

12 June 2008

Dear Councillor,

In pursuance of the provisions of the Local Government Act, 1993 and the Regulations thereunder, notice is hereby given that a **POLICY REVIEW COMMITTEE MEETING** of Penrith City Council is to be held in the Pasadena Room, Civic Centre, 601 High Street, Penrith on Monday 16 June 2008 at 7:30PM.

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

BUSINESS

- 1. APOLOGIES**
- 2. LEAVE OF ABSENCE**
- 3. CONFIRMATION OF MINUTES**
Policy Review Committee Meeting - 12 May 2008.
- 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)
Non-Pecuniary Interest
- 5. ADDRESSING THE MEETING**
- 6. MAYORAL MINUTES**
- 7. NOTICES OF MOTION**
- 8. ADOPTION OF REPORTS AND RECOMMENDATION OF COMMITTEES**
- 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**

POLICY REVIEW COMMITTEE MEETING

MONDAY 16 JUNE 2008

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MEETING CALENDAR

CONFIRMATION OF MINUTES

MASTER PROGRAM REPORTS

2008 MEETING CALENDAR

February 2008 - December 2008

	TIME	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC			
		Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	To be confirmed.					
Ordinary Meetings	7.30 pm	4	10	7	5❖		14	4	8✓						
		25		21	19	23*			29^						
Policy Review Committee	7.30 pm		3		12#		7		1						
		18#+	31@	28		16	28	18#+							
Councillor Briefing / Working Party / Presentation	7.30 pm	11		14		2✧		11							
			17		26	30	21	25							

- # Meetings at which the Management Plan ¼ly reviews are presented.
 #+ General Manager's presentation – half year and end of year review
 ❖ Meeting at which the Draft Management Plan is adopted for exhibition
 * Meeting at which the Management Plan for 2008/2009 is adopted

- ^ Election of Mayor/Deputy Mayor
 @ Strategic Program progress reports [only business]
 ✓ Meeting at which the 2007/2008 Annual Statements are presented
 ✧ Management Plan Councillor Briefings/Public Forum (May)

- Council's Ordinary Meetings are held on a three-week cycle where practicable.
- Extraordinary Meetings are held as required.
- Policy Review Meetings are held on a three-week cycle where practicable.
- Members of the public are invited to observe meetings of the Council (Ordinary and Policy Review Committee). Should you wish to address Council, please contact the Public Officer, Glenn McCarthy on 4732 7649.

**UNCONFIRMED MINUTES
OF THE POLICY REVIEW COMMITTEE MEETING OF PENRITH CITY
COUNCIL HELD IN THE PASSADENA ROOM, PENRITH
ON MONDAY 12 MAY 2008 AT 7:32PM**

PRESENT

The Deputy Mayor Councillor Jackie Greenow, Councillors Jim Aitken OAM, Kaylene Allison, Ross Fowler OAM, Karen McKeown, Garry Rumble, Pat Sheehy AM, and John Thain.

APOLOGIES

PRC 31 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Karen McKeown that apologies be received and accepted from His Worship the Mayor Councillor Greg Davies and Councillors Kevin Crameri OAM, Mark Davies and Steve Simat.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Susan Page for the period 21 April 2008 to 26 May 2008 inclusive.

Councillor Pat Sheehy AM advised the meeting that Councillor David Bradbury had requested leave of absence for the period 12 to 15 May 2008 inclusive.

The Deputy Mayor Councillor Jackie Greenow advised the meeting that Councillor Lexie Cettolin had requested leave of absence for the period 12 to 21 May 2008 inclusive.

PRC 32 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Ross Fowler that Leave of Absence be granted to Councillor David Bradbury from 12 to 15 May 2008 and to Councillor Lexie Cettolin from 12 to 21 May 2008.

CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 28 April 2008

PRC 33 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Kaylene Allison that the minutes of the Policy Review Committee Meeting of 28 April 2008 be confirmed.

DECLARATIONS OF INTEREST

There were no declarations of interest.

