (a) the relevant provision of *clause 10.1(2) of this Code*,
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in open meeting would be, on balance, contrary to the public interest.

[Section 10D (1-2)]

### **10.5 INFORMATION RELATING TO PROCEEDINGS AT CLOSED MEETINGS NOT TO BE DISCLOSED**

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
  - (a) with the consent of the person from whom the information was obtained; or
  - (b) in connection with the administration or execution of this Act; or
  - (c) for the purposes of any legal proceedings arising out of this Act or any report of any such proceedings; or
  - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989; or
  - (e) with other lawful excuse.



- (1A) In particular, if part of a meeting of a Council or a committee of a Council is closed to the public in accordance with *clause 10.1(1) of this Code*, a person must not, without the authority of the Council or committee, disclose (otherwise than to the Council or a Councillor of the Council) information with respect to the discussion at, or the business of, the meeting.
- (1B) Subsection (1A) does not apply to:
- (a) the report of a committee of a Council after it has been presented to the Council; or
  - (b) disclosure made in any of the circumstances referred to in subsection (1)(a)-(e); or
  - (c) disclosure made in circumstances prescribed by the regulations, or
  - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12 of the Act.
- (2) A person acting in the administration or execution of *the Act* must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known but if generally known might reasonably be expected to affect materially the market value or price of any land, for the purpose of gaining, either directly or indirectly, an advantage for the person, the person's spouse or de facto partner or a relative of the person.
- (3) A person acting in the administration or execution of *the Act*, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
- (a) the determination of an application for an approval; or
  - (b) the giving of an order.

[Section 664]

## 10.6 RESOLUTIONS PASSED AT CLOSED MEETINGS TO BE MADE PUBLIC

If a Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting or that part of the meeting has concluded.

[Clause 26 of Meetings Regulation]

## 10.7 DISCLOSURE AND MISUSE OF INFORMATION - PRESCRIBED CIRCUMSTANCES

For the purposes of *clause 10.5 of this Code*, any disclosure made with the intention of enabling the Minister or Director-General to properly exercise the functions conferred or imposed on them by or under the Act is a prescribed circumstance.

[Clause 45 of Meetings Regulation]





## 11.0 ATTENDANCE AT MEETINGS

### 11.1 PUBLIC NOTICE OF MEETINGS

- (1) A Council must give notice to the public of the times and places of its meetings and meetings of those of its committees of which all the members are Councillors.

*[Section 9(1)]*
- (2) *Clauses 11.1(2) to 11.1(6)* prescribe the manner in which the requirements outlined in *clause 11.1(1) of this Code* are to be complied with.
- (3) A notice of a meeting of a Council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.
- (4) The notice must specify the time and place of the meeting.
- (5) Notice of more than one meeting may be given in the same notice.
- (6) *Clauses 11.1(2) to 11.1(6) of this Code* do not apply to an extraordinary meeting of a Council or committee

*[Clause 5 of Meetings Regulation]*

### 11.2 WHO IS ENTITLED TO ATTEND MEETINGS?

- (1) Except as provided by this Part:
  - (a) everyone is entitled to attend a meeting of the Council and those of its committees of which all the members are Councillors, and
  - (b) a Council must ensure that all meetings of the Council and such of its committees are open to the public.
- (2) However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such a committee if expelled from the meeting:
  - (a) by a resolution of the meeting, or
  - (b) by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.
- (2) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.

*[Section 10 (1), (2) & (3)]*

### 11.3 ATTENDANCE OF GENERAL MANAGER AT MEETINGS

- (1) The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a committee of the Council of which all the members are Councillors.
- (2) The General Manager is entitled to attend a meeting of any other committee of the Council and may, if a member of the committee, exercise a vote.



- (3) However, the General Manager may be excluded from a meeting of the Council or a committee while the Council or committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager.

*[Section 376]*

### **11.4 REPRESENTATIONS BY MEMBERS OF THE PUBLIC – CLOSURE OF PART OF (A COUNCIL OR COMMITTEE) MEETING**

- (1) A representation at a Council or committee meeting 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.

