

3 August 2012

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 6 August 2012 at 7:00PM.

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

Yours faithfully

Craig Butler
Acting General Manager

BUSINESS

1. **LEAVE OF ABSENCE**
2. **APOLOGIES**
3. **CONFIRMATION OF MINUTES**
Ordinary Meeting - 23 July 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**
Policy Review Committee Meeting - 30 July 2012.
10. **DELIVERY PROGRAM REPORTS**
11. **REQUESTS FOR REPORTS AND MEMORANDUMS**
12. **URGENT BUSINESS**
13. **COMMITTEE OF THE WHOLE**

ORDINARY MEETING
MONDAY 6 AUGUST 2012
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ADVANCE AUSTRALIA FAIR

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

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

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

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

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

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

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

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



PRAYER

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

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

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

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



Council Chambers Seating Arrangements

For members of the public addressing the meeting

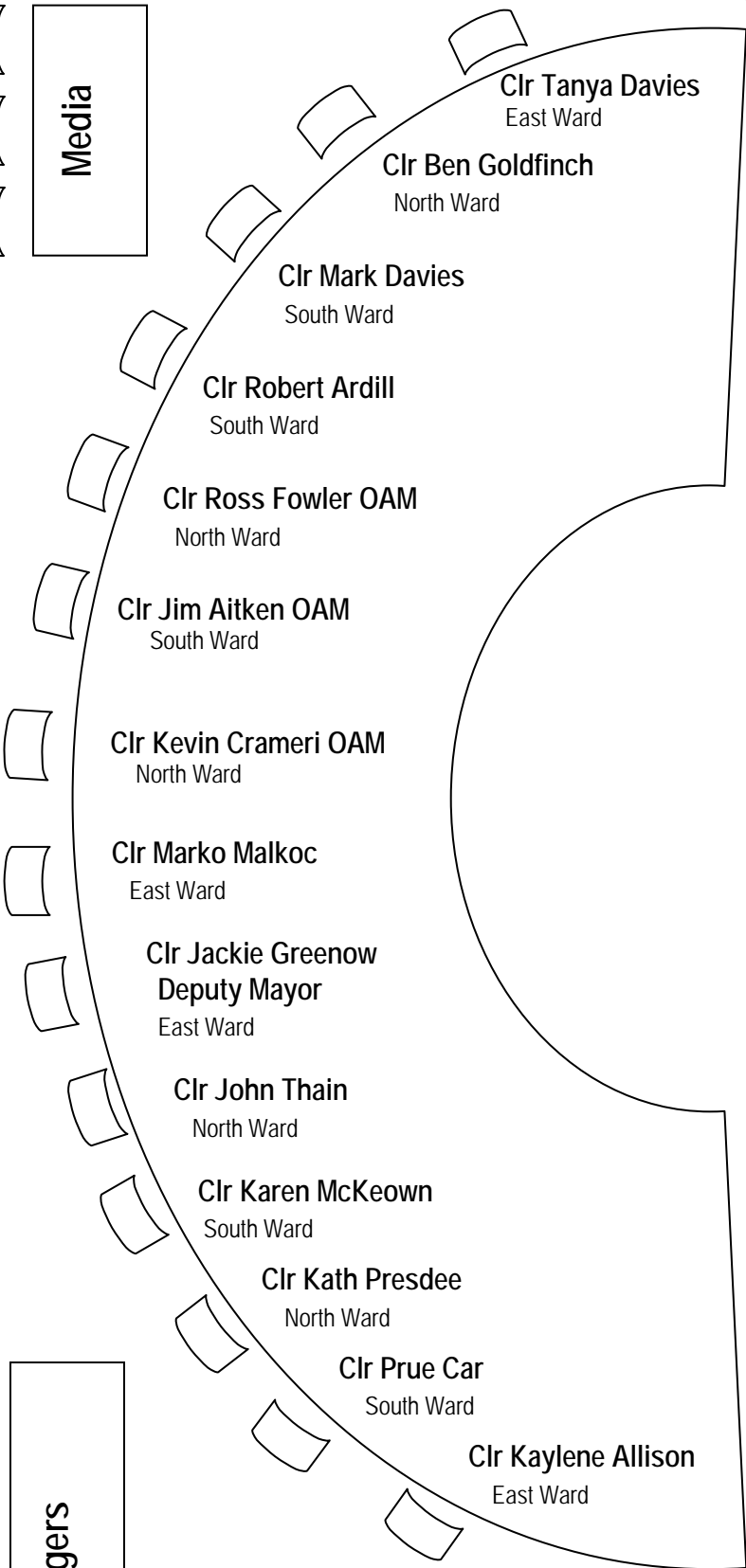
Lectern

Group Managers

Media

Public Gallery

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, amended 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		23❖	21#	25*	23	6 (7.00pm) 20#@	3✓ (7.00pm) 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 23 JULY 2012 AT 7:34PM

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 the Rev Neil Checkley.

PRESENT

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

APOLOGIES

179 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jackie Greenow that an apology be received for Councillor Robert Ardill.

CONFIRMATION OF MINUTES - Ordinary Meeting - 9 July 2012

180 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc that the minutes of the Ordinary Meeting of 9 July 2012 be confirmed.

DECLARATIONS OF INTEREST

Councillor Tanya Davies declared a Non-Pecuniary Conflict of Interest - Less than Significant in *Item 6 – Release of a Positive Covenant applying Lot 59 DP 1157436 (No. 46-48) Bringelly Road, Kingswood* as her mother-in-law is employed by Mission Australia.

Councillor Mark Davies declared a Non-Pecuniary Conflict of Interest - Less than Significant in *Item 6 – Release of a Positive Covenant applying Lot 59 DP 1157436 (No. 46-48) Bringelly Road, Kingswood* as his mother is employed by Mission Australia.

SUSPENSION OF STANDING ORDERS

181 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain that Standing Orders be suspended to allow a member of the public to address the meeting, the time being 7:41 pm.

Mr Greg Allchin

Item 1 – Stage 2 of the Penrith Citywide Local Environmental Plan – Penrith Health and Education Precinct and North Penrith

Mr Allchin, representing Penrith Business Alliance, spoke in support of the recommendation concerning the Penrith Health and Education Precinct. Mr Allchin outlined the economic rationale and longer term benefits to the City of implementing the B7 zoning on lands on the corner of Great Western Highway and French Street, Kingswood. Mr Allchin also stated that one in four jobs in the last decade have been created in the health sector and that the Penrith Health and Education Precinct would significantly increase local employment.

RESUMPTION OF STANDING ORDERS

182 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain that Standing Orders be resumed, the time being 7:49 pm.

MAYORAL MINUTES

2 [Council wins Bronze at the Australasian Reporting Awards](#)

183 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on Council wins Bronze at the Australasian Reporting Awards be received.

1 [Thank you and farewell to Brother Stan Rossato](#)

184 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on Thank you and farewell to Brother Stan Rossato be received.

Councillors Jackie Greenow, Ross Fowler OAM, Kevin Crameri OAM and John Thain spoke in support of the Mayoral Minute. The Council expressed its appreciation for Brother Stan Rossato by acclamation.

3 [Passing of Mona Pizarro](#)

185 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on Passing of Mona Pizarro be received.

Councillor Jackie Greenow spoke in support of the Mayoral Minute, after which a minute's silence was observed, at 8:02 pm.

Councillor Tanya Davies left the meeting, the time being 8:03 pm.

NOTICES OF MOTION

His Worship the Mayor, Councillor Greg Davies, vacated the Chair, the time being 8:04 pm.

The Deputy Mayor, Councillor Jackie Greenow then took the Chair, the time being 8:04 pm.