MASTER PROGRAM REPORTS

THE CITY AS AN ECONOMY

3 The 2007 Penrith Valley Economic Development Corporation Business and Export Survey

Mr Steve Willingale, Penrith Valley Economic Development Corporation, made a presentation on the results of the Business and Export survey.

PRC 34 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM that the information contained in the report on The 2007 Penrith Valley Economic Development Corporation Business and Export Survey be received.

THE CITY AS A SOCIAL PLACE

2 Nomination as enforcement agency under the Food Act 2003

Mr Wayne Mitchell, Council's Environmental Health Manager, made a presentation on the new food safety enforcement regime.

PRC 35 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Nomination as enforcement agency under the Food Act 2003 be received.
2. Pursuant to Section 111(1) of the Food Act 2003 Council nominate as a Category B Enforcement Agency to the NSW Food Authority.

THE CITY IN ITS BROADER CONTEXT

1 Universal Design Playgrounds

PRC 36 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown

That:

1. The information contained in the report on Universal Design Playgrounds be received.
2. An approach be made to the NSW Variety Club to determine its involvement in establishing liberty swings.
3. A further report be submitted to the Policy Review Committee as soon as possible and prior to September 2008 following discussions with other councils on the installation and usage of the liberty swing in their local government areas.
4. Consideration be given to the early establishment of a universal design playground, with convenient public transport access.

There being no further business the Chairperson declared the meeting closed the time being 8:38pm.

MASTER PROGRAM REPORTS

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THE CITY IN ITS BROADER CONTEXT

There were no reports under this Master Program when the Business Paper was compiled

THE CITY AS A SOCIAL PLACE

Item

Page

1 Amendments to the State's Liquor Laws

1



The City as a Social Place

1 Amendments to the State's Liquor Laws

Compiled by: Steve Barratt, Building Regulatory Coordinator

Authorised by: Peter Wood, Acting Development Services Manager
Yvonne Perkins, Public Domain Amenity and Safety Manager

Strategic Program Term Achievement: *Redevelopment of existing areas contributes to safe, sustainable, affordable and satisfying living environments and cohesive communities.*
Critical Action: *Formulate and implement social and cultural strategies for redeveloping established areas that support cohesive communities.*

Purpose:

To advise Council of amendments to the State's Liquor Laws. The report recommends that the information be received and Council's planning policies and consent conditions be reviewed and developed to ensure that there are adequate controls to respond to these changes.

Executive Summary

On 1 July 2008, new Liquor Laws known as the Liquor Act 2007 and the Liquor Regulation 2008 will take effect. These laws will replace the current Liquor Administration Board and the NSW Licensing Court with an administrative based licensing system and establish a *Casino, Liquor and Gaming Control Authority* (the Authority). Decisions of the Authority can be reviewed by the *Administrative Decisions Tribunal*. Community Impact Statements are required to accompany liquor licence applications which can be for one of six categories which replace the existing twenty categories. The main implications of the new laws for Council will be regulating the expansion of types of premises able to sell alcohol, including restaurants (without a meal) and small bars.

Background

The new laws will change trading entitlements and are aimed at introducing a more streamlined approach to assessing licensing proposals. They will impact on existing liquor licences and registered clubs. The State Government anticipates that the changes to the liquor laws will:

- Modernise and simplify the laws by introducing a flexible and practical licensing system that minimises unnecessary formality, reducing red tape, cost and complexity;
- Provide greater protection to the community from alcohol abuse and crime by making applicants responsible for community consultation and promoting and enforcing responsible service and consumption of alcohol;
- Promote a greater variety of hospitality and entertainment choices, enhancing business opportunities, while providing safer, more responsible and vibrant liquor venues.

The NSW Premier stated in a media release in November 2007 that the re-write of the Liquor Act would:

- Provide the community with greater protection from alcohol related crime
- Double the penalties for the irresponsible service of alcohol
- Introduce new offences for anti-social behaviour
- Slash red tape and costs for industry; and
- Increase access to the licensing system for councils and residents

Reforms

Licensing Authority

The current Liquor Administration Board and the NSW Licensing Court are to be replaced with an administrative based licensing system. A *Casino, Liquor and Gaming Control Authority* (the Authority) will be established. The Authority will be responsible for the determination of liquor licence applications, trading hour extensions and disciplinary matters. Disciplinary actions include the imposition of penalties and suspending or cancelling licences. Decisions of the Authority can be reviewed by the *Administrative Decisions Tribunal*.

