

29 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 3 September 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

**Alan Stoneham**  
**General Manager**

## ***BUSINESS***

- 1. LEAVE OF ABSENCE**
- 2. APOLOGIES**
- 3. CONFIRMATION OF MINUTES**  
*Ordinary Meeting - 27 August 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**
- 10. DELIVERY PROGRAM REPORTS**
- 11. REQUESTS FOR REPORTS AND MEMORANDUMS**
- 12. URGENT BUSINESS**
- 13. COMMITTEE OF THE WHOLE**

**ORDINARY MEETING**  
**MONDAY 3 SEPTEMBER 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

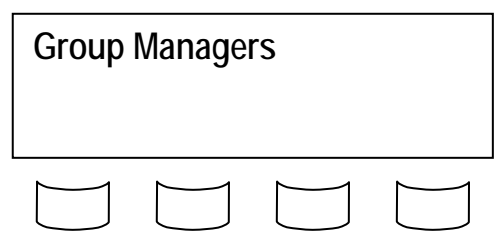
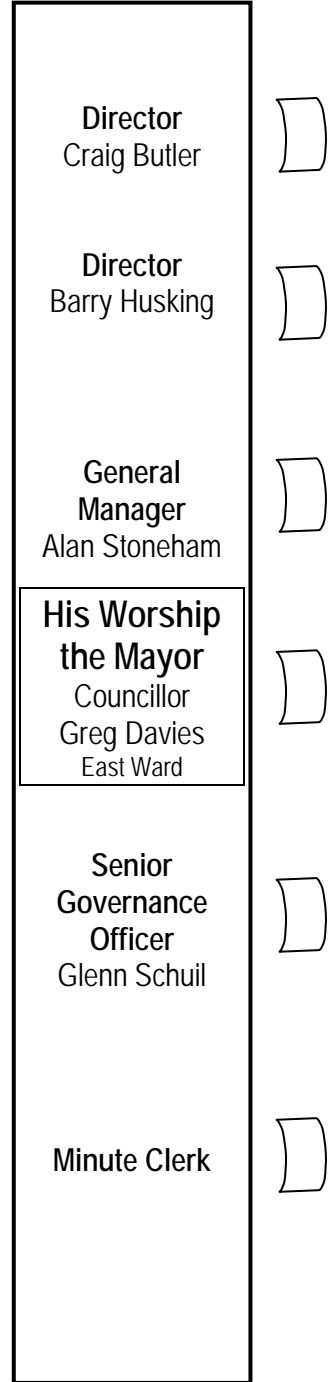
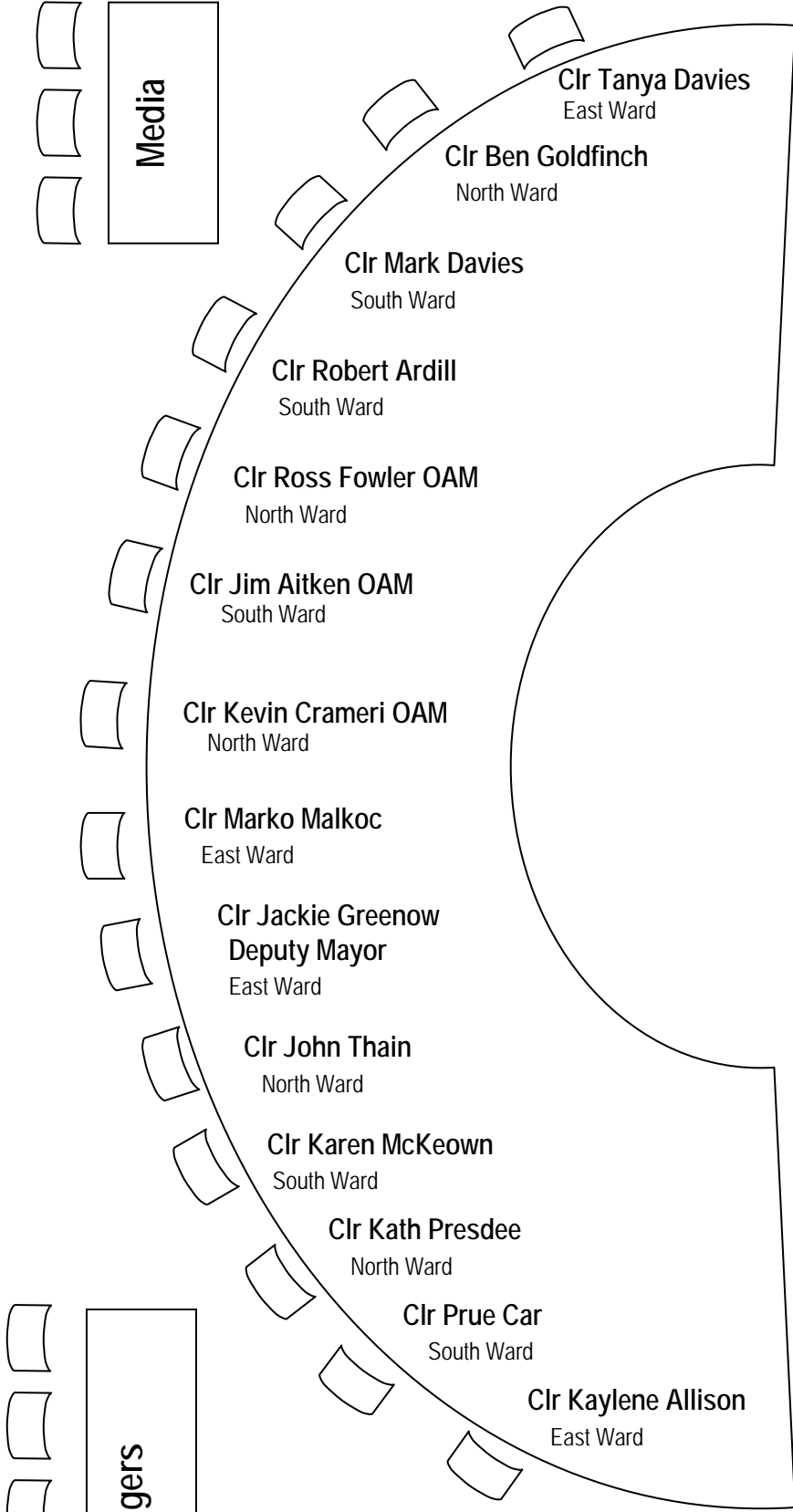
General  
Manager  
Alan Stoneham

**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, amended by Council 9 July and 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	
<b>Ordinary Council Meeting</b>	<b>7.30pm</b>		6 20#@	5 26		23❖	21#	25*	23	6 (7.00pm) 27#@	3✓ (7.00pm) 24\ (7.00pm)	15∞	5 19#	10 (7.00pm)
<b>Policy Review Committee</b>	<b>7.00pm</b>		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 CHAMBER**

**ON MONDAY 27 AUGUST 2012 AT 7:39PM**

#### **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 Rev. Neil Checkley

#### **PRESENT**

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

#### **APOLOGIES**

There were no apologies.

#### **CONFIRMATION OF MINUTES - Ordinary Meeting - 6 August 2012**

220 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Jim Aitken OAM that the minutes of the Ordinary Meeting of 6 August 2012 be confirmed.

#### **DECLARATIONS OF INTEREST**

Councillor Ross Fowler OAM declared a Non Pecuniary Conflict of Interest - Less than Significant in *Item 9 - Dance Oolites Inc - Dance Group for People with Disability* as the Producer and Director of the Group is a client of his company. Councillor Fowler OAM indicated he would not vote on the matter, but would remain in the room.