1 [Request for Council to write to the Minister for Planning and Local MP's](#)

186 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Prue Car
That:

1. Council urgently write to the Minister for Planning and Local MP's seeking clarification on whether the new green paper concerning Planning Proposals will override the current LEP's in the gateway process or the LEP being undertaken by Council, and where it leaves Section 94 Plans in the current planning process and cap.
2. Council write to the Minister for Planning seeking an 8 week extension to the deadline to enable Council to prepare a proper submission on the Green Paper.

Councillor Ross Fowler OAM called for a Division.

For

Councillor Kaylene Allison
Councillor Prue Car
Councillor Kath Presdee
Councillor Karen McKeown
Councillor John Thain
Councillor Jackie Greenow
Councillor Marko Malkoc
Councillor Greg Davies

Against

Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Kevin Crameri OAM (Abstained)

REPORTS OF COMMITTEES

1 [Report and Recommendations of the Penrith Valley Community Safety Partnership Meeting held on 27 June 2012](#)

187 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held on 27 June, 2012 be adopted.

2 [Report and Recommendations of the Local Traffic Committee Meeting held on 2 July 2012](#)

188 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 2 July, 2012 be adopted.

Procedural Motion

189 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that Item 7 be considered after Committee of the Whole.

DELIVERY PROGRAM REPORTS

A LEADING CITY

2 Pecuniary Interest Returns

190 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin Crameri OAM that the information contained in the report on Pecuniary Interest Returns be received.

3 Tender - Legal Services

191 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Tender - Legal Services be received.
2. Sparke Helmore Lawyers and Gadens Lawyers be appointed to Council's external legal panel for the next 4 years.
3. Adams and Partners Lawyers be appointed to Council's external legal panel to provide support to the internal legal team in relation to localised matters like prosecutions and locally based court matters or matters that can be handled locally.
4. Matthews Folbigg Lawyers be appointed to Council's external legal panel to provide advice where Gadens Lawyers and Sparke Helmore Lawyers have a conflict of interest or where more independence is required.

5 Summary of Investments & Banking for the period 1 June to 30 June 2012

192 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 June to 30 June 2012 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 June 2012 to 30 June 2012 be noted and accepted.
3. The graphical investment analysis as at 30 June 2012 be noted.
4. The Agency Collection Methods as at 30 June 2012 be noted.

1 Stage 2 of the Penrith Citywide Local Environmental Plan – Penrith Health & Education Precinct and North Penrith

193 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Stage 2 of the Penrith Citywide Local Environmental Plan – Penrith Health & Education Precinct and North Penrith be received.
2. The planning approach recommended in Attachment 1 (Penrith Health and Education Precinct) be applied in the Planning Proposal for the Stage 2 LEP for the purpose of public exhibition.
3. The planning approach recommended in Attachment 2 (North Penrith - Residual Sites) 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 Kaylene Allison
Councillor Prue Car
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 Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Greg Davies

4 Urban Activation Precinct Program

194 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown

That:

1. The information contained in the report on Urban Activation Precinct Program be received.
2. Council join with the Penrith Business Alliance to nominate the Penrith City Centre as an Urban Activation Precinct.
3. Council support the NSW Land and Housing Corporation should they nominate the Glossop Street, St Marys Precinct as an Urban Activation Precinct.

4. Council write to the local State Members of Parliament seeking their support for the nomination(s) to the Urban Activation Precinct Program.
5. A further report be brought to Council should the nomination for the Penrith City Centre as an Urban Activation Precinct be successful.

A CITY OF OPPORTUNITIES

6 [Release of a Positive Covenant applying Lot 59 DP 1157436 \(No. 46 - 48\) Bringelly Road, Kingswood](#) Applicant: Mission Australia; Owner: Mission Australia

195 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kath Presdee

That:

1. The information contained in the report on Release of a Positive Covenant applying Lot 59 DP 1157436 (No. 46 - 48) Bringelly Road, Kingswood be received.
2. The Common Seal of Penrith City Council be affixed to all necessary documentation to remove the covenant.

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

For	Against
Councillor Kaylene Allison	Councillor Mark Davies
Councillor Prue Car	Councillor Tanya Davies
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 Ben Goldfinch	
Councillor Greg Davies	

Councillors Mark Davies and Tanya Davies abstained from voting on this matter.

A LIVEABLE CITY

9 [Roads and Maritime Services \(RMS\) 2012/13 Road Funding Grants](#)

196 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Roads and Maritime Services

(RMS) 2012/13 Road Funding Grants be received.

2. The RMS 2012/13 Program Funding Block Grant of \$1,048,000 be accepted.
3. Council accept the grant of \$250,000, offered under the 2012/13 Roads and Maritime Services REPAIR Program, for the reconstruction of Old Bathurst Road, Emu Plains, from 100m west of David Road to 300m west of Smith Street.
4. Council accept the grant of \$50,000, offered under the 2012/13 Roads and Maritime Services REPAIR Program, for the reconstruction of Dunheved Road, Werrington from John Batman Ave to John Oxley Ave.
5. The Supplementary Road component be allocated to the resurfacing of Llandilo Road, Llandilo (between Sunnymeade Road and Sixth Road).
6. The Common Seal of the Council of the City of Penrith be affixed to the 'Agreement for Block Grant Assistance to Council for Regional Roads 2012/13'.

Councillor Prue Car left the meeting, the time being 9:08 pm.

8 [Nepean River Green Bridge - Public Exhibition of Transport Study](#)

197 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Nepean River Green Bridge - Public Exhibition of Transport Study be received.
2. Option 5: Punt Road to Old Ferry Road be endorsed as Council's preferred option for the new bridge alignment.
3. Council write to Transport for NSW and Roads and Maritime Services advising of Council's preferred alignment.
4. The Memorandum of Understanding (MOU) with Transport for NSW (TfNSW) and the Road and Maritime Services (RMS), and the Terms of Reference (ToR), for the establishment of the "Nepean River Green Bridge Steering Group" be endorsed.
5. Council congratulate the Local State Member on his efforts and achievements in this matter.
6. Council request copies of the submissions that were made.

Councillor Prue Car returned to the meeting, the time being 9:13 pm.

10 Penrith Commuter Car Park Update

198 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Penrith Commuter Car Park Update be received.
2. Council write to the Federal local member thanking and congratulating him on the project.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Footpath - River Road, Emu Plains

Councillor Ross Fowler OAM requested a memo reply outlining a solution to the subsiding footpath in the vicinity of 22 River Road, Emu Plains, which is causing damage to property.

RR 2 Progressing of LEP

Councillor Ross Fowler OAM requested an urgent memo reply to all Councillors concerning the presentation of a report to the Ordinary Meeting of 6 August 2012 to adopt those planning matters of the Penrith LEP Stage 2 that can be progressed and deferring those matters that cannot be progressed.

RR 3 Lewers Gallery

Councillor Kevin Crameri OAM requested a memo reply to all Councillors, followed by a report to Council, on the contents and implications of the letter provided by him to the General Manager, concerning the Lewers Gallery.

RR 4 Council Policy on Car Parking

Councillor Kevin Crameri OAM requested a report to the Policy Review Committee, after September 2012, on Council's carparking policies.

RR 5 Flood damage to Castlereagh Property

Councillor John Thain requested a site meeting with the Member for Londonderry and the Local State Member, as well as other stakeholders, at a property in Castlereagh that has suffered severe erosion along the river, caused by flooding, as there may be danger to a home on the property as well as to a telecommunications tower.

