

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 9 July 2012 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

Leave of absence has been granted to:

Councillor Kevin Crameri OAM - 7 July 2012 to 15 July 2012 inclusive.

2. APOLOGIES

3. CONFIRMATION OF MINUTES

Ordinary Meeting - 25 June 2012.

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

7. NOTICES OF MOTION TO RESCIND A RESOLUTION

8. NOTICES OF MOTION AND QUESTIONS ON NOTICE

9. ADOPTION OF REPORTS AND RECOMMENDATION OF COMMITTEES

Access Committee Meeting - 13 June 2012.

Policy Review Committee Meeting - 2 July 2012.

10. DELIVERY PROGRAM REPORTS

11. REQUESTS FOR REPORTS AND MEMORANDUMS

12. URGENT BUSINESS

13. COMMITTEE OF THE WHOLE

ORDINARY MEETING

MONDAY 9 JULY 2012

TABLE OF CONTENTS

ADVANCE AUSTRALIA FAIR

**STATEMENT OF RECOGNITION OF PENRITH CITY'S ABORIGINAL AND
TORRES STRAIT ISLANDER CULTURAL HERITAGE**

PRAYER

COUNCIL CHAMBER SEATING ARRANGEMENTS

MEETING CALENDAR

CONFIRMATION OF MINUTES

PROCEDURE FOR ADDRESSING COUNCIL MEETING

MAYORAL MINUTES

REPORT AND RECOMMENDATIONS OF COMMITTEES

DELIVERY PROGRAM REPORTS

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

Managers

Director
Craig Butler

Director
Barry Husking

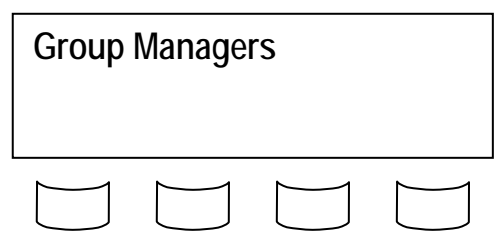
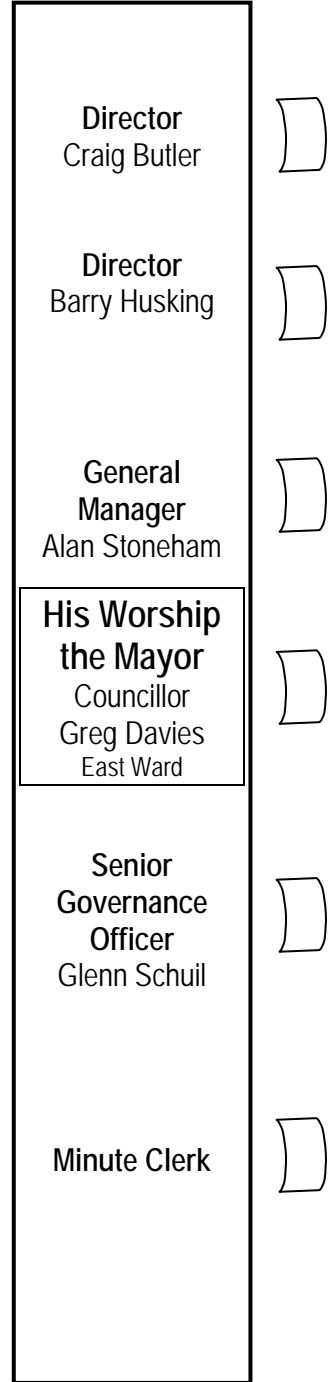
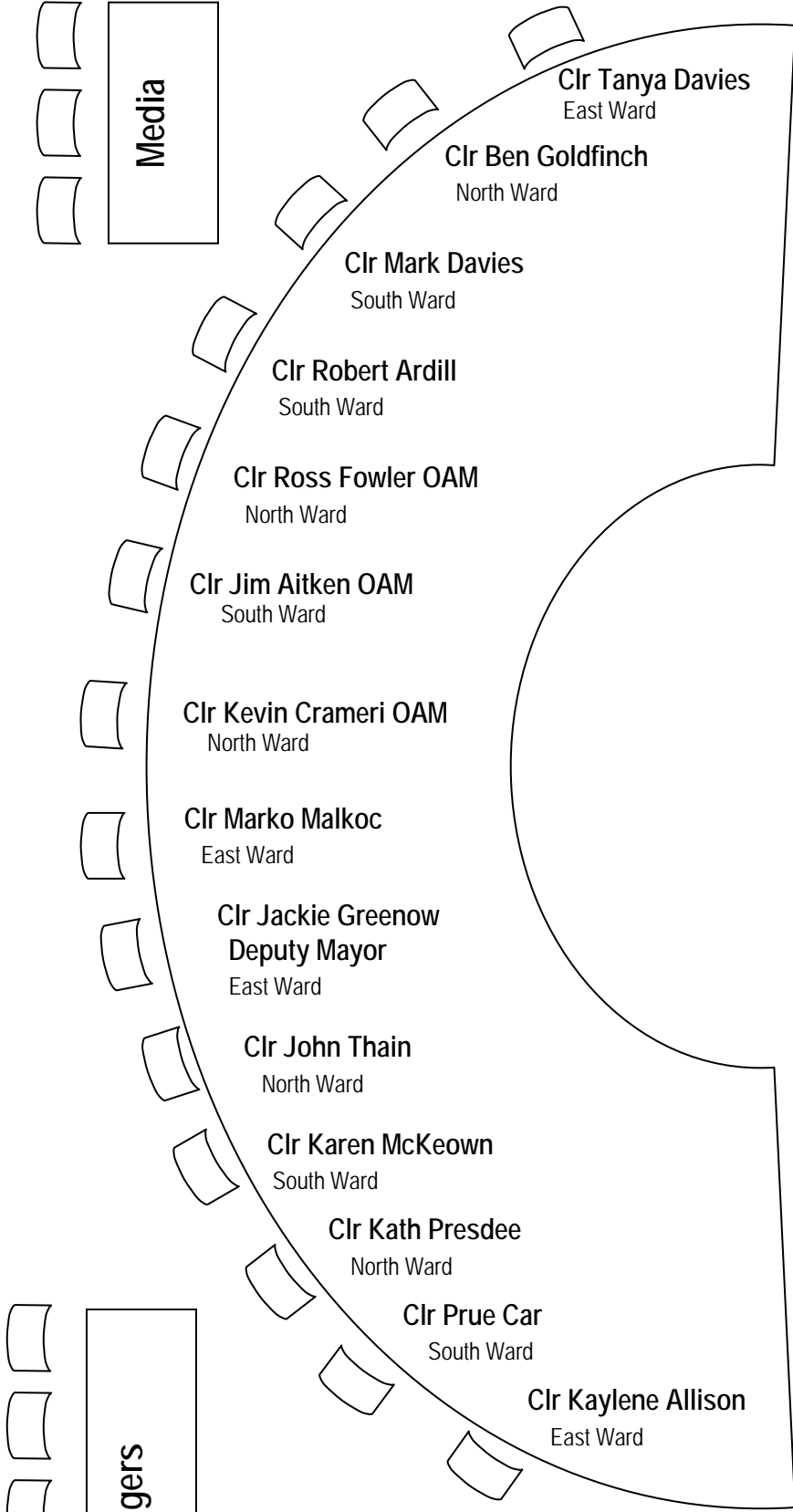
General
Manager
Alan Stoneham

**His Worship
the Mayor**
Councillor
Greg Davies
East Ward

Senior
Governance
Officer
Glenn Schuil

Minute Clerk

Group Managers



2012 MEETING CALENDAR
January 2012 - December 2012
(adopted by Council on 21 November 2011)

	TIME	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	
		Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	
Ordinary Council Meeting	7.30pm		6 20#@	5 26		23❖	21#	25*	23	9 20#@	3✓ 24\ (7.00pm)	15∞	5 19#	10 (7.00pm)
Policy Review Committee	7.00pm		13	19	16	7	4	2 30	13		8	12	3	

- ❖ Meeting at which the Draft Operational Plan for 2012-2013 is endorsed for exhibition
- * Meeting at which the Operational Plan for 2012-2013 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 2011-2012 Annual Statements are presented
- ∞ Meeting at which any comments on the 2011-2012 Annual Statements are presented
- \ The opportunity may be taken to move this meeting to the 17 September 2012, should the election result be declared early.
The Ordinary Council Election will be held on 8 September 2012

- 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 Senior Governance Officer, Glenn Schuil.

UNCONFIRMED MINUTES

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

ON MONDAY 25 JUNE 2012 AT 7:35PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

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

PRAYER

The Council Prayer was read by Council's Senior Governance Officer, Glenn Schuil.

PRESENT

His Worship the Mayor, Councillor Greg Davies, Deputy Mayor, Councillor Jackie Greenow and Councillors Jim Aitken OAM, Robert Ardill, Kevin Crameri OAM, Mark Davies, Ross Fowler OAM, Ben Goldfinch, Marko Malkoc, Karen McKeown, Kath Presdee and John Thain.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Kaylene Allison for the period 28 May 2012 to 8 July 2012 inclusive.

APOLOGIES

122 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Jim Aitken OAM that apologies be received for Councillors Prue Car and Tanya Davies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 21 May 2012

123 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc that the minutes of the Ordinary Meeting of 21 May 2012 be confirmed.

DECLARATIONS OF INTEREST

Councillor Kevin Crameri OAM declared a Non Pecuniary Conflict of Interest – Less Than Significant in Item 10 - *Clean Up of Illegal Dumping on Deerubbin Local Aboriginal Land Council Lands* as the area subject to the report is close to his residence and he is also a member of the Rural Fire Service which regularly enters the land.

Councillor Ross Fowler OAM declared a Pecuniary Interest in Item 2 of Committee of the Whole - *Commercial Matter - Council Property - Leasing of Suite 2/54 Henry Street, Penrith to Australian Foundation for Disability (AFFORD)* as he is a Director of the Company subject to the report. Councillor Ross Fowler OAM declared he would leave the room for discussion of the item.

Councillor Ross Fowler OAM declared a Pecuniary Interest in Item 3 of Committee of the Whole - *Commercial Matter - Council Property - Leasing of Suite GO2 at 114-116 Henry Street Penrith to Wentworth Community Housing Limited*) as he is the Auditor of the Company subject to the report. Councillor Ross Fowler OAM declared he would leave the room for discussion of the item.

MAYORAL MINUTES

1 [2012 Queen's Birthday Honours](#)

124 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on 2012 Queen's Birthday Honours be received.

Councillors Jackie Greenow, Jim Aitken OAM, John Thain and Ross Fowler OAM spoke in support of the Mayoral Minute.

2 [Passing of Arthur Bennett](#)

125 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM that the Mayoral Minute on Passing of Arthur Bennett be received.

Councillors Jim Aitken OAM and Kevin Crameri OAM spoke in support of the Mayoral Minute.

3 [Penrith Swimming Centre achieves excellent safety rating](#)

126 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown that the Mayoral Minute on Penrith Swimming Centre achieves excellent safety rating be received.

Councillors Karen McKeown and Robert Ardill spoke in support of the Mayoral Minute.

5 [New brand for Penrith officially launched](#)

127 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on New brand for Penrith officially launched be received.

Councillors Jackie Greenow and Ross Fowler OAM spoke in support of the Mayoral Minute.

4 [Norma Thorburn recognised in 2012 NSW Women of the Year Awards](#)

128 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on Norma Thorburn recognised in 2012 NSW Women of the Year Awards be received.

Councillors Jackie Greenow, Mark Davies, Jim Aitken OAM, Ross Fowler OAM, Kevin

Crameri OAM and John Thain spoke in support of the Mayoral Minute.

The Council then expressed its acclamation to Norma Thorburn.

REPORTS OF COMMITTEES

1 [Report and Recommendations of the Local Traffic Committee Meeting held on 4 June 2012](#)

129 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 4 June, 2012 be adopted.

2 [Report and Recommendations of the Policy Review Committee held on 4 June 2012](#)

Councillor Robert Ardill left the meeting, the time being 8:16pm.

130 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 4 June, 2012 be adopted.

Councillor Robert Ardill returned to the meeting, the time being 8:17pm.

DELIVERY PROGRAM REPORTS

A LEADING CITY

3 [Audit Committee](#)

131 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marko Malkoc that the information contained in the report on Audit Committee be received.

5 [Remuneration Tribunal Determination for Mayor and Councillors for 2012/2013](#)

132 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Remuneration Tribunal Determination for Mayor and Councillors for 2012/2013 be received.
2. The fees payable to the Mayor and Councillors for 2012/2013 be set at the maximum level permitted.

7 Council Property - Extinguishment of Obsolete Easement for Pipeline and Right of Way that benefits Council land at Lot 422 DP706223, No. 27 Park Road, Wallacia

133 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Council Property - Extinguishment of Obsolete Easement for Pipeline and Right of Way that benefits Council land at Lot 422 DP706223, No. 27 Park Road, Wallacia be received.
2. Council agree to the extinguishment of the obsolete Easement for Pipeline and Right of Way appurtenant to Lot 422 DP706223, No. 27 Park Road, Wallacia.
3. The applicant be responsible for all costs associated with the extinguishment of the easements.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

9 Summary of Investments and Banking for the period 1 May to 31 May 2012

134 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 May to 31 May 2012 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 May 2012 to 31 May 2012 be noted and accepted.
3. The graphical investment analysis as at 31 May 2012 be noted.

1 Adoption of Council's 2012-13 Operational Plan

135 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Adoption of Council's 2012-13 Operational Plan be received.
2. Those projects in the 2011-12 Operational Plan, which were approved by Council in the March Quarter Review 2012 to be carried forward, be added to the adopted Operational Plan for 2012-13.
3. Council approve for expenditure the budget as detailed in the 2012-13 Operational Plan, and on that basis formally vote these funds for the 2012-13 financial year.

2 Making of the Rate

136 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Making of the Rate be received
2. **Ordinary Rate**

In accordance with Section 535 of the Local Government Act 1993, an ordinary rate named Residential ordinary in accordance with Section 543(1) of point four zero nine zero two (.40902) cents in the dollar being ad valorem amount on the land value of all rateable land in the City categorised as residential under Section 493 and that an ordinary rate named Farmland ordinary of point two zero four five one (.20451) cents in the dollar on the land value of all rateable land in the City categorised as farmland and that an ordinary rate named Business ordinary of point seven one one four eight (.71148) cents in the dollar on all rateable land in the City categorised as business and that an ordinary rate being a subcategory of Business rate named Penrith CBD Rate of point eight one four two two (.81422) cents in the dollar and that an ordinary rate being a subcategory of Business rate named St Marys Town Centre Rate of one point zero nine eight zero eight (1.09808) cents in the dollar be now made for the period 1 July 2012 to 30 June 2013 subject to a minimum rate under Section 548(5) of seven hundred and seventy two dollars and fifteen cents (\$772.15) in respect of each separate parcel of land categorised as Residential and Farmland and that each separate parcel of land categorised as Business or as a subcategory of Business be subject to a minimum rate under Section 548(5) of the Local Government Act, 1993 of nine hundred and eighty eight dollars (\$988.00).

3. **Service of Rate Notices**

The rate or charge for the 2012-13 rate year be levied on the land specified in a rates and charges notice by the service of that notice, and the General Manager be and is hereby authorised, to prepare and serve such notice for and on behalf of Council.

4. **Charges**

The charges attached to the report to the Ordinary meeting on 25 June 2012, titled Making of Rates and Charges for 1 July 2012 to 30 June 2013, be made (see attachment).

5. **Interest**

For the purpose of calculating the interest on overdue rates and charges in accordance with Section 566(3) of the Local Government Act, 1993, Council make the interest charge for 2012-13 ten percent (10%) per annum.

6. **Pension Rebate**

All eligible pensioners under Section 575 of the Local Government Act, 1993 be granted a rebate of 50% of the ordinary rate and domestic waste management

service up to a maximum of \$250.00 under Section 575(3) of the Local Government Act, 1993.

Councillor Mark Davies left the meeting, the time being 8:24pm.

4 Additional Member for United Independent Pools

137 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Additional Member for United Independent Pools be received.
2. The General Manager execute all necessary legal documents associated with the inclusion of Kiama Municipal Council into United Independent Pools.

6 Procedural Matters - Panthers Planning Proposal

138 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Procedural Matters - Panthers Planning Proposal be received.
2. The Common Seal of the Council of the City of Penrith be affixed to the Voluntary Planning Agreement for the delivery of road works and the Voluntary Planning Agreement for the ongoing management of the Outlet Centre, once they are publicly notified in accordance with the Environmental Planning and Assessment Act 1979 and the Regulations 2000.
3. In accordance with the Environmental Planning and Assessment Act 1979 and the Regulations 2000, a draft amendment to Penrith Development Control Plan 2010, to incorporate the controls relating to the Panthers Penrith site, be prepared.

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

For

Against

Councillor Kath Presdee
Councillor Karen McKeown
Councillor John Thain
Councillor Jackie Greenow
Councillor Marko Malkoc
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Greg Davies

Councillor Mark Davies returned to the meeting, the time being 8:27pm.

8 [Sponsorship of Jessica Fox to promote Penrith and Penrith Whitewater Stadium](#)

139 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kath Presdee

That:

1. The information contained in the report on Sponsorship of Jessica Fox to promote Penrith and Penrith Whitewater Stadium be received.
2. An amount of \$5,000 be allocated equally from each Ward's Voted Works to retain Jessica Fox as an Ambassador to promote Penrith Whitewater and Penrith City Council in Europe, the United States and any other event Jessica competes in over the next twelve months.

A GREEN CITY

10 [Clean Up of Illegal Dumping on Deerubbin Local Aboriginal Land Council Lands](#)

140 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Karen McKeown

That:

1. The information contained in the report on Clean Up of Illegal Dumping on Deerubbin Local Aboriginal Land Council Lands be received.
2. Council endorse the auspicing of the \$49,865 grant funding to the Deerubbin Local Aboriginal Land Council for the prevention and deterrence of illegal dumping on Deerubbin Local Aboriginal Lands.

A LIVEABLE CITY

11 [Penrith Football Stadium Master Plan and Working Party](#)

141 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Penrith Football Stadium Master Plan and Working Party be received.
2. The name of the Working Party be the Penrith Stadium Sports and Recreation Precinct Working Party.
3. The membership of the Working Party be: 3 Councillors; Penrith City Council's General Manager or his representative; 4 representatives of Penrith Panthers; the Federal Member for Lindsay or a nominated representative; the State Member for Penrith or a nominated representative; a representative of

the Penrith Valley Sports Foundation; a representative of Penrith District Grade Cricket Club; a representative of Penrith Showground.