#### **SUSPENSION OF STANDING ORDERS**

221 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc that Standing Orders be suspended to allow a member of the public to address the meeting, the time being 7:44pm.

**Mr John Mullane**

Item18 – *Construction of parking areas within public reserve area adjacent to Glenmore Park Sports Field and Luttrell Street, Glenmore Park*

Mr Mullane advised that the car park would provide residents of Glenmore Park with additional parking for adjacent sporting fields and will provide a long term community benefit.

**RESUMPTION OF STANDING ORDERS**

222 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain that Standing Orders be resumed, the time being 7:48pm.

**MAYORAL MINUTES**

**1 [Rural Fire Service volunteers awarded](#)**

223 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on Rural Fire Service volunteers awarded be received.

Councillors Jackie Greenow, John Thain, Ben Goldfinch, Tanya Davies, Mark Davies, Jim Aitken OAM, Karen McKeown and Ross Fowler OAM all expressed their personal thanks to Councillor Kevin Crameri OAM and the other RFS Volunteers for their service to the community.

The Council then expressed their appreciation by way of acclamation.

**REPORTS OF COMMITTEES**

**1 [Report and Recommendations of the Local Traffic Committee Meeting held on 6 August 2012](#)**

224 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 6 August, 2012 be adopted.

**2 [Report and Recommendations of the Policy Review Committee Meeting held on 13 August 2012](#)**

225 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 13 August, 2012 be adopted.

**3 [Report and Recommendations of the Access Committee Meeting held on 8 August 2012](#)**

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

That:

1. The recommendations contained in the Report and Recommendations of the Access Committee meeting held on 8 August, 2012 be adopted.
2. In reference to General Business 5 - Award of Churchill Fellowship, a Mayoral letter of congratulations be sent to Michael Morris as well as letters of introduction.

## **DELIVERY PROGRAM REPORTS**

### **Procedural Motion**

227 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Ross Fowler OAM that *Item 18 - Construction of parking areas within public reserve area adjacent to Glenmore Park Sports Field and Luttrell Street, Glenmore Park* be moved and discussed in Committee of the Whole.

## **A LEADING CITY**

**1 [Delivery Program 2009-13 - Six Monthly Review. 2011-12 Operational Plan - June Quarter Review](#)**

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

That:

1. The information contained in the report on Delivery Program 2009-13 - Six Monthly Review. 2011-12 Operational Plan - June Quarter Review be received.
2. The 2011-12 Operational Plan June End of Year Review as at 30 June 2012, including the revised estimates identified in the recommended budget outlined in this report and detailed in *Attachment 1 – Organisational Performance & Financial Review Summary* be adopted.
3. Council revote the works as detailed in the Recommended Revoted Works Lists, detailed in Attachment 1 for inclusion in the 2012-13 Operational Plan.

**2 Social and Economic benefit of athlete training at Penrith Whitewater Stadium and the International Regatta Centre**

229 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM that the information contained in the report on Social and Economic benefit of athlete training at Penrith Whitewater Stadium and the International Regatta Centre be received.

**3 2012 National General Assembly of Local Government**

230 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM that the information contained in the report on 2012 National General Assembly of Local Government be received.

**6 Outcome of Public Exhibition of Proposed Adjustment of Glenmore Park Suburb Boundary to include Glenmore Park Stage 2**

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

That:

1. The information contained in the report on Outcome of Public Exhibition of Proposed Adjustment of Glenmore Park Suburb Boundary to include Glenmore Park Stage 2 be received.
2. Council submit a proposal to the GNB to amend the Glenmore Park Suburb Boundary to include Glenmore Park Stage 2.

**4 Relocation of Nepean Historical & Archaeology Group & Nepean Art Society to temporary accommodation and demolition of both premises**

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

That:

1. The information contained in the report on Relocation of Nepean Historical & Archaeology Group & Nepean Art Society to temporary accommodation and demolition of both premises be received.
2. Council grant permission to demolish Nos. 3 & 4 North Street, Penrith as outlined in the report.

**5 A New Planning System for NSW - Green Paper**

His Worship the Mayor, Councillor Greg Davies vacated the Chair the time being 8:23pm.

The Deputy Mayor, Councillor Jackie Greenow took the Chair, the time being 8:23pm.

233 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown

That:

1. The information contained in the report on A New Planning System for NSW - Green Paper be received.
2. Council endorse the matters outlined in the Attachment as a basis for its submission to the DoPI on the Green Paper phase of the reform of the NSW Planning System.
3. Council officers finalise the submission and forward a copy to Councillors for information when complete.

His Worship the Mayor, Councillor Greg Davies returned to the Chair the time being 8:29 pm.

**7 Attendance by Councillors at Meetings during the current term of Council**

234 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Attendance by Councillors at Meetings during the current term of Council be received.
2. Council review its meeting procedures and consider keeping records of attendance for all meeting types and the reasons for absences by Councillors.

**8 Summary of Investments & Banking for the period 1 July to 31 July 2012**

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

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 July to 31 July 2012 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 July 2012 to 31 July 2012 be noted and accepted.
3. The graphical investment analysis as at 31 July 2012 be noted.
4. The staff involved in preparing the Summary of Investments & Banking report be thanked for providing these informative reports.

**A CITY OF OPPORTUNITIES**

**9 [Dance Oolites Inc - Dance Group for People with Disability](#)**

236 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Dance Oolites Inc - Dance Group for People with Disability be received.
2. \$600 be allocated equally from each Ward Voted Works to assist the Dance Oolites Inc Dance Group with the hire costs of the Joan Sutherland Performing Arts Centre.
3. Council review its policy for donations, taking into consideration CAP funding and other funding opportunities that are available.

**A GREEN CITY**

**10 [Penrith Managed Aquifer Recharge \(MAR\) Project](#)**

237 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Penrith Managed Aquifer Recharge (MAR) Project be received.
2. Council defer the final decision on this matter until such time as the incoming Council has had the opportunity to be briefed on the matter, and that further to this the Local Federal and State Members of Parliament be contacted to ascertain if they can provide further assistance on this Project.

**11 [Update on proposed transport of Restricted Solid Waste to SITA, Kemps Creek](#)**

Councillor Kevin Cramer OAM left the meeting, the time being 9:04pm.

Councillor Kevin Cramer OAM returned to the meeting, the time being 9:14pm.

238 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Update on proposed transport of Restricted Solid Waste to SITA, Kemps Creek be received.
2. Penrith City Council reaffirm its opposition the transportation of any waste from the site at Hunters Hill to the SITA landfill facility at Kemps Creek.

Councillor Prue Car called for a DIVISION.

<b>For</b>	<b>Against</b>
Councillor John Thain	Councillor Robert Ardill
Councillor Karen McKeown	Councillor Ross Fowler OAM
Councillor Greg Davies	Councillor Ben Goldfinch
Councillor Marko Malkoc	Councillor Tanya Davies
Councillor Jim Aitken OAM	Councillor Mark Davies
Councillor Kath Presdee	
Councillor Kaylene Allison	
Councillor Kevin Crameri OAM	
Councillor Prue Car	
Councillor Jackie Greenow	

**12 [Information on the Bulk Purchase of Electricity for the City and Use of Micro Hydro Generation](#)**

239 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kath Presdee

That:

1. The information contained in the report on Information on the Bulk Purchase of Electricity for the City and Use of Micro Hydro Generation be received.
2. A further report to Council be prepared exploring the possibility of holding workshops with residents, including seniors, about reducing energy use.