URGENT BUSINESS

UB 1 Provision of Footpath along North side of Stafford Street, Penrith

Councillor Jim Aitken OAM requested that \$15,400 be allocated from South Ward voted works to construct a footpath along the north side of Stafford Street, Penrith, from Castlereagh Street to the eastern end of 121-125 Stafford Street, Penrith.

199 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the matter be brought forward and dealt with as a matter of urgency.

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

200 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Karen McKeown that \$15,400 be allocated from South Ward voted works to construct a footpath along the north side of Stafford Street, Penrith, from Castlereagh Street to the eastern end of 121-125 Stafford Street, Penrith.

**UB 2 Provision of sandpit for Child Care Centre operated by Penrith
Community Aid**

Councillor Karen McKeown requested that up to \$1,500 be allocated from South Ward voted works to supply and install a sandpit, and \$4,400 be allocated from South Ward voted works to supply and install vinyl flooring at the child care centre operated by Penrith Community Aid at 7 Reserve Street, Penrith.

201 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the matter be brought forward and dealt with as a matter of urgency.

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

202 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jim Aitken OAM that up to \$1,500 be allocated from South Ward voted works to supply and install a sandpit, and \$4,400 be allocated from South Ward voted works to supply and install vinyl flooring at the child care centre operated by Penrith Community Aid at 7 Reserve Street, Penrith.

COMMITTEE OF THE WHOLE

203 RESOLVED on the MOTION on Councillors Karen McKeown seconded Councillor Marko Malkoc that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:25 pm.

1 Presence of the Public

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

A Liveable City

2 [Commercial Matter - Tender reference 11/12-16, Provision of Security Services](#)

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.

The meeting resumed at 9:42pm and the General Manager reported that the Committee of the Whole met at 9:25 pm on 23 July 2012, the following being present

His Worship the Mayor Councillor Greg Davies, Deputy Mayor, Councillor Jackie Greenow, Councillors Jim Aitken OAM, Kaylene Allison, Prue Car, Kevin Crameri OAM, Mark Davies, Tanya 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

2 [Commercial Matter - Tender reference 11/12-16, Provision of Security Services](#)

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc

CW2 That the information contained in the report on Commercial Matter - Tender reference 11/12-16, Provision of Security Services be received.

ADOPTION OF COMMITTEE OF THE WHOLE

204 RESOLVED on the MOTION of Councillors Marko Malkoc seconded Councillor Ben Goldfinch that the recommendation contained in the Committee of the Whole and shown as CW1 and CW2 be adopted.

A LIVEABLE CITY

7 [Tender Reference 11/12-16, Provision of Security Services](#)

205 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Tender Reference 11/12-16, Provision of Security Services be received.
2. The contract for the provision Security Services be awarded to Triple O

Security Service 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 and fall subject to satisfactory performance.

3. The Common Seal of the Council of Penrith be affixed to any necessary documentation.
4. Council send a letter of thanks to the security company currently contracted to Council for their outstanding service.

Councillor John Thain requested that his name be recorded as having voted AGAINST the recommendation.

There being no further business the Chairperson declared the meeting closed the time being 9:50 pm.

PENRITH CITY COUNCIL

Procedure for Addressing Meetings

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

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

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

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

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

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

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

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

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

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

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

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

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

The person addressing the meeting needs to clearly indicate:

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

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

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

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

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

Glenn McCarthy
Public Officer
02 4732 7649

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MAYORAL MINUTES

Item

Page

1 [Penrith wins sustainability award](#)

1



Mayoral Minute

Penrith wins sustainability award

Strategic Objective: *A Regional City that provides our jobs, education, services and entertainment (1)*

I acknowledge our residents for their major part in helping Penrith City Council to win the 'Overall Sustainable Council Award' at the Keep Australia Beautiful NSW Sustainable Cities Awards. The awards were held at Kogarah on Thursday 26 July.

This award recognises the success of Council's sustainability programs including the multi-award winning three-bin waste service as well as initiatives to be water and energy-wise. Importantly, we have undertaken a range of social sustainability programs, including improving public safety, connecting with our youth and cultural participation throughout our community, to provide a better quality of life for current and future generations.

In addition to working with residents and local businesses, Council has been driving sustainability internally throughout our operations, governance and workforce, working towards embedding sustainable practices across the organisation and in our community. We also engage and involve our communities in our long term planning processes, affirming a shared vision for Penrith's future.

Penrith City Council is now the NSW state entrant in the Australian Sustainable Cities Awards, which will be held during Keep Australia Beautiful Week in late August.

This award highlights how, by working together, we can achieve great things. We should all feel proud that Penrith City Council is a leader in sustainability and one that other councils can look up to and learn from.

Congratulations to everyone involved.



Councillor Greg Davies
Mayor

RECOMMENDATION

That the Mayoral Minute on Penrith wins sustainability award be received.

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REPORTS OF COMMITTEES

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1	<u>Report and Recommendations of the Policy Review Committee Meeting held on 30 July 2012</u>	1



**REPORT AND RECOMMENDATIONS OF THE
POLICY REVIEW COMMITTEE MEETING
HELD ON 30 JULY, 2012**

PRESENT

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

APOLOGIES

Apologies were received for Councillors Tanya Davies and Prue Car.

CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 2 July 2012

The minutes of the Policy Review Committee Meeting of 2 July 2012 were confirmed.

DECLARATIONS OF INTEREST

Councillor Jackie Greenow declared a Pecuniary Interest in Item 1 - *Draft Heritage Local Environmental Plan where owners objected to the heritage listing* as she owns properties which are subject to the report. Councillor Greenow stated that she would leave the room for discussion of the item.

Councillor Mark Davies declared a Non Pecuniary Conflict of Interest – Less than Significant in Item 1 - *Draft Heritage Local Environmental Plan where owners objected to the heritage listing* as one of the properties subject to the report is owned by his physician.

Councillor Robert Ardill declared a Non Pecuniary Conflict of Interest - Less than Significant in Item 1 - *Draft Heritage Local Environmental Plan where owners objected to the heritage listing* as a previous client of his in a previous position that he held owned a property subject of the report.

Councillor Kath Presdee declared a Non Pecuniary - Conflict of Interest Less than Significant in Item 1 - *Draft Heritage Local Environmental Plan where owners objected to the heritage listing* as members of her family attend a medical centre at a property which is subject of the report.

Councillor Greg Davies declared a Non Pecuniary Conflict of Interest - Less than Significant in Item 1 - *Draft Heritage Local Environmental Plan where owners objected to the heritage listing* as he had exchanged voting preferences with one of the owners of a property which is subject of the report at the last Penrith City Council local government election.

Councillor Kaylene Allison declared a Non Pecuniary Conflict of Interest - Less than Significant in Item 1 - *Draft Heritage Local Environmental Plan where owners objected to the heritage listing* as she had exchanged voting preferences with one of the owners of a property which is subject of the report of the report at the last Penrith City Council local

government election.

DELIVERY PROGRAM REPORTS

A LEADING CITY

2 [2012 Local Government Association of NSW Annual Conference](#)

RECOMMENDED

That:

1. The information contained in the report on 2012 Local Government Association of NSW Annual Conference be received.
2. The motions detailed in the report be submitted for inclusion in the 2012 Local Government Association NSW Conference Business Paper.
3. A similar motion to motion 2 of the Report be submitted to the Australian Local Government Association (ALGA) National General Assembly.
4. A memo reply be provided to all Councillors on the outcomes and actions of a Motion that was submitted by the Council to the 2009 Local Government Association of NSW Annual Conference titled "Penalties for the illegal dumping of waste".
5. The below motion that was submitted by the Council in 2010, be resubmitted to the 2012 Conference with amendments, if required after further discussions are undertaken with Westpool, UIP, Metropool and other member Councils.