4. The Terms of Reference for the Working Party be established as:

'To advise Penrith City Council on the finalisation of the master plan for the stadium, and oversee its implementation including advocating for funds.

To advise Penrith City Council on the use of Penrith Stadium in accordance with the terms and conditions of the lease agreement.

To advise Penrith City Council on the potential opportunities for the Penrith Sports and Recreation Precinct including Penrith Stadium, Penrith Showground, Howell Oval and Penrith Swimming Centre.'

5. Professional fees associated with the development of the master plan be accounted for through utilisation of available resources within the Penrith Stadium Reserve.

13 Draft Penrith Accessible Trails Hierarchy Strategy (PATHS)

142 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Draft Penrith Accessible Trails Hierarchy Strategy (PATHS) be received.
2. The Penrith Accessible Trails Hierarchy Strategy be adopted.
3. Funding continue to be made available through Council's Shared Pathways Program for implementation of the shared pathway network throughout the City.

12 Great River Walk successful grants

143 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Karen McKeown

That:

1. The information contained in the report on Great River Walk successful grants be received.
2. Council endorse the acceptance of funding for Great River Walk Stage 7a – West Bank Construction Phase 3 offered under the Metropolitan Greenspace Program 2011.
3. Council send letters of thanks to the Minister for Planning, the Local State Members, the Great River Walk Inc and Hawkesbury City Council for their support.
4. Council endorse the acceptance of funding for the Great River Walk offered by the Federal Department of Infrastructure and Transport under the Liveable Cities Program.

5. Council send a letter to the Local Federal Member thanking them for the funding.

14 Federal Nation Building Black Spot Program and Road Toll Response Package 2012/13 - Funding Offer

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

That:

1. The information contained in the report on Federal Nation Building Black Spot Program and Road Toll Response Package 2012/13 - Funding Offer be received.
2. Council accept grant funding of \$200,000 offered for the successful Black Spot Project shown in Table 1, under the 100% Federally Funded Nation Building Black Spot Program for the 2012/2013 financial year.
3. Council accept grant funding of \$340,000 offered for the successful project nomination for St Marys Road and Stoney Creek Road, Berkshire Park, under the 100% State Funded Road Toll Response Package for 2012/2013.
4. Council send a letter to the Local State and Federal Members thanking them for the funding.

15 Local Government Road Safety Program – Roads & Maritime Services Grant Funding 2012-2013

145 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Local Government Road Safety Program – Roads & Maritime Services Grant Funding 2012-2013 be received.
2. Council accept the three grants offered by Roads and Maritime Services Local Government Road Safety Program, totalling \$9,500, as outlined in the report.
3. Council accept the grant offered by the Roads and Maritime Services NSW Centre for Road Safety for Graduated Licensing Scheme Workshops, totalling \$1,500, as outlined in the report.
4. Council write to the Minister for Roads, Local State Members and the Roads and Maritime Services thanking them for their continued support for road safety initiatives within the Penrith Local Government Area.

A VIBRANT CITY

16 Penrith and St Marys Centres Management Review Implementation - Governance Changes

146 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Penrith and St Marys Centres Management Review Implementation - Governance Changes be received.
2. A Councillor representative be nominated as an interim member to the Boards of the new Penrith City Centre Corporation and St Marys Town Centre Corporation, and that the Councillor representatives of the Boards be selected at the first meeting of the Council after the Council election held on 8 September 2012.
3. The City Centres Working Party be utilised for the regular performance assessment of the Penrith and St Marys Centres Corporations.
4. The City Centres Working Party's Terms of Reference be amended in the terms outlined in this report.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Footpath costing Factory Road, Regentville

Councillor Jim Aitken OAM requested a report to the Local Traffic Committee concerning investigating the provision of making a pathway the full length of Factory Road, to alleviate safety concerns for residents who are using this road to access the bridge to bridge walk and encountering dangerous speeding vehicles.

RR 2 Nepean Hospital - No Smoking

Councillor Jim Aitken OAM requested that Council write to Nepean Hospital concerning taking stronger methods to keep our hospital and grounds safer for sick people and visitors from persons smoking outside the front entrance. Councillor Aitken stated the area has ample signing however the problem is not currently addressed by management. Councillor Aitken OAM requested a memo provided on options available to the Council to resolve this matter.

RR 3 Corner Seventh Avenue and Northern Road, Llandilo

Councillor Ross Fowler OAM requested a memo reply providing the accident history of this site.

RR 4 Ninth Avenue - Road Base

Councillor Kevin Crameri OAM requested that some road base be provided on the curb of Ninth Avenue, Llandilo on the West side of the roundabout where the cars park near Xavier

College.

RR 5 Compulsory Desexing of Dogs and Cats

Councillor Kevin Crameri OAM requested a report on the compulsory desexing of cats and dogs released or rehomed from the pound or animal shelter.

RR 6 Metal Dust - Llandilo Fire Shed

Councillor Kevin Crameri OAM requested that some metal dust be provided on the East side of the Llandilo fire shed.

RR 7 Berkshire Park - Response to Oil Spill

Councillor Kevin Crameri OAM requested a memo reply outlining the response time to an oil spill incident which occurred on the morning of 25 June 2012. Councillor Kevin Crameri OAM would like to know why it took so long for Council to be notified of the incident.

RR 8 Right Turn Arrow - Saddington Street

Councillor Marko Malkoc requested a report to the Local Traffic Committee investigating a 'Right Turn Arrow' on both sides of Saddington Street, at the intersection of Mamre Road, St Marys and turn signals at the corner of Great Western Highway and Charles Hacket Drive, St Marys.

RR 9 Letter of Support - James Vainikolo

Councillor Marko Malkoc requested a letter of support to James Vainikolo who has been representing the area of Penrith in Mixed Martial Arts and has now made the final 10 for a reality TV Show, the Ultimate Fighter.

RR 10 Fire Brigade Ball

Councillor Jackie Greenow requested that Council check whether any Councillors are interested in attending the Ball and if so consider purchasing tickets and/or a table at the Ball.

RR 11 Penrith Community Fund Winter Appeal 2012

Councillor Jackie Greenow requested that Council purchase a table at the Fundraiser for \$800 funded equally between all three Wards for the Penrith Community Fund Winter Appeal.

147 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Karen McKeown that the matter be brought forward and dealt with as an urgent matter.

His Worship the Mayor, Councillor Greg Davies, ruled that the matter was urgent and should be dealt with at the meeting.

148 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Karen McKeown that Council purchase a table for \$800 funded equally between all three Wards for the Penrith Community Fund Winter Appeal.

RR 12 Penrith District Netball Assoc.

Councillor Jackie Greenow tabled a letter received from the Penrith District Netball Assoc thanking Council for attendance and assistance at the State Championships on the June long weekend. In addition Councillor Jackie Greenow requested a report to Council concerning the provision of an additional two Netball courts that would allow for two divisions of State Age Championships to be held in Penrith.

RR 13 Footpath - Fusion, St Marys

Councillor Jackie Greenow requested that \$9,400 be taken from East Ward Voted Works to construct a footpath from the main entry at Fusion to an existing concrete path from Carsons Lane that leads to St Marys Primary School.

149 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc that the matter be brought forward and dealt with as an urgent matter.

His Worship the Mayor, Councillor Greg Davies, ruled that the matter was urgent and should be dealt with at the meeting.

150 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc that \$9400 be taken from East Ward Voted Works to construct a footpath from the main entry at Fusion to an existing concrete path from Carsons Lane that leads to St Marys Primary School.

RR 14 Office of Hawkesbury Nepean

Councillor John Thain requested a report to Council concerning the proposed closure of the Office of Hawkesbury Nepean, detailing its status, viability and other agencies which may be taking responsibility of its functions. Councillor Thain stated that Council should write to the Local State Member of Parliament advocating that the community needs a single organisation to look after the Hawkesbury Nepean River.

RR 15 Cranebrook Oval

Councillor John Thain requested an urgent report to Council on Cranebrook Oval expediting land for the car park and Section 94 funding, also detailing other issues regarding parking, traffic and toilets.

RR 16 Panthers on the Prowl

Councillor Greg Davies requested that \$2200 be divided equally between all three Wards for sponsorship and purchase of a table at the fundraising night – Panthers on the Prowl.

151 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM that the matter be brought forward and dealt with as an urgent matter.

His Worship the Mayor, Councillor Greg Davies, ruled that the matter was urgent and should be dealt with at the meeting.

152 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM that \$2200 be divided equally between all three Wards for sponsorship and purchase of a table at the fundraising night – Panthers on the Prowl.

RR 17 Issues with Proposed Development Application - Warburton Crescent

Councillor John Thain advised that he had received representations concerning a proposed development application for a child care centre at Warburton Crescent, Werrington County, and requested staff to look at this matter.

URGENT BUSINESS

UB 1 Request for Leave of Absence

Councillor Kevin Crameri OAM requested leave of absence from 7 July to 15 July 2012 inclusive.

153 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jackie Greenow that Kevin Crameri OAM be granted Leave of Absence from 7 July 2012 to 15 July 2012 inclusive.

COMMITTEE OF THE WHOLE

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Marko Malkoc seconded Councillor Ben Goldfinch that the meeting be closed to the press and the public to discuss Confidential Business as recommended in Item 1 of the report to Committee of the Whole, the time being 9:00pm.

A Leading City

2 [Commercial Matter - Council Property - Leasing of Suite 2/54 Henry Street, Penrith to Australian Foundation for Disability \(AFFORD\)](#)

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.

3 Commercial Matter - Council Property - Leasing of Suite GO2 at 114-116 Henry Street Penrith to Wentworth Community Housing Limited

This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

A Liveable City

4 Personnel Matter - Aquatics Facility Joint Governance Management Model

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

The meeting resumed at 9:11pm and the General Manager reported that the Committee of the Whole met at 9:00pm on 25 June 2012, the following being present

His Worship the Mayor, Councillor Greg Davies, Deputy Mayor Councillor Jackie Greenow, Councillors Jim Aitken OAM, Robert Ardill, Kevin Crameri OAM, Mark Davies, Ross Fowler OAM, Ben Goldfinch, Marko Malkoc, Karen McKeown, 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

Having previously declared a Pecuniary Interest in Items 2 & 3 of Committee of the Whole, Councillor Ross Fowler OAM left the meeting, the time being 9:02pm.

2 Commercial Matter - Council Property - Leasing of Suite 2/54 Henry Street, Penrith to Australian Foundation for Disability (AFFORD)

RECOMMENDED on the MOTION of Councillor Marko Malkoc seconded Councillor Jackie Greenow

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Leasing of Suite 2/54 Henry Street, Penrith to Australian Foundation for Disability (AFFORD) be received
2. Council grant AFFORD a 5 year lease with a 5 year option over Suite 2/54 Henry Street Penrith in accordance with the terms and conditions outlined in the report.

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

3 Commercial Matter - Council Property - Leasing of Suite GO2 at 114-116 Henry Street Penrith to Wentworth Community Housing Limited

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jackie Greenow

CW3 That:

1. The information contained in the report on Commercial Matter - Council Property - Leasing of Suite GO2 at 114-116 Henry Street Penrith to Wentworth Community Housing Limited be received
2. Council grant Wentworth Community Housing Limited a 3 year Lease with a 3 year option in accordance with the terms and conditions as outlined in the report.
3. The Common Seal of the City of Penrith be placed on all necessary documentation.

Councillor Ross Fowler OAM returned to the meeting, the time being 9:03pm.

4 Personnel Matter - Aquatics Facility Joint Governance Management Model

RECOMMENDED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc

CW4 That:

1. The information contained in the report on Personnel Matter - Aquatics Facility Joint Governance Management Model be received.
2. The proposed process, as outlined in the report, be endorsed.

ADOPTION OF COMMITTEE OF THE WHOLE

154 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Ben Goldfinch

That the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3 and CW4 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:15pm.

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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REPORTS OF COMMITTEES

Item		Page
1	<u>Report and Recommendations of the Access Committee Meeting held on 13 June 2012</u>	1
2	<u>Report and Recommendations of the Policy Review Committee Meeting held on 2 July 2012</u>	6



**REPORT AND RECOMMENDATIONS OF THE
ACCESS COMMITTEE MEETING
HELD ON 13 JUNE, 2012**

PRESENT

Councillor Jackie Greenow – Deputy Mayor (Chair), Michael Morris, David Currie, John Farragher, Farah Madon, Denise Heath and Councillor Robert Ardill.

IN ATTENDANCE

Erich Weller - Community and Cultural Development Manager, Joe Ibbitson - Community Programs Coordinator, Robyn Brookes – Disability Services Officer, Graham Howe – Building Project and Maintenance Coordinator, Hans Meijer – City Works Manager, Colin Wood – Building Approvals Coordinator, Ben Felten – Disability Access Officer, John Gordon – Parks Manager, Mike Williams – Landcom, Fiona Robbe – Landscape Architect, Glenn Schuil – Senior Governance Officer.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Prue Guillaume for the period 4 June 2012 to 15 June 2012 inclusive.

APOLOGIES

An apology was accepted from Ronda Hopkins.

CONFIRMATION OF MINUTES - Access Committee Meeting - 11 April 2012

The minutes of the Access Committee Meeting of 11 April 2012 were confirmed.

DECLARATIONS OF INTEREST

Nil.

DELIVERY PROGRAM REPORTS

A CITY OF OPPORTUNITIES

4 [North Penrith - All Abilities Playgrounds](#)

Joe Ibbitson introduced the report advising that the North Penrith All Abilities Playground had been the subject of a previous report to the Access Committee in February. Mike Williams from Landcom and Fiona Robbe, Landscape Architect, were introduced to the meeting.

Mike Williams advised that a number of organisations had been consulted, including the Touched by Olivia Foundation. He gave an introduction to the presentation, saying he was excited and thrilled to be working with Fiona Robbe, who is a leading expert in this area.

Glenn Schuil arrived at the meeting at 5.30pm.

Councillor Robert Ardill left the meeting at 5.55pm and returned at 5.57pm.

Erich Weller left the meeting at 5.58pm and returned at 5.59pm.

Fiona Robbe spoke to her presentation which showed the design proposal.

Issues highlighted by the presentation and Committee members included:

- for every 100 playgrounds built, 18 are all abilities playgrounds
- signage is not used in all abilities playgrounds
- the intergenerational playground sits nicely with the overall vision for the development
- once or twice a week someone will run activities
- the use of sand in the playground – positive play experience but provides maintenance challenges which are manageable
- both playgrounds are principally softfall
- a spinner will be provided in the playground.

Councillor Jackie Greenow thanked Mike Williams and Fiona Robbe for the presentation.

Councillor Jackie Greenow advised she would ask Council if the Councillors could see this presentation.

Mike Williams advised that he would inform the Access Committee when the opening of the All Abilities Playground will be held.

RECOMMENDED

That:

1. The information contained in the report on North Penrith - All Abilities Playgrounds be received.
2. Mike Williams and Fiona Robbe be thanked for their presentation on the North Penrith All Abilities Playgrounds.

Mike Williams and Fiona Robbe left the meeting at 6.15pm.

1 Access Committee - End of Current Term and Appointment of New Committee

Erich Weller spoke to the report and advised that the current Access Committee members will have completed their two year term after the August meeting. The appointment of the new committee will be in October 2012. Orientation training will be held in November to prepare for the first meeting of the new Access Committee in December.

Joe Ibbitson advised that a report on the highlights of the term of the current Access Committee will be presented in August.

RECOMMENDED

That:

1. The information contained in the report on Access Committee - End of Current Term and Appointment of New Committee be received.
2. The scheduled meeting of the Access Committee for 10 October 2012 be cancelled.

2 [Penrith City Council 2012 Local Government Elections - Accessibility Provisions](#)

Glenn Schuil introduced his report on accessibility provisions for the 2012 Local Government Elections.

Glenn Schuil advised that Council is using the Australian Election Company for the provision of electoral services. The returning officer will be Peter Herrmann who will commence on 24 July, a week earlier than noted in the report.

Glenn Schuil drew attention to the two pre-poll centres which are fully accessible.

David Currie said he was happy to see the amount of work put into making sure that polling places were accessible.

RECOMMENDED that the information contained in the report on Penrith City Council 2012 Local Government Elections - Accessibility Provisions be received.

Glenn Schuil left the meeting at 6.32pm.

3 [Access Committee Terms of Reference - Amendment](#)

Joe Ibbitson advised that the proposed amendment to the Access Committee Terms of Reference emanated from the last meeting when a member of staff chaired the meeting as a result of the three Councillors tabling their apologies. It is proposed that the following words be added to the Terms of Reference - *“in the event that a Councillor is not present at an Access Committee meeting, the Community and Cultural Development Manager or their nominee shall chair the meeting”*.

RECOMMENDED

That:

1. The information contained in the report on Access Committee Terms of Reference - Amendment be received.
2. The Terms of Reference for the Access Committee be amended to include a statement that in the event that a Councillor is not present at an Access Committee meeting, the Community and Cultural Development Manager or their nominee shall chair the meeting.

GENERAL BUSINESS

GB 1 Community Engagement Program for new Community Strategic Plan

Joe Ibbitson thanked Access Committee members who came to the Community Strategic Plan workshops and provided input. The Strategic Planning Team was most appreciative of the information and community members making the time to come along and contribute their views.

GB 2 All Welcome – Access to Business

Joe Ibbitson handed out postcards for the All Welcome – Access to Business project.

Discussion was held around the light colour of text on cards and documents. Erich Weller advised that Jill Huber had raised the issue about the contrast on the banners. Additional advice will be provided in August to the Committee on efforts to minimise difficulties for people with vision impairment.

GB 3 NSW Mobility Parking Scheme

Joe Ibbitson referred to a memo sent out to the Access Committee with a copy of the Review of the NSW Mobility Parking Scheme discussion paper.

The Committee discussed mobility parking issues including:

- a series of colour coding – red, blue, yellow
- it being illegal not to have the photo on the parking permit pointing out
- people parking illegally
- suggestion to make Council's four accessible spots a red zone and shopping centres a yellow zone
- Council rangers using ipads to check for expired permits
- the issue of privacy with having the photo on the card on the outside
- carers taking cardholders for medical appointments.

It was requested that Committee members send their points for a submission to the review through to Joe Ibbitson by 29 June 2012. Submissions must be received by the review committee before 20 July 2012.

GB 4 Media launch for All Welcome Project

Robyn Brookes advised of the media launch of the All Welcome Project on Wednesday 27 June 2012 at 3.00pm.

Joe Ibbitson advised that Access Committee members would be invited to an offline meeting to help with the process of promoting the project.

Councillor Robert Ardill left the meeting at 6.50pm.