**A LIVEABLE CITY**

**13 [St Marys CBD 40km/h High Pedestrian Activity Area Scheme - Roads & Maritime Services Funding Offer](#)**

240 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Marko Malkoc

That:

1. The information contained in the report on St Marys CBD 40km/h High Pedestrian Activity Area Scheme - Roads & Maritime Services Funding Offer be received.
2. A 40km/h High Pedestrian Activity Area Scheme be designed and implemented in the St Marys CBD, as detailed in this report.
3. Council accept the Roads and Maritime Services offer of \$250,000 for the implementation of traffic calming devices associated with the St Marys CBD 40km/h High Pedestrian Activity Area Scheme.
4. Council's contribution to the project of \$250,000 be funded from existing programs identified in the report.
5. Consultation with affected stakeholders be carried out prior to the implementation of traffic calming devices within the St Marys CBD.



6. Council staff investigate the possibility of removing trees approaching the pedestrian crossing located near Chappell Street, St Marys to improve visual access.
7. Council write to the RMS thanking them for their funding offer of \$250,000.

## A VIBRANT CITY

**14 [Development Application DA12/0349 Demolition of Existing Dwelling and Ancillary Structures and Construction of a 2 storey dwelling Lot 2105 DP 263159 \(No. 13\) Dianella Place, Kingswood](#) Applicant: Innovation Planning Australia P/L; Owner: J and S Joyce**

241 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Development Application DA12/0349 Demolition of Existing Dwelling and Ancillary Structures and Construction of a 2 storey dwelling Lot 2105 DP 263159 (No. 13) Dianella Place, Kingswood be received.
2. The SEPP 1 objection relating to the rear setback be supported.
3. Development Application DA12/0349 Demolition of Existing Dwelling and Ancillary Structures and Construction of a 2 storey dwelling Lot 2105 DP 263159 (No. 13) Dianella Place, Kingswood be approved subject to the attached conditions:

### **Standard Conditions**

- 3.1 A001 - Approved Plans
- A008 – Works to BCA requirements
- A009 – Residential Works DCP
- A019 – Occupation Certificate
- A046 – Issue of Construction Certificate
- B001 – Demolition of Existing Structures
- B002 – AS for Demolition and Disposal to Approved Landfill Site
- B003 - Asbestos
- B004 - Dust
- B005 – Mud/Soil
- B006 – Hours of Work
- D001 – Implement Sediment and Erosion Control Measures
- D007 – Cut and fill of land requiring Validation Certificate
- D009 – Covering Waste Storage area
- D010 – Waste disposal

E001 – BCA compliance  
H001 – Stamped plans and erection of site notice  
H002 – All Forms of Construction  
H009 – Cut/Fill Details  
H022 - Survey  
H030 – Roof colours  
H036 – Rainwater Tank  
H037 – Safe Supply of Water From Catchment  
H038 – Connection of Rainwater Tank Supply  
H039 – Rainwater Tank Pumps  
H041 – Hours of work  
I003 – Roads Act Approval 1  
K016 – Stormwater  
K026 – Stabilised Access  
K0041 – Infrastructure Bond  
L008 – Tree preservation order  
P002 – Fees  
Q01f – Notice of commencement and appointment of PCA  
Q05f – Occupation Certificate

4. Special Conditions

K Special – The proposed stormwater drainage system shall be designed and certified by a qualified practising Hydraulic Engineer or suitably qualified person. Details are to be provided for consideration and approval **prior to the issue of a Construction Certificate.**

L Special – Two trees capable of obtaining a minimum height of 10m at maturity are to be planted on the site.

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

**For**

**Against**

Councillor Kaylene Allison  
Councillor Prue 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 Robert Ardill  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Tanya Davies  
Councillor Greg Davies

**15 Board Member Recruitment - St Marys Town Centre and Penrith City Centre Corporation**

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

That:

1. The information contained in the report on Board Member Recruitment - St Marys Town Centre and Penrith City Centre Corporation be received.
2. Council endorse the recommendations of the assessment panel with regard to the make up of the new St Marys Town Centre and Penrith City Centre Corporations.
3. A letter is sent to all current members of the St Marys Town Centre and Penrith City Centre Associations thanking them for their work and contribution to the two centres.
4. The past Committee members of both Boards be thanked for their participation on the Boards.

**16 St Marys Corner Community and Cultural Precinct - Family Fun Day**

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

1. The information contained in the report on St Marys Corner Community and Cultural Precinct - Family Fun Day be received.
2. \$6500 in total be allocated equally from each Wards Voted Works to assist with the proposed community event to be held at St Marys Corner Community and Cultural Precinct to take place on Sunday 18 November 2012.
3. Council write to Sims Metal Limited thanking them for their contribution to the event.

**17 St Clair Youth and Neighbourhood Team Request for Funding**

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

1. The information contained in the report on St Clair Youth and Neighbourhood Team Request for Funding be received.
2. Funding of \$1,250 for a youth program activity as part of the October 2012

school holiday program for young people be provided from East Ward Voted Works.

## **REQUESTS FOR REPORTS AND MEMORANDUMS**

### **RR 1 Nepean Street - Closure**

Councillor Kevin Crameri OAM requested an urgent report on keeping Nepean Street open. As the closure will cause “rat running” and problems with emergency vehicles.

### **RR 2 41 Laycock Street**

Councillor Kevin Crameri OAM requested Council contact Mr Brian Bennett concerning the trouble he is having getting out of his driveway. Councillor Crameri OAM asked that Council consider the increased difficulty that will be experienced with the closure of Nepean Street, in addition to 3 trees in the location, the curve and school parking.

### **RR 3 Council Property Portfolio**

Councillor Kevin Crameri OAM requested a report on Council’s property portfolio including details of what we own, why, its value and the return compared to bank interest.

### **RR 4 Nepean Street - Cranebrook**

Councillor John Thain requested in relation to the Nepean Street road closure that a memo reply is provided to All Councillors on when the decision to close the road was made, and that this be communicated to residents.

## **COMMITTEE OF THE WHOLE**

245 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kath Presdee that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 10:04pm.

### **1 Presence of the Public**

CW1 RESOLVED on the motion of Councillor Ross Fowler OAM seconded Councillor Kath Presdee that the press and public be excluded from Committee of the Whole to deal with the following matters:

*A Leading City*

2 [Commercial Matter - Council Property - Leasing of Shop 4 at Cranebrook Village Shopping Centre to Sen Khun & Boyanmolika Kong](#)

*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.*

3 [Commercial Matter - Council Property - No. 121 Great Western Highway, Emu Plains](#)

*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.*

4 [Commercial Matter - 33-37 Cook Parade, St Clair](#)

*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.*

5 [Commercial Matter - Construction of parking areas within public reserve area adjacent to Glenmore Park Sports Field and Luttrell Street, Glenmore Park](#)

*This item has been referred to Committee of the Whole as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

The meeting resumed at 10:14pm and the General Manager reported that the Committee of the Whole met at 10:04pm on 27 August 2012, the following being present

His Worship the Mayor Councillor Greg Davies, Deputy Mayor Councillor Jackie Greenow and Councillors Jim Aitken OAM, Kaylene Allison, Robert Ardill, 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 - Council Property - Leasing of Shop 4 at Cranebrook Village Shopping Centre to Sen Khun & Boyanmolika Kong](#)**

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marko Malkoc

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Leasing of Shop 4 at Cranebrook Village Shopping Centre to Sen Khun & Boyanmolika Kong be received.
2. Council grant Sen Khun & Boyanmolika Kong a 3 year lease over Shop 4 at Cranebrook Village Shopping Centre 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.

