

17 October 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 20 October 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 Stoneham
General Manager

BUSINESS

1. **LEAVE OF ABSENCE**
2. **APOLOGIES**
3. **CONFIRMATION OF MINUTES**
Policy Review Committee Meeting - 1 September 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 Conflict of Interest – Significant and Less than Significant (The Code of Conduct requires Councillors who declare a significant non-pecuniary conflict of interest in an item to leave the meeting during discussion of that item)
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 20 OCTOBER 2008

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MEETING CALENDAR

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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	Mon	Mon	Mon
Ordinary Meetings	7.30 pm	4	10	7	5❖		14	4	8✓	13	10	1
		25		21	19	23*			29^			15
Policy Review Committee	7.30 pm		3		12#		7		1	20	17#	
		18#+	31@	28		16	28	18#+				
Councillor Briefing / Working Party / Presentation	7.30 pm	11		14		2✧		11			3	
			17		26	30	21	25			24	

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 1 SEPTEMBER 2008 AT 7:37PM**

PRESENT

His Worship the Mayor Councillor Greg Davies, Councillors Jim Aitken OAM, Kaylene Allison, Lexie Cettolin, Kevin Crameri OAM, Ross Fowler OAM, Jackie Greenow, Karen McKeown, Susan Page, Garry Rumble, Pat Sheehy AM, and John Thain.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor David Bradbury for the 1 September 2008.

APOLOGIES

PRC 79 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Pat Sheehy AM that apologies be received from Councillor Mark Davies and Councillor Steve Simat.

CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 18 August 2008

PRC 80 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Garry Rumble that the minutes of the Policy Review Committee Meeting of 18 August 2008 be confirmed.

DECLARATIONS OF INTEREST

There were no declarations of interest.

MASTER PROGRAM REPORTS

THE CITY AS A SOCIAL PLACE

2 Disability Access Committee 2004-08 Achievement Highlights

PRC 81 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Garry Rumble

That:

1. The information contained in the report on Disability Access Committee 2004-08 Achievement Highlights be received.
2. The Committee members be thanked for their participation on and contribution to Council's Disability Access Committee during the 2004-08 period.
3. Certificates of Appreciation be presented to the community members of the Disability Access Committee for the period 2006-08.

Councillor Jackie Greenow left the meeting, the time being 7:51pm

THE CITY IN ITS BROADER CONTEXT

1 Outcomes of the Universal Design and Cultural Context Project

Councillor Jackie Greenow returned to the meeting, the time being 7:54pm

PRC 82 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Susan Page

That:

1. The information contained in the report on Outcomes of the Universal Design and Cultural Context Project be received.
2. A further report be presented to a future meeting of the Policy Review Committee detailing the outcome of investigations into which of the project's recommendations can be implemented.
3. Opportunities for greater community "ownership" of parks and reserves be further investigated.
4. The participants involved in the project be thanked for their efforts.

3 Aboriginal Job Compact

PRC 83 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown

That:

1. The information contained in the report on Aboriginal Job Compact be received.
2. Council endorse the signing of an Aboriginal Job Compact Agreement with the Department of Aboriginal Affairs and progress implementation as outlined in this report.

LEADERSHIP AND ORGANISATION

4 Online Community Consultation

PRC 84 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Susan Page that the information contained in the report on Online Community Consultation be received.

5 Independent Pricing and Regulatory Tribunal review of Revenue Framework for Local Government

PRC 85 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Jim Aitken OAM that the information contained in the report on Independent Pricing and Regulatory Tribunal review of Revenue Framework for Local Government be received

There being no further business the Chairperson declared the meeting closed the time being 8:43pm.

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THE CITY IN ITS BROADER CONTEXT

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The City in its Broader Context

1 Penrith Local Environmental Plan 2008

Compiled by: Allegra Zakis, Local Plan Team Leader
Tanya Jackson, Local Plan Team Leader

Authorised by: Ruth Goldsmith, Local Planning Manager

Strategic Program Term Achievement: *Council's agreed strategies, where they relate to planning provisions, are implemented through the new Citywide Penrith Local Plan and Penrith Development Control Plan.*

Critical Action: *Develop the Citywide Penrith Local Plan and Development Control Plan by March 2009, as agreed with the Department of Planning.*

Presenters: Ruth Goldsmith - Local Planning Manager - Penrith Local Environmental Plan and Penrith Development Control Plan

Purpose:

To provide Council with an update on the status of preparation for the comprehensive Penrith Local Environmental Plan and Penrith Development Control Plan. The report recommends that the information in the report be received.

Executive Summary

- The State Government is implementing reforms to the planning system, to simplify both the process of making Local Environmental Plans (LEPs), and the range of planning controls. All councils are required to prepare a single LEP that conforms to a new standard Template for LEPs within 2, 3, or 5 years.
- Council is preparing a consolidated Development Control Plan (DCP) to provide more detailed planning controls to support the new Citywide LEP.
- Penrith LEP 2008 and Penrith DCP 2008 (Stage 1) include the rural and industrial areas of the City, the St Marys Town Centre, and planning controls for Citywide and heritage matters. The public exhibition for Stage 1 is planned to commence on 28 October 2008.
- The Urban Study and Urban Strategy is the final major strategic analysis that is needed to inform the future policy directions of the new Penrith LEP and DCP. It will examine the role and future growth capacity of the City's established residential areas and local centres. It is anticipated that public exhibition of the draft Urban Strategy will occur early in 2009.
- Penrith LEP 2009 and Penrith DCP 2009 (Stage 2) include the residential areas, release areas, and the retail, commercial and local centres of the City. It will also incorporate the gazetted 'stand alone' Penrith City Centre LEP and DCP. It is anticipated that public exhibition of draft Penrith LEP 2009 and Penrith DCP 2009 (Stage 2) will occur in late 2009.

The presentation tonight will provide information on the general framework of the draft Penrith Local Environmental Plan and the draft Penrith Development Control Plan, and the controls imposed by the new standard Template for LEPs. It will also outline the likely timeframe for progressing these comprehensive Citywide plans.