GB 5 Successful Funding – No Boundaries Project

Robyn Brookes advised that Council has been successful in receiving an additional \$40,000 funding from the NSW Ageing and Disability agency for the No Boundaries project.

Joe Ibbitson encouraged Committee members to go online to the website and have a look at what is happening there.

GB 6 Independent Living in Penrith

Denise Heath highlighted the experience of a young woman who will be able to live independently in her own flat and hire her own staff. Her lifestyle will be greatly improved and enhanced by this individualised funding through NADO. This is the same kind of funding as through the National Disability Insurance Scheme which commences in July 2014.

GB 7 Disability Standards 1428

Farah Madon advised that Australian Standards 1428 Part 3 is going to be withdrawn on 18 June. There is no new document to go in its place.

The Liveable Housing Guidelines have been reissued as version 2. The guidelines were issued in May.

GB 8 MLAK System

Farah Madon reported that there is a possibility of a person from interstate challenging the MLAK system with the Human Rights Commission.

GB 9 National Disability Insurance Scheme – Invitation to Forum

Ben Felten advised the meeting that David Bradbury MP had invited Access Committee members to a National Disability Insurance Scheme Forum being held in Penrith on Friday 15 June 2012 at Howell Oval Clubhouse. Copies of the invitation were handed out.

GB 10 Judges Place Carpark – Accessible Parking

Hans Meijer reported that six fully compliant parking bays were now available in Judges Place Carpark.

There being no further business the Chairperson declared the meeting closed the time being 6.59pm.

RECOMMENDATION

That the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 13 June, 2012 be adopted.

**REPORT AND RECOMMENDATIONS OF THE
POLICY REVIEW COMMITTEE MEETING
HELD ON 2 JULY, 2012**

PRESENT

His Worship the Mayor, Councillor Greg Davies and Councillors Jim Aitken OAM, Prue Car, Kevin Crameri OAM, Mark Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, Marko Malkoc, Karen McKeown, Kath Presdee and John Thain.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Kaylene Allison for the period 28 May 2012 to 8 July 2012 inclusive.

APOLOGIES

Apologies were received for the Deputy Mayor, Councillor Jackie Greenow and Councillor Robert Ardill.

CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 4 June 2012

The minutes of the Policy Review Committee Meeting of 4 June 2012 were confirmed.

DECLARATIONS OF INTEREST

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest – Less Than Significant in *Item 1 – Stage 2 of the Penrith Citywide Local Environmental Plan – Unresolved Matters (Site 2 – Childcare Centres in Rural Areas, particularly Llandilo)*, as he lives in Llandilo. Councillor Kevin Crameri OAM stated that he would remain in the meeting during consideration of the matter.

Councillor Ross Fowler OAM declared a Pecuniary Interest in *Item 1 – Stage 2 of the Penrith Citywide Local Environmental Plan – Unresolved Matters (Site 1 - Cherrywood Village, Llandilo)*, as he is a Director of the company that owns the property. Councillor Ross Fowler OAM stated that he would leave the meeting during consideration of this matter.

ADDRESSING THE MEETING

Mr Ben Artup/Mr Greg Allchin

Item 1 – Stage 2 of the Penrith Citywide Local Environmental Plan – Unresolved Matters (Penrith Health and Education Precinct)

Mr Ben Artup, representing Penrith Business Alliance, addressed Council, expressing support for the report and in particular the Penrith Health and Education Precinct. Mr Artup stated that specific support for the zoning around the Nepean Hospital precinct would provide

employment in the local area and support current investments around the hospital.

Mr Artup then introduced Mr Greg Allchin, also representing Penrith Business Alliance, who also spoke in support of the recommendation. Mr Allchin expressed general support for Council progressing the implementation of the Penrith Health and Education Precinct (PHEP) structure plan. Mr Allchin noted that the development of this precinct would encourage potential economic growth and create employment in Penrith for local people. Mr Allchin also stated that the expansion of mixed use zoning around the hospital would attract visiting medical officers to the Penrith area.

Mr Allchin was granted an extension of time to complete his address, the time being 7:17 pm.

Mr Allchin concluded by stating that the implementation of the PHEP would provide the Penrith area with world class facilities in health, research and employment.

Mr William Cammack

Item 1 – Stage 2 of the Penrith Citywide Local Environmental Plan – Unresolved Matters (12 Vista Street, Penrith)

Mr Cammack, representing an affected owner, spoke in opposition to the recommendation regarding this property. Mr Cammack objected to the Heritage listing, citing a lack of heritage value of the house itself, and the removal of any outbuildings which could have been considered to be of heritage value. Mr Cammack detailed various reasons why the property should not be heritage listed and stated that there was insufficient evidence to justify a heritage listing.

Mr Cammack was granted an extension of time to complete his address, the time being 7:25 pm.

Mr Cammack also stated that his view was that the property was like any other land development in the Penrith area and was not particularly significant.

Mr Cammack concluded by suggesting that an alternative way of acknowledging any heritage significance of the property could be by way of a photographic record.

Mr Stephen Griffiths

Item 1 – Stage 2 of the Penrith Citywide Local Environmental Plan – Unresolved Matters (12 Vista Street, Penrith)

Mr Griffiths, Solicitor representing the owner, spoke in opposition to the recommendation regarding this property, stating that there was sufficient evidence before Council to reject the heritage listing of the property. Mr Griffiths went on to detail the extensive alterations that has been carried out to the house, rendering it not worth heritage listing, as most of the existing building was constructed from 1950 onwards.

Mr Griffiths was granted an extension of time to complete his address, the time being 7:34 pm.

Councillor Tanya Davies left the meeting, the time being 7:34 pm.

Mr Griffiths stated that economic issues need to be considered when listing properties as having heritage significance.

Councillor Tanya Davies returned to the meeting, the time being 7:36 pm.

Mr Griffiths concluded by stating that multiple housing would be the best use for the land and that a heritage listing would depreciate the building value of the property.

Mr Reg Cammack

Item 1 – Stage 2 of the Penrith Citywide Local Environmental Plan – Unresolved Matters (40 River Road, Emu Plains)

Mr Cammack, an affected owner, spoke in opposition to the recommendation regarding this property. Mr Cammack stated that heritage listing should not apply to privately owned properties as this would result in devaluation of the property. Mr Cammack cited various historical inaccuracies in the report, most notably referring to when the house was built. Mr Cammack also stated that the previous report by a Heritage Consultant advised that the property should not be listed.

Mr Cammack was granted an extension of time to complete his address, the time being 7:43 pm.

Mr Cammack concluded by reiterating that the property should not be heritage listed because of an inaccurate identification of the property, the gardens already having been rejected for heritage listing, and that the vast majority of the premises consists of recent additions and alterations. Mr Cammack also stated that heritage listing would result in significant financial loss as the property would be unable to be subdivided.

DELIVERY PROGRAM REPORTS

A LEADING CITY

1 [Stage 2 of the Penrith Citywide Local Environmental Plan - Unresolved Matters](#)

RECOMMENDED

That:

1. The information contained in the report on Stage 2 of the Penrith Citywide Local Environmental Plan - Unresolved Matters be received.

2. The planning approaches recommended in Attachments 2-4 (Child Care Centres in Rural Areas, particularly Llandilo; Coreen Avenue, Penrith; and the Riverlink Precinct, Penrith) be applied in the Planning Proposal for the Stage 2 LEP for the purpose of public exhibition.
3. The revised zoning shown in Figure 2 of Attachment 5 be endorsed as the basis for further community consultation with the landowners in the deferred area of Castlereagh and Cranebrook, at a time closer to the exhibition of the Planning Proposal for the Stage 2 LEP.
4. Council not proceed with the planning approaches outlined in Attachments 6-8 (34-36 Preston Street, Jamisontown, 40 River Road, Emu Plains; 12 Vista Street Penrith) and that these items be placed on exhibition in Stage 2 with their current zoning, as translated into the State Government's templated zones.
5. The planning approaches recommended in Attachments 9 and 10 (Penrith Health and Education Precinct, Kingswood and the North Penrith Residual Sites) be applied in the Planning Proposal for the Stage 2 LEP for the purpose of public exhibition.
6. A report be presented to Council that:
 - a. Provides advice on the consequences of heritage listing of privately owned properties particularly in relation to impacts on the reasonable economic use of properties and financial consequences to land owners, and
 - b. Presents the items listed in the previous heritage Local Environmental Plan where owners objected to heritage listing.

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

For

Against

Councillor Pru Car
Councillor Kath Presdee
Councillor Karen McKeown
Councillor John Thain
Councillor Marko Malkoc
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Greg Davies

Having previously declared a Pecuniary Interest in *Item 1 – Stage 2 of the Penrith Citywide Local Environmental Plan – Unresolved Matters (Site 1 - Cherrywood Village, Llandilo)*, Councillor Ross Fowler OAM left the meeting during consideration of this matter, the time being 8:19 pm.

1 Stage 2 of the Penrith Citywide Local Environmental Plan – Unresolved Matters - Site 1 – Cherrywood Village Llandilo

RECOMMENDED

That:

1. The information contained in the report on Stage 2 of the Penrith Citywide Local Environmental Plan - Unresolved Matters be received.
2. The planning approach recommended in Attachment 1 (Cherrywood Village, Llandilo) be applied in the Planning Proposal for the Stage 2 LEP for the purpose of public exhibition.

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

For

Against

Councillor Pru Car
Councillor Kath Presdee
Councillor Karen McKeown
Councillor John Thain
Councillor Marko Malkoc
Councillor Kevin Cramer OAM
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Greg Davies

Councillor Ross Fowler OAM returned to the meeting, the time being 8:24 pm.

Recommittal of Item 1 - Stage 2 of the Penrith Citywide Local Environmental Plan – Unresolved Matters

RECOMMENDED

That:

1. The information contained in the report on Stage 2 of the Penrith Citywide Local Environmental Plan - Unresolved Matters be received.
2. The planning approaches recommended in Attachments 2-4 (Child Care Centres in Rural Areas, particularly Llandilo; Coreen Avenue, Penrith; and the Riverlink Precinct, Penrith) be applied in the Planning Proposal for the Stage 2 LEP for the purpose of public exhibition.
3. The revised zoning shown in Figure 2 of Attachment 5 be endorsed as the basis for further community consultation with the landowners in the deferred area of Castlereagh and Cranebrook, at a time closer to the exhibition of the Planning Proposal for the Stage 2 LEP.

4. Council not proceed with the planning approaches outlined in Attachments 6-8 (34-36 Preston Street, Jamisontown, 40 River Road, Emu Plains; 12 Vista Street Penrith) and that these items be placed on exhibition in Stage 2 with their current zoning, as translated into the State Government's templated zones, given the concerns that the Council has with the inconsistencies of the technical information contained within the heritage reports.
5. The planning approaches recommended in Attachments 9 and 10 (Penrith Health and Education Precinct, Kingswood and the North Penrith Residual Sites) be applied in the Planning Proposal for the Stage 2 LEP for the purpose of public exhibition.
6. A report be presented to Council that:
 - a. Provides advice on the consequences of heritage listing of privately owned properties particularly in relation to impacts on the reasonable economic use of properties and financial consequences to land owners, and
 - b. Presents the items listed in the previous heritage Local Environmental Plan where owners objected to heritage listing.

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

For

Against

Councillor Pru Car
Councillor Kath Presdee
Councillor Karen McKeown
Councillor John Thain
Councillor Marko Malkoc
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Greg Davies

A CITY OF OPPORTUNITIES

2 [Developer Contributions relating to secondary dwellings under the Affordable Rental Housing SEPP 2009](#)

RECOMMENDED

That:

1. The information contained in the report on Developer Contributions relating to secondary dwellings under the Affordable Rental Housing SEPP 2009 be received.
2. Council adopt an interim policy position to levy Section 94 Contributions on

secondary dwelling developments at the seniors housing rate of 1.5 persons per dwelling.

3. A further report be submitted to Council on the Affordable Rental Housing SEPP.

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

For

Against

Councillor Pru Car
Councillor Kath Presdee
Councillor Karen McKeown
Councillor John Thain
Councillor Marko Malkoc
Councillor Kevin Cramer OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Greg Davies

REQUESTS FOR REPORTS AND MEMORANDUMS

Councillor Tanya Davies left the meeting, the time being 8:37 pm.

RR 1 Sponsorship of Jess Gardiner

Councillor Kevin Cramer OAM requested consideration of sponsorship of Londonderry resident, Jess Gardiner, who is competing overseas in the World Enduro Championship event.

RR 2 Condition of Major Roads in Penrith Local Government Area

Councillor Kevin Cramer OAM requested a report to Council detailing all major road failures in the Penrith Local Government Area, the general condition of the road network, funding and resourcing of local road infrastructure, as well as outlining Council's strategic plan for road maintenance.

Councillor Tanya Davies returned to the meeting, the time being 8:42 pm.

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

RECOMMENDATION

That the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 2 July, 2012 be adopted.

DELIVERY PROGRAM REPORTS

Item		Page
A LEADING CITY		
1	Sydney International Rowing Regatta 2013-14	1
2	Amendments to the Council's 2012 Meeting Calendar	9
3	2012 Local Government Association Conference	12
4	Tender Reference 11/12-13, Provision of Catering Services	15
5	New Residents Nights	21
6	Loan Borrowings Report	23
<u>URGENT</u>		
12	Loan Borrowings - supplementary report	63
A CITY OF OPPORTUNITIES		
7	No Boundaries - Additional Funds for Light Rhythm Plays	27
<u>URGENT</u>		
13	Appointment of Joint Regional Planning Panel representatives	64
A GREEN CITY		
8	Follow Up on the Domestic Waste Bin Roll-Out	33
A LIVEABLE CITY		
9	Participation in the NSW Litter Prevention Initiative	49
10	State Black Spot Program 2012/13 - Funding Offer	52
A VIBRANT CITY		
11	Funding Application - Community Builders Program 2012	57



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A LEADING CITY

Item		Page
1	Sydney International Rowing Regatta 2013-14	1
2	Amendments to the Council's 2012 Meeting Calendar	9
3	2012 Local Government Association Conference	12
4	Tender Reference 11/12-13, Provision of Catering Services	15
5	New Residents Nights	21
6	Loan Borrowings Report	23

URGENT

12	Loan Borrowings - supplementary report	63
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1 Sydney International Rowing Regatta 2013-14

Compiled by: Paul Page, City Marketing Supervisor

Authorised by: Barbara Magee, Manager - Corporate Communications & Marketing

Objective	<i>We demonstrate leadership, foster resilience and tenacity, and encourage innovation</i>
Community Outcome	<i>A Regional City that provides our jobs, education, services and entertainment (1)</i>
Strategic Response	<i>Share aspirations and work together to grow Penrith as a Regional City (1.2)</i>

Executive Summary

The Sydney International Rowing Regatta will be the first international rowing event held in Penrith since the 2000 Sydney Olympics. It will be held in 2013 and 2014.

The event will bring major social and economic benefits to Penrith and our estimates suggest that it could attract over \$10 million in visitor expenditure in Penrith over the two years.

Council is working with Rowing Australia and the NSW government to ensure that the event runs smoothly and the benefits to the City are maximised.

The report recommends that the information be received and that further reports be provided as the event approaches and more specific plans and programs are developed.

Background

On 19 September 2011, the Premier and Minister for Western Sydney, the Hon. Barry O'Farrell MP, announced that the inaugural Sydney International Rowing Regatta incorporating the Samsung World Rowing Cup is to be held at the International Regatta Centre at Penrith on 18-24 March 2013 and again in March 2014.

The Samsung World Rowing Cup is one of several major world events which lead up to the annual World Championships. This will be the first time it has been held in Australia. The 2013 World Championships will be held in South Korea in August – September.

Rowing Australia won the right to host the Samsung World Cup with the support and assistance of Destination NSW. Before deciding to support the bid, Destination NSW analysed the economic benefit to NSW of hosting the event and concluded that it represented a good return on investment.

With NSW hosting this highly prestigious event, the opportunity has been taken to combine it with three very important existing national rowing events. These are:

- 1) Australian Open Championships
- 2) King's Cup and Queen's Cup
- 3) Australian Schools Championships.

This will be the first international rowing event held in Australia since the 2000 Sydney Olympics. While our International Regatta Centre is acknowledged as the leading rowing venue in Australia, and it has hosted the domestic events at various times, the federal structure of Rowing Australia has meant that usually the various States take it in turns to host these events. This will be the first time they have all been held together at the one regatta over two years. A successful event may build the case for the major domestic events to be held in Penrith more regularly.

If Australia performs well in rowing at the London Olympics, the prestige and significance of hosting this event will be further enhanced.

The following table sets out the program for the seven days of the event showing the forecast attendance.

Date	Activity	Attendance
Mon 18 March	Australian Open Championships - Heats	1,700+ athletes 1,000 spectators
Tues 19 March	Australian Open Championships – Heats, Repechages	1,700+ athletes 1,000 spectators
Wed 20 March	Australian Open Championships – Repechages & Semis	1,700+ athletes 1,000 spectators
Thurs 21 March	Australian Open Championships – Finals Australian Schools Championships - Heats	1,700+ athletes 1,000 spectators
Fri 22 March	Australian Open Championships – Finals Australian Schools Championships – Repechages World Cup I – Heats	2,000+ athletes 1,000 spectators (1hr ‘Super Package TV)
Sat 23 March	Kings & Queens Cups Interstate Regatta Australian Schools Championships – Final B World Cup I – Repechages	2,000+ athletes 7,500+ spectators (TV to the world)
Sun 24 March	Australian Schools Championships – Final A World Cup I – Finals	2,000+ athletes 10,000+ spectators (TV to the world)

All of these events will be ticketed. Ticketek is the distribution agency.

Due to the NSW government investment in the event, the Premier’s Department Protocol Division is co-ordinating a whole of government response. The Department is co-ordinating a series of meetings bringing together a number of key State Government organisations. Council officers have been participating in these meetings.

Since the 2000 Sydney Olympics, Council has earned a reputation for embracing the opportunities that such events offer and for providing a co-ordinated and effective approach to managing regulatory matters. This has been noted at the Protocol Division meetings.

The first regular meeting between Rowing Australia and Council Officers took place on 18 June. Consideration of a number of operational and marketing matters has begun and is detailed later in this report.

Benefits to Penrith of hosting this event

According to the Destination NSW analysis, this event will add \$7 million dollars to the State economy.

We have created an estimate for the economic benefit to Penrith based on figures which Destination NSW recently released drawn from the national tourism surveys. These figures show that

- Domestic day visitors to Penrith spend \$103 per day
- Domestic overnight visitors to Penrith spend \$226 per day
- International overnight visitors spend \$105 per night.