**3 [Commercial Matter - Council Property - No. 121 Great Western Highway, Emu Plains](#)**

RECOMMENDED on the MOTION of Councillor Marko Malkoc seconded Councillor Kath Presdee

CW3 That:

1. The information contained in the report on Commercial Matter - Council Property - No. 121 Great Western Highway, Emu Plains be received.
2. Council transfer part of Lot 1 DP745985 in accordance with Conditions 1-3 as outlined in the summary of the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**4 [Commercial Matter - 33-37 Cook Parade, St Clair](#)**

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow

CW4 That:

1. The information contained in the report on Commercial Matter - 33-37 Cook Parade, St Clair be received.
2. Council purchase Lots 671 & 673 DP739138, No. 33-37 Cook Parade, St Clair for \$650,000 exclusive of GST.
3. The land, Lots 671 & 673 DP739138, be classified as “operational” land upon settlement.

4. The Acting Property Development Manager be authorised to sign the Contract of Sale for the purchase of the property.
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.
6. After the exchange of contracts occur, residents in the vicinity of the land are advised of the outcome accordingly.

**5 Commercial Matter - Construction of parking areas within public reserve area adjacent to Glenmore Park Sports Field and Luttrell Street, Glenmore Park**

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

CW5 That the information contained in the report on Construction of parking areas within public reserve area adjacent to Glenmore Park Sports Field and Luttrell Street, Glenmore Park be received.

**ADOPTION OF COMMITTEE OF THE WHOLE**

246 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ben Goldfinch that the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4 and CW5 be adopted.

**18 Construction of parking areas within public reserve area adjacent to Glenmore Park Sports Field and Luttrell Street, Glenmore Park**

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

That:

1. The information contained in the report on Construction of parking areas within public reserve area adjacent to Glenmore Park Sports Field and Luttrell Street, Glenmore Park be received.
2. Lot 9102 and 9103 DP1022720 be dedicated as public road by notice in the Government Gazette.
3. The proposed licence deed over park Lot 1 DP833308 be notified and exhibited in accordance with the Local Government Act 1993.
4. A Review of Environmental Factors be submitted by Village Fair Glenmore Park Pty Ltd and approved by Council prior to the commencement of any construction work. The Review of Environmental Factors should address the following;
  - A detailed Construction Management Plan addressing accessibility to and from the shopping centre and the temporary car parking.
  - Lighting and public and community safety of the temporary car park.
  - Management and maintenance of the car park.
  - A drainage and water quality plan.

5. The General Manager be granted authority to execute the two licence agreements referred in this report.
6. In the event that s.55 of the Local Government Act 1993 applies, then tenders not be called and Council rely on its extenuating circumstances exemption from the requirements for the reasons set out above in this report.
7. Council write to applicant requesting that consideration be given to constructing elements of an accessible playground into the playground proposed on the site.

There being no further business the Chairperson declared the meeting closed the time being 10:17pm.



# **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 [Retrospective](#)

1





## **Mayoral Minute**

### **Retrospective**

**Strategic Objective:** *A Council that involves, informs and responds (10)*

Firstly, I would just like to start by saying it has been an absolute honour to serve the community and Council as Mayor for a third term.

The past year, and indeed the past four years, has been very rewarding and I would like to thank you for the opportunity to serve as Councillor and as Mayor during this time.

In the last year I have represented Council at around 200 events and have welcomed more than 700 new citizens at a number of citizenship ceremonies.

I enjoyed having the opportunity to meet new people, get out and visit different places in Penrith and see first hand the diversity that exists in our City.

I have particularly enjoyed working with Council and my councillor colleagues to address some of the challenges facing our growing Regional City.

In reflecting over the achievements of the past four years, I can see that so much of our success is as a result of cooperation.

We have worked hard to form positive relationships with all levels of government, stakeholders, Council, the community and with each other and because of this, we have so much to look back on and be proud.

Growing our local economy and creating more diverse and quality job opportunities for our community has been a huge priority for this Council.

In 2009 we established the Penrith Business Alliance (PBA) and have been working in partnership with them to attract investment and create a range of job opportunities for our region.

Together with the PBA and the University of Western Sydney (UWS) we formed a local consortium to push for Federal and State Government funding to create more local jobs.

This consortium recently secured \$13.5 million dollars from the Federal Government's Suburban Jobs Program to fund the Werrington Park Corporate Centre. This funding means that the Health and Education Precinct is now one step closer to being realised and this is a great thing for Penrith.

The Health and Education Precinct will transform Penrith into one of Australia's premier destinations for health education, research and related industry and will have the capacity to generate 6,000 jobs over the next 20 years.

These jobs will be in health, engineering, digital communications and education – tapping into the emerging 'creative industries' and creating knowledge jobs of the future.

The PBA continues to explore opportunities to grow our economy and recently coordinated a Creative Industries Business Forum, our very first City Talk and a number of visiting delegations of business people from China and Korea.

In 2012 we launched a new brand for Penrith with cooperation and input from the community and various stakeholders across the City.

From amateur theatre groups to small business, from community groups to dance groups – there were hundreds of people across the City all working together to develop the new brand, under the guidance of Generation Alliance.

The end result - ‘Penrith is Here’ - has become a powerful tool for promoting our City to business, investors and visitors and a number of new opportunities have come as a result.

Organisations such as the Penrith City Centre, Penrith Panthers, Westfield and the Chamber of Commerce have come on board to help promote the brand and community support continues to grow.

Council is now preparing a comprehensive marketing plan for ‘Penrith is Here’ and the ongoing support and cooperation of the community and stakeholders will help us to take the brand to the next level.

Promoting Penrith becomes so much more powerful when we’re all on the same page and I look forward to seeing where the brand takes Penrith in the future.

In the last four years we have been busy building relationships with residents and local businesses to create positive social change and improve the sustainability of Penrith City

In 2009 Council implemented the 3 bin residential waste service, the first of its kind in the Sydney Metropolitan Area.

This new organics recycling service brought about some challenges, but gave us an opportunity to work with residents to address the difficulties.

In 2010 Council introduced additional waste service options in response to issues some residents experienced. These included optional weekly pick up of the red bin, a compostable bag for the tidy bin and an E-waste collection service in 2011.

Today, nine out of ten households are recycling their waste correctly or are getting it mostly right. Together with Council, residents have achieved some fantastic results for Penrith.

- 66% of waste is being diverted from landfill (an increase from 21 % in 2009),
- More than 32,000 tonnes of food and garden organic waste has been composted for use on our sporting fields and ovals,
- 195 tonnes of E-waste has been recycled, and
- As landfill prices continue to increase, the 3-bin waste service continues to deliver savings to Council and the community. In the first year of service it saved the community approximately \$2.1million (or the equivalent of \$45 per household).

By actively listening and working with the community, we have provided opportunities for residents to contribute to a Sustainable Penrith and create a better quality of life for themselves and future generations.

Affordable housing for our growing population remains a high priority for Council and we have been working with government and developers to deliver a diverse range of housing products within established and new release areas.

After 15 years of planning, it's wonderful to see the Glenmore Park and Jordan Springs housing developments come to life and we have had a busy year planning for future housing growth in Penrith.

