

22 September 2010

Dear Councillor,

In pursuance of the provisions of the Local Government Act, 1993 and the Regulations thereunder, notice is hereby given that an **ORDINARY MEETING** of Penrith City Council is to be held in the Council Chambers, Civic Centre, 601 High Street, Penrith on Monday 27 September 2010 at 7:00PM.

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

Yours faithfully

Alan Stoneham
General Manager

BUSINESS

- 1. LEAVE OF ABSENCE**
- 2. APOLOGIES**
- 3. CONFIRMATION OF MINUTES**
Ordinary Meeting - 6 September 2010.
- 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 COUNCIL**
- 6. MAYORAL MINUTES**
Year in Review.
- 7. NOTICES OF MOTION TO RESCIND A RESOLUTION**
- 8. NOTICES OF MOTION AND QUESTIONS ON NOTICE**
- 9. ADOPTION OF REPORTS AND RECOMMENDATION OF COMMITTEES**
Local Traffic Committee Meeting - 6 September 2010.
Policy Review Committee Meeting - 13 September 2010.
- 10. DELIVERY PROGRAM REPORTS**
Election of Mayor; Election of Deputy Mayor; Councillor Fees
- 11. REQUESTS FOR REPORTS AND MEMORANDUMS**
- 12. URGENT BUSINESS**
- 13. COMMITTEE OF THE WHOLE**

ORDINARY MEETING
MONDAY 27 SEPTEMBER 2010
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ADVANCE AUSTRALIA FAIR

**Australians all let us rejoice,
For we are young and free;
We've golden soil and wealth for toil;
Our home is girt by sea;
Our land abounds in nature's gifts
Of beauty rich and rare;
In history's page, let every stage
Advance Australia Fair.**

**In joyful strains then let us sing,
Advance Australia Fair.**

**Beneath our radiant Southern Cross
We'll toil with hearts and hands;
To make this Commonwealth of ours
Renowned of all the lands;
For those who've come across the seas
We've boundless plains to share;
With courage let us all combine
To Advance Australia Fair.**

**In joyful strains then let us sing,
Advance Australia Fair.**

Statement of Recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage

Council values the unique status of Aboriginal people as the original owners and custodians of lands and waters, including the land and waters of Penrith City.

Council values the unique status of Torres Strait Islander people as the original owners and custodians of the Torres Strait Islands and surrounding waters.

We work together for a united Australia and City that respects this land of ours, that values the diversity of Aboriginal and Torres Strait Islander cultural heritage, and provides justice and equity for all.



PRAYER

“Sovereign God, tonight as we gather together as a Council we affirm that you are the giver and sustainer of life. We come together as representatives of our community to make decisions that will benefit this city and the people within it.

We come not in a spirit of competition, not as adversaries, but as colleagues. Help us to treat each other with respect, with dignity, with interest and with honesty. Help us not just to hear the words we say, but also to hear each others hearts. We seek to be wise in all that we say and do.

As we meet, our concern is for this city. Grant us wisdom, courage and strength.

Lord, help us. We pray this in the name of Jesus Christ our Lord. Amen.”



Council Chambers Seating Arrangements

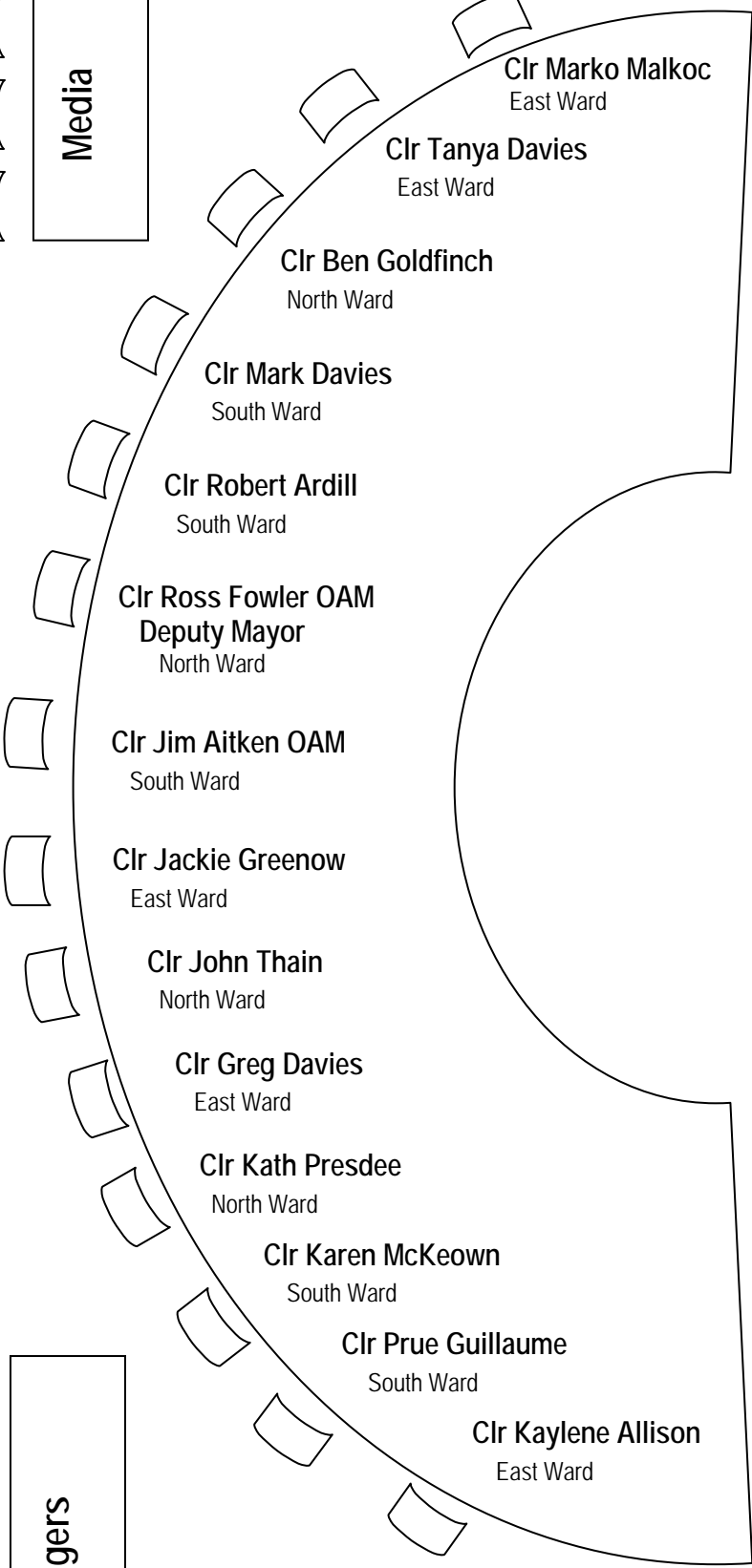
For members of the
public addressing
the meeting

Lectern

Group Managers

Media

Public Gallery



Director
Craig Butler

Director
Barry Husking

General
Manager
Alan Stoneham

**His Worship
the Mayor**
Councillor
Kevin Crameri
OAM
North Ward

Acting
Executive
Officer
Glenn Schuil

Minute Clerk

Managers

Group Managers

2010 MEETING CALENDAR

February 2010 - December 2010

(adopted by Council on 9/11/09 and amended by Council on 19/4/10)

	TIME	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
		Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon
Ordinary Council Meeting	7.30pm	1			3❖		19	16#	6✓	11♦	8#	13 (7.00pm)
		22#	22	19	24#	21*			27^ (7.00pm)		29	
Policy Review Committee	7.30pm	15	8		10			9	13@		15	
			29@			28	12	30		18		
Operational Plan Public Forum	6.00pm				31							

- ❖ Meeting at which the Draft Operational Plan for 2010/2011 is adopted for exhibition
- * Meeting at which the Operational Plan for 2010/2011 is adopted
- # Meetings at which the Operational Plan quarterly reviews are presented
- @ Delivery Program progress reports
- ^ Election of Mayor/Deputy Mayor
- ✓ Meeting at which the 2009/2010 Annual Statements are presented
- ♦ Meeting at which any comments on the 2009/2010 Annual Statements are presented

- Extraordinary Meetings are held as required.
- 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 Acting Executive Officer, Glenn Schuil.

UNCONFIRMED MINUTES

OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS

ON MONDAY 6 SEPTEMBER 2010 AT 7:34PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor Kevin Crameri OAM read a statement of recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage.

PRAYER

The Council Prayer was read by the Rev Neil Checkley.

