

25 February 2009

Dear Councillor,

In pursuance of the provisions of the Local Government Act, 1993 and the Regulations thereunder, notice is hereby given that an **EXTRAORDINARY COUNCIL MEETING** of Penrith City Council is to be held in the Pasadena Room, Civic Centre, 601 High Street, Penrith on Monday 2 March 2009 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**

*Minutes of the Ordinary Meeting - 23 February 2009 will be confirmed at the next Ordinary Meeting on Monday 23 March 2009*

**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**



**EXTRAORDINARY COUNCIL MEETING**

**MONDAY 2 MARCH 2009**

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**MASTER PROGRAM REPORTS**

## MASTER PROGRAM REPORTS

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**The City in its Environment**

**1 Regional Local Community Infrastructure Program - Revised  
Project List**

**Compiled by:** Craig Ross, Major Projects Manager

**Authorised by:** Craig Ross, Major Projects Manager

**Strategic Program Term Achievement:** *Development is designed, constructed and maintained to deliver improved sustainability outcomes.*

**Critical Action:** *Develop and implement sustainability criteria for the planning, design, construction and maintenance of new and existing community assets.*

**Purpose:**

*To seek Council's endorsement of a revised list of projects for the RLCIP Community Grant. The report recommends that Council endorse the revised list.*

**Background**

Council considered a report at its meeting of December 1, 2008 that dealt with the Council allocation under the Community component of the RLCIP grant. Council resolved to allocate the \$1.706m to the following projects:

**Community Buildings & Facilities**

Ridge Park Hall Refurbishment	\$100,500
Arthur Neave Memorial Hall Refurbishment	\$130,000
Namatjira Neighbourhood Centre Refurbishment	\$130,000
Penrith Swim Centre – Quarterdeck Refurbishment	\$150,000
Penrith Senior Citizens Centre – Fencing	\$25,000
Emu Plains Community Centre Refurbishment	\$150,000
Cook Parade Neighbourhood Centre - Playground	\$6,000
Yoorami CCC Building Upgrade	\$30,000
Strauss Road CCC building Upgrade	\$30,000
Roller Door Upgrades at various CCC	\$40,000
External Accessible Toilet at PVCP	\$50,000
Victoria Park Stage 3 (additional)	\$30,000
Woodriff Lane (additional)	\$20,000

**Park Enhancement & Upgrades**

Victoria Park Stage 3	\$140,000
Various Playground Upgrades and Replacements	\$276,500
Cranebrook Skate Park Enhancement	\$43,000

**Civil Asset Renewal**

Pedestrian Bridge Repairs	\$75,000
Woodriff Lane upgrade	\$280,000

**\$1,706,000**

The above estimated costs excluded GST. This is consistent with Council's budgeting procedures and with most grants that are provided to Council.

In accordance with the grant requirements, grant applications have been submitted for endorsement of the projects.

Following lodgement of the applications, Council became aware that the allocation included GST. This effectively reduces the value of the project list by approx \$155,000.

The inclusion of GST is inconsistent with the Strategic component of the same grant where Council has been advised that GST is excluded in the grant allocation. Representations have been made seeking clarification and possible reversal of the GST requirement.

Notwithstanding this, endorsement of the project list is critical if the project delivery deadline of September 2009 is to be met. Contact has been made with the grant administrators and Council has been advised that the options available to address the funding difference are:

- eliminate a project to the value of the difference
- reduce the scope and cost of individual projects and resubmit the applications.

The project list has been reviewed and the following changes are recommended:

<b>Project</b>	<b>Comment</b>	<b>Saving</b>
External Accessible Toilet at PVCP	Saving have been made in the PVCP contract that will enable this work to be funded under that contract.	\$50,000
Victoria Park Stage 3	Reduce scope of works.	\$20,000
Various Playground Upgrades and Replacements	Reduce scope of works. Upgrades to five parks instead of six.	\$50,000
Penrith Swim Centre – Quarterdeck Refurbishment	Reduce scope of works and revised estimate. Project will still deliver the required access.	\$40,000
Ridge Park Hall Refurbishment	Increase allocation to cover minor funding shortfall	(\$5,000)
	<b>TOTAL</b>	<b>\$155,000</b>

It is recommended that the above project changes be endorsed and the grant applications be modified accordingly. If the GST is reversed, the original project list will stand.