In the past year:

- A total of 1209 new DA's have been determined,
- A total of \$472M worth of development has been approved,
- A total of 76 Subdivision Certificates were issued including for the creation of 931 new residential housing lots, and
- Penrith LGA had the highest number of New Residential Lot Approvals in the Sydney Region for the financial year up to that date, being 1,036 new lots, including 635 in Jordan Springs.

This was not a Council push for more housing but a response to the demands of the community – 70% of new homes were bought by Penrith residents.

None of this would have been achieved without the combined efforts of Council staff – from planning through to front counter staff. By all working together we are making a real difference.

Going forward, our planning will focus on reducing Greenfields development and working closely with agencies to create more centralised, affordable, medium density housing in Penrith and St Marys. This will lead to the reactivation of the Penrith and St Marys CBDs and the creation of more local jobs.

In 2010 Council unveiled the \$7 million St Marys Corner Community and Cultural Precinct and the \$7 million Glenmore Park Child and Family Precinct, both leading examples of how, by working together with the community, we can achieve great things for this City.

Months of planning and consultation with the residents (surveys, forums and workshops) went into the design and development of both these precincts, and their popularity and success today can be attributed to the initial engagement.

St Marys Corner Community and Cultural Precinct includes the revitalised:

- Memorial Hall and Arts & Craft Studios,
- St Marys Chambers building,
- Community Centre,
- Senior Citizens Centre, and
- the outdoor community meeting place, the Piazza.



The Glenmore Park Child and Family Precinct is unique for our City and Council, as it brings together different services and facilities in one place and is easily accessible for all.

It's wonderful to see both these precincts come to life, bringing people together at various events and providing important local services to residents.

Providing safe, convenient and enjoyable places for people to come together and socialise is very important to the community. I'm particularly proud of the work being done to improve community safety and increase youth engagement at the Mondo, where approximately 300 young people gather to take part in activities each week.

To deliver vital local infrastructure for the community, Council sought residents' support for a Special Rate Variation in 2010. With community support, Council applied and was successful in securing a Special Rate Variation from IPART in 2011. The additional \$68 million dollars in revenue over ten years will fund the renewal of local parks, sports fields, public buildings and toilets and shared paths across the City.

A wide range of works has been completed, with many more currently underway. These upgrades, in addition to what we have planned over the next few years, reflect Council's commitment to improving the City and making it a more enjoyable place for people who live and visit here.

I was also pleased to also see improvements in accessibility across the City and many new playgrounds being built - another example of Council recognising and responding to the diverse and changing needs of our community.

I would like to take this opportunity to thank Council staff (from customer service through to the people patching the roads) for showing such pride in their work and dedication to their community.

I would like to thank Councillor Jackie Greenow for her efforts as Deputy Mayor. This is the second time Jackie has very ably and enthusiastically supported me in my role as Mayor, and I thank her for her support and her work in representing Council.

I would like to thank Councillors Aitken and Cramer, who have served as Mayor of Penrith City during this term and all my fellow Councillors. Despite our differences of opinion on occasion, we have always come together to make decisions effectively, efficiently and in the best interests of the City.

To those councillors who will not be standing in the forthcoming elections – Councillors Tanya Davies, Robert Ardill and Kaylene Allison- I would like to say farewell and thank you for your contributions to Penrith City and its community.

I would like to thank General Manager Alan Stoneham and Directors Craig Butler and Barry Husking for their guidance and support. I have also depended on the skills of Corporate Secretaries Angela Lennon, Laura Lal, Carmelina Loughland and Public Officer Glenn McCarthy on a daily basis and I am most grateful for the assistance they have given me.

Last, but certainly not least, I would like to thank my partner Kerrie for her ongoing support and encouragement.

It has been an honour and privilege to have served my third term as Mayor of Penrith. I have enjoyed every minute.

There are exciting times ahead especially with the Bicentenary Celebrations and the Rowing World Cup next year. The future looks bright for Penrith and I'm proud to have played a part in this.



Councillor Greg Davies  
Mayor

**RECOMMENDATION**

That the Mayoral Minute on Retrospective be received.



## DELIVERY PROGRAM REPORTS

Item		Page
<b>A LEADING CITY</b>		
1	<a href="#">2011-12 Draft Financial Statements</a>	1
2	<a href="#">Council Operations between the Local Government Election and the 24 September 2012 Ordinary Council Meeting</a>	10
<b>A CITY OF OPPORTUNITIES</b>		
3	<a href="#">End of Term Report</a>	15



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## A LEADING CITY

<b>Item</b>		<b>Page</b>
1	<a href="#">2011-12 Draft Financial Statements</a>	1
2	<a href="#">Council Operations between the Local Government Election and the 24 September 2012 Ordinary Council Meeting</a>	10





## **1 2011-12 Draft Financial Statements**

**Compiled by:** Brett Richardson, Financial Accountant

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

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

### **Executive Summary**

The draft 2011-12 Financial Statements have been completed and will be presented at this meeting. The Financial Statements are prepared by Council staff, using the accrual method of accounting, and comply with Australian Accounting Standards and the New South Wales Local Government Code of Accounting Practice and Financial Reporting. Mr Dennis Banicevic, a Director of PricewaterhouseCoopers, will be addressing the meeting as Council's Auditor.

### **Introduction**

This report covers:

- Addressing of the meeting by Council's Auditor,
- Legislative requirements,
- Background to the Financial Policies,
- Budget Performance, and
- Summary of Financial Results.

### **Addressing of the Meeting by Council's Auditor**

Mr Dennis Banicevic, a Director of PricewaterhouseCoopers will be addressing the meeting. Dennis has over twenty years audit experience in Local Government, has a large number of New South Wales councils as audit clients, and has been responsible for Council's audit for over ten years.

### **Legislative Requirements**

The Local Government Act requires the following steps:

1. Council staff prepare the statements,
2. Council issues a statement that the accounts are in order,
3. Council refers the statements to its auditors for checking,
4. The Auditor returns the statements with an audit opinion attached,
5. The statements are placed on public display and the community may make submissions, and
6. The statements are formally presented during a council meeting.



Council officers have completed step 1 and prepared the statements and this report recommends completion of steps 2, 3, 4 and 5 at tonight's meeting. The auditors have received an advance copy of the statements and have now completed several weeks of their audit program. It is considered appropriate that Council issue the required statement for the 2011-12 accounts.

### **Current Situation**

The financial statements have been prepared by Council staff, using the accrual method of accounting, and comply with Australian Accounting Standards and the New South Wales Local Government Code of Accounting Practice and Financial Reporting. The statements are required to be audited by an independent auditor, and lodged with the Division of Local Government (DLG) before 7 November each year.

An unaudited copy of the statements was presented to an informal meeting of Council's Audit Committee held on 15 August 2012. At that meeting, those present were of the view that:

- "1. The information contained in the report on Draft 2011-12 Financial Statements be received.*
- 2. The Audit Committee refers the 2011-12 Financial Statements to Council for signing, pending the consolidation of Ripples and PPVA, and any audit adjustments."*

As this was an informal meeting of the Audit Committee, it is anticipated that the views of the members of the Committee present at the meeting will be endorsed by the Audit Committee at their next meeting.

All Entity consolidations and final audit adjustments have now been processed and are included in the Financial Statements, a copy of which is enclosed separately for the information of Councillors.