PRESENT

His Worship the Mayor Councillor Kevin Crameri OAM, Councillors Jim Aitken OAM, Kaylene Allison, Robert Ardill, Greg Davies, Mark Davies, Tanya Davies, Ben Goldfinch, Jackie Greenow, Prue Guillaume, Marko Malkoc, Kath Presdee and John Thain.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Karen McKeown for the period 17 August 2010 to 20 September 2010 inclusive.

Leave of Absence was previously granted to Councillor Ross Fowler OAM for the period 3 September 2010 to 21 September 2010 inclusive.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 16 August 2010

297 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Prue Guillaume that the minutes of the Ordinary Meeting of 16 August 2010 be confirmed.

DECLARATIONS OF INTEREST

Nil.

MAYORAL MINUTES

1 St Marys Children's Centre wins Business Award 2010

298 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Tanya Davies that the Mayoral Minute on St Marys Children's Centre wins Business Award 2010 be received.

2 Ripples St Marys Leisure Centre wins Business Award 2010

299 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Greg Davies that the Mayoral Minute on Ripples St Marys Leisure Centre wins Business Award 2010 be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Waste Services Committee Meeting held on 15 July 2010

300 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee

That

1. The recommendations contained in the Report and Recommendations of the Waste Services Committee meeting held on 15 July, 2010 be adopted.
2. A report be presented to Council on the possibility of collecting electronic waste.

2 Report and Recommendations of the Access Committee Meeting held on 4 August 2010

301 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 4 August, 2010 be adopted.

3 Report and Recommendations of the Policy Review Committee Meeting held on 30 August 2010

302 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ben Goldfinch that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 30 August, 2010 be adopted.

DELIVERY PROGRAM REPORTS

SUSPENSION OF STANDING ORDERS

303 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc that Standing Orders be suspended to allow Council's Auditor to address the meeting, the time being 7:47 pm.

Council's External Auditor, Mr Dennis Banicevic, a Director of PriceWaterhouse Coopers, addressed the meeting and gave a short presentation on Council's 2009-2010 Annual Financial Statements. Mr Banicevic said the Statements show Penrith City Council to be in a sound and stable financial position as at 30 June 2010, that they demonstrate a high standard of financial reporting, and that Council is viable and is in a sustainable position.

RESUMPTION OF STANDING ORDERS

304 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Jackie Greenow that Standing Orders be resumed, the time being 7:56 pm.

A LEADING CITY

1 Draft 2009-10 Financial Statements

305 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Draft 2009-10 Financial Statements be received.
2. Pursuant to s413(2)(c) it is the Council's opinion that:
 - a. The financial statements and schedules have been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting, the Local Government Australian Infrastructure Management Guidelines, and Australian Accounting Standards. The Code requires a phasing in of the new accounting requirements
 - b. Apart from the non-recognition of land under roads as required by the phasing process, the statements comply with Australian Statements of Accounting Concepts
 - c. The financial statements present fairly the Council's financial position as at 30 June 2010 and the operating result for the year then ended
 - d. The statements are in accord with Council's accounting and other records.
3. Pursuant to clause 215 of the Local Government Financial Management Regulation it is the Council's opinion that:

- a. The accompanying Special Purpose Financial report has been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting, and the requirements of National Competition Policy. The Code requires the inclusion of various charges and subsidies which are not actually paid or payable.
 - b. The report is a special purpose report and is not required to comply with Australian Accounting Standards. The above legislative requirements differ from Australian Accounting Standards and hence the report does not comply with Australian Accounting Standards.
 - c. The financial statements present a modelled scenario for comparative purposes. They do not report an actual result.
4. Council confirms its endorsement of the budget in the knowledge that some of its business activities are not making commercial returns. The existence of notional subsidies represents Council's commitment to its community service obligations.
 5. The Statements be forwarded to Council's Auditors.
 6. Abandonments for 2010 as detailed be written off.
 7. The balance of stores and materials be adjusted in the stores and materials registers in accordance with the various write-offs.

Councillor Jim Aitken OAM left the meeting, the time being 7:58 pm.

2 2010 Local Government Association of NSW Annual Conference

306 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow

That:

1. The information contained in the report on 2010 Local Government Association of NSW Annual Conference be received.
2. Councillor Kath Presdee replace Councillor Robert Ardill as a voting delegate at the 2010 Local Government Association of NSW Annual Conference.
3. The two late motions on
 - 'Privatisation of electricity providers'; and
 - 'Tendering with respect to elected local government organisations'be submitted for inclusion in the 2010 Local Government Association NSW Conference Business Paper.
4. Council seek the support of Hunters Hill Council in respect to the proposed late motion on 'Tendering with respect to elected local government organisations' if this motion is included on the 2010 Local Government Association Conference agenda.

5. Council note the foundations established for the formation of the One Association for local government arising from the One Association Convention held on 16 August 2010.

A CITY OF OPPORTUNITIES

3 Community Assistance Program 2010 - Rolling Component Projects Approved Under Delegated Authority January - June 2010

307 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc that the information contained in the report on Community Assistance Program 2010 - Rolling Component Projects Approved Under Delegated Authority January - June 2010 be received.

4 Development Application No. 10/0178 - Proposed detached dual occupancy at Lot 736 DP 717440 (No.1) Mount Close, Cranebrook . Applicant: Mr R & Mrs H Davies; Owner: Mr R & Mrs H Davies DA10/0178

Councillor Jim Aitken OAM returned to the meeting, the time being 8:00pm.

308 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Development Application No. 10/0178 - Proposed detached dual occupancy at Lot 736 DP 717440 (No.1) Mount Close, Cranebrook be received.
2. The submitted SEPP 1 be supported.
3. Development Application No DA10/0178 for the removal of trees, demolition of an existing dwelling and construction of a detached dual occupancy and associated landscaping be approved subject to the following proposed conditions:

Standard Conditions

- 3.1 A001 – Approved plans that are architecturally drawn
- A008 – Works to BCA requirements
- A019 – Occupation Certificate
- A043 - Air conditioner for existing dwelling
- A046 – Issue of Construction Certificate
- B001 - Demolition of existing structures
- B002 - AS for demolition and disposal to approved landfill site
- B003 - Asbestos
- B004 - Dust

B005 - Mud/Soil
B006 - Hours of work
D001 – Sedimentation and Erosion Controls
D005 - No filling without prior approval
D006 - No filling without prior approval
D009 – Covering Waste Storage area
D014 - Plant and equipment noise
G003 - Section 73 Certificate
G004- Integral Energy
H001 – Stamped plans and erection of site notice
H002 - All forms of construction
H010 - Fill details (no cut)
H022 - Survey
H036 – Rainwater tank
H037 – Safe supply from catchment
H038 – Connection of rainwater tank supply
H039 – Rainwater tank pumps
H041 – Hours of work
L001 – General landscaping
L002 - Landscape construction
L003 - Report requirement
L004 - Bond for landscape works
L005 - Planting of plant material
L006 - AS requirements
L007 - Tree protection measures–no TMP with DA
L008 – Tree preservation order
L010 - Retain existing trees (no tree bond required)
N003 - Section 94 contribution
N004 - Section 94 contribution
N005 - Section 94 contribution
N006 - Section 94 contribution
Q001F – Notice of Commencement & Appointment of PCA

Special Conditions

- 3.2 Reposition the stormwater line connecting Unit A to the street drainage system to avoid encroachment and damage to the critical root zone of the Poplar tree on the nature strip.
- 3.3 All civil works shall be designed and constructed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and applicable Australian Standards.
- 3.4 All drainage works and works in the road reserve required to effect the consented development shall be undertaken at no cost to Penrith City Council.
- 3.5 Retaining walls higher than 900mm shall be designed, the construction supervised and certified by a suitably qualified structural engineer.
- 3.6 Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate plans and details for erosion and sediment control in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- 3.7 The stacked carparking space for Unit B shall comply with the Australian Standard (AS2890.1-2004) for longitudinal grade of 5%. Evidence of compliance with AS2890 shall be submitted for approval prior to the issue of a Construction Certificate.
- 3.8 Prior to the issue of a Construction Certificate a Roads Act application, including payment of appropriate application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:
 - (a) Provision of 2 vehicular crossings.
 - (b) Provision of private drainage connection to Council's road drainage system.
 - (c) Removal of redundant vehicular crossings and reinstatement of kerb and gutter.
 - (d) Opening the road reserve for the provision of services including stormwater.
 - (e) Placing of hoardings, containers, waste skips, etc. in the road reserve.
 - (f) Replacement of damaged kerb and gutter for the full property frontage.

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's **City Works Department** on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

- 3.9 A Construction Certificate shall be issued by a Certifying Authority to include the following civil works.
- (a) Stormwater drainage
 - (b) Sealed pavement for all areas of vehicular access.