Based on the assumption that 80 per cent of spectators will be domestic day visitors and the balance domestic overnight visitors, the total expenditure for the predicted 27,500 spectators is \$3,457,500. Based on the assumption that 35 percent of athletes and officials will be domestic and 65 per cent international, the total expenditure for athletes and officials would be \$1,841,875.

The total of these figures for athletes and spectators is \$5.3 million for 2013. The figure for 2014 should meet or exceed this. This demonstrates the potential economic value of the event to Penrith.

Rowing Australia is keen to ensure that Penrith businesses have the opportunity to directly benefit from this expenditure and has recently met with the Penrith Business Alliance to look at ways to engage local business. They have also invited a representative of the Penrith Chamber of Commerce to join the organising committee.

The event also offers many social benefits for the people of Penrith such as the opportunity to experience elite sport in the local area, the prestige of hosting such a major world event and the opportunity to befriend visitors from more than 20 overseas countries.

Another benefit for Penrith is that it has triggered a significant capital works program at the International Regatta Centre. The program has a total value of \$749,000 and is being funded by the NSW Government. It includes:

- renovation of the change rooms
- purchase of an additional pontoon
- construction of a commentary platform at the Eastern Bridge
- purchase of new portable boat racks
- development of a shelter and hardstand area at the 1000m mark for adaptive rowers
- extension of the shade sail area (which has been a popular market stall area)
- a catering and utility storage building
- reticulation of power across the southern bank
- replacement of the regatta clocks with new LED displays
- construction of a trailer parking area (behind boatshed 6)
- water quality improvement works in the detention basin system, which include ultrasonic algal blasters and rafted reed-beds.

These works will improve the facility and increase the scope for it to host events that benefit Penrith. For example, the reticulation of power to the south side of the main lake opens up the potential to use this area for trade exhibitions and events.

There is potential for other legacy recreation facilities to be developed as outlined later in the comment from the Recreation Manager.

Health – Comment from Environmental Health Manager

Food Safety

Rowing Australia will be providing a wide range of catering during this event.

Council's Food Safety Program includes the regular inspection of temporary food stalls where food is handled or sold at festivals and events. The inspection of the food premises at these events is to ensure that high standards of food safety are maintained and is part of Council's commitment to the Food Regulation Partnership with the NSW Food Authority.

The NSW Food Authority has prepared "*Food Handling Guidelines for Temporary Events*", which addresses a number of food safety issues including construction of stalls, hygiene, disposal of waste and food handling.

New food laws are in place requiring retail food service businesses to appoint a Food Safety Supervisor (FSS). Under these new laws at least one trained FSS may be required at each temporary food premises.

Rowing Australia should submit an application to operate any temporary food stalls at least four weeks prior to the event to ensure that appropriate standards are planned. Earlier consideration of this encourages food operators to ensure that they have sufficient time to ensure that their Food Safety Supervisor is fully trained.

Council's staff will inspect the temporary food stalls prior to the commencement of operations with additional inspection/s while the stall is operating.

Staff from Rowing Australia are aware of the guidelines issued by the NSW Food Authority and have advised that they have experience in using them at previous regattas. Council has also worked with the caterer at the Sydney International Regatta Centre in the running of previous events where temporary food stalls have been provided.

Aquatic weeds in the Nepean River

The highly modified, nutrient rich, low flow environment in the Nepean provides ideal conditions for in-stream aquatic weeds. The aquatic weeds pose a risk for navigation and safety risks to recreational and tourism activities including the Penrith rowing course.

In 2008 the Federal Government funded the capital costs of an aquatic weed harvester for the Hawkesbury-Nepean. The Hawkesbury River County Council (HRCC) took possession of the harvester in early 2009. Whilst limited funding for the operation of the harvester was provided by the State Government at the time, there is currently no ongoing funding commitment to enable the operation of the harvester. In October 2011, Council wrote to the Minister for the Environment bringing this matter to her attention. Council also wrote to our local members requesting their representations to overcome this issue. Unfortunately, there has not been any success to date in securing additional funding for ongoing weed harvesting operations.

In the 2012-2013 Council operational budget an allocation has been given to allow for aquatic weed harvesting maintenance program at Penrith Rowing Course as part of our contribution to HRCC. Negotiations will continue with HRCC, Rowing Australia and other

stakeholders to ensure that the maximum benefit for planned harvesting is obtained for the Rowing Regatta with the resourcing available.

Traffic and Transport – Comment from Road Network Services Engineer

Where an event will have an impact upon traffic and the local road network, Council requires the organiser to submit a Traffic Management Plan (TMP) which is referred to the Local Traffic Committee for assessment and further determination by Council. The lead time for submitting a TMP is five months prior to the event.

Rowing Australia will therefore be required to prepare and submit a TMP and associated documents. Rowing Australia advises that it has begun working on its TMP with assistance from the staff of the Regatta Centre.

At the recent Premier's Department meeting, the Police and the RMS officers present said that they would like to provide advice to Rowing Australia on their requirements prior to the lodgement of the TMP. Council will be invited to join a traffic and transport sub-committee which is being formed to facilitate this.

Presentation of City – Comment from Parks Manager

The way in which the City is presented to competitors, visitors and residents is an important element in the conduct of the event. The event will be conducted in peak grass growing season and will require an enhanced level of maintenance to ensure a high quality of presentation is achieved. This level of service can be achieved by resource shifting within existing operational budgets.

Council's Parks and Public Domain Departments will provide a co-ordinated approach to service delivery for the duration of the event. Activities to be undertaken include landscape maintenance, litter collection and street sweeping. These activities will be primarily undertaken on roadsides, median strips and in feature parks such as Woodriff Gardens.

Additionally, liaison will be undertaken with the Roads and Maritime Services (RMS) to ensure major arterial roads into the City such as the M4, for which Council is not responsible, are maintained to an appropriate standard.

In addition to these maintenance activities, strategic planting will be undertaken in a number of locations in the lead up to the event. These include the roundabout at the corner of Castlereagh Road and Andrews Road, incorporating similar themes to those implemented prior to the 2000 Olympics and in Woodriff Gardens. Investigations are also being undertaken for opportunities to plant orange vegetation to reinforce elements of the new City identity. All works will be completed within existing operational budgets.

Recreational Legacy – Comment from Recreation Manager

The Sydney International Rowing Regatta provides a great opportunity to promote the sport of rowing in the City. It will require increased use of the river with teams utilising the Nepean for training both before and during the event.

In addition to the use of the river by elite athletes, event organisers have been encouraged to explore how the community can become engaged in participating in rowing activities before,

during and after the Regatta. This will be followed up as part of Council's ongoing liaison with Rowing Australia.

The event organisers have committed to undertaking the necessary consultation with rowing clubs and other river users in relation to river use related to the event. This will also be a requirement of obtaining an Aquatics Licence from Roads and Maritime Services. Rowing Australia is aware that it will need to advertise any proposed boat ramp closures and notify local residents.

Preliminary discussions have taken place regarding sport infrastructure required to accommodate the event. It may be necessary to increase the size of the pontoon at Weir Reserve. If so, resources will need to be identified and there will need to be negotiation with the event organisers. Grant funding opportunities will also need to be investigated. If the pontoon can be enlarged it will provide a significant legacy for the sport of rowing in Penrith and will expand the use of the river for rowing training.

There may be a need to store a limited number of boats for competing teams adjacent to the river. If so, capacity will need to be identified within the Weir Reserve complex. The requirement for storage will become clearer once team participation numbers are finalised.

Currently, the Penrith Schools Boatshed is at capacity with increasing demand suggesting that an extension to the shed will soon be required. The Penrith Schools Boatshed Management Committee, a Committee of Council, is currently trying to identify the funds to engage an architect to design extensions and cover associated costs so that it is able to apply for future grant opportunities. The Nepean Rowing Club boatshed is also heavily utilised and the event organisers will have to arrange either temporary or off site storage during the event.

Marketing and Visitor Services

The City Marketing team has initiated discussions with Rowing Australia on developing a marketing plan with the following objectives:

Maximise the social and economic benefit to Penrith of hosting this event by

- *Sending the athletes, officials and families home with great memories of their time in Penrith;*
- *Causing the event to influence Penrith's "tone of voice" by making the people of the city aware of the size and nature of the event and promoting participation in the event;*
- *Increasing the understanding and appreciation of the people of Penrith of the benefits of hosting events at our world class event venues;*
- *Increasing participation in rowing as a sport by the people of Penrith in conjunction with Rowing Australia and Council's Recreation Department.*

Council's award winning Visitor Information Centre will support the event by gearing up to assist the visitors, especially the additional international visitors. The Centre will be specially decorated for the event based on a rowing theme. It will co-ordinate accommodation bookings, provide the usual information on visitor services and promote things for the visiting athletes and their families to do.

Discussion has commenced with Rowing Australia on the following:

Look of the City: We will work with Rowing Australia to have banners and signs on display along major roads in Penrith prior to and during the event.

Web Site: Links between the event web site <http://www.rowingdownunder.org> and Council's tourism web site are being established.

Memento / gift for athletes: Something that visitors will take home and remember Penrith. These have been greatly valued by athletes attending past international sporting events.

Program of tours: Local transport operators to be approached to offer tours of local attractions and activities and nearby areas.

Activity Packages: Could involve unique experiences such as Penrith Whitewater Stadium, Cable Wakeboarding or Muru Mittagarr.

Penrith City Festival: There have been discussions with the Penrith City Centre Association about holding this on 23 March, the same day as the King's Cup, the Queen's Cup, the finals of the Australian Schools Championships and the Repechage of the World Cup. Further discussions will be held with the Penrith City Centre Association on setting a date and how the festival and the rowing event can be promoted together.

Promotion of local businesses: Special offers for visitors eg restaurant deals. Discussion to be held with Penrith City Centre Association, St Marys Town Centre Association and the Chamber of Commerce.

World Media: The Samsung World Cup will be broadcast internationally. Discussion will be held with World Rowing and the media organisation about providing broadcast footage of Penrith views for broadcast during quiet moments of the event.

Encourage athletes to train in Penrith prior to the event: Direct mail campaign targeted at other national rowing organisations to be undertaken in conjunction with Rowing Australia.

Conclusion

Rowing has a long history in Penrith and the International Regatta Centre at Penrith is Australia's finest rowing course. Council has an excellent record in working with the organisers of major international sporting events at this venue.

These regattas will provide an excellent opportunity to showcase Penrith, especially to the leading people from all over the world who are involved in this very major sport.

These regattas will attract over \$5 million per annum to the Penrith economy for the two years they are being held and will leave a lasting legacy for the City.

Council will be kept informed as plans and programs evolve for this event.

RECOMMENDATION

That:

1. The information contained in the report on Sydney International Rowing Regatta 2013-14 be received
2. Further reports on Council's role in the Sydney International Rowing Regatta be provided as the Sydney International Rowing Regatta approaches.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

2 Amendments to the Council's 2012 Meeting Calendar

Compiled by: Adam Beggs, Governance Officer

Authorised by: Glenn Schuil, Senior Governance 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>Base our decisions on research, evidence, and our responsibility to anticipate harm before it occurs (5.2)</i>

Executive Summary

The report proposes amendments to the Council's 2012 Meeting Calendar which was adopted at the Ordinary Council Meeting of 21 November 2011.

The report recommends that an additional Ordinary Meeting be held on 6 August 2012, and commencing at 7.00pm be added to the Council's 2012 Meeting Calendar.

Background

The Local Government (General) Amendment (Caretaker Period Restrictions) Regulation 2012 has recently been made which requires that Councils must not exercise certain functions during the period of 4 weeks preceding an Ordinary election. Certain functions refer to:

- entering a contract or undertaking involving the expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger).
- determining a controversial development application
- the appointment or reappointment of a person as the council's general manager (or the removal of a person from that position)

The Local Government Elections are scheduled to be held on 8 September 2012. This would mean that the Caretaker Restrictions would be in place for Council from the 10 August 2012 – 8 September 2012.

Current Situation

The current 2012 meeting calendar for July and August is as follows:

Mon Jul 2	Mon Jul 9	Mon July 23	Mon July 30	Mon Aug 13	Mon Aug 20
PR	OM	OM	PR	PR	OM

OM – Ordinary Council Meeting
PR – Policy Review Committee Meeting

With the current adopted meeting calendar the last opportunity for Council to make any decisions as stipulated in the Caretaker Restrictions would be the Ordinary Meeting scheduled for 23 July 2012.

It is proposed that there is an opportunity to provide for an additional Ordinary Meeting to be held on the 6 August 2012. This would allow the Council to exercise its full functions as may be required prior to the Caretaker Restrictions being enforced.

The proposed meeting calendar for July and August incorporating the suggested change would be as follows:

Mon Jul 2	Mon Jul 9	Mon July 23	Mon July 30	Mon Aug 6	Mon Aug 13	Mon Aug 20
PR	OM	OM	PR	OM (7.00pm)	PR	OM

Conclusion

The changes to the meeting calendar have been discussed with the relevant Managers and all statutory and operating obligations are able to be met.

An amended 2012 Meeting Calendar (full year) incorporating this change is provided at Appendix 1 for Council's consideration.

RECOMMENDATION

That:

1. The information contained in the report on Amendments to the Council's 2012 Meeting Calendar be received.
2. The 2012 Meeting Calendar be amended to provide for an Ordinary Council meeting to be held on 6 August 2012 and commence at 7.00pm.

ATTACHMENTS/APPENDICES

1. Proposed Amended 2012 Meeting Calendar 1 Page Appendix

2012 MEETING CALENDAR

January 2012 - December 2012

(adopted by Council on 21 November 2011, proposed for amendment by Council 9 July 2012)

	TIME	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
		Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon
Ordinary Council Meeting	7.30pm		6 20#@	5 26	23v	21#	25* 24^	9 23	6 20#@ (7.00pm)	30 (7.00pm)	15 [∞]	5 19#	10 (7.00pm)
Policy Review Committee	7.00pm		13	19	16	7	4	2 30	13		8	12	3
Operational Plan Public Forum	6.00pm					Wed 28							

- v Meeting at which the Draft Operational Plan for 2012-2013 is endorsed for exhibition
- * Meeting at which the Operational Plan for 2012-2013 is adopted
- # Meetings at which the Operational Plan quarterly reviews are presented
- @ Delivery Program progress reports
- ^ Election of Mayor/Deputy Mayor
- ü Meeting at which the 2011-2012 Annual Statements are presented
- ∞ Meeting at which any comments on the 2011-2012 Annual Statements are presented
- \ The opportunity may be taken to move this meeting to the 17 September 2012, should the election result be declared early
The Ordinary Council Election will be held on 8 September 2012

- 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 Senior Governance Officer, Glenn Schuil.

3 2012 Local Government Association Conference

Compiled by: Adam Beggs, Governance Officer

Authorised by: Glenn Schuil, Senior Governance 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 Local Government Association of NSW (LGA) will hold its Annual Conference in Dubbo from 28 - 30 October 2012.

Council is entitled to nominate seven (7) Councillors as voting delegates to attend the Conference, as well as including other Councillors as observers.

It is Council's practice to sponsor up to three observers chosen by the Deerubbin Local Aboriginal Land Council (LALC) to attend the Conference.

It is the Council's usual practice at this time to nominate its seven (7) voting delegates and other Councillors as observers for the Conference. However, given that the Council's Elections are held on 8 September 2012, it is recommended that the Council nominates its delegates, and any observers to the Conference at the first meeting of the new Council. Additionally it is recommended that the Council sponsor up to three (3) Aboriginal observers, nominated by the Deerubbin Local Aboriginal Land Council, to attend the Conference.

Background

The Local Government Association of NSW (LGA) will hold its Annual Conference in Dubbo from 28 - 30 October 2012.

The matter of One Association has been progressed this year and a secret postal ballot is due to be conducted in July with the result being announced in early August. Council has previously nominated its voting delegates for this process. Council was also successful along with a number of other Councils in writing to Fair Work Australia (FWA) and requesting a 'No Case' be circulated with this ballot. It is understood this will be circulated with the ballot papers sent to voting delegates.

Over the years, Council has been very successful at influencing the development of statewide LGA policy, particularly in the areas of planning, the environment, community planning, fire and emergency services, roads and transport and rating policy.

Delegates

It is the Council's usual practice at this time to nominate their delegates to represent Penrith City Council at the upcoming Conference, according to the following population and category criteria as laid out in the Constitution of the Association. However, given that the Ordinary Council Election will be held on 8 September 2012, it is recommended that the Council nominates their delegates, and any observers, at the first meeting of the new Council.

Group No.	Population	Delegates
1	Less than 10,000	1
2	10,000 – 20,000	2
3	20,000 – 50,000	3
4	50,000 – 100,000	4
5	100,000 – 150,000	5
6	Over 150,000	7
7	County Councils and Associate Members	2
8	Aboriginal Land Council	27 *

(* A maximum of three delegates from any one Region as determined by the Aboriginal Land Rights Act 1983)

In determining populations, the Association uses the Australian Bureau of Statistics latest figures (2011). As Penrith City Council has a population of 178,467 it falls into Group 6 and is entitled to seven (7) voting delegates.

Other Delegates and Observers

In past years, because a number of Councillors from Penrith City Council have also represented either the Executive of the LGA or other industry organisations such as the Hawkesbury River County Council, delegate numbers have been as high as 10. Council has also included Councillors as observers to the Conference in addition to its voting delegates.

In 2011 Council's seven (7) voting delegates were Councillors Greg Davies, Ross Fowler OAM, Kevin Cramer OAM, Jim Aitken OAM, Karen McKeown, Ben Goldfinch and Marko Malkoc.

In 2011, for the tenth year, Council sponsored up to three observers chosen by the Deerubbin Local Aboriginal Land Council (LALC) to attend the LGA Conference.

As the NSW Aboriginal Land Council is currently a member of the LGA in its own right, it is entitled to select 27 delegates to attend the 2012 LGA Conference, with a maximum of 3 delegates from any one Region. The network of 121 Local Aboriginal Land Councils (LALCs) is divided into nine Regions and the Deerubbin Local Aboriginal Land Council is one of eleven LALCs contained within the Sydney/Newcastle Region.

The process for selecting the 27 delegates is entirely up to the NSW Aboriginal Land Council, and at this stage, it is not certain how many delegates (if any) will be selected to attend the Conference from the Deerubbin LALC. Council could however, still make provision to sponsor up to three observers from the Deerubbin LALC pending the outcome of the selection process for the 27 Aboriginal Land Council delegates.

Submission of Motions

The LGA has advised that submission of motions for consideration at the Conference must be completed by 15 August 2012.

A further report will be submitted to the Policy Review Committee meeting on 30 July 2012 proposing motions for the Conference.