### **Summary of Financial Results**

The following figures are draft and may be subject to audit adjustment. A final copy of the 2011-12 Financial Statements will be provided once they have been adopted by Council. An in-depth commentary and analysis of the year's results is again included in the Financial Statements. The following table contains some of the key results:

**All figures are in \$'000 unless otherwise stated**

<b>Item</b>	<b>2011-12</b>	<b>2010-11</b>	<b>% Change*</b>
Revenue (including capital)	<b>208,267</b>	178,551	16.6%
Operating Expenditure	<b>187,396</b>	183,236	2.3%
Net Surplus	<b>20,871</b>	(4,685)	545.5%
Operating result before capital	<b>(7,564)</b>	(18,020)	58.0%
Capital Grants and Contributions	<b>28,435</b>	13,335	113.2%
Total Assets	<b>2,617,128</b>	2,361,955	10.8%
Total Equity at 30 June	<b>2,506,435</b>	2,250,043	11.4%
Total Borrowings (excl bank overdraft)	<b>68,262</b>	67,655	0.9%
Cash and Investments	<b>71,131</b>	62,424	13.9%

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Unrestricted Current Ratio	<b>1.32:1</b>	1.19:1	10.9%
Rates Outstanding Ratio	<b>4.85%</b>	5.60%	(13.4%)
Debt Service Ratio	<b>7.40%</b>	7.65%	(3.3%)

\* *between 2010-11 and 2011-12*

Council's financial position as at 30 June 2012 reflects a strong performance by Council during the 2011-12 Financial Year. After allowing for \$28.4m of capital grants and contributions, Council finished the year with a surplus from ordinary activities of \$20.9m (deficit of \$4.7m 2010-11). This result takes into account the \$39.0m of depreciation costs (\$39.6m in 2010-11) which has significantly increased in recent years as a consequence of the fair valuing of a number of Council's asset classes particularly Roads, Drainage, and Buildings.

Unrestricted current assets exceed current liabilities by a ratio of 1.32:1. This is below the Division of Local Government's benchmark of 1.5:1. This ratio is constrained each year by Council's practice of forward funding s94 works in advance of contributions by borrowings against internal reserves. For 30 June 2012 these borrowings amounted to \$8.4m. Council's adopted benchmark is 1.25:1 (excluding internal loans). Once this indicator has been adjusted for internal loans for section 94 funding against reserves, the indicator increases to 1.67:1 and is above both Council's and the DLG's benchmark.

Working Capital – an internal liquidity measure – has increased to \$4.2m (2010-11, \$3.95m), and remains well above Council's adopted target of \$2m.

The outstanding loan liability increased, in line with expectations, to \$68.3m. However, the amount of operating revenue committed to servicing this debt has decreased to 7.40% (7.65% in 2010-11), and remains well within the DLG target of 10%. Council's weighted interest rate on borrowings has decreased slightly due to the lower costs of capital. Council continues to use borrowings to fund an accelerated infrastructure program, however Council's level of debt is continually monitored to ensure it is sustainable without risking service levels.

Council's investment policies and strategies have been effective in producing solid returns on ratepayers' funds. Council's average return on investments for 2011-12 is 5.66%, which has outperformed Council's benchmark (90 day BBSW) of 4.43%.

#### Long-term financial sustainability

Council's financial performance is aligned with its continued focus on long-term financial sustainability. Council regularly reviews its Long-Term Financial Plan (LTFP) and the recent revision and subsequent Special Rate Variation (SRV) has ensured that Council's long-term financial sustainability has been secured. Special Schedule 8 of the 2011-12 Financial Statements demonstrates Council's projected long-term financial performance and highlights an ongoing balanced budget.

Council has a program in place to address the identified infrastructure backlog in all key asset classes. Special Schedule 7 reports that for 2011-12, the current annual maintenance is at least in line with the required annual maintenance to maintain assets at the agreed standard. Note 9 shows that significant renewal of assets has also occurred. It is also acknowledged that a proportion of Council's new capital works program is also targeted at replacing the service capacity of some existing assets.

### **2011-12 Budget Performance**

Council received a report on the 2011-12 year-end budget position as part of the Operational Plan review at the Ordinary meeting of 27 August 2012. The result for 2011-12 is a balanced budget after a transfer of \$274,430 to reserves to offset contingencies in 2012-13, compared to a surplus of \$58,764 in 2010-11.

The June Review of the 2011-12 Operational Plan is available on Council's website, and a hardcopy version available to the public upon request.

Key factors in the production of this year's financial statements are discussed below.

### **Investment Properties**

Council initially booked its Investment Properties in the 2004-05 Financial Year. At this point Council's Investment Property portfolio was valued at \$9.0m. Since 2004-05, Council has added two additional properties to its Investment Property portfolio – a property in the Dunheved Industrial Estate, and the St Marys DOCS building. Each year, these properties are assessed and valued in line with market conditions. As part of the year-end process, Council reviews the value of these properties (using a registered valuer), and books any gains or losses to the Income Statement. For the 2011-12 year, there was an increase in the value of Investment Properties of \$1.9m, attributable mainly to the increase in the value of the St Marys DOCS building (\$1.8m). As at 30 June 2012, Council's Investment Properties were valued at \$20.6m.

### **Revaluation of Land Under Roads (LUR)**

AASB 1051 was issued in December 2007 and deals with Land Under Roads (LUR). LUR is land under roadways and road reserves including land under footpaths, nature strips and median strips. The Standard is applicable to annual reporting periods beginning on or after 1 July 2008.

In Circular 09-25 issued by the DLG, it was determined that in accordance with AASB 1051 Land Under Roads, Council may elect to recognise or not to recognise as an asset, land under roads acquired before 1 July 2008. It also determined that land under roads acquired after that date is to be recognised and accounted for under AASB 116. The Circular also acknowledged that a method of reliable measurement for fair value of land under roads was yet to be determined on a sector-wide basis. For this reason, the DLG allowed councils to elect to recognise land under roads acquired before 1 July 2008 but defer that recognition until the valuation methodology was available. Council elected to take up the option of deferring the recognition of land under roads acquired before 1 July 2008 until a valuation methodology was determined by the DLG.

As discussed in the report to Council on 5 September 2011, the DLG provided three options to value Council's LUR as part of the Code of Accounting Practice update 19. Council has elected to continue to use the "municipal rate" to value its LUR acquired pre-1 July 2008. Accordingly, \$1,107m of LUR was recognised in the 2010-11 Financial Statements as acquired pre-1 July 2008. These valuations were booked using the 2006 Valuer General's valuations.

For the 2011-12 Financial Statements, Council has updated the value of all its LUR to the 2009 Valuer General's valuations (the Valuer General's land valuations as at 1 July 2012 will be provided to Council later this year). This has resulted in an increase in the value of Council's LUR of \$235m. The total value of Council's LUR at 30 June 2012 stands at \$1,350m (incorporating 2011-12 additions of \$4.2m). As mentioned below, it is recommended that a review of the valuations of LUR be conducted as appropriate, in line with the revaluation cycle advised by the DLG, or whenever there is a significant change in valuations that require adjusting.

### **Condition of Public Works**

Special Schedule 7 of the Financial Statements details the cost of bringing Council's Buildings, Roads, and Drainage up to satisfactory standard. The figures used in this Schedule are based on the best estimates for buildings, and actual condition-based calculations for roads.