Civil design drawings shall be prepared strictly in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and applicable Australian Standards.

- 3.10 Stormwater drainage from the site shall be discharged to the street drainage system.

The ground surface in the courtyard of Unit B has a trapped low point in the vicinity of the rear sliding door of Unit B. The ground surface shall be graded to fall to the east and south or shall be drained with pit and pipe so as not to cause ponding.

The proposed stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

- 3.11 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, pedestrian access, carparking (including stacked carparking) and manoeuvring areas associated with the subject development are in accordance with AS 2890.1 and Penrith City Council's Development Control Plan.
- 3.12 The garage for Unit A shall comply with Council's Development Control Plan – 2006 in that the double garage shall have a clear internal dimension free from obstruction of 5.8m.
- 3.13 The garage for Unit B shall comply with Council's Development Control Plan – 2006 in that the single garage shall have a clear internal dimension free from obstruction of 3.2m.
- 3.14 Prior to the commencement of works on site, including approved clearing of site vegetation, erosion and sediment control measures shall be installed. The erosion and sediment control measures are to be

installed in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

- 3.15 Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

- 3.16 Prior to the Commencement of Works a dilapidation report of all Council owned infrastructure fronting the development in Waterfall Crescent and Mount Close is to be submitted to Penrith City Council. The report is to include, but not limited to, footpaths, kerb and gutter, pavement and street trees and is to extend 10m either side of the development.
- 3.17 Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 3.18 Prior to the connection of private drainage to Council's drainage system, an inspection is to be carried out by Penrith City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.
- 3.19 All filling shall be undertaken in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and AS 3798.
- 3.20 Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.
- 3.21 Prior to the issue of an **Occupation Certificate** any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be restored under the supervision of Penrith City Council. Any rectification works within Waterfall Crescent and Mount Close will require a Roads Act application. The application is to be submitted and approved by Penrith City Council prior to such works commencing.

3.22 The footways shall be turfed for the full frontage of the site.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For	Against
Councillor Kaylene Allison	
Councillor Prue Guillaume	
Councillor Kath Presdee	
Councillor Greg Davies	
Councillor John Thain	
Councillor Jackie Greenow	
Councillor Jim Aitken OAM	
Councillor Robert Ardill	
Councillor Mark Davies	
Councillor Ben Goldfinch	
Councillor Tanya Davies	
Councillor Marko Malkoc	
Councillor Kevin Cramer OAM	

5 Development Application DA09/1122 - Proposed (6) x Attic Style Villas at Lot 101 DP 243599 (No. 27) Hobart Street, Oxley Park. Applicant: Ultra Design and Engineering; Owner: Sam Hassan DA09/1122

309 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Development Application DA09/1122 Proposed a six attic style villas at Lot 101 DP 243599 (No. 27) Hobart Street, Oxley Park be received.
2. The SEPP 1 objection relating to the minimum rear setback be supported.
3. Development Application 09/1122 seeking consent for the construction of a six attic style villas at 27 Hobart Street, Oxley Park be approved subject to the attached conditions:

3.1. Standard Conditions

- A001 - Approved Plans
- A008 – Works to BCA requirements
- A009 – Residential Works DCP
- A019 – Occupation Certificate
- A046 – Obtain Construction Certificate
- A043 – Air Conditioner
- B001 – Demolition of Existing dwelling

B002 – Demolition Standards
B003 – Asbestos
B004 – Dust
B005 – Mud/Soil
B006 – Hours of Work
D001 – Sediment and Erosion Control Measures
D002 – Spray Grass
D005 – No Filling without approval
D007 – Filling of Land
D009 – Covering Waste Storage area
D010 – Waste disposal
D014 – Plant and Equipment Noise
E001 – BCA compliance
E005 – Smoke Alarms
F006 – Water Tank
G003 – Section 73 Certificate
G004 – Integral Energy
G005 – Rainwater Tank – Plumbing
H01F – Stamped plans and erection of site notice
H002 - All forms of construction
H011 – Engineering plans and specifications
H013 – Further details of building components
H014 – Slabs/Footings
H015 – Termite protection
H022 – Survey
H024 – Glass Installation
H030 – Roof colours
H034 – Bushfire-Proof Sarking
H036 – Rainwater Tank
H037 – Safe Supply of Water
H038 – Connection of Rainwater
H039 – Rainwater Tank Pumps
H041 – Hours of work
I003 – Road Act Approval
K016 – Stormwater
L001 – Landscaping Requirements
L002 – Landscaping Construction
L003 – Landscaping Report
L005 – Plant Material
L006 – Landscaping Standards
L008 - Tree Preservation Order
N001 – Section 94 Contributions
P001 – Costs
P002 – Fees
Q001 – Notice of commencement and appointment of PCA
Q005 - Occupation Certificate
Q010 – Basix Commitments
Q05f – Occupation Certificate

Special Conditions

- 3.2. Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Acoustic Report prepared by West & Associates Pty Ltd dated 30 July 2007, Issue A and numbered 07160. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application.

A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the relevant Legislation, Guidelines and Australian Standards. This certificate is to be submitted and approved by Council prior to the issue of an Occupation Certificate.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

- 3.3. Noise during the construction stage of the development is to comply with the relevant provisions of the Department of Environment, Climate Change and Water's Interim Construction Noise Guidelines.
- 3.4. Boundary fencing is to be constructed of *Colorbond* to a height of 1.8 metres in accordance with Part 4.4 Villa Style Development of Penrith Development Control Plan 2006.
- 3.5. Emergency Vehicle access shall be provided to the development in accordance with the NSW Fire Brigades Policy No. 4 – Guidelines for Emergency Vehicle Access. External fire hydrants may also have to be provided within the development to the satisfaction of the NSW Fire Brigades should the street hydrant coverage be inadequate.

Documentary evidence to indicate compliance with the requirements of the NSW Fire Brigades in regard to emergency vehicle access and hydrant coverage shall be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**

- 3.6. All civil works shall be designed and constructed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and applicable Australian Standards.
- 3.7. Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate plans and details for erosion and sediment control in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- 3.8. **Prior to the issue of a Construction Certificate** a Roads Act application, including payment of appropriate application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:

- (a) Provision of a heavy-duty vehicular crossing.

- (b) Removal of redundant vehicular crossings and reinstatement of kerb and gutter.
- (c) Opening the road reserve for the provision of services including stormwater.
- (d) Placing of hoardings, containers, waste skips, etc. in the road reserve.

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's City Works Department on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

- 3.9. A Construction Certificate shall be issued by a Certifying Authority to include the following civil works.
- (a) On-site detention system
 - (b) Stormwater drainage
 - (c) Sealed pavement for all areas of vehicular access.

Civil design drawings shall be prepared strictly in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and applicable Australian Standards.

- 3.10. Stormwater drainage from the site shall be discharged to the:
- (a) Street drainage system

The proposed stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

- 3.11. On-site detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Ultra Design & Engineers titled Stormwater Plan & Details, reference AR'084 Stormwater, issue B dated 30/03/2010.

Only one orifice plate is to be provided at the outlet of the on site detention tank.

All internal pits are to have a minimum of 50mm freeboard above the top water level of the emergency overflow from the on site detention tank.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a qualified Hydrologic/Hydraulic Engineer

and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

- 3.12. **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that vehicular access, pedestrian access, carparking and manoeuvring areas associated with the subject development are in accordance with AS 2890.1, AS2890.2 and Penrith City Council's Development Control Plan.
- 3.13. **Prior to the commencement of works** on site, including approved clearing of site vegetation, erosion and sediment control measures shall be installed. The erosion and sediment control measures are to be installed in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- 3.14. **Prior to the Commencement of Works** a dilapidation report of all Council owned infrastructure fronting the development in Hobart is to be submitted to Penrith City Council. The report is to include, but not limited to, footpaths, kerb and gutter, pavement and street trees and is to extend 10m either side of the development.
- 3.15. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 3.16. **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.
- 3.17. After completion of all civil works, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation / Subdivision Certificate where Council is not the Principal Certifying Authority.
- 3.18. **Prior to the issue of the Occupation Certificate** the Principal Certifying Authority shall ensure that all civil works have been satisfactorily completed in accordance with the Construction Certificate, Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works, and relevant conditions of the development consent.
- 3.19. **Prior to the issue of an Occupation Certificate** the Certifying Authority shall ensure that the on-site detention system:

- Has been constructed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and Construction Certificate conditions of development consent.
- Will operate satisfactorily with regard to any variations or that suitable remedial works have been undertaken.
- Will operate in accordance with the design intent and Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

3.20. **Prior to the issue of an Occupation Certificate** a restriction as to user and positive covenant relating to the on-site detention system shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

3.21. **Prior to the issue of an Occupation Certificate** any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be restored under the supervision of Penrith City Council. Any rectification works within Hobart Street will require a Roads Act application. The application is to be submitted and approved by Penrith City Council prior to such works commencing.