The Director of Liquor and Gaming (the Director) will have an enforcement role in resolving disturbance complaints, imposing conditions on liquor licences and declaring lockouts/curfews on licensed premises. The Director's decisions will be subject to review by the Authority.

It is intended that the enforcement activities of the Authority will target licensed premises and localities where there are problems. Licensees who demonstrate that they can responsibly manage any impact from the sale of alcohol will not be subjected to the same rigour of enforcement action.

There will be a range of administrative activities aimed at reducing the cost resulting from the existing complexity in applying for a liquor licence. These changes are aimed at low impact venues such as bed and breakfast and farm stay accommodation, retirement villages, hotels without gaming machines or takeaway liquor sales and restaurants. A range of measures will be introduced to promote responsible service and consumption of alcohol.

Community Impact Statement (CIS)

Of great interest to Council will be the Community Impact Statements (CIS) that are required to accompany liquor licence applications. CIS gauge potential impacts of new hotels, clubs, bottle shops and other potentially high impact licensed venues on local communities. Licensed venues seeking extended trading hours and certain changes to licensed areas will also be subject to the CIS process. The authority will only be able to approve a licence where the overall social impact will not be detrimental to the well-being of the local community.

Statements will be prepared before liquor licence applications are made and will summarise the results of consultations with local council, police, health, Aboriginal representatives, community organisations and the public. Applications will be advertised and anyone can make a submission to the Authority. Health, Police and Crime Data will be taken into account by the NSW Office of Liquor, Gaming and Racing in forming an assessment for the Authority.

There are two categories of CIS as follows.

Category A

Category A CIS are required for applications relating to packaged liquor licence that is limited to the sale or supply of liquor through an internet site only, on-premises licence relating to a restaurant, drink on-premises authorisation, extended trading authorisation in relation to an on-premises licence.

For a category A CIS, the applicant must consult with the following stakeholders:

- The local consent authority and the adjoining consent authority if situated near the boundary of another local government area.
- The Local Police.
- The occupier of any neighbouring premises (within 100 metres of the boundary of the premises to which the application applies)
- Any other special interest groups or individuals identified or referred to in the Authority guidelines.

Category B

Category B Community Impact Statements are required for applications relating to a Hotel Licence, a club licence, a packaged liquor licence, an on-premises licence related to a public entertainment venue other than a cinema or theatre, or extended trading authorisation.

For a Category B CIS, the applicant must consult with the following stakeholders:

- The local consent authority and the adjoining consent authority if situated near the boundary of another local government area.
- The Local Police.
- The Department of Health
- The Department of Community Services
- The Roads and Traffic Authority
- The recognised leaders or representatives of the local Aboriginal Community (if any) in the area.
- The occupier of any neighbouring premises (within 100 metres of the boundary of the premises to which the application applies)
- Any other special interest groups or individuals identified or referred to in the Authority guidelines.

Other initiatives that support responsible service and consumption of alcohol include:

- Health, Police and Crime data will be considered in the assessment of new licences and extensions to trading hours;
- A new definition for intoxication and a range of penalties and other enforcement options. These enforcement actions include self exclusion for people with alcohol problems and the Director can issue directions to licensees, declare lock outs and curfews and liquor accords that ban troublesome patrons from multiple premises for up to 6 months;

- Greater control over promotions and events that encourage excessive and irresponsible consumption of alcohol;
- Licensees will be required to be accredited and attend ongoing training;
- A simpler process to deal with disturbance complaints from residents, Police and local councils.