Tendering with respect to elected local government organisations

That section 377 (1) of the Local Government Act 1993 – General power of the council to delegate – be amended to allow councils to delegate to Regional Organisation of Councils (ROC's), strategic alliances or groupings of councils, the power and authority to allow them to accept tenders on behalf of member councils.

This can be simply achieved by the following amendment to the clause:

377 (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:

The acceptance of tenders which are required under this Act to be invited by the council,
INSERT THE WORDS

..... except where by individual resolution, a Council may delegate to a Regional Organisation of Councils (ROC's), strategic alliances or grouping of Councils, the authority to undertake and accept or reject tenders on behalf of member councils.

Such an action may not take place unless the majority of members have passed such a motion and is binding only to those councils which elect to be part of the tender process.

3 [Brand Policy](#)

RECOMMENDED

That:

1. The information contained in the report on Brand Policy be received
2. The draft Brand Policy in the appendix to this report be adopted.

Councillor John Thain left the meeting the time being 7:44pm.

Councillor John Thain returned to the meeting, the time being 7:45pm.

A LIVEABLE CITY

4 [Tennis Development Plan](#)

The Council's Recreation Manager, Andrew Robinson introduced the report and gave a presentation.

RECOMMENDED

That:

1. The information contained in the report on Tennis Development Plan be received.
2. The draft Tennis Development Plan is adopted as the Penrith Tennis Development Plan with the deletion of recommendation 7 within the Plan.
3. A Tennis Development Steering Group consisting of tennis facility operators, program providers, Tennis NSW, NDTA and Council Officers is formed to progress the implementation of the Penrith Tennis Development Plan.
4. Progress on the implementation of the Penrith Tennis Development Plan including a regional tennis facility be reported to the Recreation Working Party.
5. A further urgent report be presented to Council on the site options available for a regional tennis facility in the Council's area, in readiness for a feasibility study.

5 [Samuel Marsden Road Riding Facility Grounds Committee - Future Operation](#)

RECOMMENDED

That:

1. The information contained in the report on Samuel Marsden Road Riding Facility Grounds Committee - Future Operation be received.
2. The Samuel Marsden Road Riding Facility Grounds Committee be wound up and replaced by a Venue Management Advisory Group consisting of the President and Secretary of both RDA Nepean and the Nepean Pony Club,

and a Council Officer from Penrith City Council's Recreation Department.

3. A further report be submitted to Council regarding the outcomes of the development of the licence agreements for RDA Nepean and the Nepean Pony Club for use of the facility.
4. A letter of thank you be provided by the Mayor to the existing members of the Samuel Marsden Road Riding Facility Grounds Committee recognising their service to the Committee.

6 City Presentation Policies

RECOMMENDED

That:

1. The information contained in the report on City Presentation Policies be received.
2. The draft policies on the Naming of Parks and Reserves; Memorial Seating and Planting in Council's Parks and Reserves and Roadside Memorials be adopted.

Councillor Karen McKeown left the meeting the time being 8:00pm.

7 Compulsory Desexing of Dogs and Cats Sold or Re-Homed from Council's Contracted Animal Holding Facility

Councillor Karen McKeown returned to the meeting, the time being 8:02pm.

RECOMMENDED

That:

1. The information contained in the report on Compulsory Desexing of Dogs and Cats Sold or Re-Homed from Council's Contracted Animal Holding Facility be received
2. Subject to adoption by Hawkesbury City Council, Penrith City Council accept the new desexing policy for all companion animals (dogs and cats) sold or released to rescue agencies on behalf of Penrith City Council by Council's animal holding facility contractor.

Having previously declared an Interest in Item 1, Councillor Jackie Greenow left the meeting and did not return, the time being 8:18pm.

ADDRESSING THE MEETING

Mr William Moss

Item 1 - Draft Heritage Local Environmental Plan where owners objected to the heritage listing

Mr Moss, owner spoke in regards to his property at 304 High Street, Penrith. Mr Moss stated that the building is severely compromised with safety issues that cannot be overcome. Mr Moss highlighted that he wished to amalgamate his property with the neighbouring property and would consult with Council to ensure the amenity of any new building is appropriate. Mr Moss requested that the heritage listing be removed from this site.

Mr Paul Rappoport

Item 1 - Draft Heritage Local Environmental Plan where owners objected to the heritage listing

Mr Rappoport, speaking on behalf of Mr Moss, as a heritage consultant on 304 High Street, Penrith stated that in his view the building is no longer viable for heritage listing in terms of its significance and financial viability. Mr Rappoport detailed substantial internal changes and significant exterior additions to the building.

Mr Rappoport expressed the view that the surrounding buildings now mean that this building does not fit in with the area it is found, and that in his view the development potential far outweighs any potential conservation value.

Mr Vernon Horne

Item 1 - Draft Heritage Local Environmental Plan where owners objected to the heritage listing

Mr Horne, owner spoke in regards to his property at 12 Higgins Street, Penrith. Mr Horne stated that he has already had to spend a considerable amount of money on stabilising the building, and that the building has now become cost prohibitive to maintain. Mr Horne believes the heritage listing victimises him and diminishes his rights. Mr Horne concluded by stating that he receives little help from the Government and that his plans for a new building will enhance the streetscape.

1 [Draft Heritage Local Environmental Plan where owners objected to the heritage listing](#)

RECOMMENDED

That:

1. The information contained in the report on Draft Heritage Local Environmental Plan where owners objected to the heritage listing be received.
2. Any properties to be removed from the proposed Schedule of Local Heritage Items under the Draft Heritage Local Environmental Plan have documented photographic evidence taken to maintain a historical record of the removed properties.
3. In respect of the properties detailed in the Report as 1-14 (Local Heritage Items) and 1-3 (Heritage Conservation Area) and also an additional Item 15 – 304 High Street, Penrith the following be resolved: -

Item 1: 38 Park Avenue, Kingswood

RECOMMENDED that 38 Park Avenue, Kingswood be removed from the Draft Heritage Local Environmental Plan.

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

For

Against

Councillor Rob Ardill
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 Kaylene Allison
Councillor Greg Davies

Item 2: 163 Derby Street, Penrith

RECOMMENDED that 163 Derby Street, Penrith be deferred from the Draft Heritage Local Environmental Plan and further information be provided concerning the property.

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

For

Against

Councillor Rob Ardill
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 Kaylene Allison
Councillor Greg Davies

Item 3: 229 High Street, Penrith

RECOMMENDED that 229 High Street, Penrith be removed from the Draft Heritage Local Environmental Plan.

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

For

Against

Councillor Rob Ardill
Councillor Kath Presdee
Councillor Karen McKeown
Councillor John Thain
Councillor Marko Malkoc
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Kaylene Allison

Councillor Ross Fowler OAM
Councillor Greg Davies
Councillor Kevin Crameri OAM

Item 15: 304 High Street, Penrith

RECOMMENDED that 304 High Street be removed from the Draft Heritage Local Environmental Plan.

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

For

Against

Councillor Rob Ardill
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 Kaylene Allison
Councillor Greg Davies

Items 4,5,6: 14,16,18 Pages Road, St Marys

RECOMMENDED that 14,16 and 18 Pages Road, St Marys be removed from the Draft Heritage Local Environmental Plan.

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

For

Against

Councillor Rob Ardill
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 Kaylene Allison
Councillor Greg Davies

Item 7,8,9: 14-278 Castlereagh Road, Castlereagh Road (Slab Cottage and Pise House Ruins and Castlereagh Road Alignment, Castlereagh

RECOMMENDED that 14-278 Old Castlereagh Road, Castlereagh (Slab Cottage and Pise House ruins) and Castlereagh Road Alignment, Castlereagh remain in the Draft Heritage Local Environmental Plan.