3.22. **Prior to the issue of the Occupation Certificate** street trees are to be planted at a rate of 2 per lot in accordance with Penrith City Council's Development Control Plan.

Prior to planting of street trees, the plant species and location are to be approved by Penrith City Council. In this regard, please contact Council's **Development Services Unit** on 4732 7777.

3.23. **Prior to the issue of an Occupation Certificate** a checklist and supporting documentation shall be submitted to the Principal Certifying Authority demonstrating that each condition of the development consent has been satisfactorily addressed.

The Occupation Certificate shall not be issued until all conditions of consent except those relating to ongoing operational matters, have been completed.

4. Those making submissions notified of the determination.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Against

Councillor Kaylene Allison
Councillor Prue Guillaume
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Jim Aitken OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Marko Malkoc
Councillor Kevin Cramer OAM

A GREEN CITY

6 Western Sydney Regional Illegal Dumping (RID) Squad

310 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Western Sydney Regional Illegal Dumping (RID) Squad be received.
2. The General Manager be authorised to sign an amended Western Sydney Regional Illegal Dumping (RID) Squad Alliance Agreement that includes Parramatta City Council.
3. In accordance with s.381 of the Local Government Act 1993, the General Manager be authorised to approve of the following delegations being made by Parramatta City Council to any Penrith City Council employee appointed as a RID Squad officer:
 - a. Powers of an 'authorised officer' under the Protection of the Environment Operations Act 1997.
 - b. Powers of entry, inspection and application for search warrants under the Environmental Planning and Assessment Act 1979 and Regulations.
 - c. Powers of an 'authorised officer' under the Environmental Planning and Assessment Act 1979 and Regulations.
 - d. Powers of entry and inspection under the Local Government Act 1993 and Regulations.

A LIVEABLE CITY

7 NSW Bike Plan 2010 - Funding Offer from Roads and Traffic Authority

311 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on NSW Bike Plan 2010 - Funding Offer from Roads and Traffic Authority be received.
2. Council accept the funding offer of \$1 million from the Roads and Traffic Authority for the NSW Bike Plan 2010, subject to the following conditions:
 - a) Council's contribution in the Year 1 (2010-11) project is limited to in-kind support through project management (design and construction);
 - b) Council's acceptance of funding is for Year 1 only and any future funding associated agreements are separate and discrete from Year 1 funding; and
 - c) Council's acceptance of the Year 1 project does not bind Council to acceptance of future funding/program agreements.
3. Council write to the Minister for Roads and the Local Members expressing appreciation of the funding offer.
4. A report be presented to Council on what Sydney City Council is doing regarding the provision of bike stations, and the possibility of parking and storage of bicycles in perimeter areas of the City.

8 Local Government Road Safety Program - Roads and Traffic Authority Grant Funding 2010-2011

312 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Local Government Road Safety Program - Roads and Traffic Authority Grant Funding 2010-2011 be received.
2. Council accept the three grants offered by the Roads and Traffic Authority Local Government Road Safety Program, totalling \$10,000.00, as outlined in the report.
3. Council accept the grant offered by the Roads and Traffic Authority NSW Centre for Road Safety for Graduated Licensing Scheme Workshops, totalling \$1,500.00 as outlined in the report.

9 Tender Reference 05-10/11 for the provision of Graffiti Removal Services

313 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Tender Reference 05-10/11 for the provision of Graffiti Removal Services be received.
2. The tender from NT Barnes Pty Ltd (trading as Wundaguard) be accepted for Graffiti Paint Out and Removal Services for a period of one (1) year with an option to extend for a further one (1) year period, allowing for rise and fall provisions.

10 The Driftway, Londonderry - Memorandum of Understanding with Hawkesbury City Council

314 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Robert Ardill

That:

1. The information contained in the report on The Driftway, Londonderry - Memorandum of Understanding with Hawkesbury City Council be received
2. The Memorandum of Understanding between Penrith City Council and Hawkesbury City Council for the maintenance of The Driftway be executed by the City Works Manager.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Wearing of Helmets in Skate Parks

Councillor Jim Aitken OAM requested a report to Council on the possibility of requiring users of Council skateparks to wear protective headgear, the report to also include accident statistics for these areas.

RR 2 Recycling of Printer Cartridges

Councillor John Thain requested a report to Council on the possibility of recycling printer cartridges used in Council offices.

RR 3 Promotion of Local Events

Councillor Greg Davies requested a report to Council detailing Council's current practices in promoting local events, including initiatives to improve awareness of these events in the local community.

RR 4 Lighting at Applegum Reserve, Glenmore Park

Councillor Prue Guillaume requested a memo reply concerning the light at Applegum Reserve, Glenmore Park that is currently not working.

RR 5 Maintenance of Public Area - Youth and Community Centre and Floribunda Community Centre, Glenmore Park

Councillor Prue Guillaume requested a memo reply with regard to the possibility of reviewing the maintenance of the area surrounding the Youth and Community Centre and Floribunda Community Centre at Glenmore Park, undertaken by the Public Domain & Amenity maintenance team.

RR 6 Littering - Boardwalk Arcade, High Street, Penrith

Councillor Prue Guillaume requested a memo reply concerning the state of littering in the Boardwalk Arcade off High Street, Penrith.

RR 7 Development Application - Animal Shelter, Kemps Creek

Councillor Prue Guillaume requested a memo reply to all Councillors when the development application for the Animal Shelter at Kemps Creek has been submitted to Council, and whether the application will be determined by Council or the Joint Regional Development Panel.

RR 8 Alcohol Free Zone - Rance Oval, Werrington

Councillor John Thain requested a memo reply with regard to incidences of the consumption of alcohol in Rance Oval, Werrington and whether this area has been designated as an Alcohol Free Zone.

RR 9 Lighting of Roads in the Penrith City area

Councillor Greg Davies requested an urgent report on the reasons for street lights being turned off at night on sections of major roads, including Banks Drive, St Clair and the Great Western Highway near the University of Western Sydney, within the Penrith City area.

URGENT BUSINESS

UB 1 Fundraising by Leukaemia Foundation

Councillor Jackie Greenow reported on the fundraising efforts of the Leukaemia Foundation over the last 3 years as a result of the Balls held at the St Marys Memorial Hall.

UB 2 Citizen of the Year

Councillor Jackie Greenow announced that the Citizen of the Year, announced at the St Marys Spring Festival this year is Ms Debbie McGann for her services to sustainability in the local area.

COMMITTEE OF THE WHOLE

Councillor Jim Aitken OAM declared a Pecuniary Interest in *Item 2 of Committee of the Whole - Commercial Matter - Council Property - Cranebrook Village Shopping Centre* as he owns a shop in the Centre. Councillor Jim Aitken OAM then left the meeting, the time being 8:30pm.

Councillor Tanya Davies left the meeting, the time being 8:30pm.

315 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:30pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Kaylene Allison seconded Councillor Marko Malkoc that the press and public be excluded from Committee of the Whole to deal with the following matters:

A Leading City

2 Commercial Matter - Council Property - Cranebrook Village Shopping Centre

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.

The meeting resumed at 8:37pm and the General Manager reported that the Committee of the Whole met at 8:30pm on 6 September 2010, the following being present

His Worship the Mayor Councillor Kevin Crameri OAM, Councillors Kaylene Allison, Robert Ardill, Greg Davies, Mark Davies, Tanya Davies, Ben Goldfinch, Jackie Greenow, Prue Guillaume, Marko Malkoc, Kath Presdee and John Thain

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

CONFIDENTIAL BUSINESS

2 Commercial Matter - Council Property - Cranebrook Village Shopping Centre

Councillor Tanya Davies returned to the meeting, the time being 8:33pm.

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Cranebrook Village Shopping Centre be received.
2. The amended provisions within the Contract of Sale be approved as outlined in the report.

ADOPTION OF COMMITTEE OF THE WHOLE

316 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Kath Presdee that the recommendation contained in the Committee of the Whole and shown as CW1 and CW2 be adopted.

Councillor Jim Aitken OAM returned to the meeting, the time being 8:37pm.

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

PENRITH CITY COUNCIL

Procedure for Addressing Meetings

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

Any request about an issue or matter on the Agenda for the meeting can be lodged with the General Manager or Public Officer up until 12 noon on the day of the meeting.