Conclusion

Council has been successful in influencing State LGA policy through its involvement in past LGA Conferences. The 4 Year Delivery program for 2009-2013 identifies the Council's role in monitoring the impact of emerging social policies and in seeking to influence State and Federal Governments through a strong advocacy role. Council's attendance and involvement at the LGA Conference is one of the activities that contribute to achieving these delivery actions.

Given that the Council's Election is held on 8 September 2012, it is recommended that the Council nominates its seven delegates, and any observers to the Conference at the first meeting of the Council after the Election.

RECOMMENDATION

That:

1. The information contained in the report on 2012 Local Government Association Conference be received
2. Council nominate its seven (7) voting delegates to attend the 2012 LGA Conference to be held in Dubbo from 28 - 30 October 2012, at the first meeting of the new Council, after the Elections are held on 8 September, 2012.
3. Council give consideration to the nomination of observers to attend the 2012 LGA Conference, at the first meeting of the new Council, after the Elections are held on 8 September, 2012.
4. Council sponsor up to three (3) Aboriginal observers, nominated by the Deerubbin Local Aboriginal Land Council, to attend the 2012 LGA Conference.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

4 Tender Reference 11/12-13, Provision of Catering Services

Compiled by: Laura Schuil, Acting Supply Officer - Contracts
Adam Beggs, Governance Officer
Tracy Leahy, Community Programs Co-ordinator

Authorised by: Glenn Schuil, Senior Governance 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 advise Council of the outcome of the Tender for the Provision of Catering Services. This service includes proven ability to deliver all or part of the following services: Evening Meals (Catering for sit down dinners and buffets), Internal Staff Catering (Servicing of internal meetings), Coffee Cart (Drinks, lunches & morning/afternoon tea).

A total of 4 tender responses were received.

Based on detailed evaluation, sampling menus and best overall value for money, the Tender Evaluation Panel is recommending that the contract for Catering Services for Evening Meals and Internal Staff Catering be awarded to KHC Pty Ltd, for an initial period of two (2) years, with an option to extend for a further two (2) x one (1) year periods (with provision for rise & fall) subject to satisfactory performance. The Evaluation Panel is recommending that the contract for Catering Services for the Coffee Cart be awarded to Red Bean Café Pty Ltd, for an initial period of two (2) years, with an option to extend for a further two (2) x one (1) year periods (with provision for rise & fall) subject to satisfactory performance. Both contracts will be subject to a 12 month probationary period.

Background

The Council's previous Catering Contractor, for personal reasons, requested permission to terminate the contract for the provision of catering services. This was agreed to and in the interim; the Council's staff have trialled two businesses for the provision of the evening meals prior to Council Meetings, and is continuing to trial an operator for the Council's Coffee Cart.

Tenders for the provision of Catering Services for an initial two (2) year period with an option to extend for a further two (2) x one (1) year periods allowing for rise and fall provisions and subject to a 12 month probationary period were advertised in the Western Weekender on 18 May 2012 and the Sydney Morning Herald on 15 May 2012. The tender was placed on the e tendering website on 14 May 2012. The tender closed on 12 June 2012.

The purpose of this Request for Tender is to seek the services of Supplier(s) with the proven ability to deliver all or part of the following services:

- Evening Meals (Catering for sit down dinners and buffets)
- Internal Staff Catering (Servicing of internal meetings)
- Coffee Cart (Drinks, lunches & morning/afternoon tea).

All prospective tenderers were required to attend a mandatory pre-tender briefing on Thursday 24 May 2012.

Tenderers were required to submit their tender on a standard pro-forma sheet, which clearly identified the required response against each of the evaluation criteria.

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Laura Schuil (Acting Supply Officer Contracts), Adam Beggs (Governance Officer) and Tracy Leahy (Community Programs Coordinator).

Evaluation process

The process for the evaluation of tenders was as follows:

1. Initial review of tenders to determine compliance with the evaluation criteria, including the ability to provide the full range of services specified;
2. Assessment of costs based on the unit rates tendered and the allocated staff to perform the services;
3. Determination of a short-list based on the best rankings from 1 and 2 above;
4. Further evaluation of the short-listed companies through:
 - Sampling of Menus
 - Independent Referee Check.

Tender Evaluation Criteria

The tenders submitted were initially assessed in accordance with the evaluation criteria specified in the tender documents. The selection criteria advertised and used in selecting the successful tenderers were based on commercial requirements, Scope of Requirements, Pricing, Business Category, Management and Administration and Practical Evaluation (these are detailed in Appendix 1).

Summary of Tenders Received

A total of 4 submissions were received in response to the advertised tender (some responses received were for multiple services, while others tendered for a single service, as highlighted in the table below).

The four (4) tenderers as listed in alphabetical order below were included in the initial evaluation:

- KHC Restaurant Pty Ltd t/a King Henry's Court
- Murrays Sandwich Shop

- Red Bean Cafe Pty Ltd
- Regatta Restaurant & Bar Pty Ltd t/a Lakeside Restaurant

Organisation	Evening Meals	Internal Staff Catering	Coffee Cart
KHC Restaurant	Yes	Yes	Yes
Murrays Sandwich Shop	No	Yes	Yes
Red Bean Café Pty Ltd	No	No	Yes
Regatta Restaurant & Bar Pty Ltd	Yes	Yes	No

Initial Evaluation of Tenders

Compliance

All tenders were assessed against the evaluation criteria and based on their written submissions demonstrated that they met the specified requirements.

Prices

Prices were requested for each of the areas specified in the tender documents.

Comments

As stated above, all four (4) tenderers submitted tenders in accordance with the conditions of tender and demonstrated compliance by responding to the selection criteria. After the initial evaluation it was determined by the Tender Evaluation Panel that there was no benefit to Council in further considering the higher priced tenders from the following companies:

- Murrays Sandwich Shop (Internal Staff Catering and Coffee Cart)
- Regatta Restaurant & Bar Pty Ltd t/a Lakeside Restaurant (Evening Meals and Internal Staff Catering).

Although both of these organisations could undertake the services required, these tenders were not considered further because of the significant higher pricing compared with those tenders short listed.

In respect of the Internal Staff Catering tenders submitted by Murrays Sandwich Shop and Regatta Restaurant & Bar Pty Ltd, the tendered price was significantly dearer and on average 50% more than the price submitted by the recommended tenderer. In respect of the evening meals, the tendered price from Regatta Restaurant & Bar Pty Ltd was approximately 82% dearer than the price submitted by the recommended tenderer.

In respect of the tender for the operation of the Coffee Cart, the current operator is recommended as the prices submitted were most cost effective.

Short Listed Tenders

Following Phase 1 and 2 of the evaluation, the Panel determined that the tender received from KHC Restaurant Pty Ltd t/a King Henry's Court be subject to a Practical Evaluation.

Practical Demonstration

Menus were sampled from King Henry's Court to further determine the Company's understanding of the scope of the works required, details of their relevant experience and to ascertain the level of resources the Company would allocate to this contract, if they were the successful tenderer.

Following a Practical Demonstration (the Company catered for an evening meal before a Council Meeting and for an Internal Staff meeting) no issues were raised.

Final Evaluation

After the evaluation was held the Tender Evaluation Panel were of the opinion that King Henry's Court Pty Ltd would provide the most cost effective tender for the Provision of Catering Services for Evening Meals and Internal Staff Catering.

A Referee check was made with the Penrith Sheriff's Office regarding the recommended tenderer and the advice provided was that the services provided was clean, quick, reliable and efficient.

With respect to the operation of the Coffee Cart, the Tender Evaluation Panel found that the current operator of the Coffee Cart, Red Bean Café Pty Ltd provided the most cost effective tender for the Provision of the Coffee Cart.

Conclusion

Based on the detailed evaluation of the tenders received, analysis of staffing, practical evaluations, price submitted and referee checks, the Tender Evaluation Panel recommends the following:

1. The tender that represents the best overall value for money to Council for the Provision of Catering Services for Evening Meals and Internal Staff Catering was received from King Henry's Court Pty Ltd. The Company demonstrated a very good understanding of the scope of requirements and have provided a sound methodology for ensuring a high level of service.
2. The tender that represents the best overall value for money to Council for the Provision of Catering Services for the Coffee Cart was received from Red Bean Café Pty Ltd.

Financial Services Manager's Comments

The recommended tender for the Provision of Catering Services for Evening Meals and Internal Staff Catering from King Henry's Court Pty Ltd can be accommodated with the budget allocation for these services within the 2012-13 Operational Plan. The recommended tender for the Provision of Catering Services for the Coffee Cart from Red Bean Café Ltd has been demonstrated to provide the best value for money for this service.

Comment by Tender Advisory Group (TAG)

The Tender Advisory Group (TAG) consisting of the Group Manager - Legal and Governance, Stephen Britten, the Acting Group Manager – Finance, Chris Gardner and the Financial Services Manager, Andrew Moore met to consider the tender for the provision of Catering Services. The TAG supports the process and the recommendations contained within the Report.

RECOMMENDATION

That:

1. The information contained in the report on Tender Reference 11/12-13, Provision of Catering Services be received
2. King Henry’s Court Pty Ltd be appointed as the preferred contractor for the provision of Catering Services for Evening Meals and Internal Staff Catering for an initial period of two (2) years, with an option to extend for a further two (2) x one (1) year periods (with provision for rise & fall) subject to satisfactory performance.
3. Red Bean Café Pty Ltd be appointed as the preferred contractor for the provision of Catering Services for the Coffee Cart for an initial period of two (2) years, with an option to extend for a further two (2) x one (1) year periods (with provision for rise & fall) subject to satisfactory performance.

ATTACHMENTS/APPENDICES

1. Tender Evaluation Criteria 1 Page Appendix

Tender Evaluation Criteria – Provision of Catering Services

Commercial Requirements

Critical Assumptions

Conforming Requirements

Conflict of Interest

Insurance

Required Declaration Response

Compliance Statements

Scope of Requirements

Catering Activities

Menus

Technical Requirement

Demonstrated Ability

Personnel Capability

Company Capability

Function / Catering Response Times

Pricing

Unit Rates & Prices

Menu / Catering Pricing

Volume Discounts

Minimum Order Quantities

Early Payment Incentives

Business Category

Business

Financial Viability

Business Record

Industrial Relations

Management & Administration

Reporting Capabilities

Work Health and Safety Management

Quality Assurance Management

Practical Evaluation (If required will be separately evaluated)

Quality & Presentation of service

Delivery of service

Organisational capability

5 New Residents Nights

Compiled by: Colin Dickson, Marketing & Events Co-ordinator

Authorised by: Barbara Magee, Manager - Corporate Communications & Marketing

Objective	<i>We demonstrate leadership, foster resilience and tenacity, and encourage innovation</i>
Community Outcome	<i>A Regional City that provides our jobs, education, services and entertainment (1)</i>
Strategic Response	<i>Share aspirations and work together to grow Penrith as a Regional City (1.2)</i>

Executive Summary

This report investigates the practicality of holding the proposed new resident nights in collaboration with established citizenship ceremonies. Although advice from the Federal Department of Immigration and Citizenship indicates that the two events can be held together it must not be implied that new citizens are to attend the proposed new residents nights. As the two events are very different (and both large events in their own right) it is recommended that they should not be held together from both a practical and logistical point of view.

The report recommends that the proposed new residents nights commence in November 2012 as a stand alone event as part of Council's comprehensive community and civic events program.

Background

At the Ordinary Council meeting of 21 May, a report was presented to Council on the feasibility of holding proposed new residents nights in Penrith. The report indicated that the proposed new residents nights could provide Council with an ideal opportunity to connect with its new residents.

Council resolved that the new residents nights be incorporated into Council's civic and community events program on a 12 month trial basis with the first event taking place in November 2012.

Current Situation

Established citizenship ceremonies and the new residents nights are important events that introduce a large number of people to the services, facilities and attractions that Penrith City has to offer.

Citizenship ceremonies are formal occasions and the dignity and formality of these ceremonies needs to be maintained. Each citizenship ceremony is an important event for approximately 70 new Australian citizens and their family and friends. On average, 200 people attend each citizenship ceremony. The Council Chambers provides the formality and importance that this occasion warrants.

The proposed new residents nights will be less formal providing new residents with important information on the services and facilities available to them, in a relaxed and casual atmosphere. A range of Council and external service providers will provide information via stalls and displays. Advice from Council's Waste Services section has indicated that on average in excess of 300 new garbage services are requested over a six month period, meaning that these new residents nights could potentially be large events.

From both a practical and logistical point of view, the size of both the citizenship ceremonies and the proposed new residents nights means that they cannot be held on the same night. Further, to reinforce the importance of each event to the community it is recommended that they are held separately.

RECOMMENDATION

That:

1. The information contained in the report on proposed New Residents Nights be received.
2. The new residents nights commence in November 2012 as a stand alone event as part of Council's comprehensive community and civic events program.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

6 Loan Borrowings Report

Compiled by: **Pauline Johnston, Expenditure Accountant**

Authorised by: **Andrew Moore, Financial Services Manager**

Objective	<i>We demonstrate accountability, transparency and ethical conduct</i>
Community Outcome	<i>A Council that manages its finances, services and assets effectively (4)</i>
Strategic Response	<i>Deliver services for the City and its communities, and maintain our long term financial sustainability (4.1)</i>

Executive Summary

Council, at its Ordinary Meeting held 26 March 2012, gave approval to commence the 2011-12 borrowing program of \$4,113,000 for general infrastructure and AREAS, an additional loan of \$2,000,000 funded by the 2011-12 Special Rate Variation and a further \$2,150,000 for a property purchase funded by the Property Development Reserve. Council delegated the General Manager to negotiate and accept the terms of the borrowings and resolved that the final terms and conditions of the borrowings be reported upon completion of the contracts.

This report provides a summary of the evaluation process and quotations received. It informs Council that ANZ was the successful lender and recommends that the information be received.

Background

Council, at its Ordinary Meeting held 26 March 2012, gave approval to commence the 2011-12 borrowing program.

During May, requests for quotations were sent to ANZ, Bank of Cyprus, the Commonwealth Bank (CBA), Illawarra Mutual Building Society (IMB), National Australia Bank (NAB) and Westpac Banking Corporation.

Current Situation

Four banks - ANZ, CBA, NAB and Westpac - provided responses to Council's request. The other two banks declined to quote on this occasion.

ANZ provided rates for 10 and 15 year fixed terms with semi annual or quarterly repayments.

CBA provided rates for a fixed 10 year term, and for a 15 year term renewable after either 5 or 10 years. They also quoted a rate for a 10 year term renewable after 5 years.

NAB provided rates for fixed 10 and 15 year terms with quarterly repayments.

Westpac provided quotations for semi annual or quarterly repayments for a fixed period of 10 or 15 years, and for 15 years renewable after 5 years.

All four banks waived all fees associated with the loans.

Details of these quotations were as follows:

New borrowings of \$8,263,000 for 10 or 15 years

Institution	Semi-annual repayments	Quarterly repayments
ANZ 10 year fixed	5.46%	5.44%
ANZ 15 year fixed	6.17%	6.15%
CBA 10 year fixed		6.44%
CBA 10 years renewable after 5 years		5.61%
CBA 15 years renewable after 10 years		6.62%
CBA 15 years renewable after 5 years		5.63%
NAB 10 year fixed		5.646%
NAB 15 year fixed		6.202%
WBC 10 year fixed	6.83%	6.83%
WBC 15 year fixed	7.04%	7.04%
WBC 15 years renewable after 5 years	5.92%	5.92%

After consideration of the cashflows associated with each proposal, the ANZ 10 year fixed rate loan at 5.44% repayable quarterly was determined to provide the optimum outcome and was selected for all the loans.

Conclusion

The 2011-12 borrowing program has now been completed. Funds were drawn down on 27 June 2012. All institutions who submitted proposals have been informed of the outcome of their submissions.

With interest rates currently low, there was considerable advantage in accepting the lowest fixed rate offered for the entire term of each of the loans. The loans have been fixed for the next 10 years and, as the loans had been included in the budget estimates at 7%, have achieved a sizeable budget saving.

RECOMMENDATION

That the information contained in the report on Loan Borrowings Report be received.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

A CITY OF OPPORTUNITIES

Item		Page
7	No Boundaries - Additional Funds for Light Rhythm Plays	27

URGENT

13	Appointment of Joint Regional Planning Panel representatives	64
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7 No Boundaries - Additional Funds for Light Rhythm Plays

Compiled by: Joe Ibbitson, Community Programs Co-ordinator

Authorised by: Erich Weller, Community and Cultural Development Manager

Objective	<i>We have access to what we need</i>
Community Outcome	<i>A City with equitable access to services and facilities (7)</i>
Strategic Response	<i>Base the provision of services and facilities on principles of social justice and equity (7.1)</i>

Executive Summary

The Community and Cultural Development Department is currently developing the No Boundaries multimedia arts and disability project that will create a series of public multimedia arts projects leading to a large scale projection event with a focus on public art and visual media disciplines. This exciting inclusive arts project will culminate in a digital art projection and multimedia event at the Joan Sutherland Performing Arts Centre during the period 20-22 September 2012.

Developing opportunities for participation by people with disabilities in the arts is an action in Council's endorsed Penrith Inclusion Plan – People with Disability 2009-2013. The No Boundaries project, together with a number of smaller initiatives, responds to this action.

Council has recently received notification of additional funding under the 2012 NSW Arts and Disability Partnership program. Funds of \$40,000 have been provided for 'Light Rhythm Plays' which will extend the No Boundaries project to include an interactive sound and light component with the collaboration of the Nordoff-Robbins Music Therapy Centre.

Light Rhythm Plays will offer people with long term physical, mental, intellectual, or sensory impairment access to skills development and creative participation opportunities across musical art forms. The final stage of the project will be both a public performance and an installation where the public/audience of all ages will be invited to contribute to and experience this inclusive arts event at the Joan Sutherland Performing Arts Centre in September.

The report recommends that Council receive the information in this report and endorse the receipt of \$40,000 from the NSW Government Arts and Disability Partnership program for the No Boundaries project.

Background

The No Boundaries project is a major digital art projection initiative that will enhance and extend inclusive arts practice and experience for people with disability in Penrith City. It will also present the unique experience of people living with disability in Penrith and the surrounding region through the creation of a high quality, innovative multimedia and digital art projection onto the external walls of the Joan Sutherland Performing Arts Centre. The PP&VA Ltd is one of the partners in this project.

A report was presented to the Ordinary Meeting of 5 March about progress with the development of the No Boundaries digital arts and disability project. That report informed Council that grant funds from Arts NSW (\$60,000) and the Australia Council for the Arts (\$35,000) had been received to undertake this exciting arts collaboration project. Cindi Drennan, a multimedia artist with Illuminart Productions Pty Ltd has been commissioned to undertake and lead this project.