New Licence Categories

A major change to the legislation has been to reduce more than 20 licence categories to six. The categories are:

1. Hotel Licence

These are premises that have a primary purpose of selling and supplying alcohol. It will include accommodation hotels as well as small and large bars. Standard trading hours will not change, ie, 5am to midnight Monday to Saturday and 10am to 10pm Sunday. Applications for extended hours will require a Community Impact Statements. Existing licence conditions previously imposed on a specific licence, as a result of a licensing proposal or disciplinary action, continue. Additionally, any extended/reduced trading hours previously approved or imposed by the Court/Board continue unless later varied by the Authority.

There is also a special type of licence for bars without gaming machines or takeaway liquor. This is known as a Hotel (General Bar) Licence. Applications for this type of licence requires a Community Impact Statement, with patron numbers set by local councils.

2. Club Licence

These licences will apply to registered clubs. The Registered Clubs Act is retained and will focus on management and governance. Existing clubs will continue to have unrestricted trading hours. Applications for new clubs will require the preparation of a Community Impact Statement and the standard trading period will apply (5am to midnight, Monday to Saturday and 10am to 10pm on Sunday). Applications for extension of hours require the preparation of Community Impact Statements.

Existing conditions previously approved or imposed continue (refer to 1 above).

3. Package Liquor Licence

This licence will apply to stores selling takeaway liquor only. The standard trading hours will not change (5am to Midnight Monday to Saturday and 10am to 10pm Sunday). Applications for extension of hours require the preparation of Community Impact Statements. The existing prohibition on takeaway sales on Good Friday & Christmas Day will remain.

Existing conditions previously approved or imposed continue (refer to 1 above).

4. On-premises Licence

This is a new licence that replaces existing on-licences for restaurants, motels, theatres, universities, public halls and vessels. It will also replace the existing nightclub, caterers, Governors and community liquor licences.

The licence also applies to a live music or public entertainment venue and replaces the current nightclub and theatre licences. This licence will not be issued where the sales, supply or consumption of alcohol is the primary business or activity on the premises.

All restaurants must continue to operate for the primary purpose of serving meals; the principal activity of a night club must be the provision of public entertainment and/or serving meals, with the sale of alcohol being ancillary to that principal activity.

Community Impact Statements will be required for some on-licence premises, for example restaurants and public entertainment venues.

The standard trading periods of 5am to midnight Monday to Saturday and 10am to 10pm on Sunday will apply. Applications for extensions are permitted. Applications for extension of hours require the preparation of Community Impact Statements.

Existing conditions previously approved or imposed continue (refer to 1 above).

5. Producers/Wholesaler Licence

This applies to wine producers, brewers, distillers and wholesalers. It will allow wholesale sales to other liquor licensees. For wine producers this licence allows tastings, cellar door sales, direct sales at wine shows and sales at producer markets or fairs. Tastings and cellar door sales will be allowed for small-scale regional brewers and distillers.

Existing conditions previously approved or imposed continue (refer to 1 above).

6. Limited Licence

This licence will allow liquor sales for consumption on licensed premises at one or more functions and in some cases it may allow takeaway sales, eg. trade fair, wine show. It will apply to sporting clubs and community functions held by non-profit organisations.

Existing conditions previously approved or imposed continue (refer to 1 above).

Statutory Implications & Community Impact

The changes will permit alcoholic beverages to be available for consumption at or for sale from a wider range of premises, in particular smaller premises including bars and restaurants. The main function of a restaurant will still be required to be the provision of meals, however, they will also be able to serve customers drinking only. A hotel (General Bar) licence is an option for premises which do not provide gaming or sell take-away alcohol. The reforms may potentially see the establishment of more small bars and restaurants catering for drinkers only in existing commercial centres. Wineries and boutique brewers will be able to charge for tastings and make cellar door sales to the public. Established industrial areas may see an increase in licensed premises associated with wholesale, boutique breweries or distilleries.

The reforms are, in part, aimed at “decentralising” concentrations of crowds affected by alcohol, which often result in negative social impacts. They will place a larger degree of responsibility onto the licensee to ensure the responsible service of alcohol.

The scale of activities in a particular location will be a major consideration to ensure that the perceived benefits are realised and existing social problems are not exacerbated.