Prior to the meeting the person who has requested permission to address the meeting will need to provide the Public Officer with a written statement of the points to be covered during the address in sufficient detail so as to inform the Councillors of the substance of the address and a written copy of any questions to be asked of the Council in order that responses to those questions can be provided in due course.

In addition, prior to addressing the meeting a person addressing Council or Committee will be informed that they do not enjoy any privilege and that permission to speak may be withdrawn should they make inappropriate comments.

It should be noted that persons who wish to address the Council are addressing a formal part of the Council Meeting. All persons addressing the Meeting should give consideration to their dress attire. Smart casual is a minimum that is thought to be appropriate when addressing such a forum.

It should be noted that speakers at meetings of the Council or Committee do not have absolute privilege (parliamentary privilege). A speaker who makes any potentially offensive or defamatory remarks about any other person may render themselves open to legal action.

Prior to addressing the meeting the person will be required to sign the following statement:

“I (name) understand that the meeting I intend to address on (date) is a public meeting. I also understand that should I say or present any material that is inappropriate, I may be subject to legal action. I also acknowledge that I have been informed to obtain my own legal advice about the appropriateness of the material that I intend to present at the above mentioned meeting”.

Should a person fail to sign the above statement then permission to address either the Council or Committee will not be granted.

The Public Officer or Minute Clerk will speak to those people who have requested permission to address the meeting, prior to the meeting at 7.15pm.

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

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

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

The person addressing the meeting needs to clearly indicate:

- Their name;
- Organisation or group they are representing (if applicable);
- Details of the issue to be addressed and the item number of the report in the Business Paper;
- Whether they are opposing or supporting the issue or matter (if applicable) and the action they would like the meeting to take;
- The interest of the speaker (e.g. affected person, neighbour, applicant, applicants spokesperson, interested citizen etc).

Each person then has five minutes to make their address. Those addressing Council will be required to speak to the written statement they have submitted. Permission to address Council is not to be taken as an opportunity to refute or otherwise the points made by previous speakers on the same issue.

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

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

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

Glenn McCarthy
Public Officer
02 4732 7649

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MAYORAL MINUTES

Item

Page

1 Year in Review

1



Mayoral Minute

Year in Review

Strategic Objective: *A Council that manages its finances, services and assets effectively (4)*

I would like to start by saying how privileged I feel to have had the opportunity to serve the community and Council of Penrith as Mayor for a second term. My decision to step away from my other work to give this role my full attention and energy has been rewarded with a very busy, varied, challenging and satisfying year.

Last September I mentioned some priorities that I was especially keen to advance over the 12 months, relating to:

- communication with the community
- development applications
- attractiveness of the City
- native vegetation, and
- illegal filling, stormwater and drainage issues.

I am pleased to be able to report progress in these areas.

I would like to take this opportunity to thank all Council management and staff for their continuing hard work and service to the community and Council. Throughout the year I have visited many of Council's children's centres, libraries and worksites and I have been consistently impressed by the high standards being maintained, and the skill and dedication of staff.

A year ago I said I planned to be out and about more than ever this year, meeting people and listening to their ideas and concerns. I have done that, meeting some wonderful people from all age groups and walks of life, and learning more about our community and its needs along the way.

I have welcomed over 650 new citizens to Penrith City from around the world in 10 citizenship ceremonies. It is always a pleasure to be part of this special event in the lives of new Australians who have chosen our City as their home.

I have enjoyed attending hundreds of civic and community events which have highlighted the strengths, diversity and spirit of our community and City. It has been wonderful to see first hand so many volunteers and groups working passionately for a better Penrith City. It has also been rewarding to see the variety of ways this Council is delivering value for money to our residents.

The past year has seen many successes and milestones for Council and the City, as well as some challenges. Council has remained clearly focussed on key issues such as local jobs, affordable housing options and infrastructure to support expected population growth. We continue to address the challenge of maintaining and improving our services and facilities for the community while moving towards greater sustainability.

Some highlights include:

- Active Penrith month last October which promoted Council's recreation facilities and healthy, active lifestyles
- "Celebrate Penrith City 09" events last November
- Hosting the 2009 World Masters Games events
- Penrith's Australia Day celebrations enjoyed by 25,000 people
- the completion of the Glenmore Park Child and Family Centre and the well-attended Family Fun Day there in March, and
- the official opening of the St Marys Corner Community and Cultural Precinct in May.

I have been proud to represent Council at several award ceremonies, as we have continued to be recognised as a leader in many areas including sustainability and community development. For example:

- our Magnetic Places Program won the Integrated Cultural Policy Implementation category in the NSW LGSA Cultural Awards
- our Visitor Information Centre won gold in the Tourism Services category of the Greater Sydney Tourism Awards, and
- two of our trainees were regional winners in the 2010 NSW Training awards.

At the start of this mayoral term I said I was committed to strengthening communication with the community, and we have seen many examples of this through the year.

We have taken steps towards a more connected City where everyone has a voice, and this year has seen Council and the community working more closely together than ever before to determine a vision for the future of Penrith. I have seen many examples of just how much can be achieved when Council works together with our communities and other partners.

This year Council developed our Community Strategic Plan, Delivery Program, Resource Strategy and Community Engagement Strategy in consultation with the community. All four strategic planning documents, together with the annual Operational Plan, were exhibited and a public meeting was held on 31 May.

Residents were encouraged to look at and have their say about our plans before we adopted them in June, and a range of community engagement opportunities including online forums were taken up.

Our implementation of the 3 bin residential waste service brought some challenges but gave us an opportunity to work with residents to address the difficulties, and overall the change has been a positive one for the City. Early in 2010 Council introduced additional options in response to issues some residents experienced. Since the new system was introduced last August, Penrith has achieved a net diversion of 57.5% of waste from landfill - an increase of 38% over the previous year, and 28,000 tonnes of organic waste have been turned into 19,000 tonnes of high quality compost, some of which has already been used to benefit local sporting fields.

The health and wellbeing of our City has been a major focus, with Council:

- putting our Draft Health Strategy on public exhibition recently

- signing a Memorandum of Understanding with Sydney West Area Health Service in April, and
- hosting a regional forum on food and health in May.

Another important strategy, the Penrith Inclusion Plan – People with Disability 2009-2013, was launched last December.

The development application process was another area I wanted us to focus on. I am pleased that the last year has seen further work in streamlining the process and improving the information available to applicants.

We hosted a Developer's Workshop in March. Feedback on the day reinforced the fact that no matter what the outcome of a particular application, the important thing is that everyone involved in the process feels they have experienced professional, efficient, impartial service from Council.

The workshop helped us understand the expectations and experiences of developers and has led to a renewed focus on consistency of advice, reducing delays and other issues. A full time duty counter service has been introduced, reducing the possibility of inconsistent advice being given. DAs outstanding for over 90 days are being targeted for determination and better reporting is allowing officers to monitor cases better and escalate where necessary.

We have further work to do to make the process simpler for first time applicants who may not understand the technical aspects of their development application.

Last September I said I wanted us to renew our commitment to making the City as attractive as possible as a place to live, work, visit and invest in. Litter control, rubbish and graffiti removal, street sweeping, mowing and landscaping are vital to the pride and safety our community feels.

The Parks Department has increased mowing frequencies at parks across the City, helped by some excellent new equipment. Several Council departments worked together to do a major clean up in Dunheved Business Park in late June. A team of managers within City Presentation is looking at the best ways to address the issue of litter, through education and prevention as well as removal.

I said I would like to see greater understanding of the role of native vegetation in our City, as well as a focus on addressing storm water and local flooding issues.

The review of flood policies and the modelling of potential flood impacts has seen good progress this year, and Council has endorsed a Rural Overland Flow policy ready for inclusion in the new City Wide Development Control Plan. A Flood Advisory Committee will soon be established to start on the review of Council's flood policy.

More frequent inspections, cleaning and maintenance of stormwater drainage pits, gross pollutant traps and so on is making the stormwater drainage system more effective. A regular mowing schedule for roadsides including in rural areas is helping improve drainage and visibility and has greatly reduced the number of requests from residents.

Last September I said I wanted better communication with property owners about their responsibilities, including the impact of activities like illegal filling on the environment and neighbouring properties. Staff have prioritised this, and in one initiative 3000 brochures relating to landfill were printed and distributed to landowners.

I would like to take this opportunity to thank Cr Ross Fowler OAM for his efforts as Deputy Mayor. Ross has ably and enthusiastically supported me in my role as Mayor, and I thank him for his work in representing Council.

I would also like to thank each of my fellow Councillors – some of you I have served with on Council for many years, others for only two years. I appreciate that despite our differences of opinion on occasion, we have made decisions in the best interests of the City we serve.