- (2) That period is as fixed by the Council's code of meeting practice or (if the Council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the Council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.

*[Clauses 25 & 37 of Meetings Regulation]*

### **11.5 REQUEST BY MEMBERS OF THE PUBLIC TO MAKE REPRESENTATIONS ABOUT THE CLOSURE OF PART OF A MEETING**

- (1) Any member of the public may make representations about the closure of part of a meeting on the following basis:

- (a) in writing to the public officer prior to the commencement of the meeting; or
- (b) verbally when requested by the chairperson to indicate whether anyone would like to make representations about the closure of part of the meeting.

- (2) After a motion to close a part of a meeting to the public has been moved and seconded in accordance with clause 11.4(1) of this Code the chairperson will:

- (a) where the Council or committee has disagreed with the General Managers recommendation that an item should be discussed in closed session, announce that public representation on that item will not be required
- (b) ask the public officer, having regard to (a) above, whether there are any written representations from the public on the proposed closure;
- (c) ask the public officer to read out any representations received providing that where more than three representations are received, either for and/or against the closure, then three written submissions for and/or against will be chosen at random and read out.
- (d) having regard to (a) above, call for any verbal representations on the basis of clause 11.5(4) below.



- (3) The number of speakers on any one item is to be limited to three in support of any proposal to close a part of a meeting and three in opposition. The speakers will be chosen by the gallery and will be requested by the chairperson to speak in turn for and against the motion starting with a person in favour of the motion.
- (4) That for the purpose of Subclause 11.4(2) above, a period of five minutes per item will be allowed for any member of the public to make representations to a Council meeting as to whether a part of a meeting should be closed to the public. The Council may, where it considers the circumstances warrant, extend the period of time allowed under this Subclause
- (5) The Council or committee can, if it considers it warranted, then close the meeting under Section 10A(3) to consider whether part of the meeting should be closed to the public to consider the subject item.
- (6) When the Council or committee has considered its position in accordance with subclause 5 above and returns to the open meeting a decision will then be taken on whether or not to close part of the meeting to consider the subject item and the reasons for the decision.

[Council Policy]

### 11.6 PERMISSION TO ADDRESS MEETINGS

- (1) It is at the absolute discretion of the Council or the committee to determine whether or not a member of the public who has requested permission to address the meeting of the Council or committee of Council is permitted to do so.
- (2) Any member of the public may make a request to the General Manager or Public Officer either in writing, verbally or other electronic means for permission to address a meeting of the Council or a committee of the Council on the following basis:
  - (a) ***up to 12 noon on the day of the*** meeting if the item on which the member of the public wishes to address the Council or committee is on the Agenda ***as a Master Program Report*** as part of the order of business for the meeting;
  - (b) if the item, the subject of the address, is not to be included on the Agenda ***of the upcoming meeting***, as part of the order of business for the meeting, ***then the details will be taken and Council advised of the request at the next available Ordinary Meeting. Council will then determine whether the request will be granted and whether a report is required to be presented at the same meeting at which the address will be heard.***
- (3) The Council or committee may, notwithstanding Clause 11.4(1) above, allow a member of the public to address the meeting if it considers that the situation warrants such action.
- (4) Any member of the public wishing to address a meeting of the Council or committee of the Council has to provide ***to the Public Officer, or nominee***, the following:



- a) name
  - b) organisation or group represented (if applicable)
  - c) *details of the issue to be addressed and the item number of the Master Program report in the Business Paper.*
  - d) *a clear statement as to whether the person is for (supports) or against (opposes) the recommendation in the Business Paper*
  - e) *the interest of the speaker (eg. affected person, neighbour, applicant, applicant's spokesperson, interested citizen)*
  - f) *Written statements of the points to be covered during the address, in sufficient detail so as to inform the Councillors of the substance of the address.*
  - g) *A written copy of any questions asked by the person addressing the meeting, in order that responses to those questions could be provided in due course.*
- (5) The number of speakers on any one item is to be limited to three in support of any proposal and three in opposition.
- (6) Any member of the public granted permission by the meeting of the Council or committee of the Council to address the meeting is required to limit the address to a maximum of 5 minutes. The Council or committee may, at its discretion, grant an extension of time in appropriate circumstances.
- (7) *It should be noted that speakers at meetings of the Council or Committee do not have absolute privilege. (parliamentary privilege). A speaker who makes any potentially offensive or defamatory remarks about any other person may render themselves open to legal action.*

*A person addressing Council or Committee will be informed that they do not enjoy any privilege and that permission to speak may be withdrawn should they make inappropriate comments.*

*Prior to addressing the meeting the person will be required to sign the following statement:*

*"I (name) understand that the meeting I intend to address on (date) is a public meeting. I also understand that should I say or present any material that is inappropriate, I may be subject to legal action. I also acknowledge that I have been informed to obtain my own legal advice about the appropriateness of the material that I intend to present at the above mentioned meeting."*

*Should a person fail to sign the above statement then permission to address either the Council or Committee will not be granted*

- (8) *A speaker may only address Council or Committee once on any particular item unless there are circumstances that, in the opinion of the Council, have changed substantially since Council's previous consideration.*
- (9) *A speaker seeking to address the Council or Committee and raise allegations about the Council of handling of a matter by staff must make such*



*allegations in writing to the Mayor, in respect of Council or the General Manager, in respect of staff.*

*(The purpose of this is not intended to restrict people from raising concerns about the way Council or about the way staff have handled matters but to provide a mechanism whereby any allegations are properly investigated and dealt with appropriately.)*

- (10) *A request to address Council on a matter that is the subject of Legal proceedings will not be accepted* [Council Policy]

### **11.7 PRESENTATIONS TO COUNCIL OR COMMITTEE MEETINGS**

- (1) On occasions it will be necessary for members of the public to make formal presentations to meetings of the Council or committees of Council to support applications or as a result of studies commissioned by the Council.
  - (2) Any reports outlining the need for presentations should give some indication of the period of time which will be needed for the presentation.
  - (3) It is at the absolute discretion of the Council or the committee to determine whether or not the presentation proceeds.
- [Council Policy]

### **11.8 SUSPENSION OF STANDING ORDERS**

- (1) At every ordinary and extraordinary meeting of the Council it is necessary for a resolution to be passed to the effect that *only so much of the* standing orders be suspended *as would prevent members of the public addressing or making* presentations to the meeting.
  - (2) If the Council is not prepared to suspend standing orders then the address or presentation to the Council cannot be made.
- [Council Policy]

### **11.9 ACCOMMODATION AT MEETINGS**

- (1) Reasonable accommodation will be provided for the public at all Council and committee meetings, which are open to the public.
  - (2) Reasonable accommodation and facilities will also be provided to anyone who is employed to report the proceedings of meetings, which are open to the public.
- [Council Policy]





## 12.0 DISCLOSURE OF PECUNIARY INTERESTS AT MEETINGS

### 12.1 DISCLOSURE AND PARTICIPATION IN MEETINGS

- (1) A Councillor or a member of a Council committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the interest to the meeting as soon as practicable.
- (2) The Councillor or member must not be present at, or in sight of, the meeting of the Council or committee:
  - (a) at any time during which the matter is being considered or discussed by the Council or committee, or
  - (b) at any time during which the Council or committee is voting on any question in relation to the matter.

*[Section 451]*

### 12.2 DISCLOSURES TO BE RECORDED

A disclosure made at a meeting of a Council or Council committee must be recorded in the minutes of the meeting.

*[Section 453]*

### 12.3 GENERAL DISCLOSURE

A general notice given to the General Manager in writing by a Councillor or a member of a Council committee to the effect that the Councillor or member, or the Councillor's or member's spouse, de facto partner or relative is:

- (a) a member, or in the employment, of a specified company or other body; or
- (b) a partner, or in the employment, of a specified person,

is, unless and until the notice is withdrawn, sufficient disclosure of the Councillor's or member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council or Council committee after the date of the notice.