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

For

Against

Councillor Rob Ardill
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 Kaylene Allison
Councillor Greg Davies

Councillor John Thain left the meeting and did not return the time being 9:10pm.

Item 10: 115-119 Henry Street, Penrith

RECOMMENDED that 115-119 Henry Street, Penrith remain on the Draft Heritage Local Environmental Plan.

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

For

Against

Councillor Rob Ardill
Councillor Kath Presdee
Councillor Karen McKeown
Councillor Marko Malkoc
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Kaylene Allison
Councillor Greg Davies

Item 11: 253 High Street, Penrith

RECOMMENDED that 253 High Street, Penrith be removed from the Draft Heritage Local Environmental Plan.

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

For

Councillor Rob Ardill
Councillor Kath Presdee
Councillor Karen McKeown
Councillor Marko Malkoc
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Kaylene Allison

Against

Councillor Greg Davies
Councillor Kevin Crameri OAM

Item 12: 449-451 High Street, Penrith

RECOMMENDED that 449-451 High Street, Penrith remain on the Draft Heritage Local Environmental Plan.

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

For

Councillor Rob Ardill
Councillor Kath Presdee
Councillor Karen McKeown
Councillor Marko Malkoc
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Kaylene Allison
Councillor Greg Davies

Against

Item 13: 10-12 North Street, Penrith

RECOMMENDED that 10-12 North Street, Penrith remain on the Draft Heritage Local Environmental Plan.

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

For

Against

Councillor Rob Ardill
Councillor Kath Presdee
Councillor Karen McKeown
Councillor Marko Malkoc
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Kaylene Allison
Councillor Greg Davies

Item 14: St Mary Magdalene Anglican Church, St Marys

RECOMMENDED that St Mary Magdalene Anglican Church, St Marys remain on the Draft Heritage Local Environmental Plan.

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

For

Against

Councillor Rob Ardill
Councillor Kath Presdee
Councillor Karen McKeown
Councillor Marko Malkoc
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Kaylene Allison
Councillor Greg Davies

Councillor Ross Fowler OAM requested that the Policy Review Committee move into a Confidential Session to discuss options concerning the Heritage Conservation Area.

RECOMMENDED that the Policy Review Committee move into a Confidential Session to discuss options concerning the Heritage Conservation Area the time being 9:23pm.

Councillors Karen McKeown and Kath Presdee left the meeting, the time being 9:24pm.

Councillors Karen McKeown and Kath Presdee returned to the meeting, the time being 9:25pm.

RECOMMENDED that Council move out of Confidential Session the time being 9:38pm.

Heritage Conservation Area

Item 1 & 2: 12 & 16 Higgins Street, Penrith

RECOMMENDED that 12 & 16 Higgins Street, Penrith remain as part of the relevant Heritage Conservation Area under the Draft Heritage Local Environmental Plan.

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

For	Against
Councillor Rob Ardill	Councillor Kath Presdee
Councillor Ross Fowler OAM	Councillor Karen McKeown
Councillor Mark Davies	Councillor Marko Malkoc
Councillor Ben Goldfinch	Councillor Jim Aitken OAM
Councillor Kevin Crameri OAM	Councillor Kaylene Allison
Councillor Greg Davies	

Councillor Mark Davies left the meeting, the time being 9:41pm.

Councillor Mark Davies returned to the meeting, the time being 9:44pm.

Councillor Jim Aitken OAM left the meeting, the time being 9:44pm.

Councillor Jim Aitken OAM returned to the meeting, the time being 9:46pm.

Item 3: 1 Brown Street, Penrith

RECOMMENDED that 1 Brown Street, Penrith remain as part of the relevant Heritage Conservation Area under the Draft Heritage Local Environmental Plan.

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

For

Against

Councillor Rob Ardill
Councillor Kath Presdee
Councillor Karen McKeown
Councillor Marko Malkoc
Councillor Kevin Cramer OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Kaylene Allison
Councillor Greg Davies

Councillor Kevin Cramer OAM left the meeting and did not return the time being 9:51pm.

There being no further business the Chairperson declared the meeting closed the time being 9:53pm.

RECOMMENDATION

That the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 30 July, 2012 be adopted.

DELIVERY PROGRAM REPORTS

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A LEADING CITY

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URGENT

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1 Digital Local Government Program application

Compiled by: **Ray Richardson, Grants Support Officer**
Andrew Moore, Financial Services Manager
Chris Gardner, Information Management & Technology Manager

Authorised by: **Vicki O’Kelly, 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 Department of Broadband, Communications and the Digital Economy (DBCDE) has offered funding under various programs to the first 40 Local Government Areas in Australia to receive the National Broadband Network (NBN).

On 10 May 2012, the Minister for Broadband, Communications and the Digital Economy announced that Penrith City Council was eligible to apply for funding under round three of the Digital Local Government Program (DLGP), which would close on 14 September 2012.

At the Policy Review Committee meeting held 4 June 2012, Council endorsed the appointment of Attentive Consulting to further investigate the application opinions, detailed that night, and prepare an application and business case for Council’s consideration as well as to prepare a Digital Economy Strategy for Council and the community.

The consultants and DBCDE advised that the DBCDE would only accept applications to utilise teleconferencing facilities to enhance communication between Council and its community therefore a draft proposal focussing on teleconference as an enhancement to Council’s customer service functions has been prepared and was discussed with the DBCDE at a workshop in Canberra on the DLGP on 21 June 2012.

The DBCDE advised that the draft proposal was acceptable. The application and business case has since been further developed based on this advice and is presented for Council’s consideration tonight.

The final submission requests \$374,191 in funding from DBCDE.

Council’s contribution of \$229,754 is being sourced from operational budgets (\$12,000) and an in-kind contribution (\$211,026), plus a contingency of \$6,692.

This report recommends that Council endorse the application to the Digital Local Government Program submission to the Department of Broadband, Communications and the Digital Economy.

Background

The DBCDE has offered up to 40 Local Government Areas across Australia an opportunity to access funding across three programs, to coincide with the arrival of the NBN in those communities.

The programs include the Digital Hubs Program and the Digital Enterprise Program.

The Assistant Treasurer and Member for Lindsay, the Hon David Bradbury MP announced on 4 July 2012 that Penrith Library and the Nepean Community College would receive \$350,909 to establish a Digital Hub and the Nepean Community College and Penrith Business Enterprise Centre would receive \$287,572 to run the Digital Enterprise Program in Penrith.

A third program offered by DBCDE is the Digital Local Government Program, which offers up to \$375,000 under certain conditions, with a minimum Council contribution of \$125,000, including in-kind contributions, to establish a videoconferencing facility to enable individuals and businesses in the community to access Council services.

A requirement is that the program is expandable (it must continue beyond the initial funding period of two years and grow to reflect the increasing number of premises connected to the NBN as the rollout proceeds); and be replicable (the program must be relevant to other LGAs who can install a similar program at a later time when high-speed broadband capacity reaches them).

The funding can therefore be described as an opportunity to develop a workable model of Council-community interaction which Council must continue and expand after the funding ceases and which can be adopted by other councils which do not have access to funding to develop a similar model.

The Digital Hubs and Digital Enterprise programs for Round 3 of the NBN rollout were announced in advance of the Digital Local Government Program.

However, aware that the opportunity to apply under the Digital Local Government Program was imminent from advice received by the DBCDE, Council engaged Attentive Consulting to assist with the preparation of the Business Case required and also to develop a Digital Economy Strategy to guide Council and this community through the first years of the NBN's arrival in Penrith.