I have greatly appreciated the professional advice and expertise of General Manager Alan Stoneham and Directors Craig Butler and Barry Husking. I have also depended on a daily basis on the skills and support of Corporate Secretary Angela Lennon and Public Officer Glenn McCarthy.

Special thanks to everyone in the Events team - Colin Dickson, Sarah Armour, Joanne Ryan, Jill Turner, Claire Laffan, Shelley Lee, Christine Glasson and Chloe Younan. Also Carl Spears, Julie Campbell, Rachel Pagitz and Emma Whale from the Communications Unit.

And last but not least, I'd like to say a special thank you to my long suffering wife Eileen who has supported me tirelessly through my second term as Mayor and throughout my two decades on Council.

Once again, thank you for the opportunity to serve as Mayor over the last 12 months. I have enjoyed many opportunities to experience and celebrate the wonderful people, places and possibilities of our Regional City. With many important projects underway and planned across the City, I look forward to continuing to serve this Council and community as we get on with the job of building a great Regional City.

Kevin Crameri

Cr Kevin Crameri OAM
Mayor

RECOMMENDATION

That the Mayoral Minute on Year in Review be received.

REPORTS OF COMMITTEES

Item		Page
1	Report and Recommendations of the Local Traffic Committee Meeting held on 6 September 2010	1
2	Report and Recommendations of the Policy Review Committee Meeting held on 13 September 2010	6



**REPORT AND RECOMMENDATIONS OF THE
LOCAL TRAFFIC COMMITTEE MEETING**

HELD ON 6 SEPTEMBER, 2010

PRESENT

Michael Alderton - Road Network Services Engineer (Chairperson), Adam Wilkinson – Engineering Services Manager, Pat Sheehy AM Emeritus Mayor – Representative for the Member for Londonderry, Sergeant Natasha Crawford – Penrith Police, Senior Constable Mark Elliott – St Marys Police, The Mayor – Councillor Kevin Cramer OAM, Ruth Byrnes - Senior Traffic Officer.

IN ATTENDANCE

Phil Davies – Westbus, Eric Ryfell – Ranger.

APOLOGIES

Councillor Jackie Greenow, Councillor Karen McKeown – Representative for the Member for Mulgoa, David Lance - Roads and Traffic Authority, Wayne Mitchell – Group Manager City Infrastructure, Daniel Davidson – Road Safety Co-ordinator, David Drozd – Senior Traffic Engineer, Alyce Kliese – Trainee Engineer.

CONFIRMATION OF MINUTES - Local Traffic Committee Meeting - 2 August 2010

The minutes of the Local Traffic Committee Meeting of 2 August 2010 were confirmed.

DECLARATIONS OF INTEREST

There were no declarations of interest.

DELIVERY PROGRAM REPORTS

A LIVEABLE CITY

1 St Marys Community Fun Run/Walk - Notification of Date Change

RECOMMENDED

That:

1. The information contained in the report on St Marys Community Fun Run/Walk - Notification of Date Change be received.
2. The approval date of the St Marys Community Fun Run/Walk be changed from 24 October 2010 to 31 October 2010.
3. All previously approved conditions remain in place.
4. The event organiser be advised.

2 Derby Street & Colless Street, Penrith - Request for Provision of Pedestrian Refuge Island

RECOMMENDED

That:

1. The information contained in the report on Derby Street & Colless Street, Penrith - Request for Provision of Pedestrian Refuge Island be received.
2. The project for a pedestrian refuge on Derby Street, Penrith, immediately west of Colless Street, be entered into Council's Traffic Facility Prioritisation Process. When the project receives priority against other listed sites, Council's Design Co-ordinator be requested to investigate options for the pedestrian refuge island on Derby Street, and a further report be submitted to the Local Traffic Committee for consideration and endorsement of the plan.
3. Councillor Karen McKeown be advised of Council's resolution.
4. The resident be advised of Council's resolution.

3 O'Connell Street/Second Avenue, Kingswood - Proposed Roundabout & Endorsement of Design Plan

RECOMMENDED

That:

1. The information contained in the report on O'Connell Street/Second Avenue, Kingswood - Proposed Roundabout & Endorsement of Design Plan be received.
2. Community consultation be conducted with adjoining property owners and any substantial objections be referred back to the Local Traffic Committee.
3. Bike logos be removed from the plan and Council's Design Section be requested to consider bike infrastructure in future traffic facility designs.
4. Council to advise Westbus three weeks prior to commencement of construction.
5. Subject to no substantial objections from the consultation process, Design Plan AO63, dated 25 August 2010, be endorsed for construction under the 2010/2011 Major Traffic Facilities Program.

4 Major Traffic Facilities Program 2010/2011

RECOMMENDED

That:

1. The information contained in the report on Major Traffic Facilities Program 2010/2011 be received.
2. The following projects listed for construction under the 2010/2011 Major

Traffic Facilities Program be noted:

- a. Chapel Street/Queen Street, St Marys – median island
 - b. O’Connell Street/Second Avenue, Kingswood – roundabout
 - c. Glenmore Parkway 200m west of The Northern Road, Glenmore Park - slow point.
3. If the detailed cost estimates for projects ‘a’ or ‘b’ are above that listed in Table 2 of the report, project ‘c’ will be deferred to future programs.
 4. All designs be referred back to the Local Traffic Committee for endorsement prior to construction.

5 Penrith City Council Road Safety Program Update

RECOMMENDED

That:

1. The information contained in the report on Penrith City Council Road Safety Program Update be received.
2. The information be noted.

6 Ridgetop Drive, Glenmore Park - Temporary Relocation of Bus Stop

RECOMMENDED

That:

1. The information contained in the report on Ridgetop Drive, Glenmore Park - Temporary Relocation of Bus Stop be received.
2. The existing “Bus Stop” in front of 58 Ridgetop Drive Glenmore Park be temporarily relocated to in front of 54 Ridgetop Drive, Glenmore Park. The “Bus Stop” is to be reinstated in front of 58 Ridgetop Drive once construction of the new dwelling is completed. All works are to be undertaken at no cost to Council.
3. All residents affected by the relocation be advised of Council’s resolution by ComfortDelGro Cabcharge Pty Ltd (Westbus).
4. ComfortDelGro Cabcharge Pty Ltd (Westbus) be advised of Council’s resolution.

GENERAL BUSINESS

GB 1 High Street, Penrith – Existing Pedestrian Crossings Between Station Street & Woodriff Street (*Raised Council*)

During recent site inspections in High Street, Penrith, Council's traffic officers witnessed vehicles constantly queuing over the two recently linemarked pedestrian crossings between Woodriff Street and Station Street, Penrith. This created a safety issue for pedestrians who were emerging from behind and between stationary vehicles, as approaching vehicles in the opposing lane have their sight distance reduced due to the queuing vehicles. In addition, there were instances where vehicles were not stopping for pedestrians.

To improve drivers' awareness of the presence of the crossing and to reinforce Australian Road Rules which prohibit stopping on or over a crossing, it is proposed to install advisory signage on all approaches advising "Vehicles Give Way To Pedestrians" and "Do Not Queue Over Crossing".

RECOMMENDED that advisory signage be installed on all approaches to the two existing pedestrian crossings in High Street, between Station Street and Woodriff Street, Penrith, advising "Vehicles Give Way To Pedestrians" and "Do Not Queue Over Crossing".

GB 2 Elizabeth Drive, Luddenham – Fatal Accident (*Raised St Marys Police*)

The St Marys Police representative advised that a fatal accident occurred on Friday, 3 September 2010 on Elizabeth Drive, Luddenham. Police are currently investigating the cause of the accident.

RECOMMENDED that the Committee note the information.

GB 3 Ransley Street, Penrith – Temporary Road Closure on Saturday, 11 September 2010 (*Raised Penrith Police*)

The Penrith Police representative advised that temporary road closures will be in place for short periods on Saturday, 11 September 2010, to assist with crowds of pedestrians following the Penrith Panthers Rugby League finals game being held at Penrith Stadium.

The Police representative advised that Ransley Street will be closed at both ends for staggered 15-minute periods to allow pedestrians to disburse, then reopened to allow traffic to pass through. The first of the temporary closures will take place approximately 15 minutes prior to the end of the football game. In addition, part of Station Street (at the intersection with Ransley Street) will be closed for approximately 15 minutes, then staggered closures according to pedestrian numbers. The temporary closures will be under Police control at all times.

RECOMMENDED that the Committee note the information.

GB 4 Copeland Street, Penrith – Request for Provision of Parking Restrictions & Bollards (*Raised Council*)

Council's Ranger representative requested the provision of bollards and/or parking restrictions outside "The House With No Steps" located at 65 Copeland Street, Penrith, on the corner of Phillip Street. Drivers attempting to pick up or drop off disabled people at this address are often unable to park on-street at this location.