*[Section 454]*



## 12.4 DISCLOSURE BY ADVISER

- (1) A person who, at the request or with the consent of the Council or a Council committee, gives advice on any matter at any meeting of the Council or committee must disclose any pecuniary interest the person has in the matter to the meeting at the time the advice is given.
- (2) The person is not required to disclose the person's interest as an adviser.  
*[Section 456]*

## 12.5 CIRCUMSTANCES IN WHICH CLAUSE 12.1 IS NOT BREACHED

A person does not breach *clause 12.1 of this Code* if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

*[Section 457]*

## 12.6 POWERS OF MINISTER IN RELATION TO MEETINGS

The Minister may, conditionally or unconditionally, allow a Councillor or a member of a Council committee who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the Council or committee to take part in the consideration or discussion of the matter and to vote on the matter if of the opinion:

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

*[Section 458]*





### 13.0 AVAILABILITY OF CORRESPONDENCE, REPORTS AND RECORDS

#### 13.1 COPY OF BUSINESS PAPER

- (1) A Council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.
- (2) In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public:
  - (a) the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and
  - (b) the requirements of subclause 1 with respect to the availability of business papers do not apply to the business papers for that item of business.
- (3) The copies are to be available to the public as nearly as possible to the time they are available to Councillors.
- (4) The copies are to be available free of charge.
- (5) A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.

*[Section 9(2, 2A, 3, 4 & 5)]*
- (6) The decision on how to arrange items of business on the agenda for a part of a meeting that is likely to be closed to the public is made by the General Manager as an administrative action.

*[Council Policy]*

#### 13.2 PUBLIC ACCESS TO CORRESPONDENCE AND REPORTS

- (1) A Council and a committee of which all members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- (2) This section does not apply if the correspondence or reports:
  - (a) relate to a matter that was received or discussed; or
  - (b) were laid on the table at, or submitted to, the meeting,when the meeting was closed to the public.
- (3) This section does not apply if the Council or committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in *clause 10.1 of this Code*, are to be treated as confidential.

*[Section 11]*



### 13.3 URGENT REPORTS

- (1) Circumstances will necessitate the distribution of urgent reports either prior to or at Ordinary, Extraordinary and Committee Meetings. Where the urgent items are distributed:
  - (a) prior to the meeting no additional time will be allowed for Councillors to read the report unless the meeting decides otherwise;
  - (b) at the meeting the chairperson shall determine a period of time, to allow Councillors to read the report, prior to the item being discussed or determined.
- (2) Urgent reports, other than those relating to confidential business, will be available to the public as soon as practicable after they have been printed but in any event will be available on the night of the meeting.

*[Council Policy]*

### 13.4 RESTRICTION OF ACCESS TO INFORMATION

- (1) If the General Manager or any other member of the staff of a Council decides that access to a document or other information held by the Council should not be given to the public or a Councillor, the person concerned must provide the Council with written reasons for the restriction.
- (2) The reasons must be publicly available.
- (3) The Council must review any such restriction no later than 3 months after it is imposed.
- (4) The Council must, at the request of any person made after the expiry of a period of 3 months after that review (or of a period of 3 months after the most recent of any subsequent reviews), carry out a further review of the restriction.
- (5) The Council must remove the restriction if, at any time:
  - (a) it finds that there are no grounds for the restriction, or
  - (b) access to the relevant document or other information is obtained under the Freedom of Information Act 1989.
- (6) A review is not required under this section if the restriction concerned has been removed.