The Penrith LGA Digital Economy Strategy is still in preparation and is expected to be finalised late August or early September. It is intended that the elements of the Strategy will be included in the next Community Strategic Plan and the associated Delivery Plan and Operational Plans.

The proposal to the DBCDE for the DGLP that has been developed consists of the following elements:

- Purchase and installation of teleconferencing equipment at the Penrith Civic Centre and Queen Street, St Marys Centre. (This equipment will be compatible with equipment purchased for the Digital Hubs Program in the Penrith Library). Initially a total of five terminals will be located at Penrith and St Marys;

- Purchase and installation of teleconferencing equipment in a space established for formal teleconferencing meetings between key staff and members of the community;
- Enabling of the teleconferencing equipment to permit direct teleconferencing with customers from their home, business or from the St Marys Centre or Penrith Library;
- Enabling of the teleconferencing system to interact with a booking calendar to allow customers to book teleconference meetings in advance with relevant staff;
- Enabling of the Penrith Library teleconferencing equipment to liaise online with Auburn Library to allow access to information and advice in languages other than English for the benefit of members of the Penrith community;
- Training of staff in use of the equipment;
- An expansion of the program to permit wider use of teleconferencing facilities for Council staff internally as well as externally.

The Digital Local Government Program Business Case has been completed and it is intended that, providing Council endorses the recommendations of this Report, the submission will be released to the DBCDE on 7 August 2012.

The consultants are confident that the DBCDE is eager to receive applications under this program as soon as they are ready, to bring forward the decision-making process and ensure projects are able to commence as soon as possible, as this program is not competitive.

Penrith's Digital Local Government Program proposal

An internal reference group was convened to review proposals from a range of consultants to assist Penrith City Council to develop a Digital Local Government Program Business Case and a Digital Economy Strategy.

Attentive Consulting were the successful applicants, based on competitive pricing as well as a proven track record working with councils in NSW and Queensland on DBCDE programs in earlier rounds.

The reference group, consisting of the Group Manager - Finance, Group Manager - Information and Customer Relations; Financial Services Manager; Information Management and Technology Manager; Network Controller and Grants Support Officer, discussed potential projects with the consultants.

A decision was made to focus on customer service in general, with a focus on enhancing the customer service experience of visitors to the Queen Street, St Marys Centre. The intention is that, with the installation of point-to-point videoconferencing facilities at St Marys and at the Penrith Civic Centre, customers visiting the St Marys Centre will have improved access to advice from Council customer service staff and professional specialists to resolve a range of issues face to face, without the customer having to travel to Penrith, or Council staff having

to travel to St Marys. This will result in both an improved level of service and access at St Marys, as well as reducing staff time and costs in physically travelling from Penrith to St Marys for face to face meetings.

This videoconferencing facility will also be available to those businesses and residents throughout the City who have access to the NBN, have subscribed to a broadband service supplier and have appropriate equipment at their premises.

Formal meetings will require the customer to book, as previously, to ensure the availability of the particular officer(s) they need to communicate with, but requirements for either party to travel will be greatly reduced, or eliminated.

The initial provision of five terminals over two customer service centres will be gradually expanded as the need increases with the NBN reaching more premises and as staff members become more familiar and comfortable working with the videoconferencing equipment.

The range of Council departments engaging with the community through the medium of videoconferencing will also be gradually increased as additional items of equipment are purchased and installed.

Attentive Consult have also been engaged by Auburn City Council. This has been the catalyst for the development of a proposal for Penrith Library to work with Auburn Library. Videoconferencing equipment will be installed in each library as part of the Digital Hubs Program. Establishing connections through this equipment will enable residents in Penrith to avail themselves of information and advice available through Auburn Library in languages that are not available in Penrith.

This will provide opportunities for enhanced community services to be available to Penrith community members and will encourage greater professional and community collaboration between people in the two council areas.

There will be no formal joint submission process involving the two councils. The collaboration will be in the nature of an agreement to foster cross-council cooperation as opportunities arise, once each library's digital hub is operational.

This proposal is an example of additional ways the platform for delivering customer service through videoconferencing can be expanded as opportunities arise, the number of units of equipment rises and expertise in using the system develops.

The following Table is an extract from the Council's proposed submission to the DBCDE for the DGLP.

PENRITH DIGITAL LOCAL GOVERNMENT PROGRAM BUDGET			
Item (Ex GST)	\$ Grant	\$ Council	Source
Equipment and Capital Expenditure			
Hardware/software	93,193		
Licensing (2 years)	24,000		
Implementation/configuration/integration	25,000		
Capital renovation (videoconference suite)		9,500	Operational Budget
Total Equipment and Capital Expenditure:	142,193	9,500	
Project Management Costs			
Project management	75,000		
Business process adaptation and application	19,500		
User acceptance testing and cutover to new service	36,500		
Staff training	58,500		
Marketing and communications, Change Management	31,600		
Program Launch promotion		2,500	Operational Budget
Program Marketing	-	4,800	In Kind
Administration staff support	-	10,387	In Kind
Project administration support	-	14,386	In Kind
Management, governance and reporting	-	114,971	In Kind
ICT personnel and support	-	66,518	In Kind
Total Project Management Costs:	221,100	213,562	
			\$ Project Total
Project Sub-Totals:	363,293	223,062	586,355
Contingency (3%)	10,898	6,692	17,590
	374,191	229,754	603,945

Conclusion

Council was advised in the Councillor Bulletin of Friday 27 July that the Business Case and relevant attachments would be made available to the DBCDE prior to this meeting.

This variation to procedures was made to provide the DBCDE staff with additional time to review the Business Case and project plan.

It is anticipated that, providing Council endorses the submission of this proposal to DBCDE and that the Department has no major concerns that cannot be quickly addressed, that the Minister will be asked to approve the submission before the end of August.

This will enable Council to mobilise the project, with an implementation date early in 2013.

RECOMMENDATION

That:

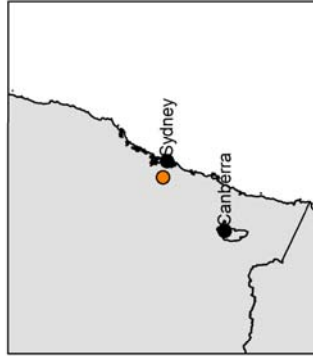
1. The information contained in the report on Digital Local Government Program application be received.
2. Council endorse the submission of the Digital Local Government Program application to the Department of Broadband, Communications and the Digital Economy for \$374,191.
3. Council's contribution be provided as detailed in the report.