## **RECOMMENDATION**

That:

1. The information contained in the report on Regional Local Community Infrastructure Program - Revised Project List be received.
2. The project list for the RLCIP Community grant be modified as indicated in This report.
3. The external disabled toilet at the PVCP be constructed as an extension to the existing contract from saving in the contract.

4. Representations be made seeking a reversal of the GST obligations in the grant.

**ATTACHMENTS/APPENDICES**

There are no attachments for this report.

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**The City in its Environment**

**2 Grant Application under the Regional & Local Community  
Infrastructure Program - Penrith Commuter Carpark**

**Compiled by:** Craig Ross, Major Projects Manager  
Warwick Stimson, Property Project Co-ordinator

**Authorised by:** Barry Husking, Director

<p><b>Strategic Program Term Achievement:</b> <i>Development is designed, constructed and maintained to deliver improved sustainability outcomes.</i></p> <p><b>Critical Action:</b> <i>Develop and implement sustainability criteria for the planning, design, construction and maintenance of new and existing community assets.</i></p>
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**Purpose:**

*To advise Council of a proposed amendment to a grant application lodged under the Regional & Local Community Infrastructure Program (RLCIP). The report recommends that an amended application be lodged seeking a grant of \$10 million for the Penrith Commuter Carpark.*

**Background**

As part of an economic stimulus package, the Federal government has developed a Regional and Local Community Infrastructure Program. The program has two components, a Community Program, under which Council has been allocated \$1.706m, and a Strategic Program where Councils can submit applications for projects of at least \$2m in cost. Initially, \$50m was allocated to this program to be contested by some 600 Councils nationally.

Council considered a report on the Strategic Program application at its Committee of the Whole meeting on 15 December 2008 and resolved to lodge an application for \$5m towards the construction of a 1,000 space commuter car park (total cost \$22.6 million) on the Defence land on the north side of Penrith Station.

Other projects that were considered at the Ordinary meeting are reproduced in the attachment to this business paper, together with comments on their viability. The comments have been updated to reflect the current status of the projects and more recent advice received from the grant administrators.

The application was prepared and submitted by the closing date of 23 December, 2008. The application anticipated a matching State contribution of \$5m and the balance of the costs (\$12.6 million) being sourced from the development of the Defence site. The application contained letters of support from Minister Keneally, however, there was no firm funding commitment from the State government towards the cost of the car park. A report to tonight's Committee of the Whole meeting provides information on the commercial aspects associated with the potential development of the site.

To meet the very tight timelines for the grant, Council authorised expenditure to engage a consultant to develop plans for the car park ahead of advice of grant approval. Concept plans have been completed and an application for approval of the car park under the Infrastructure SEPP is being prepared. The SEPP has provisions for expedited approval and obviates the need for a Development Application.

### **Current Situation**

Advice has been received from the Federal government that the Strategic Projects component of the RLCIP has been reviewed and an additional \$500m has been allocated to the program (total \$550m). The same project guidelines still apply. These include:

- Applications are limited to only local governments and only one application per Council;
- Projects must be ready to go and able to proceed within six months of signing a contract (for the grant);
- Projects must be seeking a Commonwealth contribution of at least \$2m;
- Councils are encouraged to contribute funds or secure partnership funds for projects; and
- Community organisations' projects are permitted if sponsored by a local government.

On 25 February 2009 the Federal Government announced new guidelines for the release of surplus Commonwealth land to support the construction of new housing. The new Commonwealth Property Disposals Policy (CPDP) will allow Commonwealth land suitable for housing to be disposed of to support the construction of new houses, improve community amenity, support the creation of new jobs, and to provide other relevant economic multipliers. Those surplus properties not suitable for housing will continue to be disposed of on the open market to the highest bidder. Under the new guidelines, state and local governments will continue to have the opportunity to put forward requests for a priority sale of surplus Commonwealth land, provided it can be demonstrated that such a sale offers the best outcome for delivery of the Government's objectives.

The benefits of using the RLCIP funds for the partial funding of the commuter car park include the following resulting multipliers:

- It enables the NPUA to be developed now from a greenfield site to a transit oriented development that would act as a catalyst for job creation in the locality; and
- It would create a centre that whilst not competing with the CBD, could enhance CBD development and realise Penrith's status as a Regional City.