Council and the community will be consulted through the CIS process with the Authority considering any comments prior to issuing licences. Whilst Council does not have any direct control over the licensing process, the reforms do provide that Councils will determine patron numbers and toilet requirements. It is therefore prudent to consider Council's powers under the Environmental Planning and Assessment Act, 1979 to control development in case the liquor law amendments do not deliver the anticipated benefits.

A review of the current and proposed planning policies reveals that, where a restaurant or pub is proposed in the City and it requires a liquor licence including changes to existing approved operations, development consent for the restaurant or pub must be obtained. The assessment of a development application for development consent permits the consideration of all relevant traffic, noise and social impacts and the imposition of enforceable conditions to address these impacts.

As part of the current Planning Reforms the Department of Planning has developed the "NSW Commercial Building Code" for exempt and complying development. This Draft Code is on exhibition until 4 July 2008. The Draft Code will, when adopted, apply state-wide, overriding Council's Exempt and Complying Development provisions. This code will permit any existing premises that require a liquor licence to be considered as complying development. Given that accredited certifiers may be the consent authority for the majority of complying development applications, it is unlikely that social, community and amenity impacts will be considered or addressed. A submission to the Department of Planning in response to the exhibition of the Draft Code to this effect is warranted.

Conclusion

While Council and the community will be consulted as part of the CIS process, and any comments will be considered by the Authority prior to issuing licences, Council does not have any direct control over the process. Council will be preparing a submission to the Draft Code which will request the removal of licensed premises from the complying development category, as these premises need the assessment rigour that is only provided by a development application. Consideration will also need to be given to any other changes that will be required after 1 July 2008. Some of these changes involve raising the awareness of all staff and the development of procedural guidelines in response to the new liquor laws.

RECOMMENDATION

That:

1. The information contained in the report on Amendments to the State's Liquor Laws be received
2. Council require development consent for all premises seeking a liquor license, including any amendment to an existing liquor license. This position be incorporated in the draft Penrith Local Environmental Plan that will apply across the entire City

3. The submission to the Department of Planning in response to the proposed NSW Commercial Building Code include a recommendation that the Code remove premises that need a liquor licence from being categorised as complying development
4. If the recommendations for changes to the NSW Commercial Building Code are not adopted, Council seek an exemption from the Code provisions and substitute the requirements of Council's proposed policy for exempt and complying development
5. The current conditions of consent that apply to land uses that require a liquor license be reviewed and amended, if necessary
6. All staff be made aware of the proposed changes and the likely impact on their responsibilities
7. Council's development approval procedures be reviewed as a result of the new liquor laws in line with any other changes that occur following submission to the Department of Planning in response to the proposed NSW Commercial Building Code.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

THE CITY IN ITS ENVIRONMENT

There were no reports under this Master Program when the Business Paper was compiled

THE CITY AS AN ECONOMY

There were no reports under this Master Program when the Business Paper was compiled

THE CITY SUPPORTED BY INFRASTRUCTURE

Item	Page
2 Penrith Integrated Transport and Land Use Strategy	11



The City Supported by Infrastructure

2 Penrith Integrated Transport and Land Use Strategy

Compiled by: Walter Sinnadurai, Transportation Planner

Authorised by: Craig Ross, Design and Technical Advice Manager

Strategic Program Term Achievement: *An integrated land use and transport plan is being implemented.*

Critical Action: *Prepare an Integrated Transport and Landuse Plan for the City in conjunction with the relevant government agencies and press for implementation of its recommendations.*

Purpose:

To summarise the outcomes of the exhibition of the draft Penrith Integrated Transport and Land Use Strategy (PITLUS). The Strategy will be used to give direction to Council's Management Plans and lobby issues and also inform State Agency programs. The report recommends that the final draft PITLUS be adopted by Council.

Background

The purpose of the PITLUS is to achieve a more convenient, liveable, accessible and sustainable city for the communities of the Penrith Local Government Area (LGA).