ATTACHMENTS/APPENDICES

1. Map of current NBN rollout areas in Penrith 1 Page Appendix

Penrith Fibre Serving Area

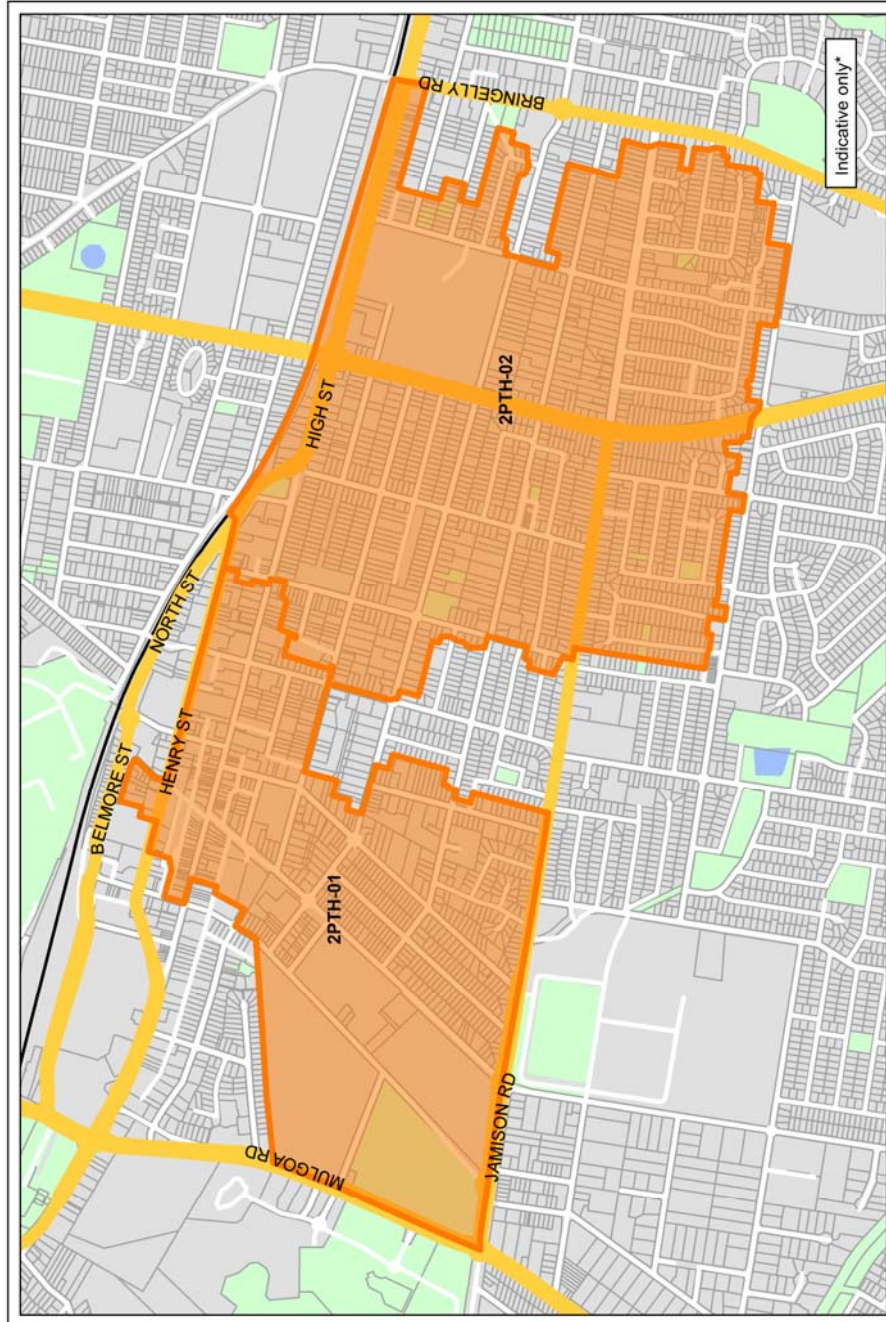
NEW SOUTH WALES



Key:

- Fibre covering area* - Service available
- Fibre covering area* - Work commenced

* This map identifies one or more construction areas where NBN Co has commenced building or intends to build its fibre optic network. From the commencement of work through to when services 'go live' for a construction area, NBN Co undertakes a series of construction steps that may result in changes to the design of the network in the respective area, possibly involving the movement of the boundaries. NBN Co may update this map in the future in the event of boundary changes during construction. This map is for illustrative purposes only. It is not suitable for legal, engineering, or surveying purposes.



Issue date: 14/05/2012

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A CITY OF OPPORTUNITIES

Item

Page

2 [Electronic Housing Code](#)

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2 Electronic Housing Code

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 Electronic Housing Code (EHC) Pilot Project was established in 2009 as a part of the Housing Affordability Fund to implement electronic development assessment and speed up planning approval timeframes.

Penrith Council has been accepted to participate in the second phase of the EHC project, allowing users to access a state managed portal to make complying development enquiries and lodge applications on line.

Funding of up to \$30,000 has been made available to councils participating in the project for purchase of equipment or software and for the provision of training to facilitate an electronic end-to-end process for Complying Development Certificates.

Acceptance of this funding offer will assist in progressing Council's strategic objectives to develop improved development application assessment processes and deliver an electronic development application (DA) system. As the funding offered is over \$20,000, under Council's Grant Application Process the matter is required to be reported to Council.

This report recommends that Council endorse participation in the Electronic Housing Code Pilot Project and acceptance of the \$30,000 funding offer.

Background

In 2009, the Australian Government committed \$30 million from the Housing Affordability Fund (HAF) to develop IT infrastructure and software needed to implement electronic development assessment (eDA) systems nationally. The primary aim was to improve housing affordability by reducing the cost of and speeding up planning decisions, thereby lowering the cost of building new homes.

Of this funding, \$5.92 million was allocated to the Department of Planning & Infrastructure for the Electronic Housing Code (EHC) pilot project.

This pilot project, a partnership between the Department of Planning & Infrastructure and the Local Government and Shires Associations of NSW, developed and demonstrated a shared, integrated platform for the end-to-end processing of complying development applications

under the NSW General Housing Code for lots 200m² and above. At the conclusion of the pilot project, 11 councils and 7 Accredited (Private) Certifiers were involved in the EHC.

The pilot project was expanded to Phase 2 in November 2011 to include a further 12 councils. Penrith City Council submitted an Expression of Interest and was selected to participate.

The EHC allows a user within the State shared system to be able to:

- Investigate the exempt and complying development options available to them on their lot;
- Prepare a complying development application with guidance as to the relevant documentation needed; and
- Lodge a complying development application online.

It also provides a platform for the assessment and determination of these applications and the ability for an applicant to track the process.

Participation and Funding

An internal, cross organisational, project team has been established for Council's participation in the EHC project with representatives from Development Services, Information Management and Technology, Geographic Information Systems (GIS) and Sustainability and Planning. The project has to date involved an analysis of Council's GIS and Land Information Systems (LIS) data, business process mapping of Council's complying development application process and identification of areas where funding and additional works are required to deliver an end-to-end fully electronic application processing system.

The EHC project management office has made funds available of up to \$30,000 each to Phase 2 councils for activities related to their involvement in the EHC project. Activities relevant to the project may include proofing of GIS and LIS Data which will be transferred from Council to the EHC portal and/or building a Data Extraction Tool to facilitate the transfer of data to the EHC Portal.

Activities for which funding has been sought include the purchase of equipment or software, the provision of training to facilitate an electronic end-to-end process for the receipt, assessment and determination of Complying Development Certificates and for a system to automate data transfer. The project is also linked to a longer term plan for on-line lodgement of all types of development applications.

Council's funding submission was successful with \$30,000 being offered. This funding will assist in Council's participation in the project and provide significant benefits to the Development Services Department and the Council as it will advance our e-planning response. An on-going activity in the Delivery Programme is;

“Develop improved systems, including an electronic DA system, to foster quality outcomes through the development process and enhance customer service delivery”

The funding will provide for wide screen display monitors, training on electronic plan assessment tools and field tablets for certification staff. It will provide for Council to test its property information data and transfer it to the DoPI portal.

Another advantage is that the system delivered will be a shared platform, consistently regionally and across the State, making it more user friendly to the industry who will not need to navigate their way through the individual systems of the councils they conduct business with.

The funding offer is subject to a process requiring a formal agreement to be signed. This signoff could be executed by the General Manager once endorsement of Council's participation is confirmed.

Conclusion

Penrith City Council has been accepted to participate in the second phase of the EHC project, jointly run by the DoPI and LGSA, allowing users to access a State managed portal to make complying development enquiries and lodge applications on line.