The digital artwork and animations generated by the artists and participants will be projected onto the façade of Joan Sutherland Performing Arts Centre during the period Thursday 20 September to Saturday 22 September 2012. Further information will be available including invitations once the details have been finalised. In addition there will be a number of press releases and promotion of this major cultural initiative for the City.

‘Light Rhythm Plays’ – NSW Arts and Disability Partnership Funding

Council has recently been informed by the Hon George Souris, MP, NSW Minister for the Arts that Council has been successful in its submission for funding of \$40,000 under the NSW Arts and Disability Partnership 2012. The partnership between Arts NSW and Ageing, Disability and Home Care in the Department of Family and Community Services is a three year agreement to provide financial grants to support the participation of people with disability in arts and cultural activities. The funds have been provided to extend the No Boundaries project to include an interactive sound component to be developed with the collaboration of the Nordoff-Robbins Music Therapy Centre.

Penrith City Council was one of a small number of organisations across NSW that was requested to make a submission for the limited amount of available funds. This first year of the NSW Arts and Disability Partnership funding program was not publicly advertised. Requests for funds were limited to a maximum of \$40,000.

Light Rhythm Plays will explore music ideas and produce new/custom-made musical instruments for use in disability arts focused on digital media arts practice. It will offer people with long term physical, mental, intellectual or sensory impairments access to the professional arts community and networks, skills development and creative opportunities to engage in musical art forms. Over three months of workshops a group of participants will explore these instruments and the final stage will be both a public performance and an installation where the public/audience of all ages will be invited to contribute to and experience this inclusive arts event at the Joan Sutherland Performing Arts Centre in September.

Summary

Council has recently been informed by the Hon George Souris, MP, NSW Minister for the Arts of a successful submission for funding of \$40,000 under the NSW Arts and Disability Partnership 2012. The funds have been provided to extend the No Boundaries disability and arts project to include an interactive sound and light component with the collaboration of the Nordoff-Robbins Music Therapy Centre.

Only a select number of organisations were requested to make submissions for the limited amount of funding available under the NSW Arts and Disability Partnership. The No Boundaries project will culminate in an innovative multimedia and digital art projection on

the facade of the Joan during the period 20-22 September 2012. There will be extensive promotion of this major cultural initiative for the City in coming months and Councillors will also receive further information including invitations to the launch.

RECOMMENDATION

That:

1. The information contained in the report on No Boundaries - Additional Funds for Light Rhythm Plays be received.
2. Council endorse the receipt of \$40,000 from the NSW Government Arts and Disability Partnership program for the No Boundaries project.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

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A GREEN CITY

Item

Page

8 [Follow Up on the Domestic Waste Bin Roll-Out](#)

33



8 Follow Up on the Domestic Waste Bin Roll-Out

Compiled by: Geoff Brown, Waste Management Co-ordinator

Authorised by: Tracy Chalk, Waste and Community Protection Manager

Objective	<i>We use our resources wisely, and take responsibility for our levels of consumption</i>
Community Outcome	<i>A City with a smaller ecological footprint (12)</i>
Strategic Response	<i>Respond to the impacts of climate change, by mitigating and adapting what we do (12.1)</i>

Previous Items: Domestic Waste - Ordinary Meeting - 23 April 2012

Executive Summary

At its Ordinary Meeting of 23 April 2012 Council considered a report (copy attached) in regard to the replacement of the existing green lidded organic bins (in lieu of replacing the lids which have a manufacturing defect). The bins are to be replaced due to their age and high failure rate and the incompatible handle designs to accommodate new lids.

Council resolved that, due to extenuating circumstances and an unavailability of competitive tenders, Council not invite tenders for the supply and delivery of up to 50,000 organics bins as it is unlikely to give rise to a satisfactory result for Council and the community. Council also resolved that the contract with SITA be varied to accommodate the arrangement and that the Waste & Community Protection Manager, together with the Group Manager – Legal & Governance negotiate the variation in accordance with the report.

SITA contacted Council on 27 April 2012 advising that they are unable to access the capital funding for the purchase of the bins. SITA advise that their parent company has reduced available capital in a reaction to the ongoing financial crisis, particularly in Europe where the parent company is based.

After negotiations between SITA and Council Officers, SITA offered an alternative solution to fund the supply and delivery of the bins through a finance lease over a period of five years. Council Officers have also investigated an alternative proposal for Council to fund the supply and delivery of the new organic bins through an external loan, over five years. The two alternative options are detailed in this report.

The report recommends that the Waste & Community Protection Manager and the Legal & Governance Group Manager be authorised to negotiate with SITA the supply and distribution of new organics bins; Council's General Manager be authorised to negotiate and secure a loan in the amount of \$1,395,520 over a five year repayment period; and the Common Seal of the Council of the City of Penrith be affixed to those documents that are necessary to finalise these borrowings.

Background

At its Ordinary Meeting of 23 April 2012 Council considered a report (copy attached) in regard to the replacement of the existing green lidded organic bins (in lieu of replacing the lids which have a manufacturing defect). The bins are to be replaced due to their age and high failure rate and the incompatible handle designs to accommodate new lids.

SITA obtained quotes from Superior Pak and Sulo for the supply and distribution of the bins which includes a replacement lid discount and a discount under the contract for bin maintenance. This amount is substantially less than the Local Government Procurement price for bins which Council could secure.

The offer from SITA to replace the bins is subject to a variation of the Domestic Waste Collection Contract. The variation involves an increase in the organics collection service price over the remaining five years of the contract to cover the cost of the bins.

The cost of the bins in the first year will be funded jointly from the 2012-13 Domestic Waste Budget and the Domestic Waste Reserve. Funding for the remaining four years is proposed to be incorporated into the calculation of the annual Domestic Waste Charge, which will amount to approximately \$4.00 per service per annum.

The Local Government Tendering Legislation provides that Council does not have to invite tenders (subject to council resolution listing the reasons for the decision) if extenuating circumstances exist and that a satisfactory result would not be achieved by inviting tenders.

Council resolved that, due to extenuating circumstances and an unavailability of competitive tenders, Council not invite tenders for the supply and delivery of up to 50,000 organics bins as it is unlikely to give rise to a satisfactory result for Council and the community. Council also resolved that the contract with SITA be varied to accommodate the arrangement and that the Waste & Community Protection Manager, together with the Group Manager – Legal & Governance negotiate the variation in accordance with the report.

SITA was advised of the outcome of the Council report on 23 April 2012.

Current Situation

SITA contacted Council on 27 April 2012 advising that they are unable to access the capital funding for the purchase of the bins. SITA advise that their parent company has reduced available capital in a reaction to the ongoing financial crisis, particularly in Europe where the parent company is based.

After further discussions, SITA offered an alternative solution to fund the supply and delivery of the bins through a finance lease over a period of five years.

SITA have investigated this option with their financial institutions and advise that funding is available; however, the finance lease would have to be in the name of Penrith City Council. SITA would make all the finance lease payments.

Council will reimburse SITA by increasing the organics collection service rate for the remaining term of the contract. The service rate increase will be the same as detailed in the

report on Domestic Waste to Council's Ordinary Meeting of 23 April 2012; i.e., there will be no additional cost to Council.

Council will own the bins at the end of the contract term in 2017.

This alternative leasing option to fund the supply and distribution of bins will not change the financial outcome to Council as reported to the Ordinary Meeting 23 April 2012. There will be no additional cost to Council.

Financial Services Manager's Comments

The alternative proposal that is now being offered is for SITA to continue to supply the new bins for the organics service funded by way of a finance lease, which has an annual cost of \$327,482.03 over five years. It is proposed by SITA that the finance lease, which they have sourced, is proposed to be taken out by Council with the repayments being made by SITA. Council will reimburse SITA through the service payments at the rate of \$0.0983 as reported to Council at its Ordinary Meeting held 23 April 2012. This amount includes the discount for replacement bins and the discount for repair and replacement of bins that was provided in the original tender. This discount is represented by the total cost being passed on to Council through the service payment rate, to replace all remaining organics bins of \$1.6m being reduced to \$1.4m to account for SITA's obligations under the Domestic Waste Contract. While it is acknowledged that the ownership of the bins ultimately resides with Council, this alternative to the previous offer does expose Council to the additional risk that it is ultimately responsible for the repayment of the finance lease and would need to fund this cost if for whatever reason we were unable to recover future repayments from SITA.

In recommending accepting this risk, Council Officers have investigated an option to fund the purchase of bins through a Council loan, which may mitigate some of the financial exposure. Given the result of the 2011-12 Borrowing Program, being reported to Council tonight in a separate item, and should a similar result be achieved the cost to Council would be reduced to \$320,662 per annum over five years. This is \$6,819 less per annum than the SITA finance lease. SITA, however, will repay Council at the rate specified within the terms of the finance lease; i.e., \$327,482 per annum over five years.

Given the exposure that Council will take on and the potential financial implications, it is recommended that the replacement of the Organics Bins should be funded through an external loan of \$1,395,520 over five years, with an agreed contribution of \$327,482 per annum from SITA. This loan will be sought with consideration of the overall 2112-13 Borrowing program. A further Report will be provided to Council to detail the outcome of the borrowings once completed.

The proposed changes do not impact on previously projected Domestic Waste Charges included in the 2012-13 Operational Plan.

Group Manager - Legal & Governance's Comment

Council on 23 April 2012 used powers under Section 55 of the *Local Government Act* to exempt this process from the tender requirements because of extenuating circumstances and unavailability of competitive tenders. The resolution was as follows and sets out the reasons for this.

1. *The information contained in the report on Domestic Waste be received.*
2. *Due to extenuating circumstances and an unavailability of competitive tenders (for the reasons detailed in this recommendation) Council not invite tenders for the supply and delivery of up to 50,000 organics bins as it is unlikely to give rise to a satisfactory result for Council and the community. The grounds for extenuating circumstances and an unavailability of competitive tenders include:*
 - i. *no other supplier can establish a price that accounts for the considerable savings that would accrue to SITA were it to be awarded the Contract to supply the bins (possibly by way of variation);*
 - ii. *no other supplier could amortise the cost of the replacement bins in the manner available to SITA due to the present waste contract;*
 - iii. *SITA would receive a substantial windfall should the contract be awarded to another supplier;*
 - iv. *the complicated nature of what SITA may do if a tender was called;*
 - v. *should potential tenderers learn of SITA's competitive advantage, other tenderers may then be disinterested in incurring the cost of formulating a tender proposal; and*
 - vi. *the price offered by SITA is approximately 33% less than that available through Local Government Procurement and there seems little doubt that it is very competitive and in the circumstances seems unlikely to be beaten through a public or selective tender.*
3. *The present waste contract with SITA be varied to accommodate the arrangements detailed within this report and that the Waste & Community Protection Manager, together with the Group Manager – Legal & Governance negotiate the variation in accordance with this report.*

This report is suggesting nothing different from that in the report of 23 April 2012 except for a different financing arrangement. Under the *Local Government Act*, loans require a resolution of the Council. If Council adopts the position in this report it will be reaffirming its resolution of the 23 April 2012 as set out above.

A copy of the report of 23 April 2012 is attached, which provides the rationalisation for the use of Council's powers to exempt this process from the tender requirements because of extenuating circumstances. The attached report sets out the service enhancement that will be created through the purchase of these bins. It also discusses why others in a tender process could not be competitive and that a tender process would not be appropriate. Council did receive legal advice from Gadens Lawyers to the effect that they believe it is open to Council to conclude that the exemption from tendering in the circumstances is open to Council and appropriate.

Conclusion

Council's contract with SITA for the provision of organics collection services expires in five years. The existing organics bins have served their purpose initially for garbage collection and now for organics collection. The majority of bins have been in use for up to 30 years and are deteriorating in large numbers. This, combined with the need to replace defective lids and

the problem with fitting lids to bins of different designs, is an indication that the bins should be replaced.

The provision of new bins should provide greater customer satisfaction, as residents will have bins with properly fitting lids minimising fly infestation and bin and lid failure. New bins should also promote better use of the bin by residents in terms of reduced contamination and the enhancement of customer service and community education.

It will, therefore, be recommended that approval be granted for the Waste & Community Protection Manager and the Legal & Governance Group Manager to negotiate with SITA to supply and distribute the new organics bins and that the bins be funded by way of a Council loan repaid by SITA.

RECOMMENDATION

That:

1. The information contained in the report on Follow Up on the Domestic Waste Bin Roll-Out be received.
2. The Waste & Community Protection Manager and the Legal & Governance Group Manager be authorised to negotiate with SITA the supply and distribution of new organics bins.
3. The Council's General Manager be authorised to negotiate and secure a loan in the amount of \$1,395,520 over a five year repayment period.
4. The Common Seal of the Council of the City of Penrith be affixed to those documents that are necessary to finalise these borrowings.

ATTACHMENTS/APPENDICES

1. Ordinary Meeting Report dated 23 April 2012 8 Pages Appendix

Ordinary Meeting
A Green City

23 April 2012

4 Domestic Waste

Compiled by: Geoff Brown, Waste Management Co-ordinator

Authorised by: Tracy Chalk, Waste and Community Protection Manager

Objective	<i>We use our resources wisely, and take responsibility for our levels of consumption</i>
Community Outcome	<i>A City with a smaller ecological footprint (12)</i>
Strategic Response	<i>Respond to the impacts of climate change, by mitigating and adapting what we do (12.1)</i>

Executive Summary

This report will provide information as to the current status of green bin maintenance issues and a proposed solution for continuous service improvement. The proposed solution includes the replacement of all aged green lid bins.

Bin maintenance bookings have increased over the last two years with customer requests for the replacement of lids, pins, wheels and bin bodies. This is causing major inconvenience for residents who have to continuously report bin failures. Further, the new lids which were fitted to the existing bin bodies are coming off in large numbers as a result of the various bin/lid fixing designs and worn bin/lid fixing points. The ageing bins are also starting to fail in increasing numbers as a result of being exposed to the elements for up to 30 years.

In previous reports to the Waste Services Committee, it was identified that the lids fitted to the organics bins arced upwards at the opening where the lid closes on the bin body. The supplier of the lids, Superior Pak (formally Nylex) has since confirmed that there is a fault with the lids that was caused in the manufacturing process.

SITA is now in a position to replace all the faulty lids but are very concerned about fitting new lids to bins that are failing in increasing numbers for various reasons and SITA cannot guarantee that the lids when fitted will remain fixed. Based on a range of circumstances SITA is proposing to replace all the organic bins with new bins through a variation to the contract for organics and garbage collection.

Based on the circumstances outlined in this report it would seem that the replacement of only the lids to the existing bins may not provide the best outcome for residents, Council or SITA. By providing a new organics bin, residents will have bins with properly fitted lids that will minimise fly infestation and greatly reduce bin and lid failure problems. This should promote better use of the bin in terms of reduced contamination and the enhancement of community education and customer service and better benchmark contractor/driver performance.

Consequently, it is recommended that the organics bins be replaced and that Council resolve to do this by way of contract variation and further not to call tenders due to extenuating circumstances, as outlined in this report.

Current Situation

SITA could replace up to 50,000 defective lids to the organics bins in the field; however, there are concerns that due to their age, condition and design the bins in the field will not be suitable to receive the new lids (please see Appendix A – Background to the Supply of Garbage Bins for further information).

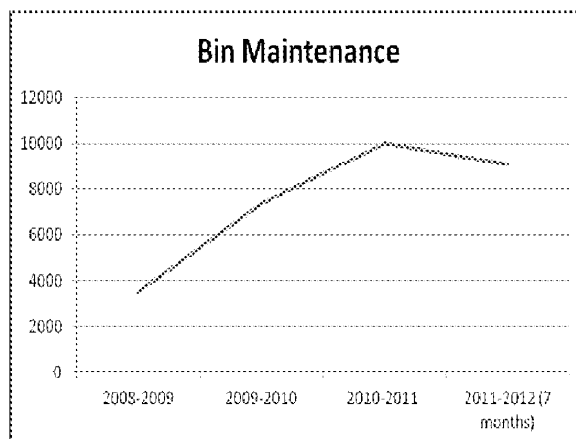
Bin Age and Design

The majority of organic bins generally comprise the old stock of 240L garbage bins that were in use prior to the initial lid changeover on introduction of the organics service. These bins generally include three different brands being Schaeffer, Otto and Sulo. The Schaeffer bin (made in Germany) was introduced in a mass roll out (35,000 bins) in 1982. It is estimated that there are up to 5,000 Schaeffer bins remaining in the field. Unsubstantiated reports from Nylex staff indicate that there may be up to 15,000 Schaeffer bins in the field. These bins are now 30 years old. The remaining bins comprise Otto and Sulo brands, the majority of which were introduced between 1984 and 1999. These bins now range in age from 13 to 28 years.

The original Schaeffer and Otto bins are obsolete and the original parts for these bins are no longer available making lid change over very difficult and problematic. The Sulo bins have lid fixing design problems after lid replacement resulting in the lids being less secure.

Bin Condition

SITA provides monthly reports on service statistics to Council within the terms of the contract. This information includes provision of new bins, bin replacement and bin repairs. In Council's Tender of 2006 certain information was provided for prospective tenderers including information on bin repairs and replacement. This information provided the tenderers with an indication of bin numbers they would need to account for during the term of the contract. Bin replacement, new bins and bin repairs prior to 2006 averaged 148, 49 and 115 per month respectively.



Currently, the monthly average is 469 bin replacements, 367 new bins and 666 repairs. This is an increase of 216%, 648% and 479% respectively compared to the service level at the time of tender in 2006.

Lid Replacement

Ordinary Meeting
A Green City

23 April 2012

Under our contract for the collection of domestic waste SITA is responsible for the provision of new bins, repair and maintenance of the organic and residual waste bins. As a result of the faulty organic bin lids, SITA's bin supplier will provide 20% of the replacement lids; however, SITA will supply and fund the remaining 80% of lids as a result of Nylex going into receivership during the contract program.

Due to the increasing failure rate of the ageing bins and the different types of bins and bin lid/handle designs (to accommodate new lids) it may be better to consider the option to replace the organic bins.

SITA has provided Council with a cost to replace the 50,000 organic bins with quotes obtained from Superior Pak and Sulo. The cost comprises the bin price, assembly and distribution, removal and recycling of the old bins, and a buy back price for the old bin. The price also includes a discount for the replacement lids (applicable to the Superior Pak quote only) and a discount of the tender price component for the repair and replacement of damaged bins for the remaining term of the contract. This equates to a total bin price of \$25.57 per bin and a total overall cost of \$1,278,500 based on 50,000 bins.