The draft Penrith Local Environmental Plan and draft Penrith Development Control Plan are detailed planning documents. Whilst every effort has been made to ensure their ‘readability’, they cover a wide range of issues and land use requirements, and are quite complex. Councillors are therefore encouraged to seek a separate briefing with Council’s Local Plan team if they wish to explore any specific elements of the LEP or DCP in more detail.

Background

A program of research-based decision making has always underpinned Council’s strategic policy planning, meaning that the development of land use zones and other controls guiding future planning directions has been supported by specialist studies and strategies. A list of the studies and strategies that inform the preparation of the new comprehensive LEP and Development Control Plan (DCP) is appended (Appendix A) to this report.

The new Citywide LEP and DCP will be the result of Council’s long term program to simplify the myriad of Local Environmental Plans, Interim Development Orders, and other instruments that apply across the City, and to provide a contemporary guide for development of the next 10 to 15 years.

Given the scope of works required to deliver a comprehensive and integrated plan for the City the Department of Planning agreed that Council could prepare the LEP (Penrith LEP 2008) in two stages. The key elements of the stages, and their current timeframes, are detailed below:

1. Draft Penrith Local Environmental Plan 2008 and draft Penrith Development Control Plan 2008 (Stage 1)

Penrith LEP 2008 and Penrith DCP 2008 (Stage 1) include the rural and industrial areas of the City, the St Marys Town Centre, and planning controls for Citywide and heritage matters.

Draft Penrith Local Environmental Plan 2008 (Stage 1) was first submitted to the Department of Planning on 16 October 2007, with a request that the Department issue a Section 65 certificate to allow the draft Local Environmental Plan (LEP) 2008 to be publicly exhibited.

The Department requested a number of changes, and a revised version of the draft LEP was submitted in December 2007. Since that time, there have been several legislative changes which have needed to be incorporated into the draft Penrith LEP 2008, including –

- the gazettal of Version 3 of the Standard Template
- the gazettal of State Environmental Planning Policy 2007 (Infrastructure)
- exhibition of a draft SEPP for the Western Sydney Employment Hub (WSEH) which includes Erskine Business Park.

Draft Penrith Local Environmental Plan 2008 (Stage 1) has now been amended and resubmitted to the Department on a number of occasions. These amendments have responded to policy and drafting issues raised by the Department and Parliamentary Counsel.

On 14 October 2008, the Department of Planning issued Council with its approval to exhibit the draft LEP. The exhibition material, including the Plain English version of the draft LEP, letters to residents and fact sheets can now be finalised.

The Department's delay in issuing approval to exhibit Stage 1 means that Council will not be able to finalise both stages of the comprehensive Penrith LEP by the Department's required timeframe of the end of March 2009. An extension to this timeframe has already been foreshadowed with the Department's Sydney West Regional team, who have acknowledged the impact of the Department's (almost) 12 month delay on our agreed program. A revised timeframe will be negotiated with the Department of Planning.

Heritage

The Department of Planning also advised Council to prepare a separate draft LEP for the heritage items in Stage 2, as a stand alone amendment to Penrith Local Environmental Plan 1991 – Environmental Heritage. This approach was intended to ensure that the proposed heritage items and places, recommended to be listed in the Heritage Study, were protected. The Department has issued a Section 65 certificate to enable the public exhibition of this draft LEP, subject to conditions. It is intended that this exhibition will proceed concurrently with the exhibition of the draft Penrith Local Environmental Plan 2008 (Stage 1), and the exhibition material is therefore being prepared.

Exempt and Complying Development

Separately to the draft LEP process, the NSW Government released the draft NSW Housing and Commercial Building Codes for public comment. These codes define the circumstances under which various forms of development can be considered as either exempt, and therefore not need consent, or complying, and are therefore eligible for a complying development certificate instead of a Development Consent. Currently, Penrith DCP 2006 contains the standards for exempt and complying development in Penrith. Schedules 2 and 3 respectively of draft Penrith Local Environmental Plan 2008 (Stage 1) will replace these provisions for rural and industrial land.

The draft NSW Housing Code covers new single-storey homes, alterations and additions on lots 600 square metres and over; exempt development in all residential and rural zones; and internal alterations and additions for two-storey houses on any lots.

Council made a submission to the exhibition of the draft code, raising a number of concerns including the fact that in many cases the provisions are more restrictive than Council's proposed draft planning controls, and will hamper Council's ability to increase the proportion of development considered as exempt or complying. A response from the Department in relation to this submission has not been forthcoming. The draft codes potentially have significant implications for development in Penrith and Council will continue to liaise with the Department to reach a reasonable solution. Should the Code be adopted in its current form, substantial amendments will need to be made to draft Penrith Local Environmental Plan 2008 (Stage 1).

Draft Penrith Development Control Plan 2008 (Stage 1)

Penrith Development Control Plan (DCP) 2008 (Stage 1) is being developed concurrently with draft Penrith Local Environmental Plan 2008 (Stage 1). The preparation of draft DCP 2008 (Stage 1) has presented the opportunity for a complete review of the adopted, detailed DCP controls for rural development and industrial development, plus a number of Citywide issues including flooding, heritage, public domain and vegetation management. This review has focussed on reducing repetition, ensuring consistency in controls across the City and better implementing Council's sustainability agenda.

Draft Penrith DCP 2008 (Stage 1) was presented to Council's Policy Review Meeting of 28 April, where Council endorsed the draft DCP for exhibition. Now that the exhibition version of the draft Penrith Local Environmental Plan 2008 (Stage 1) has been received, the supporting exhibition material for draft Penrith DCP 2008 (Stage 1) can also be finalised.

2. Urban Study and Urban Strategy

Council last undertook a major review of the City's urban areas in 1997, with the resultant Residential Strategy informing the preparation of Penrith Local Environmental Plan 1998 (Urban Land). This LEP did not include the local and neighbourhood centres.