Funding of up to \$30,000 has been made available to councils participating in the project for purchase of equipment or software, and provision of training to facilitate an electronic end-to-end process for Complying Development Certificates. These systems will be able to then be expanded giving Council the capacity to expand this use to development assessment processes.

Acceptance of this funding offer will progress Council's strategic objectives to develop improved processes and deliver an electronic DA system.

RECOMMENDATION

That:

1. The information contained in the report on Electronic Housing Code be received.
2. Council endorse participation in the Electronic Housing Code Pilot Project and acceptance of the \$30,000 funding offer.
3. The General Manager or his nominated representative be authorised to execute documentation relating to Council's participation and the funding offer.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

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A GREEN CITY

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

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A LIVEABLE CITY

Item

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- 3 [Federal Government 2013/14 'Nation Building Blackspot Program' Nominations](#)

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3 Federal Government 2013/14 'Nation Building Blackspot Program' Nominations

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>Implement effective traffic and parking responses (16.2)</i>

Executive Summary

The purpose of this report is to seek Council's endorsement for projects to be nominated under the Federal Government's 2013/2014 "Nation Building Black Spot Program". The report recommends that the five (5) nominated projects be submitted to the NSW Black Spot Consultative Panel of the Roads and Maritime Services (RMS).

Background

The RMS has invited Council to identify and nominate new conforming projects for the 2013/2014 "Nation Building Black Spot Program", and to forward its submissions to the NSW Black Spot Consultative Panel by Friday, 17 August 2012.

Over the past five years, Council has been successful in applications for Black Spot funding, and recently (25 June 2012) Council endorsed the acceptance of grant funding of \$200,000 offered for the successful Black Spot Project for the 2012/2013 financial year (Queen Street, St Marys), and 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.

Furthermore, at its meeting 9 July 2012, Council accepted grant funding of \$150,000 offered for three successful projects, under the 50/50 State Funded Black Spot Program for the 2012/2013 financial year.

Over the past five years, this funding has assisted Council to address significant accident black spots (and lengths) across our LGA. These improvements have the potential to save lives, and importantly these projects have contributed greatly towards making our roads safer for all users.

Current Situation

The following five projects listed in Table 1 are recommended for endorsement by Council for nomination under the 2013/2014 "Nation Building Black Spot Program". The RMS will only fund a maximum of five projects each nomination year and therefore Council is expected to prioritise its projects according to their Benefit Cost Ratio (BCR).

Analysis of the accidents is based on the RMS recorded accident data available to Council for the five-year period from 1 July 2006 to 30 June 2011. Nominated projects were prioritised according to the number of injury crashes that had occurred over the five-year period, and the ability to successfully remediate the accident hazards at that location by way of an appropriate treatment.

Thirteen (13) projects were shortlisted from the total list of identified locations and Black Lengths in the Local Government Area (LGA) that met the minimum eligibility criteria for the program (ie three injury accidents in five years). Of these 13 locations, the seven highest risk locations were more thoroughly examined, with remediation treatments and estimated costs attributed to each project. The final list of five projects offers the Penrith LGA the greatest yield in terms of accident savings for this nomination year.

**TABLE 1
List of Projects to be Submitted to the RMS under the
2013/2014 “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	<i>Canberra Street, St Marys</i>	<i>Sydney Street</i>	5	3	Install raised islands with additional Stop or Give-way	\$40,000	9.40
2	<i>Doonmore Street, Penrith</i>	<i>Stafford Street</i>	9	3	Roundabout 1-Lane (including all traffic calming, line marking, lighting and signage)	\$180,000	8.48
3	<i>McIntyre Avenue, St Clair</i>	<i>Mamre Road</i>	10	3	Install raised islands with additional Stop or Give-way	\$40,000	8.27
4	<i>Banks Drive, St Clair</i>	<i>2.8km Black Length between Mamre Road and Bennett Road</i>	16	9	Separate through and parking lane, with painted line reinforced with kerb blisters, Install mid block slow point / pedestrian refuge	\$80,000	7.65
5	<i>Maxwell Street, South Penrith</i>	<i>Aspen Street</i>	15	8	Roundabout 1-Lane (including all traffic calming, line marking, lighting and signage)	\$250,000	6.22

In addition to sites on Council’s road network, it is noted that the locations under the RMS control and management, as shown in Table 2 below, have a high accident history resulting in multiple casualties.

TABLE 2
List of Sites Under RMS Control & Management

<i>Item</i>	<i>Primary Road</i>	<i>Intersecting Street</i>	<i>Total Number of Casualty Accidents (5 yrs)</i>
1	The Northern Road	Western M4	28
2	Mulgoa Rd	Western M4	28
3	Mamre Rd	Western M4	27
4	Erskine Park Rd	Mamre Rd	17
5	Western M4	Roper Rd	14
6	Great Western Highway	Charles Hackett Dve	14

The RMS will be advised that these locations, on its Arterial Road Network, should be investigated as a matter of priority due to their high casualty accident rates.

RECOMMENDATION

That:

1. The information contained in the report on Federal Government 2013/14 'Nation Building Blackspot Program' Nominations be received.
2. Council endorse the five projects listed under Table 1 of this report for submission to the Roads and Maritime Services for funding under the Federal Government's 2013/2014 "Nation Building Black Spot Program".
3. The Roads and Maritime Services be requested to investigate traffic safety on roads under its jurisdiction at locations indicated in Table 2 of this report.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

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A VIBRANT CITY

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

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URGENT REPORTS
DELIVERY PROGRAM REPORTS
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Item	<u>Amendment to 2012 Meeting Calendar</u>	Page
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4 Amendment to 2012 Meeting Calendar

Compiled by: Glenn Schuil, Senior Governance Officer

Authorised by: Stephen Britten, Group Manager - Legal & Governance

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

The report recommends that the Ordinary Council Meeting scheduled for 20 August 2012 be transferred to 27 August 2012 to provide staff with an opportunity to appropriately respond to the Green Paper – “A New Planning System for New South Wales”.

Background

A review of the NSW Planning System is underway and a Green Paper – “A New Planning System for New South Wales” has been released, with submissions due on 5 October 2012. A report to the Council's Briefing tonight provides an overview of the main focus on the Green Paper.

Current Position

Under the adopted Council Meeting Calendar for 2012 an Ordinary Council Meeting is currently scheduled for 20 August 2012, with a Briefing scheduled for 27 August 2012. Given the timing of the Council elections (8 September 2012), the closing date for submissions to be received for the Green Paper of 5 October 2012 and the proposed next Council Meeting after the declaration of the Council Elections to be 15 October 2012, it is proposed to change the date for the scheduled Ordinary Council Meeting from 20 August 2012 to 27 August 2012. It is proposed to transfer the Councillor Briefing to 20 August 2012.

The proposed change of Council Meeting dates will provide Council staff additional time to research the implications of the proposed planning changes suggested within the Green Paper, and to prepare a Report to the Council on 27 August 2012 with the thrust of what will be included within the Council's submission to the Green Paper.

RECOMMENDATION

That:

1. The information contained in the report on Amendment to 2012 Meeting

Calendar be received.

2. The 2012 Meeting Calendar be amended to provide for an Ordinary Council Meeting to be held on 27 August 2012, and the deletion of the Ordinary Council Meeting scheduled for 20 August 2012.

ATTACHMENTS/APPENDICES

1. Proposed Amendment to 2012 Meeting Calendar 1 Page Appendix

**PENRITH
CITY COUNCIL**
2012 MEETING CALENDAR
January 2012 - December 2012

(adopted by Council on 9 July, proposed for amendment by Council 6 August 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	23* 23*	21#	25*	9 23	6 (7.00pm) 27#@	3 ^v (7.00pm) 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 Schull.