SITA is responsible under the Garbage and Organics Collection Contract to replace and repair damaged bins and to provide new service bins when required for the term of the contract. SITA's tender price incorporated an amount to cover these costs for the contract term. This amount (\$360,000) will be credited back to Council for the remaining term of the contract and SITA will continue to repair and replace the new bins to be provided.

Alternatively, under Local Government Procurement (a subsidiary of the LGSA), councils have the option of purchasing Mobile Garbage Bins at the prices quoted in the procurement contract. Three contractors have quoted prices for the supply and delivery of bins. The estimated prices range from \$38.45 to \$39.78 per bin excluding transport costs for delivery to Council's depot. Therefore, the lowest estimated price under the Local Government Procurement Contract would be in the vicinity of at least \$1,922,500 excluding transport costs and rollout.

Financial Services Manager's Comment

The replacement of the organics bins, over five years commencing 2012-13, will require annual funding of \$255,700.

The Draft 2012-13 budget already incorporates an allocation of \$80,000 to assist with the replacement of damaged bins (bin replacement program developed arising from the Waste Services Committee Meeting). It proposed to use this allocation to replace the organics bins in 2012-13, with the balance of \$175,700 to be provided from the Waste Reserve, which has an estimated closing balance as at 30 June 2013 of \$2.1m. Funding for the replacement of bins in the four remaining years is proposed to be incorporated into the calculation of the annual Domestic Waste Charge, which will amount to approximately \$4.00 per service per annum.

Legal and Governance Group Manager's Comment

Entering a contract to purchase bins as outlined in the report would in normal circumstances trigger the need for a tender to be called. These circumstances are complicated by the interrelationship between the obligations under the present Waste Contracts to replace bins and the warranty issue outlined in the report. Under the Local Government Act it is open to a Council to consider this purchase as exempt from the tendering requirements "because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tender a Council decides by resolution (which states the reason for the decision) that a satisfactory result would not be achieved by inviting tenders."

In these circumstances extenuating circumstance do exist because of the interrelationship between the bin replacement, the issue with replacing lids and the present contracts. To consider that tenders be called in these circumstances would create a situation where other tenders could not provide a competitive tender.

Gadens Lawyers have provided advice that in the circumstances they believe it is open to Council to conclude that the exemption from tendering in the circumstances is open to Council and appropriate.

The report provides pricing from Local Government Procurement, which also gives comfort that Council is receiving value for money if it resolves to accept the proposal from SITA.

The recommendation to the report provides a number of grounds which support the recommended decision.

Summary

SITA has confirmed through bin supplier Superior Pak that the lime coloured lids fitted to the existing organic bins have a manufacturing defect. Both SITA and Superior Pak will fund, supply and fit new lids to all organic bins in the field.

Due to the current failure rate of the ageing bin stock and lids of the various bin types and incompatible handle designs (to accommodate new lids), it is considered that the replacement of the entire 50,000 organic bins in lieu of replacing the lids is the preferred option.

Further the provision of new bins should provide greater customer satisfaction, as residents will have new bins with lids that seal properly minimising fly infestation and bin and lid failure. New bins should also promote better use of the bin by residents in terms of reduced contamination and the enhancement of customer service and community education.

The *Local Government Act* Tendering Legislation provides that Council does not have to invite tenders for contracts (subject to Council resolution listing the reasons for the decision) if extenuating circumstances exist and that a satisfactory result would not be achieved by inviting tenders.

It is recommended that tenders not be invited for the supply and delivery of bins due to extenuating circumstances and the Garbage and Organics Collection Contract price be varied to cover the cost to replace the organic bins, as outlined in this report.

RECOMMENDATION

That:

1. The information contained in the report on Domestic Waste be received.
2. Due to extenuating circumstances and an unavailability of competitive tenders (for the reasons detailed in this recommendation) Council not invite tenders for the supply and delivery of up to 50,000 organics bins as it is unlikely to give rise to a satisfactory result for Council and the community. The grounds for extenuating circumstances and an unavailability of competitive tenders include:
 - i. no other supplier can establish a price that accounts for the considerable savings that would accrue to SITA were it to be awarded the Contract to supply the bins (possibly by way of variation);
 - ii. no other supplier could amortise the cost of the replacement bins in the manner available to SITA due to the present waste contract;
 - iii. SITA would receive a substantial windfall should the contract be awarded to another supplier;
 - iv. the complicated nature of what SITA may do if a tender was called;
 - v. should potential tenderers learn of SITA's competitive advantage, other tenderers may then be disinterested in incurring the cost of formulating a tender proposal; and
 - vi. the price offered by SITA is approximately 33% less than that available through Local Government Procurement and there seems little doubt that it is very competitive and in the circumstances seems unlikely to be beaten through a public or selective tender.
 - vii. the present waste contract with SITA be varied to accommodate the arrangements detailed within this report and that the Waste & Community Protection Manager, together with the Group Manager – Legal & Governance negotiate the variation in accordance with this report.

ATTACHMENTS/APPENDICES

1. Background to the Supply of Garbage Bins 3 Pages Appendix

Appendix A

BACKGROUND TO THE SUPPLY OF GARBAGE BINS

Bin Design and Age

The majority of organic bins generally comprise the old stock of 240L garbage bins that were in use prior to the initial lid changeover on introduction of the organics service. These bins generally include three different brands being Schaeffer, Otto and Sulo. The Schaeffer bin (made in Germany) was introduced in a mass roll out (35,000 bins) in 1982. It is estimated that there are up to 5,000 Schaeffer bins remaining in the field. Unsubstantiated reports from Nylex staff indicate that there may be up to 15,000 Schaeffer bins in the field. These bins are now 30 years old. The remaining bins comprise Otto and Sulo brands, the majority of which were introduced between 1984 and 1999. These bins now range in age from 13 to 28 years.

The following information has been provided by Nylex as a result of a study of bin lid failures in Penrith after the lid replacement program at the commencement of the contract.

Schaeffer bin – This is the only bin where the manufacturer attaches lids to bodies at the time of manufacture. This is due to the way the lid is attached, which is designed to be permanent and difficult to tamper with. Special jigs and air operated tools are required to assemble the two centre and outer pins while in the production process. When all four pins are inserted into the handles they are stapled at 90 degrees to ensure a sealed and non-removable lid. The Schaeffer bin also has a significantly reduced internal diameter in the core of the handle ensuring no other hinge pin will fit without modifications. The original Schaeffer bin and associated parts are no longer available.

Otto/Sulo bin (MRI mould) - This bin was the predominant bin being provided during the period 1984 to 1999. The bin handle has a slightly reduced internal diameter compared to current bins and it is believed that the additional force required to drive hinge pins home increases pin stress and subsequent failure. This bin has the largest proportion of lid failures found in recent random audits. The Otto bin and parts are no longer available.

Sulo Bin (STD) – This bin was provided between the years 2000 and 2007. The bin is identified by its lightweight body and large diameter one-piece handle. There have been issues where replacement pins have worked their way out of the handles. The Sulo handle design is unique in that it has an ‘interference’ fit where the moulding in the inner handle is deformed during lid assembly. The large outside diameter accommodates internal ribbing that converges towards the centre of the handle. When an original pin is inserted these ribs deform to provide surface tension. When the pin is removed, or works its way out over time, the deformation becomes permanent and when a replacement pin is inserted it does not grip as well.

In summary, the original Schaeffer and Otto bins are obsolete and the original parts for these bins are no longer available making lid change over very difficult and problematic. The two Sulo bins have lid fixing design problems after lid replacement resulting in the lids being less secure.

Contract Terms and Conditions and Tendering Requirements

Supply, Repair and Maintenance of Bins

The contract for the collection of garbage and organics provides that the contractor is responsible for the repair and replacement of damaged bins and for the provision of new service bins. The contract also provides that the contractor fit new lime green lids to the existing garbage bins and to supply 50,000 new 140 litre red lid residual bins.

During the tender process Council provided statistical data on bin repairs and bin replacements as a guide so that tenderers could cost this component of the service.

Based on current statistical data provided by SITA in comparison to pre-tender information provided by Council, it is estimated that the contractor will be required to replace an additional 20,000 bins and carry out additional 27,000 bin repairs during the remaining five years of the contract. There could be greater impact on bin replacement and repairs if new lids are fitted to the existing bins.

The above estimates far exceed Council's pre-tender information estimates and it could give rise to a potential variation request by SITA to increase the service price to cover the unexpected costs.

As SITA would be required to replace a substantial number of bins under the terms of the contract over the remaining five year period, it is considered a better option to take advantage of the discounts available and replace all the organic bins now.

The supply of new bins will provide greater customer satisfaction, as residents will have bins with lids that seal properly minimising fly infestation, and reduced bin and lid failure. New bins should also encourage residents' correct use in terms of reduced contamination and the enhancement of community education and customer service.

Contract Variations

Under the contract for the collection of garbage and organics, there are provisions which allow either party at any time to request a variation of the contract. The contract provides that any request to vary the contract must include adequate information as is reasonably required for either party to assess the request, including particulars of any additional charge or any deduction from the service rates. This information has been included in the body of this report. Variations may only occur with the agreement of the other party but such agreement shall not be unreasonably withheld.

It has been requested by SITA that consideration be given to the replacement of the 50,000 organics bins in lieu of replacing the defective lids (for the reasons outlined in this report) at a cost of \$1,278,500 (\$255,700 per annum over five years). This equates to approximately \$4.00 per household per annum funded from the Domestic Waste Reserve in 2012/13 and from the Domestic Waste Charge for the remaining four years.

It is proposed to vary the contract terms and conditions by increasing the organics collection service price by \$0.0984 for the remaining five years of the contract term. This would bring the total price per weekly organics collection service to \$0.9217.

Local Government Act Tendering Requirements

Section 55 of the Local Government Act 1993 sets the requirements for which Council needs to invite tenders for a contract. Section 55 also specifies the circumstances when tendering for contracts does not apply.

Section 55 clause (3) subclause (i) provides:

“This section does not apply to the following contracts:

“a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenders, a council decides by resolution (which states the reason for the decision) that a satisfactory result would not be achieved by inviting tenders.”

Council’s Lawyers, Gadens have advised that there are good grounds to argue “extenuating circumstances” and an unavailability of competitive tenders, resulting in the tender process being unlikely to give rise to a satisfactory result.

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A LIVEABLE CITY

Item		Page
9	Participation in the NSW Litter Prevention Initiative	49
10	State Black Spot Program 2012/13 - Funding Offer	52



9 Participation in the NSW Litter Prevention Initiative

Compiled by: Allison Kyriakakis, Community Safety Co-ordinator

Authorised by: David Burns, Group Manager - City Presentation

Objective	<i>Our public spaces encourage safe and healthy communities</i>
Community Outcome	<i>A City with safe, inviting parks and public spaces (18)</i>
Strategic Response	<i>Provide safe, well-maintained public spaces and parks (18.1)</i>

Executive Summary

This report provides information on the NSW Office of Environment and Heritage (OEH) new 'NSW Litter Prevention Initiative' and the participation of Council in Stage 1 of this initiative. A total of 22 councils and groups across NSW including Penrith City Council, have been selected to participate in stage 1 of the initiative following a call for Expressions of Interest advertised in May 2012.

The report recommends that the information contained in the report on Participation in the NSW Litter Prevention Initiative be received and that Council endorse the participation in Stage 1 of the NSW Litter Prevention Initiative and acceptance of the funding from the OEH/ EPA in the amount of \$5,000.

Background

In May 2012 the Office of Environment and Heritage (OEH) sought expressions of interest from NSW Councils to join Stage 1 of a new NSW Litter Prevention Initiative.

The OEH advised that Goal 23 of the Government's NSW 2021 Plan identifies that by 2016, NSW will have the lowest litter count per capita in Australia. A priority action to achieve this is to revitalise anti-littering efforts in conjunction with local councils and community organisations.

The OEH in its expression of interest advised that the Litter Prevention Initiative will directly support a local, integrated approach to tackling litter and litterers. It will enable increased engagement, enforcement, new infrastructure and cleanups focussed on litter hot spots and problem litter items. The OEH will facilitate councils, business and community organisations working together at a grass roots level to reduce litter, reduce environmental, social and economic impacts of litter, integrate litter management efforts and improve local amenity.

The new NSW Litter Prevention Initiative is a 3-year program that will include a variety of opportunities and resources, including:

- A new resource kit with the latest facts on litter amounts, impacts, new social research findings, templates for community news and engagement
- New flexible litter education and engagement materials

- A template to help develop and coordinate integrated local action
- Ready to use, simple evaluation tools to measure and demonstrate results
- Regionally based training opportunities including refresher courses for enforcement officers on litter fines, engaging the community using the creative resources and organising local activities
- Grants for partnerships of local councils, community organisations and businesses to implement local initiatives, including clean-ups, new infrastructure and enforcement blitzes.

Penrith City Council was selected by the OEH as a potential candidate to participate.

Litter prevention and management has become a growing issue for local councils due to its impact on the environment and its association with other anti-social behaviour. It is recognised that, similar to graffiti vandalism, highly littered areas can be associated with perceptions of an increase in other anti-social behaviour.

The offer to participate in this new initiative is timely as Public Domain Amenity and Safety staff are currently working on a Litter Management Strategy Action Plan. The action plan will focus on a number of the key component areas including Education and Prevention, Removal, Regulation and Enforcement, Additional Infrastructure and Volunteering. The action plan will be based on the successful graffiti minimisation strategy that Council has had in place for some years.

The need to address the emerging issue of litter is identified in the 2012-2013 Operational Plan and was identified in the Special Rate Initiative that was approved last year. Funding was provided for a new Public Domain Maintenance Unit that specifically addresses the small litter removal from identified hot spots throughout the City.

As a major part of this initiative, a Litter Prevention Resource Package will be designed to directly support a local, integrated approach to reduce litter, reduce the environmental, social and economic impacts of litter and improve local amenity. Council's participation will assist with the development of this new suite of resources including education, engagement materials, action templates and evaluation tools.

This will help to ensure that Council's Litter Management Strategy and litter reduction efforts are consistent with broader statewide strategies regarding litter reduction, whilst being well suited to the needs of our local community.

Council's expression of interest to participate in this new NSW Litter Prevention Initiative was submitted in May as requested by the OEH.

Current Situation

Formal advice was received mid-June 2012 advising that Council was successful in its application, and would participate in Stage 1 of the initiative, comprising 22 councils and groups across NSW.

The NSW Litter Prevention Initiative is being collaboratively managed by the Office of Environment and Heritage (EOH) and the Environmental Protection Agency (EPA). It will

form a key component of a new NSW litter strategy that is currently being drafted by the EPA.

Participants in stage 1 will:

- Have an opportunity to provide feedback on the proposed contents of the resource kit including the initial training support needed
- Attend a number of workshops regarding litter prevention and up-to-date information about litter
- Have an opportunity to trial and provide feedback on newly developed litter prevention resources
- Have an opportunity to access funding to support integrated local litter prevention initiatives.

In its formal advice it was advised that funding in the amount of \$5,000 will be provided by the OEH/EPA to meet the costs for attendance at the workshops and for the costs involved in trialling resource materials, providing feedback on resources and consulting with any other key contacts within the community. This was the first time that there was advice that funding was available to participants in this litter prevention initiative.

It was advised that payment would be made on receipt of the signed agreement that had to be returned by 20 June 2012.

Given that the formal offer to participate was received on 13 June 2012 and the agreement had to be completed and returned by 20 June 2012, there was not sufficient time to report this matter, and the availability of funding, to Council prior to execution of the agreement.

Consequently, Council is requested to endorse the participation in Stage 1 of the NSW Litter Prevention Initiative and acceptance of the funding from the OEH/ EPA in the amount of \$5,000.

RECOMMENDATION

That:

1. The information contained in the report on Participation in the NSW Litter Prevention Initiative be received.
2. Council endorse the participation in Stage 1 of the NSW Litter Prevention Initiative and acceptance of the funding from the OEH/ EPA in the amount of \$5,000.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

10 State Black Spot Program 2012/13 - Funding Offer

Compiled by: David Drozd, Senior Traffic Engineer

Authorised by: Adam Wilkinson, Engineering Services Manager

Objective	<i>Our physical infrastructure is adaptable, and responds to changing needs</i>
Community Outcome	<i>A City with an integrated local road and pathways network (16)</i>
Strategic Response	<i>Provide a safe, efficient local road network (16.1)</i>

Executive Summary

The purpose of this report is to advise Council of the funding offer obtained under the 2012/2013 State Black Spot Program. The report recommends that Council accept the funding offered under this Program on a 50/50 basis.

Background

At its meeting on 15 August 2011, Council endorsed the following projects shown in Table 1 to be submitted for consideration for 100% funding under the 2012/2013 Federal Government's Nation Building Black Spot Program.

**TABLE 1
List of Projects Submitted to the RMS under the
2012/2013 'Federal Nation Building Black Spot Program'**

<i>Item</i>	<i>Primary Road</i>	<i>Intersecting Street or Section of Road</i>	<i>Total Number of Accidents (5 year data)</i>	<i>Total Number of Casualty Accidents</i>	<i>Proposed Treatment</i>	<i>Cost Estimate</i>	<i>Benefit Cost Ratio (BCR)</i>
1	Queen Street, St Marys	450m Black Spot b/w Charles Hackett Drive & King Street	12	10	Installation of raised thresholds at two pedestrian crossings, Pedestrian fencing.	\$200,000	13
2	Greenbank Drive, Werrington Downs	2km Black Spot b/w Dunheved Road (both ends)	8	6	Parking lane treatment reinforced with kerb blister.	\$160,000	6.6
3	Swallow Drive, Erskine Park	3km Black Length b/w Erskine Park Drive and Peppertree Drive	16	9	Parking lane treatment reinforced with kerb blister.	\$100,000	6.0
4	Monfarville Street, St Marys	Swanston Street	5	4	Median Island Stop Treatment incorporating pedestrian refuge	\$40,000	5.7
5	Bennett Road, St Clair	Coonawarra Drive	5	3	Median Island Stop Treatment incorporating pedestrian refuge	\$40,000	3.6

Subsequently, Council was advised that we had received approval of funding for the Queen Street submission and at its Ordinary Meeting of 25 June 2012, resolved to accept funding offered under the 100% funded Nation Building Black Spot Program 2012/13 for Queen Street, St Marys. The remaining four projects were then prioritised for funding under the 50/50 State Black Spot Program for 2012/13.

Current Situation

The highest ranked Black Spot Projects for Penrith City Council have now been assessed under the State Black Spot Program. The Roads and Maritime Services has advised that three projects being (1) Greenbank Drive, Werrington Downs, (2) Swallow Drive, Erskine Park and (3) Monfarville Street, St Marys, have been approved under the Program with the value of the State contribution being \$150,000.