Work on the Urban Study and draft Urban Strategy commenced in February 2008. The Urban Study will primarily examine existing residential suburbs and neighbourhood centres, and will also include consideration of the quantum of dwellings proposed for the City's release areas and rural lands. The Urban Study and Strategy are being developed to:

- Provide a strategic framework to manage future growth in the City's existing and proposed urban areas, and meet the needs of a changing and diverse community
- Plan for future housing needs and the supporting business, social, community, physical, recreation facilities and services required to support diverse and sustainable communities in Penrith
- Respond to the housing targets, policy and planning directions set by the NSW State Government's Metropolitan Strategy and draft North West Sub-Regional Strategy, and
- Guide and inform the preparation of planning controls for Stage 2 of the Penrith Local Environmental Plan and Penrith Development Control Plan.

The Urban Study will provide a 'snap-shot' of the City's residential communities and neighbourhood centres. It will set the local context having regard to current state and local government planning policy directions, demographic profile and trends, housing trends, and sustainable development opportunities. Whilst the Urban Study and Strategy recognises the detailed planning work already completed for the Penrith City Centre and St Marys Town Centre, the focus is the remaining retail and commercial centres across the City.

The Urban Strategy is being developed using a centres-based model which focuses the majority of future housing growth in, and around, retail and commercial centres which have an appropriate level of infrastructure, services, accessibility and integration to support growth. This means that some centres will have the capacity to support significant growth, and others may only provide nominal growth opportunities. Detailed precinct plans will be developed for all centres with potential for residential growth, and this work will continue over the coming months.

As part of the Urban Study a survey of residents living in multi-unit residential development, and persons who made a submission to development applications, was carried out within the neighbourhoods of Oxley Park; Barker, Hall and Atchison Streets, St Marys; Werrington; and Mulgoa Road and Jamison Road, Penrith. Residents were asked about their dwellings, and whether the building and local area provides a quality environment in which to live. A total of 248 responses were received, which represented a very high return rate. The results of the survey will be analysed, with the information guiding the preparation of planning controls in the Penrith DCP Stage 2.

Three recent and significant projects have also informed the current review of the City's residential areas and local / neighbourhood centres:

- The adoption of the 'Interim Centres Hierarchy' for Penrith on 26 March 2007, consistent with the 'centres typology' established under the NSW State Government's Metropolitan Strategy (2005).
- The Dwelling Opportunities Analysis (2007) report which identified areas with potential capacity for additional dwellings, as an initial step in examining whether the dwelling targets nominated for Penrith in the draft North West Sub Regional Strategy could be achieved.
- The release of the North West Sub-Regional Strategy by the Department of Planning in December 2007, which set a target of 25,000 dwellings for Penrith over the next 25 years, of which 12,000 dwellings are expected to be accommodated in the existing urban areas, and 13,000 dwellings in new release areas.

The Urban Study and Urban Strategy form the final major strategic analysis base that is needed to inform the future policy directions of the new Penrith LEP and DCP. It will examine the role and future growth capacity of the City's established residential areas and local centres.

Councillors will be briefed on the emerging directions of the draft Urban Strategy over the next few months. It is anticipated that public exhibition of the draft Urban Strategy will occur early in 2009.

3. Draft Penrith Local Environmental Plan 2009 and draft Penrith Development Control Plan 2009 (Stage 2)

Penrith LEP 2009 and Penrith DCP 2009 (Stage 2) include the residential areas, release areas, and the retail, commercial and local centres of the City. It will also incorporate the gazetted 'stand alone' Penrith City Centre LEP and DCP.

Initial work has begun on the preparation of draft Penrith Local Environmental Plan 2009 and draft Penrith Development Control Plan 2009, which will incorporate the residential areas and local centres of the City, and reflect the outcomes of the Urban Strategy. Draft Penrith Local Environmental Plan 2009 and draft Penrith Development Control Plan 2009 (Stage 2) will also include areas that have involved separate planning processes, such as the release areas, and the Riverlink and Glossop Street Precinct Plans.

As significant elements of the draft LEP and draft DCP rely on the outcomes of the Urban Study and adopted Urban Strategy, the focus at present is on identifying the planning controls from DCP 2006 and Penrith Local Environmental Plan 1998 (Urban Land) that can be translated into the Standard Template. When the Urban Study and draft Urban Strategy are in

a form that can be exhibited and adopted by Council, the policy directions arising from this work can be incorporated into the draft planning instruments. It is anticipated that a final draft LEP 2009 (Stage 2) will be presented to Council for referral to the Department of Planning in mid 2009, and that public exhibition of draft Penrith LEP 2009 and Penrith DCP 2009 (Stage 2) will occur later in 2009.

Conclusion

The presentation tonight provides broad information on the timeframes, framework and controls for the draft Penrith LEP and the draft Penrith DCP. Separate briefings for Councillors can be arranged on specific elements of the draft plans.

Approval has finally been received from the Department of Planning, to exhibit Stage 1 of the draft Penrith LEP 2008, and this exhibition will commence on 28 October 2008. Whilst the delays mean that the comprehensive Penrith LEP cannot now be finalised by March 2009, it will still be advanced and completed as expediently as possible.

Council has undertaken a significant research program to provide a sound basis for determining the City's capacity for future growth, and prepare new planning controls. Council's adopted strategies have been translated into planning controls for draft Penrith Local Environmental Plan 2008 (Stage 1) and draft Penrith Development Control Plan 2008 (Stage 1).

When the Urban Study and draft Urban Strategy has been adopted, it will identify options for accommodating future growth in the existing residential areas and local centres, and provide policy direction for matters such as sustainability, affordable housing and housing diversity. This will underpin the preparation of draft Penrith Local Environmental Plan 2009 (Stage 2) and draft Penrith Development Control Plan 2009 (Stage 2).