Council considered a report on the draft Strategy at its meeting on 25 February 2008 and resolved to place the study on exhibition for public comment.

Previously, three Councillor Briefing sessions were held on 5 February, 14 May 2007 and 11 February 2008. These workshops provided Councillors with the results of the community consultation workshop, Steering Committee workshops, Council Officers' Workshop, the stakeholder workshop and endorsed the Strategy's vision and goals. Consultation on the draft Action Plans, draft Implementation Plan and the Key Performance measures was also addressed.

A final draft PITLUS report has now been completed and was circulated to all Councillors on a CD with a memorandum prior to tonight's Council Policy Review Committee meeting.

Current Situation

Exhibition Process

The draft PITLUS report was publicly exhibited from 3 March 2008 to 4 April 2008. Displays of the draft PITLUS report were placed in the foyer of Council's Civic Centre and St Marys Queens Street Office. Newspaper advertisements were also placed in the Penrith Press and Mt Druitt/St Marys Standard on Tuesday March 3 and Tuesday March 11, 2008, and on the "Council Page" and Mayoral column.

The advertisement provided an overview of the purpose for the study, and directed the community to the various means in which to view the draft report, along with references to the Council web-site and a contact name and telephone number for additional information for the study. The community were invited to make a written comment on the draft PITLUS either via post or email.

In addition to the above material, explanatory leaflets were made available at the public exhibition venues. The purpose of the leaflets was to provide the community with a study brief including the highlights of the Strategy in a form that would allow them to be taken away for further reading.

During the public exhibition period, the Stakeholders were invited to attend a second Stakeholder workshop which was held on 28 March 2008, in the Nepean Room at Penrith City Council from 2.00pm to 4.00pm. This workshop was well attended with 19 participants in total. The workshop provided an overview of the action plan and implementation strategy, discussing the short, medium and long term measures needed in both the city-wide and local action plans, along with how the Council can ensure the recommendations of the strategy can be carried out. The workshop presentation was concluded by indicating the final stages of the study, together with consideration of comments and finalising the strategy before presentation of the final report to Council.

In response to the public exhibition a total of 6 submissions were received from the community and from the Department of Planning (DoP), the Ministry of Transport (MoT) and RailCorp (a total of nine submissions).

Amendment of the Strategy Arising from the Public Exhibition

A PITLUS Steering Committee meeting was held on Friday 12 April 2008 to review the submissions and feedback on the Draft PITLUS. Generally, the submissions were of a positive and co-operative nature. Some minor amendments to the report were made as a result of submissions received from the general public. Amendments included introducing a new action to lobby the NSW State Government to address the lack of provision for demand responsive transport in the current NSW Passenger Transport Act.

Further amendments were made to the report arising from the outcomes of the Steering Committee and the meetings with the Ministry of Transport. These were mostly minor amendments to the categories of 'responsibility' and 'stakeholders' within the Implementation Plan.

Endorsement by State Agencies

The MoT response to the Draft Strategy was of concern. The Ministry has advised that it cannot endorse funding for any action or transport infrastructure proposal identified in the final draft PITLUS report which is not currently underway, or committed and funded via the State Infrastructure Strategy, Urban Transport Statement. This is contrary to the purpose of the development of the Strategy, bearing in mind that the Strategy is a State initiative in the Metropolitan Strategy and Council is coordinating the study on the behalf of government.

Following further consultation with both MoT and DoP, Council staff have negotiated with the MoT and agreed on minor amendments to the Implementation Plan. The Ministry has advised Council, however, that it is unable to endorse the Implementation Plan without Ministerial approval.

Although, the Roads and Traffic Authority and RailCorp were project partners in the development of the final draft PITLUS Strategy and have raised no issues with the draft report, neither agency has formally indicated whether it endorses the final draft PITLUS Strategy at the time of writing this report.

For the Strategy to be effective, its formal endorsement from the relevant State agencies should be secured.