*[Section 12A]*





## 14 MINUTES

### 14.1 COUNCIL MINUTES

- (1) The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council.
- (2) The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting.  
*[Section 375]*
- (3) The General Manager must ensure that the following matters are recorded in the Council's minutes:
  - (a) details of each motion moved at a Council meeting and any amendments moved to it,
  - (b) the names of the mover and seconder of the motion or amendment,
  - (c) whether the motion or amendment is passed or lost.  
*[Clause 27 of Meetings Regulation]*

### 14.2 COMMITTEE MINUTES

- (1) Each committee of a Council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a committee must ensure that the following matters are recorded in the committee's minutes:
  - (a) details of each motion moved at a meeting and any amendments moved to it,
  - (b) the names of the mover and seconder of the motion or amendment,
  - (c) whether the motion or amendment is passed or lost.
- (2) As soon as the minutes of an earlier meeting of a committee of the Council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.  
*[Clause 39 of Meetings Regulation]*

### 14.3 DISCUSSION ON ACCURACY OF MINUTES

- (1) A motion or discussion in respect to minutes shall only be in order if it relates to the accuracy of the minutes as a record of the proceedings.  
*[Council Policy]*

### 14.4 FORM OF MINUTES

- (1) Each sheet of the minute book is to be kept in a loose-leaf form and is to contain, on each sheet:



- (a) a heading setting out the nature of the meeting and the date of the meeting to which the minutes refer;
  - (b) a footer indicating that “This is page number.....of the minutes of the .....meeting of the .....Council held on
- (2) The sheets of the minute book are to be kept in chronological order.  
*[Council Policy]*

## 14.5 INSPECTION OF THE MINUTES OF A COUNCIL OR COMMITTEE

- (1) An inspection of the minutes of a Council or committee of a Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes.
  - (2) The General Manager must ensure that the minutes of the Council and any minutes of a committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.
  - (3) Everyone is entitled to inspect the current version of:
    - agendas and business papers for Council and committee meetings (but not including business papers for matters considered when part of a meeting is closed to the public)
    - minutes of Council and committee meetings, but restricted (in the case of any part of a meeting that is closed to the public), to the resolutions and recommendations of the meeting
- [Clause 46 of Meetings Regulation & Section 12]*
- (4) Details of the Council or *committee* minutes will be made available to the public as soon as possible after the meeting and wherever possible by not later than 2.30 PM on the day following the meeting.
  - (5) The minutes available to the public take the form of unconfirmed minutes and can be changed when they are submitted for confirmation at a subsequent meeting.

*[Council Policy]*

## 14.6 MINUTES IN EVIDENCE

- (1) Every entry in the minutes of the business transacted at a meeting of the Council and purporting to be signed by the person presiding at a subsequent meeting of the Council is, until the contrary is proved, evidence:
  - (a) that the business as recorded in the minutes was transacted at the meeting; and
  - (b) that the meeting was duly convened and held.

*(Section 703)*





## 15 MISCELLANEOUS

### 15.1 TAPE RECORDING OF MEETING OF COUNCIL OR COMMITTEE PROHIBITED WITHOUT PERMISSION

- (1) A person may use a tape recorder to record the proceedings of a meeting of a Council or a committee of a Council only with the authority of the Council or committee.
- (2) A person may, as provided by *clause 11.2(2)(a) or (b) of this Code*, be expelled from a meeting of a Council or a committee of a Council for using or having used a tape recorder in contravention of this clause.
- (3) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.
- (4) In this clause, tape recorder includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

*[Clause 47 of Meetings Regulation]*

### 15.2 WHEN DOES A VACANCY OCCUR IN A CIVIC OFFICE

- (1) A civic office becomes vacant if the holder:
  - (a) dies, or
  - (b) resigns the office by writing addressed to the General Manager, or
  - (c) is disqualified from holding civic office, or
  - (d) is absent without prior approval of the Council from three consecutive ordinary meetings of the Council, or
  - (e) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
  - (f) becomes a mentally incapacitated person, or
  - (g) is dismissed from civic office, or
  - (h) ceases to hold office for any other reason.