RECOMMENDATION

That:

1. The information contained in the report on Penrith Local Environmental Plan 2008 be received.

ATTACHMENTS/APPENDICES

1. Appendix A - Studies and Strategies 1 Page Appendix

Appendix A - Studies and strategies that inform draft Penrith LEP 2008 and Penrith DCP 2008

Area / Land Use	Study or Strategy	Prepared	Adopted / Gazetted	Staging LEP/DCP
Rural	Mulgoa and Wallacia Villages Study	June 1999	December 1999	Stage 1
	Rural Lands Study	June 2001		
	Rural Lands Strategy		September 2003	
Employment	Employment Lands Study (Stage 1)	July 2003		Stage 1
	Employment Lands Study (Stage 2)	April 2004		
	Employment Planning Discussion Paper	June 2006		
	Employment Planning Strategy		March 2007	
Centres	Discussion Paper Vitality and Viability Review, Revisiting Our Centres – Penrith City Centre and St Marys Town Centre	December 2002		
	Penrith City Centre Strategy		July 2006	
	Penrith City Centre Local Environmental Plan 2008		February 2008	Stage 2
	Penrith City Centre Development Control Plan 2008	adopted 15 October 2007	February 2008	Stage 2
	St Marys Town Centre Strategy		July 2006	Stage 1
	Interim Policy Penrith ‘Centres’ Hierarchy		March 2007	Stage 2
Heritage	Heritage Study and Inventory	endorsed for exhibition December 2006		Stages 1 & 2
Recreation and open space	People’s Lifestyle, Aspirations and Needs Study (PLANS)	November 2002		Stages 1 & 2
	Recreation and Cultural Facilities Strategy		March 2004	Stages 1 & 2
	Open Space Action Plan		June 2007	Stages 1 & 2
Urban ¹	Urban Study and Urban Strategy	Currently being prepared		Stage 2
Key precincts	Riverlink Precinct Plan		May 2008	Stage 2
	Glossop Street Precinct Plan	currently being finalised		Stage 2

¹ The urban areas include the City’s residential areas, and local / neighbourhood centres (retail and commercial). It excludes Penrith City Centre and St Marys Town Centre.

The City in its Broader Context

2 Submission to Infrastructure Australia

Compiled by: Mark Broderick, Release Area Unit Coordinator

Authorised by: Roger Nethercote, Environmental Planning Manager

Strategic Program Term Achievement: *Council's preferred positions and priorities relevant to Western Sydney growth and development are considered by governments, regional forums and regional organisations in their own policy development.*

Critical Action: *Engage with Local State Members, Ministers, government agencies, Councils of the region, WSROC and other regional associations concerning the supply of infrastructure and services, employment and sustainable housing delivery to the region.*

Purpose:

To inform Council of a submission made to Infrastructure Australia. The report recommends that Council endorses the submission.

Background

Infrastructure Australia (IA) is conducting an audit to determine the adequacy, capacity and condition of nationally significant water, transport, energy, and communications infrastructure. Its immediate task is to produce an Infrastructure Priority List for consideration by the Council of the Australian Governments (COAG) by March 2009. In this regard, IA has called for submissions, to be received by 15 October 2008. Unfortunately, given the relatively short timeframe afforded by IA for providing responses, as at the time of the preparation of this report, a submission was being finalised to meet the deadline.

A copy of the final submission will be distributed to Councillors separately prior to the meeting.

Introduction

IA is a statutory advisory council with twelve members drawn from industry and Commonwealth and State Governments. IA is supported by an Infrastructure Coordinator within the Australian Government's Infrastructure, Transport, Regional Development and Local Government portfolio. IA provides advice to governments, investors and owners of infrastructure on the following:

- Australia's current and future needs and priorities relating to nationally significant infrastructure.
- Policy, pricing and regulatory issues that may impact on the utilisation of infrastructure.
- Impediments to the efficient utilisation of national infrastructure networks.
- Options and reforms, including regulatory reforms, to make the utilisation of national infrastructure networks more efficient.
- The needs of users of infrastructure.
- Mechanisms for financing investment in infrastructure.

IA is also in a position to provide advice on the harmonisation of policies, and laws, relating to development of, utilisation of, and investment in, infrastructure. IA will also advise on the allocation of the Australian Government's Building Australia Fund. IA's focus is on issues of significance to national productivity.

Penrith City Council Submission

Council's submission focuses on the adequacy of existing and planned infrastructure across the transport, water and communications sectors throughout Penrith City and the Subregion. This submission identifies the infrastructure required to enable Penrith as a Regional City to meet planned growth commitments of the NSW State Government and ensure Sydney's status as Australia's premier global city.

The following key challenges, conclusions and priorities have been identified as nationally significant across each sector and are being detailed more fully in the submission:

A. Land Transport

Rail (including West Metro, quadruplication of the Western Rail Line, North South Heavy Passenger and Freight Rail Link and Western Sydney Employment Hub intermodal Terminal).

Public Transit Corridor (such as bus T-ways, light rail, strategic bus corridors with priority measures to link North West and South West Growth Centres and Penrith).

Roads (including Werrington Arterial, M4 East Extension, F3 to M2 Link, Outer Sydney Orbital and links to expanded Western Sydney Employment Hub).

B. Water - Recycled Water Infrastructure, Stormwater Reuse Infrastructure, Water Sensitive Urban Design Infrastructure and River Management.

C. Communications – Business needs and high speed broadband internet services.

Penrith Regional City Infrastructure Strategy

Council is currently finalising the Penrith Regional City Infrastructure Strategy. Draft findings emerging from the Strategy to date has informed and assisted in the preparation of our submission to IA.

The Penrith Regional City Infrastructure Strategy aims to:

- Identify critical infrastructure required to underpin planned growth within Penrith City together with a sustainable funding strategy for its ongoing roll-out.
- Develop a delivery strategy for required infrastructure which identifies the most appropriate means of lobbying Government and other infrastructure providers and identifies innovative approaches to securing necessary infrastructure in partnership with a range of Government and non-government organisations and the private sector.
- Provide a flexible mechanism for monitoring and updating the Strategy, so that it will remain current and in context in the years ahead.

The strategy investigates the current provision of high order infrastructure items, identifies existing backlogs as well as future requirements and develops funding and financing options and advocacy strategies.

We are aiming to finalise the Penrith Regional City Infrastructure Strategy for reporting to Council's Policy Review Committee on 17 November 2008.

Conclusion

IA has called for submissions to assist in its task of preparing an Infrastructure Priority list for nationally significant infrastructure. Given the deadline of 15 October, we have been unable to present the final submission to Council, however it is tabled to this meeting for the endorsement of Council. If there are other additional critical issues which Councillors may wish to raise, we are able to provide a supplementary submission to IA.