RECOMMENDED that Council's Road Network Services Section investigate the provision of "No Parking" restrictions along the section of Phillip Street in front of "The House With No Steps" (number 65).

There being no further business the Chairperson declared the meeting closed the time being 10:20am.

RECOMMENDATION

That the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 6 September, 2010 be adopted.

**REPORT AND RECOMMENDATIONS OF THE
POLICY REVIEW COMMITTEE MEETING**

HELD ON 13 SEPTEMBER, 2010

PRESENT

His Worship the Mayor Councillor Kevin Crameri OAM, Councillors Jim Aitken OAM, Kaylene Allison, Greg Davies, Mark Davies, Tanya Davies, Jackie Greenow, Prue Guillaume, Kath Presdee and John Thain.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Karen McKeown for the period 17 August 2010 to 20 September 2010 inclusive.

Leave of Absence was previously granted to Councillor Ross Fowler OAM for the period 3 September 2010 to 21 September 2010 inclusive.

Leave of Absence was granted to Councillor Marko Malkoc and Councillor Ben Goldfinch for the period 13 September 2010 to 19 September 2010 inclusive.

APOLOGIES

An apology was received for Councillor Robert Ardill.

CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 30 August 2010

The minutes of the Policy Review Committee Meeting of 30 August 2010 were confirmed.

DECLARATIONS OF INTEREST

Councillor Jim Aitken OAM declared a Non-Pecuniary less than Significant Interest in – *Item 5 - Penrith Business Alliance Limited 2010 - 2011 Business Plan* as he is a property owner in High Street, Penrith.

DELIVERY PROGRAM REPORTS

A CITY OF OPPORTUNITIES

3 Access Committee - Highlights 2008-2010

Councillor Jim Aitken OAM left the meeting, the time being 7:39pm.

Councillor Jim Aitken OAM returned to the meeting, the time being 7:41pm.

Councillor Jackie Greenow introduced the report and advised that Penrith City Council had been short listed in the Local Government Category of the National Disability Awards 2010 for its work on the Penrith Inclusion Plan – People with Disability 2009-2013.

Councillor Jackie Greenow then invited Denise Heath the CEO of Nepean Area Disabilities Organisation Inc and Access Committee Community Member who gave a presentation on the Highlights of the Access Committee over the last two years.

His Worship the Mayor, Clr Kevin Cramer OAM then presented certificates of appreciation to the Access Committee members.

RECOMMENDED

That:

1. The information contained in the report on Access Committee - Highlights 2008-2010 be received.
2. The Committee members be thanked for their participation on and contribution to Council's Access Committee during the 2008-2010 period.
3. Certificates of Appreciation be presented to the community members of the Access Committee for the period 2008-2010.

Councillor Jackie Greenow left the meeting, the time being 7:52pm.

Councillor Prue Guillaume left the meeting, the time being 7:53pm.

Councillor Jackie Greenow returned to the meeting, the time being 7:56pm.

Councillor Prue Guillaume returned to the meeting, the time being 7:57pm.

5 Penrith Business Alliance Limited 2010 - 2011 Business Plan

The Council's Sustainability & Planning Manager, Paul Grimson introduced the report and invited Paul Brennan - Chairman of the Penrith Business Alliance who gave a presentation on the Penrith Business Alliance Business Plan.

RECOMMENDED

That:

1. The information contained in the report on Penrith Business Alliance Limited 2010 - 2011 Business Plan be received.
2. Council agree to the PBA Business Plan for 2010 – 2011 and provide funding in accordance with the provisions of the Deed of Agreement.
3. Council thank the Board members for the presentation of their 2010-2011 Business Plan.

Councillor Greg Davies left the meeting, the time being 8.35 pm.

Councillor Greg Davies returned to the meeting, the time being 8.36 pm.

A VIBRANT CITY

6 Penrith and St Marys Centres Associations - Annual Business Plans for 2010-11 and the Proposed Review of the Centres Management

The Council's Place Management Coordinator, Terry Agar introduced the report and invited Steve Perry from St Marys Town Centre Management Inc and Gladys Reed from Penrith City Centre Association who gave presentations on their respective Business Plans.

Councillor John Thain left the meeting, the time being 9:24pm.

Councillor Jim Aitken OAM left the meeting, the time being 9:24pm.

Councillor John Thain returned to the meeting, the time being 9:25pm.

Councillor Jim Aitken OAM returned to the meeting, the time being 9:29pm.

RECOMMENDED

That:

1. The information contained in the report on Penrith and St Marys Centres Associations – annual Business Plans for 2010-11 and the Proposed Review of the Centres Management be received.
2. Council support the advancement of the review of the Penrith and St Marys Centres management arrangements and a report be presented to Council for consideration following further discussions with the Associations on the details of the review process
3. Funding for the Penrith City Centre Association be endorsed in the amount of \$304,970 and funding for the St Marys Town Centre Association be endorsed in the amount of \$228,789, for the 2010-11 financial year
4. Following the receipt of the audited 2009-10 Financial Statements from each Association, the endorsed funding be paid in instalments at the beginning of each quarter.

Councillor Mark Davies left the meeting, the time being 9:36pm.

A LEADING CITY

1 Delivery Program 6 Month Progress Report

RECOMMENDED that the information contained in the report on Delivery Program 6 Month Progress Report be received.

2 Summary of Investments and Banking for the period 1 August 2010 to 31 August 2010

RECOMMENDED

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 August 2010 to 31 August 2010 be received
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 August 2010 to 31 August 2010 be noted and accepted.
3. The graphical investment analysis as at 31 August 2010 be noted

A CITY OF OPPORTUNITIES

Councillor Mark Davies returned to the meeting, the time being 9:38pm.

4 Amendments to the Waterside Estate Planning Controls

RECOMMENDED

That:

1. The information contained in the report on Amendments to the Waterside Estate Planning Controls be received.
2. In accordance with the Environmental Planning and Assessment Act 1979 and Regulations 2000, Council adopt the amendments to Penrith Development Control Plan 2006 and draft Penrith Development Control Plan 2008 as attached to this report.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For
Councillor Prue Guillaume
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Jim Aitken OAM
Councillor Kaylene Allison
Councillor Mark Davies

Against
Councillor Kevin Crameri OAM
Councillor Tanya Davies

A LEADING CITY

7 50:50 Vision - Councils for Gender Equity

RECOMMENDED

That:

1. The information contained in the report on 50:50 Vision - Councils for Gender Equity be received

2. Council endorse a statement of commitment as follows:

We will work towards increasing the representation of women in local government, both as elected members and senior managers and professionals.

We will undertake ongoing reviews of policies and practices to remove barriers to women's participation and to engender safe, supportive working and decision-making environments that welcome and respect a wide range of views.

3. Council endorse the proposed actions discussed in this report and make application for the bronze award

There being no further business the Chairperson declared the meeting closed the time being 9:51pm.

RECOMMENDATION

That the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 13 September, 2010 be adopted.

DELIVERY PROGRAM REPORTS

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A LEADING CITY

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1 Election of Mayor

Compiled by: **Stephen Pearson, Executive Services Officer**

Authorised by: **Glenn Schuil, Acting Executive Officer**

Objective	<i>We demonstrate accountability, transparency and ethical conduct</i>
Community Outcome	<i>A Council that behaves responsibly and ethically (5)</i>
Strategic Response	<i>Champion accountability and transparency, and responsible and ethical behaviour (5.1)</i>

Executive Summary

Councillors are required by the Local Government Act 1993 to elect a Mayor during the month of September. Under the Act, the General Manager (Returning Officer) receives written nominations for the Office of Mayor up until the time the election is conducted.

In the event that more than one nomination is received for the Office of Mayor, an election is to be held and Council is to determine the method of voting – either ‘open voting’, ‘ordinary ballot’ or ‘preferential ballot’. The General Manager (Returning Officer) must declare the result of the election at this meeting.

Background

Section 290 of the Local Government Act, 1993 requires councils to elect a Mayor, if it is not the first election after an ordinary election of Councillors, during the month of September.

Returning Officer

The Local Government (General) Regulation 2005 – Schedule 7 provides that the General Manager (or a person appointed by the General Manager) is the Returning Officer for the election of a Mayor by the Councillors.

Nominations for Mayor

The Local Government (General) Regulation 2005 (the Regulation) provides for a Councillor to be nominated without notice for election as Mayor. However, the nomination must be in writing by two or more Councillors, one of whom can be the nominee. The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer (General Manager). The nomination form can be delivered or sent to the Returning Officer up until the time of the election is being conducted.