For Council's road network, data received from Council's pavement management system (SMEC) for 2011-12 indicates that the pavement condition index (PCI) has slightly improved over the previous year. This data, along with a review of what is needed to bring roads to an appropriate satisfactory standard based on each road, has resulted in a slight increase in the cost to bring roads to a satisfactory standard from \$45.7m in 2010-11 to \$48.0m in 2011-12. This increase is attributable to an increase in the cost to complete the work and not an increase in the volume of works required.

Reviewing the works required to bring Buildings up to a satisfactory standard for 2011-12 has seen the cost to bring buildings to a satisfactory rating remain stable at \$11.1m. This result is mainly attributable to the improved condition information that has been provided from Council's Works and Assets system and Council's commitment to the Building Asset Renewal Program.

### **Fair Value**

The Australian Accounting Standards Board (AASB) adopted International Financial Reporting Standards (IFRS) for application to reporting periods beginning on or after 1 January 2005. The AASB has issued Australian equivalents to IFRS (AIFRS). The adoption of AIFRS has been reflected in the preparation of Council's financial statements since the year ending 30 June 2006.

As part of the transition to Fair Value Property, Plant and Equipment (PPE), Operational Land and Buildings were all brought to fair value at 30 June 2008. This revaluation resulted in a \$180.5m increase to Council's Balance Sheet. Council's buildings were revalued and componentised at 30 June 2009 by Scott Fullarton Valuations Pty Ltd. These revaluations and componentisation as anticipated and reported to Council have seen a significant increase in the depreciation expense for Council's building assets.

The transition to Fair Value of Roads, Bridges, Footpaths, and Drainage was deferred by the DLG from 30 June 2009 to 30 June 2010 (circular 09-09). The revaluation of Council's Roads, Drainage, and Footpath assets were completed as part of the 30 June 2010 year end process, and added \$279m to Council's Balance Sheet through Infrastructure, Property, Plant, and Equipment. These revaluations will continue to increase projected year's depreciation expense.

Council revalued its Community Land at 30 June 2011 using Valuer General's (VGs) valuations which are the most readily and consistent valuations available. Council's Community Land was originally recognised on Council's asset register in 1994-95 by using a unit rate of what developers were paying for land at that time. Using the VG's valuations, the value of Council's Community Land was reduced by approximately \$109m to \$172m in the 2010-11 Financial Statements. During this review, a total of \$66m worth of Operating Land was reclassified as Community Land.

The revaluation of Council's Community Land in 2010-11 completes the revaluation cycle of Council's assets. The valuation cycle has now begun again, and will be a rolling five year revaluation cycle, as shown below:

<b>Asset Class</b>	<b>Due</b>
Water and Sewer	30 June 2012
Property, Plant and Equipment; Operational Land; Buildings	30 June 2013
Roads, Bridges, Footpaths, Drainage, Bulk Earthworks	30 June 2015
Community Land; Other Assets; Land Improvements	30 June 2016

#### **Developer Contributions – Sustainability and Planning Manager's comment**

On 4 June 2010, the Premier of NSW announced changes to the Developer Contributions planning process which capped residential development contributions to \$20,000 per new lot/dwelling. On 31 August 2010, this cap was increased to \$30,000 per new lot/dwelling for greenfield release areas and applies to the Werrington Enterprise Living and Learning (WELL) Precinct and Glenmore Park Stage 2.

As a consequence of a Voluntary Planning Agreement (VPA) being negotiating with Glenmore Park Stage 2 landowners, the cap's impact is limited to the WELL Precinct. The infrastructure funding gap arising for new development in the WELL Precinct was estimated at \$46.5 million and would affect the WELL Precinct, District Open Space, and Cultural Facilities s94 Plans.

Following analysis of the physical, social and financial impacts of the cap on the WELL Precinct and the Penrith City community, on 27 June 2011 Council resolved to require new development within the WELL Precinct to provide all drainage and most roadworks by way of conditions of development consent. Contributions up to \$30,000 per lot would be levied for open space, community and cultural facilities. The consequence of this resolution would be no infrastructure funding gaps under the three contributions plans applying to the WELL Precinct.

Council has completed a review of its section 94 plans, as directed by the Minister for Planning, and these revised plans have been adopted by Council and submitted to the Minister for Planning for determination and remaking. The Minister has not made the revised Plans.

More recent changes to the development contributions process proposed in the Green Paper on a New Planning System for NSW would lead to infrastructure funding gaps across the City (among most Plans) estimated to be between \$90m and \$147m, or a significant reduction in the nature and scale of facilities being funded. Plans funding open space, and community and cultural facilities would be especially significantly adversely affected.

Council will be submitting strong objections to these proposed changes. The absence of detail in the Green Paper – and the fact that it is a Discussion Paper rather than a legislative reform – makes it difficult to provide more precise analysis of the impacts. Further analysis will be available following release of a White Paper and new Planning Act, expected in the next nine to twelve months.

### Legislative Requirements

The Local Government Act classifies various transactions as being write-offs of rates and charges. The reasons for write-offs include properties becoming exempt from rates, pensioner rebates, changes in rating category, rounding down of payments by 4 cents, postponed rates, domestic waste charges reversed because they were levied in error and rates and charges reversed due to amended valuations.

The following tables summarise the rates and sundry debtor's amounts written off under delegated authority, or pursuant to Council resolutions, and are provided for information:

<b>Rates And Charges Written Off</b>	<b>\$</b>
General Rates	88,911.37
Extra Charges	26,006.32
Domestic Waste	11,346.31
<b>TOTAL</b>	<b>126,264.00</b>

<b>Pensioner Rebate Abandonments</b>	<b>\$</b>
General Rates - Statutory	1,777,677.09
Domestic Waste - Statutory	559,900.45
<b>TOTAL</b>	<b>2,337,577.54</b>

<b>Sundry Debtor Abandonments</b>	<b>\$</b>
Sundry Debtor	63,617.39
<b>TOTAL</b>	<b>63,617.39</b>

Extra charges include interest and legal costs, and are written off due to financial hardship, and where the original rate or domestic waste charge is required to be written off.

During 2011-12, stores and tools to the value of \$50,862.67 were written off as summarised below.

<b>Stores &amp; Materials Written Off</b>	<b>\$</b>
Stores and Tools	50,862.67
<b>TOTAL</b>	<b>50,862.67</b>

### Summary

The draft statements are presented for Council to form its opinion. The required opinion is set out in the following recommendation. If resolved, the Statement of Council's Opinion can be signed and handed to the auditors at tonight's meeting.

## **RECOMMENDATION**

That:

1. The information contained in the report on 2011-12 Draft Financial Statements be received.
2. Pursuant to s413(2)(c) it is the Council's opinion that:
  - a. The financial statements and schedules have been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting, the Local Government Australian Infrastructure Management Guidelines, and Australian Accounting Standards. The Code requires a phasing in of the new accounting requirements
  - b. The statements comply with Australian Statements of Accounting Concepts
  - c. The financial statements present fairly the Council's financial position as at 30 June 2012 and the operating result for the year then ended
  - d. The statements are in accord with Council's accounting and other records.
3. Pursuant to the Local Government Code of Accounting Practice and Financial Reporting and section 215 of the Local Government (General) Regulation 2005 it is the Council's opinion that:
  - a. The accompanying Special Purpose Financial report has been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting, and the requirements of National Competition Policy. The Code requires the inclusion of various charges and subsidies which are not actually paid or payable.
  - b. The report is a special purpose report and is not required to comply with Australian Accounting Standards. The above legislative requirements differ from Australian Accounting Standards and hence the report does not comply with Australian Accounting Standards.
  - c. The financial statements present a modelled scenario for comparative purposes. They do not report an actual result.
4. Council confirm its endorsement of the budget in the knowledge that some of its business activities are not making commercial returns. The existence of notional subsidies represents Council's commitment to its community service obligations.
5. The Statements be forwarded to Council's Auditors.
6. Abandonments for 2011-12 as detailed be written off.
7. The balance of stores and materials be adjusted in the stores and materials registers in accordance with the various write-offs.