RECOMMENDATION

That:

1. The information contained in the report on Submission to Infrastructure Australia be received.
2. Council endorse the submission to Infrastructure Australia.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

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THE CITY AS A SOCIAL PLACE

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

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THE CITY IN ITS ENVIRONMENT

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The City in its Environment

3 Penrith Social Sustainability Grant

Compiled by: Aisha Poole, Waste Education Officer
Kelly Watson, Community Projects Officer
Teresa Luk-Leung, Senior Social Planner

Authorised by: Barry Ryan, Waste and Community Protection Manager
Erich Weller, Community and Cultural Development Manager

Strategic Program Term Achievement: *Council leads our City by example and through advocacy by implementing sustainability initiatives.*

Critical Action: *Develop and enhance collaborative partnerships with the City's communities, organisations and business groups.*

Purpose:

To inform Council of the donation made by the Pratt Foundation to Penrith City Council. The report recommends the establishment of the "Penrith Social Sustainability Grant Program" to disperse this donation.

Background

In October 2007, Visy Recycling secured a contract with Penrith City Council to collect kerbside domestic recyclables. This contract will continue until October 2017.

Whilst not considered in awarding the contract, Visy, through the Pratt Foundation advised that they will generously allocate \$150,000 to distribute for community benefit over a period of six years. These funds are to be distributed to community organisations through a grants program administered by Penrith City Council.

The funding will be available only to those organisations which have Deductible Gift Recipient status. It is estimated that there are approximately twenty of these organisations in the Penrith Local Government Area that have Deductible Gift Recipient status.

This donation has been allocated by the Pratt Foundation, which is Visy's philanthropic foundation. The Pratt Foundation was established in 1978 by Richard and Jeanne Pratt with the shared vision of supporting charitable enterprises and adding value to philanthropy. It has now become one of the largest private sources of philanthropy in Australia. As noted in the mission statement of the Pratt Foundation, the Foundation aims "to enrich the lives of our community" and it works to fulfil this aim in a spirit of "kindness, justice and equity".

Social Sustainability

In 2003, Penrith City Council adopted Penrith's Principles for a Sustainable City to help guide our journey towards sustainability. These principles, based on the United Nations Environment Program's 'Melbourne Principles for Sustainable Cities' were developed to

guide cities around the world to develop healthy and sustainable solutions that are relevant to their own particular circumstances.

They provide a simple set of statements on how a Sustainable City would function and form a foundation for Council and its communities to work together to achieve this aim. Council has adopted the principles to help guide our thinking, and so that they can be applied in the day to day decision making and operations of Council as we work towards the long term sustainability of the City as a whole.

Three of these Principles that strongly relate to social sustainability are:

- *Principle 2:* Achieve long-term economic and social security
- *Principle 7:* Empower people and foster participation
- *Principle 8:* Expand and enable cooperative networks to work towards a common, sustainable future

The term “social sustainability” is used to describe programs and strategies that promote participation, cultural enrichment, and connectedness. It emphasises strategies which support the vulnerable and disadvantaged in our communities. As an example, organisations that help to provide basic needs of food, shelter and protection from harm within communities are working towards social sustainability. Other organisations include those working to build community through the preservation of cultural and community history, unite community members through social and environmental actions and those working with the community to enhance the local economy.

This generous donation from the Pratt Foundation is seen as an opportunity for Penrith City Council to put into practice social sustainability through the establishment of the Penrith Social Sustainability Grants Program. This grant program will enable community organisations to deliver social sustainability initiatives and strategies which will directly benefit communities in the Penrith Local Government Area.

Penrith Social Sustainability Grant Program

Penrith City Council plays a key role in a range of funding programs. Two examples of funding programs provided by Penrith City Council are the Community Assistance Program and the Magnetic Places Community Cultural Grants Program.

Penrith City Council also provides administrative and development support to the Community Development Expenditure Scheme (CDSE) and the Western Sydney Area Assistance Scheme (WSAAS).

<i>Funding Program</i>	<i>Amount offered</i>	<i>Funding Source</i>
Community Assistance Program	\$1,200 (max.)	Penrith City Council
Magnetic Places	\$5,000 (max.)	Penrith City Council
Community Development Support Expenditure Scheme (CDSE)	On average between \$4,000 to \$8,000	Clubs located in the Penrith LGA

Western Sydney Area Assistance Scheme (WSAAS)	\$10,000 to \$110,000	Department of Community Services (DoCS)
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It is proposed that the Penrith Social Sustainability Grants Program offer community organisations an amount between \$10,000 and \$20,000. The funds are not intended to replace existing funding sources but will enhance sustainability of existing programs as well as providing opportunities for innovation.

In order to be eligible for funding, it is proposed that the applicants must:

- Address one (or more) of the three identified Penrith Sustainability Indicators;
- Have capacity to deliver a project in the Penrith LGA as evidenced by an existing project with staff based in the Penrith LGA or an existing partnership with a local service delivery agency; and
- Be able to demonstrate Deductible Gift Recipient (DGR) Status.

Further criteria that may be used for assessment includes:

- Demonstrated partnerships with other organisations and/ or communities and/ or residents;
- Demonstrated capacity to support the participation and engagement of the residents of Penrith;
- Project is consistent with Council's Access and Equity Policy;
- Whether the applicant already receives significant funding from Government sources and/ or has the capacity to fundraise the requested amount; and
- Whether the proposal is realistic and cost effective, and includes a project plan identifying key expected outcomes and resources.

Successful applicants will be required to sign a funding agreement to ensure that the funding sought will be expended as per agreed outcomes and within a specified timeframe. Funds will not be provided retrospectively for projects or activities that have already taken place. Funds provided must be acquitted within a year of receipt followed by a report presented to Council.

The Penrith Social Sustainability Grant Program would be managed within the existing resources of the Community and Cultural Development Department, in partnership with the Waste and Community Protection Department.

Successful applications will be chosen by an annually convened ranking panel comprising of representatives from Community and Cultural Development Department, Waste and Community Protection Department, the Sustainability Unit and the Pratt Foundation.