The PITLUS study brief required the Strategy to identify the responsibilities for government agencies, Council and developers for ensuring appropriate access to accommodate growth from new developments in Penrith City. A draft model apportioning responsibility to these parties was developed as part of the draft. The apportionment model was similar to that of the Arterial Roads Study, where responsibility for infrastructure provision for road upgrades is assigned to release areas.

The DoP and MoT indicated that it did not support the apportionment model as it was not consistent with existing State Government policies. These policies have been evolving with the development of the Growth Centres and it could take considerable time to resolve the differences. As an alternative, the agencies suggested that the development of the apportionment becomes an action in the PITLUS Action Plan. This is considered to be the most time efficient outcome.

Next Steps

Subject to Council's endorsement, the Strategy will inform Council's Management Plan. Providing and encouraging the use of more integrated, accessible and environmentally friendly transport supports environmental, social and economic policy. The Strategy will provide guidance to both policy development, planning decisions and infrastructure programs.

It is anticipated that the State agencies will take direction from the Strategy for their programs. The PITLUS will also provide a sound basis for Council to lobby the agencies to progress these issues.

Conclusion

The preparation of the PITLUS is a key step in providing more sustainable transport options for residents and visitors to Penrith and its development will fulfil an action identified in the Metropolitan Strategy.

Formal endorsement of the State agencies needs to be pursued.

It is recommended that the final draft PITLUS is endorsed.

RECOMMENDATION

That:

1. The information contained in the report on Penrith Integrated Transport and Land Use Strategy be received.
2. The final draft Penrith Integrated Transport and Land Use Strategy (PITLUS) report be endorsed by Council.
3. Formal endorsement of the Penrith Integrated Transport and Land Use Strategy (PITLUS) by the relevant State Agencies be pursued.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

LEADERSHIP AND ORGANISATION

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3 Grant Application Process	16



Leadership and Organisation

3 Grant Application Process

Compiled by: Ray Richardson, Grants Support Officer

Authorised by: Vicki O'Kelly, Financial Services Manager

Strategic Program Term Achievement: *Council provides adequate resources to deliver its program and has introduced measures to increase its capacity.*

Critical Action: *Maximise funding opportunities to deliver Council's program.*

Purpose:

To:

1. Update Council on the development of an Intranet-based Grant application Process that will guide staff through the process of applying for, accepting, managing and acquitting grants.

2. Recommend amendments to Policy FS 001, Grants Applications by Council Staff, adopted 7 August 2006, scheduled for review by December 2008.

The report recommends that the information contained in this report be received.

Background

1. Grant Application Process

Through involvement with the NSW Grants Network, the Grants Support Officer became aware of a Grant Application Process created for Newcastle City Council. To the Network's knowledge, this was the only process that existed for the management of the grants application process in a Local Government context.

The Process had been developed to facilitate the capture of information at key stages of the grants application process in a centralised database and to guide staff making applications through Newcastle's procedures.

On 31 July 2007, a presentation was made to staff on that Grant Application Process by Maretta Dillon, then the Community Assistance Coordinator, Newcastle City Council. The presentation was well received and feedback at the end of the meeting was in favour of implementing the Process at Penrith, while ensuring it was adapted to this Council's needs and structures. CMT subsequently also agreed that the Process should be amended and implemented at Penrith.

The emphasis was to be on developing a system that would help staff to manage the grants process, not just create a passive data base. Drafts of the Process have been prepared by the Grants Support Officer, and design of a form for entry of data into the Grant Application Process Register has been commenced by the Senior Systems Analyst – Programmer.

The drafts have been refined in consultation with the Grants Reference Group and a Grant Application Process Working Party. Consultation will be broadened to include the Procedures

and Systems Team, CMT and a wider constituency of users, before the Process will be ready for final testing and training of users.

It is planned to have the Grant Application Process operational from 1 July 2008. In the interim, an Excel database has been established for each relevant Department to capture grants data for 2007-08.

2. Grant Applications by Council Staff Policy

This Policy was adopted by Council on 7 August 2006. The Policy relates to delegating the authority to Managers in consultation with a relevant Director for applying to grants to the value of \$20,000 without a report to Council being required.