Nomination forms have been sent to all Councillors prior to this meeting. Nomination forms will also be available at the meeting if required.

The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is to be held.

Term of Office of Mayor

The term of office of the Mayor will be until the next Mayoral Election to be held in September 2011.

Ballot

If only one Councillor is nominated, that Councillor is elected as Mayor. If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by way of open voting, ordinary ballot or preferential ballot. The election is to be held at the Council meeting at which the Council resolves on the method of voting.

In the Regulation the term “open voting” means voting by a show of hands or similar means, and “ballot” has its normal meaning of secret ballot. In other words, the ordinary and preferential ballots are to be secret ballots.

Ordinary Ballot or Open Voting

If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot-papers. The Formality of a ballot-paper under this Part is to be determined in accordance with clause 345 of the Regulation.

Count in the case of 2 candidates

1. If there are only 2 candidates, the candidate with the higher number of votes is elected.
2. If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

Count in the case of there being 3 or more candidates

1. If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
2. If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
3. If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
4. A further vote is to be taken of the 2 remaining candidates.
5. The candidate with the higher number of votes is elected.
6. If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Preferential Ballot

1. The ballot-papers are to contain the names of all the candidates. The Councillors are to

mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.

2. The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 of the Regulation.
3. If a candidate has an absolute majority of first preference votes, that candidate is elected.
4. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
5. A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
6. An "absolute majority", in relation to votes, means a number which is more than one-half of the number of unexhausted formal ballot-papers.

Tied Candidates

1. If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
2. If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Choosing by Lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer. The slips are folded by the Returning Officer so as to prevent the names being seen. The slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is chosen.

Result

Under Schedule 7 of the Local Government (General) Regulation 2005 the result of the election (including the name of the candidate elected as Mayor) is:

1. to be declared to the Councillors at the Council meeting at which the election is held by the Returning Officer, and

2. to be delivered or sent to the Chief Executive, Local Government (a Division of the Department of Premier and Cabinet) and to the Secretary of the Local Government and Shires Associations of New South Wales.

RECOMMENDATION

That:

1. The information contained in the report on Election of Mayor be received.
2. In the event of more than one Councillor being nominated, Council determine the method of election for the office of Mayor.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

2 Election of Deputy Mayor

Compiled by: **Stephen Pearson, Executive Services Officer**

Authorised by: **Glenn Schuil, Acting Executive Officer**

Objective	<i>We demonstrate accountability, transparency and ethical conduct</i>
Community Outcome	<i>A Council that behaves responsibly and ethically (5)</i>
Strategic Response	<i>Champion accountability and transparency, and responsible and ethical behaviour (5.1)</i>

Executive Summary

The purpose of this report is to report to Council the procedure and method for the election of a Deputy Mayor by the Councillors. The report recommends that Council consider the election of a Deputy Mayor and determine the method for the election and term of office of the Deputy Mayor.

Background

Section 231 of the Local Government Act 1993 makes the following provision for the election of a Deputy Mayor:

- (1) The Councillors may elect a person from among their number to be the Deputy Mayor.
- (2) The person may be elected for the Mayoral term or a shorter term.
- (3) The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.
- (4) The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no Deputy Mayor has been elected.

The election of a Deputy Mayor is not required by the Act but is for each Council to determine.

The balance of this report assumes the continuation of Council's tradition and practice of electing a Deputy Mayor.

Nominations for Deputy Mayor

The Local Government (General) Regulation 2005 (the Regulation) provides for a Councillor to be nominated without notice for election as Deputy Mayor. However, the nomination must be in writing by two or more Councillors, one of whom can be the nominee. The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer (General Manager). The nomination form can be delivered or sent to the Returning Officer up until the time of the election being conducted.

Nomination forms have been sent to all Councillors prior to this meeting. Nomination forms will also be available at the meeting if required.

The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is to be held.

Term of Office of Deputy Mayor

Where a Council does elect a Deputy Mayor, the term can be for the Mayoral term or a shorter term at the Council's discretion.

In accordance with Council's practice, it is recommended that the term of office of the Deputy Mayor be the same as the term of office of the Mayor (until the next Mayoral election to be held in September 2011).

Method of Voting

Council could resolve to use a different method of voting for the Deputy Mayor (as outlined in the report on the Election of Mayor), however it has been Council's practice to use the same method of voting for the election of both the Mayor and Deputy Mayor.

RECOMMENDATION

That:

1. The information contained in the report on Election of Deputy Mayor be received.
2. Council consider the Election of a Deputy Mayor.
3. In the event of more than one Councillor being nominated, Council determine the method of election for the office of Deputy Mayor.
4. In accordance with Section 231 (2) of the Local Government Act 1993, the term of office of the Deputy Mayor for the 2010/2011 period be the same as the term of office of the Mayor (until the next Mayoral election to be held in September 2011).

ATTACHMENTS/APPENDICES

There are no attachments for this report.

3 Councillor Fees

Compiled by: Stephen Pearson, Executive Services Officer

Authorised by: Glenn Schuil, Acting Executive Officer

Objective	<i>We demonstrate accountability, transparency and ethical conduct</i>
Community Outcome	<i>A Council that behaves responsibly and ethically (5)</i>
Strategic Response	<i>Champion accountability and transparency, and responsible and ethical behaviour (5.1)</i>

Executive Summary

Council is required by the Local Government Act 1993 to pay an annual fee to the Mayor, Deputy Mayor and other Councillors.

The Local Government Remuneration Tribunal fixes minimum and maximum fees each year for the Mayor and Councillors. Council is required to determine a fee within this range, otherwise the minimum fee must be paid.

Council resolved on 24 May 2010 to set the fees payable to the Mayor and Councillors for 2010/2011 at the maximum level permitted.

Background

Section 248 of the Local Government Act 1993 requires that a Council must pay each Councillor an annual fee. A Council can either fix this fee itself (in which case it must be fixed in accordance with the appropriate determination of the Local Government Remuneration Tribunal), or if it doesn't, it must pay the appropriate minimum fee determined by the Tribunal.

Section 249 of the Local Government Act 1993 requires that a Council must pay the Mayor an annual fee, which is paid in addition to the fee paid to the Mayor as a Councillor. A Council can either fix this fee itself (in which case it must be fixed in accordance with the appropriate determination of the Local Government Remuneration Tribunal), or if it doesn't, it must pay the appropriate minimum fee determined by the Tribunal.

Section 249 of the Local Government Act 1993 gives discretion to a Council to pay a fee to the Deputy Mayor acting in the office of Mayor and the amount of the fee so paid must be deducted from the Mayor's annual fee.

Local Government Remuneration Tribunal

The Local Government Remuneration Tribunal was established under the Local Government Act, 1993. Its main function is to:

- a) determine categories for Councils and Mayoral offices;

- b) place each Council and Mayoral office into one of the categories it has determined;
- c) determine the minimum and maximum amounts of fees to be paid to Mayors and Councillors in each of the categories.

Fees Payable from 1 July 2010

In a report presented to Council on 24 May 2010, it was advised that the Tribunal had made its determinations of annual fees payable from 1 July 2010 to Mayors and Councillors.

Penrith City Council is categorised as a ‘Metropolitan Major’ Council and fees for this category were to be set within the range of:

	Councillor -Annual Fee	Mayor-Additional Fee
Metropolitan Major	\$14,500 - \$23,950	\$30,840 - \$69,780

Council has previously resolved as a matter of policy, that the maximum of the range be paid. The fees that apply for 2010/2011 are as follows:

1. Councillor Annual Fee \$23,950
2. Mayor - Additional Fee \$55,824
being 80% of the maximum Mayoral fee
3. Deputy Mayor – Additional Fee \$13,956
being 20% of the maximum Mayoral fee

The fee for the Mayor and Deputy Mayor is in addition to the annual Councillor fee, so the total fee paid to the Mayor and Deputy Mayor for 2010/2011 is as follows:

1. Mayor - \$79,774
2. Deputy Mayor - \$37,906

Under Council’s Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors, the fees are paid to the Mayor, Deputy Mayor and Councillors monthly in arrears.

RECOMMENDATION

That the information contained in the report on Councillor Fees be received.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

A CITY OF OPPORTUNITIES

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A GREEN CITY

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

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A LIVEABLE CITY

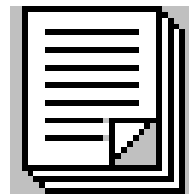
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A VIBRANT CITY

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ATTACHMENT



Date of Meeting: 27 September 2010

Delivery Program: A Leading City

Program: Corporate Finance

Report Title: 2009-2010 Voted Works