It is proposed that the first funding round of the Penrith Social Sustainability Grant Program be completed within the current financial year. Council Officers are currently developing information packs and other relevant material. Councillors will be notified when the round opens, and the recommended applications will be submitted to Council for endorsement.

The upcoming round will offer a total of \$40,000 to community organisations. Visy has already donated \$10,000 to the Nepean Medical Research Foundation through the 2007 Penrith City Council Mayoral Ball.

The subsequent two rounds in 2010 and 2012 will each distribute an amount of \$50,000.

Summary

Funds have been made available to Penrith City Council through the Pratt Foundation to support community organisations which have Deductible Gift Recipient status. It is proposed that this donation be used to establish the Penrith Social Sustainability Grant Program. The grant program aims to fund applications which target one or more of the identified Penrith's Principles for a Sustainable City. The first round of this grant program will open during the current financial year.

RECOMMENDATION

That:

1. The information contained in the report on Penrith Social Sustainability Grant be received
2. The establishment of the "Penrith Social Sustainability Grant Program" be endorsed.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

THE CITY AS AN ECONOMY

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

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THE CITY SUPPORTED BY INFRASTRUCTURE

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

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LEADERSHIP AND ORGANISATION

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URGENT

4 2008 Local Government Association Conference - Request for Late Motions

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Leadership and Organisation

4 2008 Local Government Association Conference - Request for Late Motions

Compiled by: Carolyn Gartside, Aboriginal Liaison Officer
Stephen Pearson, Executive Services Officer

Authorised by: Glenn McCarthy, Executive Officer

Strategic Program Term Achievement: *Council has reviewed its own role and operations and has adopted contemporary practices to best discharge its charter.*

Critical Action: *Review current structures and procedures supporting Council and Councillors responsibilities.*

Purpose:

To report on a proposal for submission of two (2) Late Motions to the Local Government Association Conference to be held in Broken Hill from 25 - 29 October 2008.

The report recommends that Council seek to amend an existing motion on the Conference Business Paper in relation to Local Government Elections and that Council submit a late motion to the Conference in relation to proposed amendments to the Local Government Association Constitution.

Background

The Local Government Association of NSW (LGA) is holding its Annual Conference in Broken Hill from 25 – 29 October 2008.

Council, at its Ordinary Meeting held on 4 August 2008, resolved to submit nine (9) Motions for inclusion in the Conference Business Paper.

However, at Council's Ordinary Meeting held on 13 October 2008, Councillor John Thain raised two (2) additional items in Questions Without Notice as possible Late Motions for the Conference in relation to the following matters:

Uniform Laws for all Elections

Councillor John Thain requested that Council submit a late motion to the 2008 Local Government Association Conference seeking consistency with rules for where election officials can be located within the school grounds.

It was RESOLVED that Council submit a late motion to the 2008 Local Government Association Conference seeking consistency with rules for where election officials can be located within the school grounds.

NSW Aboriginal Land Council (NSWALC) Representation at Conference

Councillor John Thain requested a report to the next Policy Review Committee meeting concerning the submission of a late motion to the 2008 Local Government Association Conference supporting the consideration of an amendment to the Local Government and Shires Associations NSW constitution that will allow independent membership to that of the NSW Aboriginal Land Council (NSWALC).

Submission of Late Motions

Any motions received after 11 August 2008 are considered to be Late Motions. Late Motions received up until the close of business on 13 October 2008 have been included in a special edition of the LGA Weekly and were published on 17 October 2008.

Late Motions are dealt with at the Conference after all other business has been concluded.

Late Motions are not accepted at the Conference. However the President or Office Bearers have the right at any time to introduce any matter considered emergent to be put before the Conference.

Uniform Laws for all Elections

The matter of where candidates and candidate (party) workers can be located at any polling place for the purpose of distributing electoral material (how to vote cards etc) and encouraging electors to vote for a party or candidate at Local Government elections is dealt with in the 'Local Government Election Polling Place Manager Manual' which was issued to all Polling Place Managers and Deputy Polling Place Managers.

This Manual states as follows:

Section 21.1 Candidates

“Candidates may canvass for votes outside the 6 metre entrance to the polling place. (See definition of polling place in Section 27.4.1)”

Section 27.1 Candidate (Party) Workers

“It is an offence to obstruct the access or approaches to the polling place or to be active (handing out how to vote cards, canvass electors, display posters etc) within 6 metres of the entrance to a polling place.”

Section 27.4.1 The Polling Place

“The polling place is deemed to be the building in which the polling place is located. Unless approved by the Electoral Commissioner, the polling place does not include the grounds that surround the building, even if the grounds are enclosed by a fence or other boundary. The entrance to the polling place is the door through which you first enter the building where voting will take place.”

These particular requirements were also covered at the training sessions conducted by the Returning Officer for Polling Place Managers and Deputy Polling Place Managers.

At the Penrith City Council Local Government Election held on 13 September 2008, there were apparently still some isolated instances where candidate (party) workers were relocated by Election Officials to outside the fences to school grounds and 6 metres from the school gates. The resulting inconvenience was raised as a concern, particularly from an occupational health and safety view, where the candidate (party) workers concerned were outside school grounds in the sun rather than being inside school grounds in the shade. It was also indicated that the requirements had not been consistently applied across the entire Penrith local government area.

Any inconsistencies which existed at the Penrith City Council Local Government Election held on 13 September 2008 contrary to these requirements could only have resulted from the Election Officials applying a different interpretation to these sections of the Manual, or perhaps not referring to the separate definition of “polling place”.

It is considered necessary that this situation be drawn to the attention of the NSW Electoral Commission in relation to its proposed review of the conduct of the 2008 Local Government Elections and in relation a review of the training of Polling Place Managers and Deputy Polling Place Managers.

Enquiry with the Director Corporate Services of the Local Government Association has disclosed that it is very unlikely that the LGA Executive would agree to bring this late matter before the Conference, particularly having regard to a Motion already on the Conference Business Paper from Mosman Council which reads as follows:

9 - Mosman *Local Government Elections

That the Local Government Association undertake a post Local Government election review and evaluation of the Government’s statutory requirements for residents intending to nominate and the effect of same on the candidature of truly independent candidates as against those of the registered parties; and further that the performance of the NSW Electoral Commission in the conduct of the election process and the costs involved be scrutinised.