Some confusion has arisen regarding the meaning of the words “contribution or commitment of Council funds” in the current Policy as in some instances Council has already approved a contribution for a grant funded project in the Management Plan.

It is therefore proposed to add the words “in addition to any already approved” to clarify the intent of the Policy.

The relevant passage will therefore read:

“Council Managers, in consultation with the relevant Director, may apply for grants to the value of \$20,000 (excluding GST) without first obtaining Council endorsement of the application, provided that:

- *A contribution or commitment of Council funds in addition to any already approved is not a requirement of the grant program”*

A second amendment is proposed to the paragraph that reads:

“Councillors are to be informed by memo as soon as possible by the relevant Manager when a grant application has been made.”

To reduce the number of one-off communications to Councillors, it is proposed that the paragraph will read:

“Councillors will be informed through normal reporting mechanisms when such a grant application has been made.”

Proposed Amended Policy on Grant Applications by Staff

[See appended document]

RECOMMENDATION

That:

1. The information contained in the report on Grant Application Process be received.

2. The amended Policy on Grant Applications by Staff, as shown in the Draft Policy Document appended to this report, be adopted.

ATTACHMENTS/APPENDICES

1. Grant Application Policy 1 Page Appendix

POLICY DOCUMENT

POLICY NAME: Grant Applications by Council Staff

Policy No: FS 001

Adopted by Council: Policy Review Committee 24 July 2006

Minute No: PRC 60

Review: Due for Review December 2008

Relevant Legislation: *(if applicable)*

Responsible Department: Financial Services

Policy Statement:

Council Managers, in consultation with the relevant Director, may apply for grants to the value of \$20,000 (excluding GST) without first obtaining Council endorsement of the application, provided that:

- A contribution or commitment of Council funds in addition to any already approved is not a requirement of the grant program, and
- The project to be funded will contribute to either:
 - At least one of Council's Term Achievements in its current Strategic Plan,or
 - The completion of a Task in the current Management Plan.

Under this policy, Council retains responsibility for and control over the acceptance of any grant offered.

Councillors will be informed through normal reporting mechanisms when such a grant application has been made.

Why this policy is required

Grant programs offering amounts of money less than \$20,000 and not requiring a contribution from Council are often advised at short notice, particularly when notification of the availability of the program requires a Ministerial decision. Notification may be received through newsletter, advertisement in the media, or by a letter sent directly to the General Manager or a Manager

Managers and Co-ordinators have delegated authority to sign grant submissions approved by Council, but depending on Council's meeting schedule, there may not be an opportunity to get formal Council approval before the deadline for submission of a grant application expires.

This policy deals with those circumstances to maximise opportunities for increasing Council's grant revenue

**COMMITTEE OF THE WHOLE
MASTER PROGRAM REPORTS**

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1 Presence of the Public

Everyone is entitled to attend a meeting of the Council and those of its Committees of which all members are Councillors, except as provided by Section 10 of the Local Government Act, 1993.

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 below; or
- (b) the receipt or discussion of any of the information so listed.

The matters and information are the following:

- (a) personnel matters concerning particular individuals;
- (b) the personal hardship of any resident or ratepayers;
- (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.

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.

The grounds must specify the following:

- (a) the relevant provision of section 10A(2);
- (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.

Members of the public may make representations at a Council or Committee Meeting as to whether a part of a meeting should be closed to the public

The process which should be followed is:

- a motion, based on the recommendation below, is moved and seconded
- the Chairperson then asks if any member/s of the public would like to make representations as to whether a part of the meeting is closed to the public
- if a member/s of the public wish to make representations, the Chairperson invites them to speak before the Committee makes its decision on whether to close the part of the meeting or not to the public.
- if no member/s of the public wish to make representations the Chairperson can then put the motion to close the meeting to the public.

The first action is for a motion to be moved and seconded based on the recommendation below.

RECOMMENDATION

That:

City in its Broader Context

2 Western Sydney Employment Hub Extension

This item has been referred to Committee of the Whole as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion of the matter in open meeting would be, on balance, contrary to the public interest.