**ATTACHMENTS/APPENDICES**

There are no attachments for this report.



## 2 Council Operations between the Local Government Election and the 24 September 2012 Ordinary Council Meeting

Compiled by: Adam Beggs, Governance Officer

Authorised by: Glenn Schuil, Senior Governance Officer

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

### Executive Summary

The Local Government Elections will be held on Saturday 8 September 2012. Under section 233(2)(b) of the *Local Government Act 1993* all Councillors – other than the Mayor – cease to hold office on the day of the ordinary election.

The position is different for the Mayor. Under section 230(3)(b), the Mayor holds the Mayoral position until a successor is declared to be elected to the office. This applies whether or not the Mayor is re-elected as a Councillor at the ordinary election. The proviso is that for a Mayor elected by the Councillors, that the Mayoral election must be held within 3 weeks after the ordinary election.

Council, in anticipation of the poll being declared by mid-September has resolved that the Mayoral Election be held on Monday 24 September 2012 (which is 16 days after the ordinary election).

### Current Situation

Council's current policy stipulates that development applications falling within the eight categories set out below must be brought to Council. These include applications for which:

1. A Councillor has requested that the matter be determined by the Council;
2. Significant public objection has been raised;
3. The application generates significant traffic, or otherwise warrants referral to Council;
4. The development is proposed to be undertaken upon land owned by Council;
5. The applicant is Council;
6. The applicant is a Councillor, or related to a Councillor, and the application is for a development which is either:
  - On land other than that which is their current or proposed place of residence, or
  - Not to be used for residential purposes by the applicant;
7. The applicant is an employee of Council, or related to an employee of Council, and the application is for development which is either:
  - On land other than that which is their current or proposed place of residence, or
  - Not to be used for residential purposes by the applicant;
8. The development was commenced ahead of development consent being sought.

The upcoming elections will effectively result in deferring the determination of development applications within these categories for a period of 6 weeks until the Ordinary Meeting to be held on 15 October 2012, the business of 24 September Ordinary Meeting being confined to the Mayoral/Deputy Mayoral election and appointment of Committees only. It is considered prudent for interim alternative governance arrangements to be put in place.

Council presently has a policy 'Decision-Making Arrangements during Council's Christmas Recess' whereby development applications which would normally warrant reporting to Council, can be determined by the General Manager, under the General Manager's delegation, in consultation with the Mayor, or in the Mayor's absence, the Deputy Mayor. This same policy could be applied, but with the modification for the period when Council has no Deputy Mayor (i.e. from 8 September 2012 to 24 September 2012).

It is proposed therefore that:

- for the period between the day following the last Ordinary meeting of the present Council (4 September 2012) up until the day prior to the Council Election (07 September 2012), that development applications which would normally warrant reporting to Council, be determined by the General Manager, under the General Manager's existing delegations, and the Mayor, or in the Mayor's absence, the Deputy Mayor be consulted prior to determination.
- for the period between the Council Election (08 September 2012) and the first Ordinary meeting of the new Council (24 September 2012), that development applications which would normally warrant reporting to Council, be determined by the General Manager, under the General Manager's existing delegations, and the Mayor be consulted prior to determination.
- for the period between the day following the first Ordinary meeting of the new Council (25 September 2012) and the day prior to the second Ordinary meeting of the new Council (14 October 2012), that development applications which would normally warrant reporting to Council, be determined by the General Manager, under the General Manager's existing delegations, and the Mayor, or in the Mayor's absence, the Deputy Mayor be consulted prior to determination.

Other routine Council operational and administrative matters will continue as normal. The General Manager will exercise his powers to ensure the smooth operation of the organisation.

At this stage Council Officers are not aware of any Development Applications which need to be determined during the above periods. In the event that any Development Applications need to be determined these will be reported to Council in accordance with the above protocols.

## **RECOMMENDATION**

That:

1. The information contained in the report on Council Operations between the Local Government Election and the 24 September 2012 Ordinary Council

Meeting be received

2. Development Applications which would normally warrant reporting to Council between 4 September 2012 and 14 October 2012 inclusive be determined under the General Manager's delegation by:
  - the General Manager, after consultation with the Mayor, or in the Mayor's absence, the Deputy Mayor, in the periods from 4 September 2012 to 7 September 2012 inclusive and from 24 September 2012 to 14 October 2012 inclusive;
  - the General Manager, after consultation with the Mayor, in the period from 10 October 2012 to 24 September 2012.
2. A report be presented to the Ordinary Council Meeting to be held on 15 October 2012 if any delegations of authority were used during the above periods.

**ATTACHMENTS/APPENDICES**

There are no attachments for this report.

# A CITY OF OPPORTUNITIES

**Item**

**Page**

3     [End of Term Report](#)

15





### 3 End of Term Report

**Compiled by:** Finola Methven, Team Administrator- Communications  
Allegra Zakis, Strategic Planning Coordinator

**Authorised by:** Ruth Goldsmith, Group Manager - Leadership

<b>Objective</b>	<i>We have a say in our future</i>
<b>Community Outcome</b>	<i>A Council that involves, informs and responds (10)</i>
<b>Strategic Response</b>	<i>Engage our communities by creating opportunities for participation, listening, provide information, and responding (10.1)</i>

#### Executive Summary

The End of Term Report outlines progress towards the objectives adopted in the Community Strategic Plan during the current Council's term. This report recommends that the End of Term Report, which is appended, be received.

#### End of Term Report

The End of Term Report must be presented to the last meeting of the outgoing Council in every election year. The Report is to be *"a report from the outgoing council on the implementation and effectiveness of the Community Strategic Plan in achieving its social, environmental, economic and civic leadership objectives ..."*. It must be *"sufficiently comprehensive to allow for informed community discussion."*

The End of Term Report is also intended to provide information and guidance to the incoming Council, and inform their preparation of the new Community Strategic Plan and Delivery Program. It is an opportunity to recognise the long term benefits of Council's strategic approach to implementing programs based on research and the principles of sustainability to manage its resources, budgets and assets.

#### Conclusion

The End of Term Report outlines Council's key achievements. It identifies what has affected progress towards the objectives, and what steps were taken to address these challenges. It presents relevant information from the Community Satisfaction Survey, and makes recommendations to the incoming Council. Overall, the End of Term Report provides a snapshot of how well Council's programs and services have contributed to achieving the objectives in the Community Strategic Plan.

#### RECOMMENDATION

That the information contained in the report on End of Term Report be received.

#### ATTACHMENTS/APPENDICES

1. End of Term Report 56 Pages Appendix

## **A GREEN CITY**

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

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## **A LIVEABLE CITY**

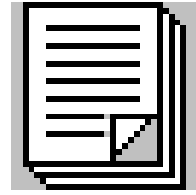
There were no reports under this Delivery Program when the Business Paper was compiled

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## **A VIBRANT CITY**

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

# ATTACHMENT



Date of Meeting: 3 September 2012

Delivery Program: A Leading City

Program: Corporate Finance

Report Title: 2012-2013 Voted Works