A condition of acceptance is that the project is 50/50 funded with Council and that it must be completed prior to 30 June 2013, a deadline which can be achieved as preliminary design assessment is currently underway for all three projects. Council's matching contribution is available through existing budgets; refer to Financial Services Manager's comments below.

Financial Services Manager's Comment

In Council's adopted 2012/13 Operational Plan, an amount of \$211,700 is allocated to the Traffic & Transport Facilities Program which is funded through general revenue. It is proposed that \$150,000 of this program is allocated to Council's matching contribution in order to meet the obligations set out in the funding offer for the 2012/13 State Black Spot Program.

Conclusion

Funding for these sites should be recognised as a good outcome for Council and it is expected that the accident remediation treatments will result in improved levels of traffic safety and a reduction in accidents at these sites.

RECOMMENDATION

That:

1. The information contained in the report on State Black Spot Program 2012/13 - Funding Offer be received.
2. Council accept grant funding of \$150,000 offered for successful projects 2, 3 and 4 shown in Table 1, under the 50/50 State Funded Black Spot Program for the 2012/2013 financial year.
3. Council match the grant funding of \$150,000 from its 2012/13 Traffic & Transport Facilities Program.
4. Council write to the Minister for Roads and our Local Members thanking them for their continued support and assistance towards improving road safety.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

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A VIBRANT CITY

Item

Page

11 [Funding Application - Community Builders Program 2012](#)

57



11 Funding Application - Community Builders Program 2012

Compiled by: Teresa Luk-Leung, Social Planning Co-ordinator

Authorised by: Erich Weller, Community and Cultural Development Manager

Objective	<i>We play an active role in our communities</i>
Community Outcome	<i>A City with opportunities to engage, participate and connect (23)</i>
Strategic Response	<i>Enhance community strengths and capacity by supporting collaborative networks and partnerships (23.1)</i>

Executive Summary

This report seeks Council endorsement for a funding application submitted under the State Government's Community Builders Program 2012 for the Penrith New Urban Areas Community Development Project. The 2012 funding round opened on 28 May and closed on 28 June 2012. The project application was forwarded to the funding body by the due date of 28 June 2012.

The project application seeks funds to employ a part time New Urban Areas Community Development Project Officer within Council for two years. The project officer will assist residents of new urban areas in Penrith to access available community resources and networks, to connect with each other as well as with residents in adjoining neighbourhoods and suburbs. The project aims at increasing community capacity and creating opportunities for meaningful participation by residents of new urban areas. The project will incorporate a delivery model to encourage residents to connect with each other and the Penrith community at large and facilitate links with other appropriate service providers in Penrith City.

To meet the criteria for the application Council officers were required to consult with a number of community partners and gain their support for the project application. This resulted in some delay in seeking Council endorsement for the application.

A memo on this funding application was also included in the Councillor Bulletin of 29 June 2012.

The report recommends that Council receive the report and endorse the grant application for the Penrith New Urban Areas Community Development Project for funding under the State Government Community Builders Program 2012.

Background

Population forecasts indicate that the Penrith population will be 204,258 by 2021 with nearly 10,000 new residents moving into new urban areas including Claremont Meadows, Jordan Springs, Caddens, Waterside, North Penrith, and Penrith Lakes. Many of the new urban areas are adjacent to existing established urban areas.

Creating a new liveable community where people of all backgrounds feel connected, safe, want to play an active part in the community and be able to access appropriate services is the

goal of the State Government Metropolitan Strategy and Council's Sustainability Blueprint for New Urban Areas. New release area communities require access to both physical and social infrastructure to support resident interaction and foster community capacity. While infrastructure such as community centres and local parks are tangible and important resources, community capacity building is less tangible but integral to the creation of socially sustainable and cohesive communities.

Community Builders Program

Community Builders is a funding program of the NSW Department of Family and Community Services – Community Services which aims to strengthen communities across NSW and particularly the disadvantaged groups within them. The program was developed in response to a growing body of evidence that suggests that community strengthening is an effective way of reducing inequality and disadvantage.

Community strengthening is about building the capacity of and opportunities for people to actively engage with their community through a wide variety of community activities, to acquire skills, and to respond to change. Community Builders strengthens communities by:

- enhancing community social infrastructure in order to build stronger, more resilient communities
- delivering community strengthening outcomes which address identified local, regional and Government priorities through fixed term projects which are strategic and locally based
- promoting people's participation and inclusion in the broader community by building trust, resourcefulness, participation, respect and connectedness.

The Penrith New Urban Areas Community Development Project will be assessed for funding together with the other applications that will be received from the eight LGAs that make up the Metropolitan West region of the Department of Family and Community Services – Community Services.

Funding Application

The funding application for the Penrith New Urban Areas Community Development Project involves the employment of a Community Development Project Officer for 4 days a week for a period of two years.

To enable the creation of socially sustainable and liveable communities, the Project Officer will undertake a wide range of initiatives which include:

- Undertake consultation and research to identify the needs of residents of the new urban areas of Penrith
- Organise workshops and provide information on programs that support the residents of new urban areas
- Initiate and organise a range of social and cultural programs that promote social inclusion, community participation and connectedness e.g. Family Fun Day, Community Centre Open Day

- Work directly with residents of new urban areas on local concerns and needs and facilitate links with appropriate service providers and local networks
- Organise “meet and greet” sessions at local community centres and organise picnics in local parks to enable residents of new urban areas to socialise and meet with the broader community
- Work with developers of new urban areas to develop social capital and community capacity.

By providing residents of new urban areas with appropriate information and support as well as by successfully linking them with available local services and networks, the residents will have a stronger sense of social inclusion and be able to more effectively manage the transition to living in a new community. After the end of the project it is expected that a level of ongoing support will be provided by existing government funded community welfare and support organisations to residents in the new urban areas. At the same time new residents will also be more aware of the service providers operating in the City to respond to particular needs.

The project has been developed as a time limited two-year project according to the criteria of the Community Builders Funding Program. The budget for the project is \$84,649 in the first year and \$89,003 in the second year totalling \$173,652. The budget includes a reasonable allocation to undertake programs and activities that build the capacity of residents of new urban areas and link them with existing service providers and neighbouring communities.

Council’s in kind contribution to the project will include:

- Office accommodation
- Supervision and support
- Public Liability Insurance
- Administrative support
- Annual Financial Audit

It is important to note that project funding is limited to up to three years and that all applications must demonstrate how they can achieve sustainable outcomes with a clear exit strategy. As indicated above Council officers are applying for a two year project as experience indicates that the funding body usually only funds a couple of three year projects across the eight LGAs in Western Sydney that are eligible for the Community Builders program.

The project has received support from local community based organisations and networks including Nepean Community Neighbourhood Services, the Cranebrook Neighbourhood Advisory Board and St Marys Area Community Development Project.

Conclusion

Supporting the development of socially cohesive communities and improving the liveability of residents of new urban areas are goals for all growth Councils including Penrith City. The Penrith New Urban Areas Community Development Project will implement a wide range of programs and initiatives which will enable residents of all backgrounds to connect with each

other, to participate in local community events and programs, and most importantly to access the appropriate services and networks more likely to be available at a Citywide level.

There was a delay in finalising this application for funding because of the Community Builders Program criteria that organisations submitting applications gain the support of relevant community partners. The funding application was submitted by the due date of 28 June 2012. This report seeks Council's endorsement of the application.

RECOMMENDATION

That:

1. The information contained in the report on Funding Application - Community Builders Program 2012 be received.
2. Council endorse the grant application for the Penrith New Urban Areas Community Development Project for funding under the State Government Community Builders Program 2012.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

URGENT REPORTS
DELIVERY PROGRAM REPORTS
CONTENTS

Item		Page
12	<u>Loan Borrowings - supplementary report</u>	63
13	<u>Appointment of Joint Regional Planning Panel representatives</u>	64



12 Loan Borrowings - supplementary report

Compiled by: David McIllhatton, Business Systems Co-ordinator

Authorised by: Chris Gardner, Acting Group Manager - Finance

Objective	<i>We demonstrate accountability, transparency and ethical conduct</i>
Community Outcome	<i>A Council that manages its finances, services and assets effectively (4)</i>
Strategic Response	<i>Deliver services for the City and its communities, and maintain our long term financial sustainability (4.1)</i>

Executive Summary

The purpose of this report is to provide additional information to Item 6, Loan Borrowings, at tonight's Ordinary meeting.

In 2006-07 Council conducted a review of its annual borrowing program for infrastructure which resulted in increasing the annual infrastructure borrowings from \$2.8m to \$3.2m. This was increased to \$4,113,000 in 2006-07 to fund the general revenue contribution to the Asset Renewal Established Areas Strategy. Any borrowings beyond this require revenue sources or savings to finance the debt servicing costs.

The 2011-12 borrowings will include \$2,000,000 that will be funded by the Special Rate Variation (SRV) to forward fund the City Centres Renewal Program and Shared Pathways construction.

The borrowing program also includes \$2,150,000 for purchase of the Penrith Swimming Pool site. This loan will be funded by the Property Development Reserve.

RECOMMENDATION

That the information contained in the report on Loan Borrowings - supplementary report be received.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

13 Appointment of Joint Regional Planning Panel representatives

Compiled by: Julie Condon, Development Enquiry Unit Coordinator

Authorised by: Paul Lemm, Development Services Manager

Objective	<i>We have access to what we need</i>
Community Outcome	<i>A City with lifestyle and housing choice in our neighbourhoods (8)</i>
Strategic Response	<i>Encourage housing that provides choice, achieves design excellence, and meets community needs (8.1)</i>

Executive Summary

The Joint Regional Planning Panels implemented in July 2009, are comprised of five Panel members, three of which are State members, including the Chairperson, and two who are Council appointed. The Joint Regional Planning Panel (JRPP) is responsible for the determination of development applications considered to be of regional significance.

The appointments are limited by the Environmental Planning and Assessment Act 1979 to a maximum term of three years which expired on 30 June 2012.

In order to retain continuous representation on the Panel, Council will need to appoint new Councillor representatives or reappoint the existing representatives.

The term of appointment may be reduced from the maximum period to enable the incoming Council to give consideration to the appointment of members as Council's representatives on the Panel following the election in September 2012.

The report recommends Council appoint three Councillors as Council's alternate representatives to the JRPP for an interim period up to the Council election. It is also recommended that Council consider and appoint representatives to the JRPP at the first Council meeting following the Council election for the next three year period.

Background

JRPPs commenced operations on 1 July 2009. They were implemented as a part of the government's reform of the NSW planning system at that time to determine development applications considered to be of Regional significance.

In May 2009, Council received a report regarding the Panel and the appointment of Council representatives to the Panel, and resolved that:

- 1. The information contained in the report on Appointment of Council Representatives to Joint Regional Planning Panel be received.*
- 2. The Council authorise the General Manager to nominate an appropriate senior staff representative and staff alternate to the Joint Regional Planning Panel.*

3. *Council nominate Councillors Jim Aitken OAM, Greg Davies and Ross Fowler OAM as Council's alternate representatives to the Joint Regional Planning Panel.*
4. *Council make formal representations to the Department of Planning outlining its concerns in relation to the Joint Regional Planning Panel process.*

The nominations determined by Council as outlined above and the staff representatives nominated by the General Manager (Barry Husking, Director and Wayne Mitchell, Group Manager City Infrastructure) were endorsed by the Panel Secretariat.

On 28 June 2012, Council received notification that the Panel Secretariat had reappointed the State Panel members for a period of 12 months only, pending the outcome of the planning system review. The advice reminded Council that the current term of the majority of Council nominated members was to expire on 30 June 2012.

Council representatives make up two of the five Panel members who attend briefings and make decisions regarding determination of development applications. In practice, this has been one Councillor and one staff person.

Nominations

Formal nomination of Councillor representatives to the JRPP is required to fulfil the requirements of the legislation. Previously, Council authorised the General Manager to nominate staff representatives. It is proposed the General Manager reappoint the staff representatives to the Panel.

Council can elect to appoint new Councillor representatives or reappoint the existing Panel representatives. Given the Council elections are imminent, it is suggested Council make the appointments for an interim period up to the Council election on 8 September 2012.

Relevant legislation requires that, at least one of the Council appointed Panel members must have expertise in planning, architecture, heritage, the environment, urban design land economics, traffic and transport, law, engineering or tourism. These credentials must be established prior to the Panel Secretariats endorsement of the nominee/s.

Councillors Greg Davies, Jim Aitken and Ross Fowler have indicated interest in being renominated to the Panel.

Conclusion

It is important to ensure Council maintains an adequate level of representation in JRPP deliberations on major development proposals in the City. Given the expiry of the initial three year appointments, Council's existing JRPP representatives need to be formally renominated or new representatives appointed.

It is recommended that Council appoint three Councillors as alternate representatives to the JRPP for the interim period up to the Council election. Council can consider and appoint Councillor representatives to the JRPP at the first Council meeting following the Council election for the next three year period.

RECOMMENDATION

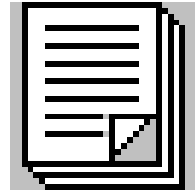
That:

1. The information contained in the report on Appointment of Joint Regional Planning Panel representatives be received.
2. Council appoint three Councillors as alternate representatives to the Joint Regional Planning Panel for an interim period up to the Council election on 8 September 2012.
3. Council consider and appoint Council's representatives to the Joint Regional Planning Panel at the first Council meeting following the Council election for the next three year period.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

ATTACHMENT



Date of Meeting: 9 July 2012

Delivery Program: A Leading City

Program: Corporate Finance

Report Title: 2011-2012 Voted Works

2011-2012 VOTED WORKS
as at 9th July 2012

Meeting Approved	Description of Allocation	Amount \$	Expenditure \$	Manager Responsible
EAST WARD				
Amount Available for 2011-2012				
	Funds brought forward from 2010-2011	106,760		
	2011-2012 Funds	53,000		
	Total Vote for 2011-12	<u>159,760</u>		
Amounts Allocated for 2011-2012				
	1 Contribution Towards 2011-2012 Path Paving Program	50,000	50,000	CWM
Revote	2 Birds of the Waters*	4,343	4,343	CDM
28-Feb-11	3 St Marys Spring Festival	4,000	4,000	CMM
05-Sep-11	4 Batting Cages at Andrews Rd Baseball Facility	5,000	5,000	RM
10-Oct-11	5 Support of Charity Events	100	100	EO
10-Oct-11	6 Bennett Wagons	3,166	3,166	CMM
07-Nov-11	7 Hall Hire - Visit Nepal Festival	258	258	PDASM
06-Feb-12	8 Fundraising - Lance Corporal Luke Gavin	100	100	EO
06-Feb-12	9 U3A Cabling	533	533	CWM
05-Mar-12	10 Red Cross Calling	1,000	1,000	CMM
25-Jun-12	11 Sponsorship - Jessica Fox	1,666	1,666	CMM
25-Jun-12	12 Penrith Community Fund Winter Appeal 2012	243	243	EO
25-Jun-12	13 Panthers on the Prowl	666	666	EO
25-Jun-12	14 Footpath - Fusion, St Marys	9,400	-	CWM
	Total Vote Committed	<u>80,475</u>		
*Project revoked from 2010-11				
TOTAL VOTE UNCOMMITTED FOR EAST WARD		79,285		

NORTH WARD				
Amount Available for 2011-2012				
	Funds brought forward from 2010-2011	134,344		
	2011-2012 Funds	53,000		
	Total Vote for 2011-12	<u>187,344</u>		
Amounts Allocated for 2011-2012				
	1 Contribution Towards 2011-2012 Path Paving Program	50,000	50,000	CWM
Revote	2 Birds of the Waters*	4,343	4,343	CDM
28-Feb-11	3 St Marys Spring Festival	3,000	3,000	CMM
27-Jun-11	4 Pathway between Kingswood Court Nursing Home and GWH	21,600	21,600	CWM
18-Jul-11	5 Pathway construction along Haynes Street, Penrith	21,767	21,767	CWM
05-Sep-11	6 Batting Cages at Andrews Rd Baseball Facility	5,000	5,000	RM
10-Oct-11	7 Support of Charity Events	100	100	EO
10-Oct-11	8 Bennett Wagons	2,667	2,667	CMM
07-Nov-11	9 Hall Hire - Visit Nepal Festival	257	257	PDASM
06-Feb-12	10 Fundraising - Lance Corporal Luke Gavin	100	100	EO
06-Feb-12	11 U3A Cabling	533	533	CWM
05-Mar-12	12 Red Cross Calling	1,000	1,000	CMM
25-Jun-12	13 Sponsorship - Jessica Fox	1,667	1,667	CMM
25-Jun-12	14 Penrith Community Fund Winter Appeal 2012	242	242	EO
25-Jun-12	15 Panthers on the Prowl	667	667	EO
	Total Vote Committed	<u>112,943</u>		
*Project revoked from 2010-11				
TOTAL VOTE UNCOMMITTED FOR NORTH WARD		74,401		

SOUTH WARD				
Amount Available for 2011-2012				
	Funds brought forward from 2010-2011	107,394		
	2011-2012 Funds	53,000		
	Total Vote for 2011-12	<u>160,394</u>		
Amounts Allocated for 2011-2012				
	1 Contribution Towards 2011-2012 Path Paving Program	50,000	50,000	CWM
Revote	2 Birds of the Waters*	4,343	4,343	CDM
28-Feb-11	3 St Marys Spring Festival	3,000	3,000	CMM
27-Jun-11	4 Purchase of Refrigerator for South Penrith Neighbourhood Centre	2,787	2,787	PDASM
05-Sep-11	5 Batting Cages at Andrews Rd Baseball Facility	5,000	5,000	RM
10-Oct-11	6 Support of Charity Events	100	100	EO
10-Oct-11	7 Bennett Wagons	2,667	2,667	CMM
07-Nov-11	8 Hall Hire - Visit Nepal Festival	258	258	PDASM
06-Feb-12	9 Fundraising - Lance Corporal Luke Gavin	100	100	EO
06-Feb-12	10 U3A Cabling	533	533	CWM
05-Mar-12	11 Red Cross Calling	1,000	1,000	CMM
25-Jun-12	13 Sponsorship - Jessica Fox	1,667	1,667	CMM
25-Jun-12	14 Penrith Community Fund Winter Appeal 2012	242	242	EO
25-Jun-12	15 Panthers on the Prowl	667	667	EO
	Total Vote Committed	<u>72,364</u>		
*Project revoked from 2010-11				
TOTAL VOTE UNCOMMITTED FOR SOUTH WARD		88,030		

SUMMARY				
	Total Vote for 2011-12	507,498		
	Less Total Vote Committed	<u>265,782</u>		
TOTAL VOTE UNCOMMITTED		241,716		