Note from Council:

The independence of Local Government from the influence of the political parties is in jeopardy. Successive State Governments are legislating to strengthen the electoral process for the convenience of political parties, including “grouped” independents. True independent candidates are being disadvantaged and the very essence of democratic grassroots local government service to local communities is being brought into question.

In addition, there appears to be considerable cost shifting on the part of the State in the conduct of the electoral process. Based on the 2004 election, Mosman Council’s 2008 costs will be \$10.65 per vote cast.

Council could either:

1. make a submission to the proposed post Local Government election review after the LGA Conference (if the Mosman Council motion is carried); or

2. attempt to amend the Mosman Council motion at the LGA Conference by seeking a more encompassing review to also include a consistent approach for all elections (local, state and federal) in relation to the definition of a polling place and the minimum distance that candidate (party) workers are required to be from all polling place entrances. If this approach is desired, then an amended motion to the Conference could be:

That the Local Government Association undertake a post Local Government election review, the review to include an evaluation of the Government's statutory requirements for residents intending to nominate and the effect of same on the candidature of truly independent candidates as against those of the registered parties; the application of a consistent approach for all elections (local, state and federal) in relation to the definition of a polling place and the minimum distance that candidate (party) workers are required to be from all polling place entrances; and further that the performance of the NSW Electoral Commission in the conduct of the election process and the costs involved be scrutinised.

NSW Aboriginal Land Council (NSWALC) representation at LGA Conference

A detailed Discussion Paper on this matter is appended to the report. The Paper was prepared by Robert Lester, Regional Delegate nominated by the Deerubbin Local Aboriginal Land Council to the NSWALC, for the Sydney and Newcastle region of the NSWALR'S Act 1983. Robert Lester served as the elected representative for the Western Metropolitan Region of NSWALC for three consecutive four year terms.

Enquiry with the Director Corporate Services of the Local Government Association has disclosed that a matter such as this, involving constitutional change, requires sufficient notice in order to be brought before the Conference. The notice requirements are outlined in clause 55 of the LGA Constitution, which states as follows:

“No alteration, amendment or rescission shall be made to the Constitution unless by resolution of the Annual Conference and after due notice by inclusion in the Business Paper to all persons eligible to attend the Conference.”

A proposed motion involving a change to the LGA Constitution must therefore be included in the original Business Paper issued for the Conference.

Nevertheless, the LGA has advised Council to submit the motion anyway, but there is little likelihood of it being brought before the Conference. The LGA has also advised that matters involving constitutional change also tend to be very complicated and problematic and need adequate time for proper consideration.

An appropriate draft motion has been prepared in relation to this matter for Council's consideration. The Council can resolve to submit this motion to the 2008 LGA Conference or it can be left and submitted to the 2009 LGA Conference as part of the initial Business Paper.

If Council resolves to submit this motion to the 2008 LGA Conference and it is ultimately not dealt with at the Conference, this would at least have the advantage of informing the LGA Executive of Penrith's intention to move this motion at the 2009 LGA Conference and give the Executive adequate time to think through the issues involved.

The draft motion is as follows:

MOTION

Subject: Local Government Association Constitution – Proposed Amendments

Motion:

That the Association seek to amend the Local Government and Shires Association Constitution so as to allow for the eighteen (18) Local Aboriginal Land Councils to take out independent membership of the Local Government Association of NSW apart from the New South Wales Aboriginal Land Council (NSWALC) membership.

Note from Council:

The intent of the amendment is to provide a fair and equitable process for Local Aboriginal Land Councils' membership of the Local Government Association of NSW through a regional process.

The NSWALC is currently entitled to twenty-seven (27) delegates to the Conference. It is proposed that these delegates be made up in the future of:

- nine (9) delegates from the NSWALC subject to it being a financial member; and
- eighteen (18) regional delegates from Local Aboriginal Land Councils appointed at a meeting of Chairpersons of elected Boards within a region defined under the NSWALR'S Act 1983 as amended and those regions to have independent membership to that of the NSWALC subject to those Land Council being financial members.

Detailed Supporting Case:

In 2000 the Local Government Association made a significant and historic decision to change its constitution to recognise the Aboriginal Land Council as members of the Association. This action enabled contribution by the elected Aboriginal voice to the Local Government Agenda.

The former President of the Local Government and Shires Association NSW, Mr. Peter Woods, attended a meeting of NSWALC in March 2001 and presented the Association's proposal for the NSWALR to become members of the Association. The NSWALC accepted the proposal.

The NSWALC was then to determine a process as to how its delegates were to be selected to represent the Aboriginal people of NSW at future Local Government Association Annual Conferences. This determination was never formalised.

In mid 2001, as an interim measure and because of the necessity to attend the first conference, a decision was made that each regional Councillor and each regional Chairperson would be the delegates to attend, and this process continued until the October conference in 2003. In November 2003, the NSW Government appointed an administrator to the

NSWALC. During the next three and a half years, the administrator refused to provide funding for Regional delegates to attend LGA Conferences.

During the absence of elected Aboriginal representatives at the Conferences from 2004 onwards, Penrith City Council supported the Local Government Association putting forward a number of motions calling on the NSW Premier to ensure adequate funding for the attendance of the thirteen (13) Regional Aboriginal Land Council delegates (at that time) to attend LGA Conferences. The motions stressed the need to ensure the voice of Aboriginal people was maintained and the continuity of Aboriginal representation retained within the Association.

Furthermore, Penrith City Council continued its support of Aboriginal people by its own commitment to sponsor up to three (3) Aboriginal observers from the Local Deerubbin Aboriginal Land Council to accompany the Council's Delegation to LGA Conferences.