*[Section 234]*

### 15.3 LIABILITY OF COUNCILLORS, EMPLOYEES AND OTHER PERSONS

- (1) A matter or thing done by the Minister, the Director-General, a Council, a Councillor, a member of a committee of the Council or an employee of the Council or any person acting under the direction of the Minister, the Director-General, the Council or a committee of the Council does not, if



the matter or thing was done in good faith for the purpose of executing this or any other Act, and for and on behalf of the Minister, the Director-General, the Council or a committee of the Council, subject a Councillor, a member, an employee or a person so acting personally to any action, liability, claim or demand.

*[Section 731]*

### **15.4 PROCEEDINGS IN CASES NOT PROVIDED FOR**

- (1) Where any matter arises at a Council meeting which is not provided for by this Code, resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales in force for the time being, so far as the same are applicable to the proceedings of the Council.

*[Council Policy]*

### **15.5 SITE INSPECTIONS**

- (1) Site Inspections will be held from time to time as required to consider any item referred to it from an ordinary, extraordinary or committee meeting of the Council.

*[Council Policy]*





## 16 DEFINITIONS

In this Code:

"*amendment*", in relation to an original motion, means a motion moving an amendment to that motion;

"*chairperson*":

- (a) in relation to a meeting of a Council - means the person presiding at the meeting as provided by *clause 1.7 of this Code*; and
- (b) in relation to a meeting of a committee of a Council - means the person presiding at the meeting as provided by *clause 5.5 of this Code*;

"*committee*", in relation to a Council, means a committee established under *clause 5.1 of this Code* or the Council when it has resolved itself into a committee of the whole;

"*Councillor*" includes a member of the governing body of a county Council;

"*day*" means every day of the week including week-ends and public holidays.

"*urgent report*" means a report which is not listed on the agenda for the meeting, and the subject of which is considered by the General Manager of such importance or urgency that it must be submitted to the meeting.

"*record*" means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee of the Council and, in particular, includes the minutes of meetings of a Council or of a committee of a Council;

"*the Act*" means the Local Government Act 1993, as amended.

"*the Regulation*" means the Local Government (Meetings) Regulation 1999.

"*year*" means the period beginning 1 July and ending the following 30 June.

"*note*" notes in the text of this Code are explanatory only and do not form part of the Code. They are provided for assistance only.





## PENRITH CITY COUNCIL

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# ATTACHMENT



Date of Meeting: 15th July 2002

Master Programme: Council's Operating Environment

Issue: Finance

Report Title: 2002-03 Voted Works

**2002-03 VOTED WORKS as at 15th July 2002**

Item No	Description of Allocation	Meeting Approved	Amount of Allocation	Balance	Actual/Committed Expenditure	Responsible Manager
			\$	\$	\$	
<b><u>EAST WARD</u></b>						
				53,000		
	<i>Recommended revote from 2002</i>			90,597		
	<i>Amount Available for 2003</i>			<u>143,597</u>		
				<u>143,597</u>		
<b><u>NORTH WARD</u></b>						
				53,000		
	<i>Recommended revote from 2002</i>			67,136		
	<i>Amount Available for 2003</i>			<u>120,136</u>		
				<u>120,136</u>		
<b><u>SOUTH WARD</u></b>						
				53,000		
	<i>Recommended revote from 2002</i>			78,447		
	<i>Amount Available for 2003</i>			<u>131,447</u>		
				<u>131,447</u>		
				Committed	0	
				Uncommitted	<u>395,180</u>	
				<b>TOTAL VOTE</b>	<b><u>395,180</u></b>	

**NOTE** A list showing the final status of 2001/2 Voted Works will be included in the August 5 Business Paper, when project costings are finalised.  
Amounts recommended for revote to 2002/2003 may vary slightly from those stated above if savings in 2001/2002 projects are identified.

**FOR INFORMATION ON THE ATTACHMENTS  
IN THIS BUSINESS PAPER  
PLEASE CONTACT PENRITH CITY COUNCIL  
ON 4732 7777 AND ASK TO SPEAK  
TO THE OFFICER WHO COMPILED THE REPORT.**