Council's have until 4:00pm March 6, 2009 to either:

- advise that their initial application stands;
- submit a new application; or
- revise their existing application.

### **Proposal**

Council previously considered a report on a number of projects that could be considered for grant nomination. Due to the tight timeframes imposed by the grant criteria, those projects

were considered to be either ineligible or non-competitive. Updated comments on these projects are included in the attachments.

The Penrith Commuter car park proposal could meet the grant timelines and was considered to offer the best chance for grant approval.

The Federal government has committed that the developer of the site will deliver the car park as a condition of the sale. The grant application would bring forward the car park construction ahead of when it might be provided by a developer of the site and this would provide considerable benefits to the City's commuters. There are also benefits associated with the development of the Defence land and their flow on effects to the CBD and Penrith's Regional City status.

Preliminary analysis of the development potential of the site would indicate that a \$10m grant would provide a better stimulus for the development of the site and the early construction of the carpark. It is therefore recommended that Council's grant submission be amended to seek a \$10m allocation.

Further representations will be made to the State government to seek a firm commitment to the car park funding which, if successful would further enhance the project viability.

## **RECOMMENDATION**

That:

1. The information contained in the report on Grant Application under the Regional & Local Community Infrastructure Program - Penrith Commuter Carpark be received.
2. Council's application be amended to reflect a \$10m grant for the Penrith Commuter Carpark.

## **ATTACHMENTS/APPENDICES**

1. RLCIP Funding Report 1 Page Appendix

**Attachment to RLCIP Application Report**

**Project list from Project Team that was submitted to Council at its meeting of 15 December 2008. with updated comments**

<b>Project</b>	<b>Approval Status</b>	<b>Bid</b>	<b>Comment</b>
Penrith Valley Regional Sports Centre (Herbert Street Basketball Stadium).	DA about to be lodged for the current committed works (Stage 1). DA would be required for RLCIP grant works (Stage 2).	\$5.3m	Stage 1 funds: \$0.25m Federal grant received. State loan of \$0.6m and Council funds of \$0.85m (Total \$1.7m). Stage 2 works would need to be continuous with Stage 1 to satisfy grant. Total project cost \$7m Project could meet the grant timelines (continuing project). { See Note }
Ripples	DA required	\$6m	Originally considered that grant timelines could not be met. Energy Performance Contract (EPC) has been called with Ripples component being \$5.4m and Council has allocated \$1.2m in budget. Further building enhancements estimated at \$1.8m. Project could meet the grant timelines (continuing project). { See Note }
Penrith Regional Comm Service Facility	DA required	\$3m	Delivery of the project would not be able to meet the required timeframe.
Gipps Street – Regional Park	DA not required (subject to land reclassification)	\$5m	Mostly related to importation of fill. It is the team's judgement that this project could not compete nationally given this is just one early stage of the overall works.
Neighbourhood Facilities Upgrade Program	DA required on some components	\$3.5m	Consultation requirements and multiple projects - would not be able to be delivered in the required timeframe.
Memory Park	DA approved	\$2m	Reconstruction of park following RSL Memorial works. Some funds allocated to this project under CBD S94 Plan. This would bring grant below the \$2m threshold.
Panthers Stadium	DA approved	\$2m	Previous funding allocations by federal govt. may go against funding under this scenario.

Given the competitive nature of the program, the project team felt that projects that had additional funding (multiplier effect on the Federal allocation) were more likely to receive favourable approval. This has been confirmed through discussions with the grant administrators. The project team also noted that, for the projects that required Development Approval, the project delivery timeline could be difficult to achieve.

**NOTE:**

The Project Administrators have recently advised that, for grants that extend existing funded projects, the grant funded works do not need to start within six months of grant contact, provided the project starts within the timeframe and the grant funded works are continuous with the initial works. This advice has altered some of the above comments.

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**COMMITTEE OF THE WHOLE  
MASTER PROGRAM REPORTS  
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**Pecuniary Interests**

**Other Interests**

**Monday March 2 2009**

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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 Commercial Matter - North Penrith Urban Area**

*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.*



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