RECOMMENDATION

That:

1. The information contained in the report on 2008 Local Government Association Conference - Request for Late Motions be received
2. Council seek to amend Mosman Council's motion at the 2008 LGA Conference (Motion 9 on the Conference Business Paper) in relation to the Local Government Elections, to read as follows:

“That the Local Government Association undertake a post Local Government election review, the review to include an evaluation of the Government's statutory requirements for residents intending to nominate and the effect of same on the candidature of truly independent candidates as against those of the registered parties; the application of a consistent approach for all elections (local, state and federal) in relation to the definition of a polling place and the minimum distance that candidate (party) workers are required to be from all polling place entrances; and further that the performance of the NSW Electoral Commission in the conduct of the election process and the costs involved be scrutinised.”

3. Council submit a late motion to the 2008 LGA Conference in relation to proposed amendments to the Local Government Association Constitution as follows:

“That the Association seek to amend the Local Government and Shires Association Constitution so as to allow for the eighteen (18) Local Aboriginal Land Councils to take out independent membership of the Local Government Association of NSW apart from the New South Wales Aboriginal Land Council (NSWALC) membership.”

and in the event that this motion is not accepted for the 2008 LGA Conference, it be re-submitted for the 2009 LGA Conference.

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Discussion Paper

Local Aboriginal Land Council membership to the Local Government and Shires Association NSW Independent of NSWALC membership to the Local Government and Shires Association NSW

It is requested that Penrith City Council support a motion to be referred to the Executive Committee to consider an amendment to the Local Government and Shires Association NSW constitution that will allow independent membership to that of the New South Wales Aboriginal Land Council (NSWALC).

- The intent of the amendment is to provide a fair and equitable process for Local Aboriginal Land Council membership accessibility to the Local Government and Shires Association NSW through a regional process.
- The NSWALC will retain its nine (9) delegates subject to being a financial member.
- Local Aboriginal Land Council through (18) regional delegates appointed at a meeting of Chairpersons of elected Boards within a region defined under the NSWALR'S Act 1983 as amended and those region to have independent membership to that of the NSWALC subject to being financial members.

The reasoning for this amendment follows:

The author of this paper served as the elected representative for the Western Metropolitan Region of the NSWALC for three consecutive four year terms and was the sitting member when former President of the Local Government and Shires Association NSW Mr. Peter Woods attended a meeting of NSWALC in March 2001 and presented a proposal for the NSWALR'S system to become members of the association the NSWALC accepted the proposal.

The NSWALC was then to determine a process as to how the delegates were to be selected to represent Aboriginal people of NSW at Local Government and Shires Association annual conferences. This determination was never formalised.

In mid 2001 as an interim measure and because of necessity to attend the first conference a decision was made that each regional Councilor and each regional chairperson would be the delegates to attend and this process continued until the October conference in 2003. In November 2003 the NSW Government appointed an administrator to NSWALC.

Support for Aboriginal Delegates:

During the absence of the elected Aboriginal representatives from 2004 the Penrith City Council have supported the Local Government Association putting forward a number of motions calling on previous Premier's of NSW to ensure adequate funding for the delegates of the thirteen Regional Aboriginal Land Council members (at that time) to attend the LGA conferences to ensure the voice of Aboriginal People was maintained and the continuity of Aboriginal representation retained within the Association, as the NSW Government appointed administrator refused to provide funding for Regional delegates to attend for the next three and a half years.

Furthermore, Penrith City Council continued its support of Aboriginal people by their commitment in having three Aboriginal observers from the Local Aboriginal Land Council accompany the Penrith City Council's Delegation to LGA conferences.

New NSWALC Councilors elected:

In May 2007 an election was held under the new amendments to the NSWALR's Act 1983, with a reduced number of Regions from 13 to 9 and nine Councilors were elected to make up the NSWALC. At the time it was considered that the new Councilors were on a fast learning curve and that it was best to wait for the 2008 conference.

However, in anticipation of representation at the 2008 conference and the reduced number of regions Penrith City Council supported an amendment to the association's constitution at the 2007 conference to increase the Aboriginal delegate's representation from 2 per region to 3 per region giving a total of 27 delegates.

On the 14th January 2008 at the request of the Chief Executive Officer of NSWALC Mr. Geoff Scott, the author of this letter provided a 12 page briefing paper on the history of Land Council involvement with local Government the positives, and the negatives which I believe, was and is caused through misunderstandings and no formal relationship between each other and their respective responsibilities in providing a service delivery role to Aboriginal people of NSW.

Furthermore, it was impressed that by participation of Aboriginal people a working relationship between Local Land Councils and Local Governments and Shires could only be an advantage with Aboriginal representation and

participation in LGA conferences as this could have the flow on effect to where the rubber hits the road at the Local Community Level.

Current situation:

Since 2004 Aboriginal people of NSW have been disenfranchised by the NSW Government appointed administrator refusing to financially assist Regional Aboriginal delegates to participate at LGA conferences.

Furthermore, as part of the amendments to the Land Right's Act 1983, Regional Statutory Bodies were abolished. The nine current regions are now only for administrative purposes under the control of NSWALC and for the election of one Councilors from each of those Regions to form the NSWALC Board.

Local Aboriginal Land Councils are still identified under schedule 5 of the Land Right's Act 1983, as to which new regional boundary they falls within.

Aboriginal people are now further disenfranchised by the non participation of NSWALC, whereby at the 11th hour in October 2008 a decision not to support sending delegates to the 2008 conference was made. The unofficial reason being financial reasons, no formal notice of the decision has been advised throughout the Land Right's system.

Under the Local Government and Shires Association NSW constitution the NSWALC is the sole member if NSWALC says no then that's it. Aboriginal people from the local level have no recourse for representation.

I do not believe, the Local Government and Shires Association NSW intention was when it amended it constitution in 2000 and again in 2007 to have a situation where Aboriginal Land Councils through a regional process could not select their own delegates to attend LGA conferences, and for that matter to be excluded entirely from providing representation when NSWALC decides it will not participate.

It is hoped that Penrith City Council will take up and have this abnormality addressed for future Aboriginal representation at LGA conferences.

Prepared by Robert Lester

Regional Delegate nominated by the Deerubbin LALC to the NSWALC, for the Sydney and Newcastle Region of the NSWALR'S Act 1983.

**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:

Leadership and Organisation

2 Personnel Matter - Workforce Issue

This item has been referred to Committee of the Whole as the report refers to personnel matters concerning particular individuals and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

